



# County Technical Assistance Service

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## Trial Courts

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Dear Reader:

The following document was created from the CTAS electronic library known as e-Li. This online library is maintained daily by CTAS staff and seeks to represent the most current information regarding issues relative to Tennessee county government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with county government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other e-Li material.

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## Trial Courts

**Reference Number:** CTAS-474

### Organization

The state trial courts were divided into 31 judicial districts in 1984. T.C.A. § 16-2-506. Circuit and chancery courts exist within each district, and some districts have separate criminal courts. Each judicial district selects a presiding judge who assigns cases to reduce delays, distributes the workload equitably, and promotes the orderly and efficient administration of justice in the district. T.C.A. § 16-2-509. The judges of each district must promulgate uniform rules of practice for that district. T.C.A. § 16-2-511. The administrative director of the courts maintains a list of the local rules. T.C.A. § 16-2-511.

The 1984 redistricting bill abolished the "terms of court." The minutes of all courts remain open continuously. T.C.A. § 16-2-510. Court is held within each judicial district at times set by the judges of that district and within each county in the district as needed to dispose of the court's business. T.C.A. § 16-2-510.

Circuit and chancery court judges are elected for an eight-year term by the voters of the district or circuit to which they are assigned. Tenn. Const., art. VI, § 4. A judge must be 30 years old, a Tennessee resident for five years, a resident of the circuit or district for one year (Tenn. Const., art. VI, § 4), licensed to practice law in Tennessee, and eligible under the general standards to hold public office. T.C.A. §§ 17-1-106, 8-18-101.

To facilitate the handling of cases, any judge or chancellor may exercise by interchange, appointment, or designation the jurisdiction of any trial court other than that to which he was elected or appointed. T.C.A. § 16-2-502. Legislation passed in 1997 provided that any judge sitting by interchange has the same immunity as the judge he or she is replacing and that the state or county must provide the same defense, if necessary, for the substituting judge. T.C.A. § 16-1-114.

The Tennessee Constitution provides in Article VI, Section 13 that chancellors appoint the clerk and master for a six-year term and that clerks of other inferior courts are elected for a four-year term. Clerks of court act as the principal administrative aides to the courts. Additional information about [Clerks of Court](#) can be found under County Offices.

## Jurisdiction of Circuit Court

**Reference Number:** CTAS-490

The General Assembly may establish circuit courts, and may increase or diminish the jurisdiction. Tenn. Const., art. VI, §§ 1, 8. The court has general jurisdiction in all cases where jurisdiction is not conferred on another tribunal. T.C.A. § 16-10-101. The court may hear and determine suits of an equitable nature, if there is no objection, or may transfer such cases to the chancery court. If the circuit court chooses to hear an equity case, it must determine the case upon equity principles and may exercise equitable powers. T.C.A. § 16-10-111.

The circuit court has exclusive original jurisdiction in the following cases:

1. Correction of mistakes in deeds of conveyance of land or registration thereof. T.C.A. § 66-5-107;
2. Applications to restore citizenship by persons who have been rendered infamous by judgments of any court in the state. T.C.A. §§ 16-10-104, 40-29-101;
3. All matters relating to the seizure and destruction of intoxicating liquor if the circuit court has jurisdiction in a particular county over offenses against the state liquor laws. T.C.A. § 57-9-105;
4. Eminent domain cases and *in rem* eminent domain cases brought by the county, state, or United States. T.C.A. §§ 29-16-104, 29-17-701;
5. Motions to impose a \$500 forfeiture upon the county trustee for certain breaches of duty, and to impose liability on the trustee and the trustee's surety for breach of duty. T.C.A. § 8-11-106 through 8-11-108;
6. Writs of mandamus to enforce the performance of any duty made incumbent by law upon the county. T.C.A. § 5-1-107;
7. Suits to condemn land for the failure to pay taxes where personal property does not satisfy the distress warrant and where the sheriff has levied upon the real estate. T.C.A. §§ 67-4-110(c), 67-4-215(c);

8. Motions to proceed against any tax collector or other officer of the state who fails to collect taxes, who fails to pay over taxes received by him, or who commits any act of neglect, misprision, misfeasance, or malfeasance in office. T.C.A. §§ 67-1-1602(b), 67-1-1623(a); and
9. Petitions by the circuit court clerk, and the sheriff in counties without a separate criminal court, requesting authority to hire deputies or assistants. T.C.A. § 8-20-101.

Unless otherwise provided, the circuit court has appellate jurisdiction of all actions of any nature instituted before any inferior jurisdiction, whether brought by appeal, certiorari, or in any other manner prescribed by law. T.C.A. § 16-10-112. An appeal may be taken to the circuit court from the judgment of the general sessions court, city judge, recorder or other officer of a municipality. T.C.A. §§ 27-5-101, 27-5-108, 6-21-508. In 1996, the legislature amended Title 4, Chapter 21, to allow the circuit court to share jurisdiction with the chancery court over human rights actions. In 1997 the legislature also amended T.C.A. § 37-1-159 to give the circuit court appellate jurisdiction over unruly child proceedings and dependent and neglect proceedings heard in the juvenile court. In these cases, the circuit court shall try the case *de novo*.

