

TENNESSEE CONSTITUTIONAL LAW

I. INTRODUCTION

Although states have always had broad police powers to enact plenary legislation, the U.S. Constitution's Supremacy Clause provides that in the event of a conflict between federal and state law, federal law prevails.¹ As such, the U.S. Constitution's Framers anticipated a national government of limited powers with strong states that would be "muscular" laboratories of democracy; however, the Supremacy Clause would prevent states from purporting to exempt themselves from federal law in the limited areas of federal legislative jurisdiction.² States, however, could be more protective of individual rights than the baseline provided for under the U.S. Constitution.³ Individual rights as against state and local government were originally not protected by the U.S. Constitution.⁴

II. TENNESSEE CONSTITUTION

Tennessee achieved statehood on June 1, 1796 with its own state constitution that was, at the time, far more protective of individual rights than that of either the U.S. or its sister states.⁵ Thomas Jefferson described it as "the least imperfect and most republican of the state constitutions."⁶ The Tennessee Constitution, which has been amended on several occasions since its initial adoption, has historically evidenced a greater solicitude for individual rights than that of the U.S. This is most likely a concomitant of a highly individualistic political culture that lacked the authoritarian tendencies of other southern states that were more affected by the legacy of slavery.⁷ Examples of this include the fact the individual rights are enumerated in Article I, before the distribution of powers in Article II. The U.S. Constitution, by contrast, provides for Congressional power in Article I with individual rights set forth in the amendments. Further evidence for Tennessee's individualistic political culture is seen in the fact it contains rights familiar to the federal Bill of Rights as well provisions for

¹ U.S. Constitution, Article VI provides that "[T]his Constitution, and the Laws of the United States, which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby; any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

² The dynamic of U.S. history, however, has been the federal courts allowing Congress to more broadly interpret federal legislative power and federal constitutional rights to preempt state police powers by way of the Supremacy Clause.

³ I write ostensibly because the Union was eventually threatened by an inability of the former slaveholding states that became the Confederacy to end the tyrannical "peculiar institution" of slavery.

⁴ The Bill of Rights were originally understood to only apply to the U.S. government and not state governments; see also William J. Brennan, Jr., *State Constitutions and the Protection of Individual Rights*, 90 Harv. L. Rev. 489 (1977).

⁴ Lewis L. Laska, *the Tennessee State Constitution* (Oxford 2011).

⁵ Lewis L. Laska, *the Tennessee State Constitution* (Oxford 2011).

⁶ *Id.*

⁷ Avidit Acharya, Matthew Blackwell and Maya Sen, *The Political Legacy of American Slavery* (<https://web.stanford.edu/~avidit/slavery.pdf>)

universal suffrage,⁸ the protection of debtors,⁹ prisoners,¹⁰ free movement upon the Mississippi River,¹¹ the prohibition of martial law,¹² and even the right to abolish the state government.¹³ Further evidence of Tennessee's highly individualistic constitutional framework include its very arduous amendment procedure (see below), its relatively weak Executive Branch and the state judiciary's historical greater protection for privacy and individual rights.

Specific provisions of the Tennessee Constitution worthy of special emphasis include the following:

A. TN Const., Article I, Section 3 provides for freedom of religion. Tennessee Courts have taken a pragmatic approach to freedom of religion claims such that ordinances that disallow faith-based snake handling or refusals to obtain driver licenses have been upheld based on a balancing test between the nature of the prohibited activity and societal need.¹⁴ This is in contrast with recent federal freedom of religion jurisprudence that subjects ostensible burdens on religious freedom to heightened scrutiny.