## Jurisdiction of Chancery Court

**Reference Number:** CTAS-491

The General Assembly determines the chancery court's jurisdiction, and may increase, decrease, or alter its jurisdiction. Tenn. Const., art. VI, § 8. Chancery courts "shall have all the powers, privileges, and jurisdiction properly and rightfully incident to a court of equity." T.C.A. § 16-11-101. This inherent jurisdiction is original and exclusive in cases of an equitable nature, where the debt or demand exceeds \$50, unless otherwise provided. It lacks jurisdiction in cases where the debt or demand is less than \$50, unless otherwise specifically provided. T.C.A. § 16-11-103. Although this inherent jurisdiction is exclusive, if no objection to jurisdiction is made, a circuit court may hear and determine such suits or may transfer the suit to chancery court. T.C.A. § 16-10-111.

Chancery courts exercise inherent jurisdiction, where the debt or demand exceeds \$50, in the following cases:

1. All actions resulting from accidents and mistakes;
2. All actions resulting from frauds, actual and constructive;
3. All actions resulting from trusts, express, constructive and resulting;
4. All actions for the specific performance of contracts;
5. All actions for the reformation, re-execution, rescission and surrender of written instruments;
6. All actions for an accounting, and for surcharging and falsifying accounts;
7. All actions between partners, and to wind up an insolvent partnership;
8. All actions for the administration and marshaling of assets;
9. All actions for subrogation and substitution;
10. All actions for the enforcement of liens created by mortgages, deeds of trust, sales of land on credit, or other equitable consideration;
11. All actions against minors in reference to their estates, not cognizable at law;
12. All actions by wards against guardians, executors, administrators and others, where an accounting or surcharging or falsifying an account is necessary;
13. All actions for an apportionment and contribution;
14. All actions for the marshaling of securities;
15. All actions for relief against forfeitures and penalties;
16. All actions for the redemption of land or other property;
17. All actions to have absolute deeds or bills of sale declared to be mortgages;
18. All actions for the construction and enforcement of wills and trusts;
19. All actions to obtain a set-off against a judgment in favor of a nonresident or insolvent;
20. All actions for the discovery and perpetuation of testimony;
21. All actions to compel claimants to interplead;
22. All actions for equitable attachments and receivers;
23. All actions where a *ne exeat republica* is sought;
24. All actions where an injunction is a substantial part of the relief sought;
25. All actions to remove clouds and quiet titles;
26. All actions for the establishment and execution of charities;
27. All actions for a new trial after a judgment at law;
28. All actions to have void judgments so declared, and to avoid voidable judgments;

29. All actions to execute decrees and to impeach decrees and judgments;
30. All actions to prevent the doing of an illegal or inequitable act to the injury of plaintiff's property rights, or interests, *quia timet*;
31. All actions for the exoneration or protection of sureties; and
32. All other actions where the defendant has done, or is doing, or is threatening to do, some inequitable act to the injury of the plaintiff, and there is no adequate remedy in any other court.

*Gibson's Suits in Chancery* (7th ed. Inman 1988), § 3.

Jurisdiction has been increased to encompass specific actions, including:

1. To aid judgment creditors to subject a debtor's property that cannot be reached by execution to the satisfaction of the judgment. T.C.A. § 16-11-104;
2. To decide all disputes between the state and corporations, their stockholders or creditors. T.C.A. § 16-11-105;
3. To aid creditors of a corporation, without obtaining a judgment at law, to attach the property of a corporation, and subject the same, by sale or otherwise, to the satisfaction of their debts, when the corporate franchises are not used, or have been granted to others. T.C.A. § 29-12-107;
4. To decide all boundary line disputes. T.C.A. § 16-11-106(a);
5. To enforce foreign judgments against the property of a nonresident debtor when the judgment creditor has exhausted his legal remedies. T.C.A. § 26-6-103 *et seq.*;
6. To approve the sale of property of a minor or disabled person. T.C.A. § 34-1-116;
7. To compel the distribution of estates where there are difficulties, complexities, or conflicting claims. T.C.A. § 30-2-710; and
8. To remove the disability of a minor. T.C.A. § 29-31-101.

## Concurrent Jurisdiction of Circuit and Chancery Courts.

**Reference Number:** CTAS-492

Chancery court has concurrent jurisdiction with circuit court to hear "all civil cases of action, triable in circuit court, except for unliquidated damages for injuries to person or character, and except for unliquidated damages for injuries to property not resulting from a breach of oral or written contract." T.C.A. § 16-11-102.

## Jurisdiction of Criminal Courts

**Reference Number:** CTAS-493

The circuit courts have "exclusive original jurisdiction of all crimes and misdemeanors, either at common law or by statute, unless otherwise expressly provided by statute." T.C.A. § 16-10-102. The criminal and circuit courts have "original jurisdiction of all criminal matters not exclusively conferred by law on some other tribunal." T.C.A. § 40-1-108.

In addition to their original jurisdiction over felonies and misdemeanors, criminal courts have exclusive jurisdiction over special crime-related matters and noncriminal matters, including all matters relating to the seizure and destruction of intoxicating liquors when an offense against a state liquor law has been committed. T.C.A. § 57-9-105. Criminal court judges possess magistrate powers and may issue warrants for the arrest of a person charged with a public offense. T.C.A. §§ 40-5-101, 40-5-102.

Unless otherwise provided, the circuit courts have appellate jurisdiction in all criminal cases and actions originally tried in inferior courts "whether brought by appeal, certiorari, or in any other manner prescribed by law." T.C.A. § 16-10-112. Criminal courts have authority to grant extraordinary relief in appeals from courts of inferior jurisdiction. *Franks v. State*, 565 S.W.2d 36 (Tenn. Crim. App. 1977).

Criminal courts were also granted appellate jurisdiction over delinquency proceedings in the juvenile court by amendments to T.C.A. § 37-1-159 passed in 1997. These appeals are tried de novo by the criminal court.

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