B. Art. I, Sec. 3 also protects against the state's establishment of religion, such that an attempt to make the Christian Holy Bible the state's official book would be, according to the Tennessee Attorney General, an improper establishment of religion.¹⁵ The Tennessee Attorney General's advisory opinion on this issue was the basis for the Governor's veto of a General Assembly bill that purported to make the Bible the state's official book.¹⁶

C. TN Const., Article I, Section 5 provides that "[T]he elections shall be free and equal, and the right of suffrage, as hereinafter declared, shall never be denied to any person entitled thereto, except upon a conviction by a jury of some infamous crime, previously ascertained and declared by law, and judgment thereon by court of competent jurisdiction." The federal courts, in interpreting this provision, in conjunction with the U.S. Constitution's Fourteenth Amendment and the federal Voting Rights Act, have held they are not violated by TN's felony disenfranchisement statute.¹⁷

⁸ Tenn. Const. Art. I, Sec. 5.

⁹ Tenn. Const. Art. I, Sec. 18.

¹⁰ Tenn. Const. Art. I, Sec. 12, 13 and 32.

¹¹ Tenn. Const. Art. I, Sec. 29

¹² Tenn. Const. Art. I, Secs. 24 and 25.

¹³ Tenn. Const. Art. I, Secs. 1 and 2.

¹⁴ *State v. Swann*, 527 S.W.2d 99 (Tenn. 1979).

¹⁵ See Tenn. Attorney General Op. 15-34 (2015).

¹⁶ Tenn. House Bill 615/Senate Bill 1108, 109th Gen. Assembly (2015); see also Dave Boucher, Holly Meyer and Joel Ebert, *Gov. Bill Haslam Vetoes Bible Bill*, THE TENNESSEAN (APRIL 14, 2016), <https://www.tennessean.com/story/news/politics/2016/04/14/gov-bill-haslam-vetoes-bible-bill/83047442/>.

¹⁷ *Wesley v. Collins*, 791 F.2d 1255 (6th Cir. 1986).

D. TN Const., Article I, Section 8, includes what is known as the “Law of the Land” clause, which grants due process rights that are equivalent to that found in the Fourteenth Amendment’s Due Process Clause. The Supreme Court of TN has found that it encompasses a broad right to privacy that extends to consensual, non-commercial gay sex.¹⁸

E. The Tennessee Supreme Court had concluded that Article I, Section 8 grants broader rights to abortion than the U.S. Constitution’s Due Process Clause.¹⁹ This, however, led to an amendment to the Tennessee Constitution such that TN. Const., Article I, Section 36 now provides that “[N]othing in this Constitution secures or protects a right to abortion or requires the funding of an abortion. The people retain the right through their elected state representatives and state senators to enact, amend, or repeal statutes regarding abortion, including, but not limited to, circumstances of pregnancy resulting from rape or incest or when necessary to save the life of the mother.” This means that abortion rights are no longer protected under the Tennessee Constitution, although they remain, for now, protected by the Due Process Clause of the U.S. Constitution’s Fourteenth Amendment.²⁰

F. TN. Const., Article I, Section 8, in conjunction with Article XI, Section 8, prohibit impermissible class legislation. This has been interpreted to guarantee Tennesseans a right to equal protection that is duplicative of the U.S. Constitution, Fourteenth Amendment’s Equal Protection Clause.²¹

G. TN. Const., Article I, Section 15 of the Tennessee Constitution provides “[t]hat all prisoners shall be bailable by sufficient sureties, unless for capital offences, when the proof is evident, or the presumption great.” The Tennessee Supreme Court has determined that this provision makes bail mandatory except in capital cases. See *Wallace v. State*, 193 Tenn. 182, 187, 245 S.W.2d 192, 194 (1952).

H. TN Const., Article I, Section 26 provides narrower gun rights than the U.S. Constitution’s Second and Fourteenth Amendments.²² An early decision of the TN Supreme Court concluded that this provision only protects weapons used in the common defense and therefore entitles the state to prohibit both concealed weapons and the possession of such weapons for self-defense purposes.²³ This understanding was recently administratively confirmed by the Tennessee Attorney General.²⁴

¹⁸ See *Davis v. Davis*, 842 S.W.2d 588 (Tenn. 1992) and *Campbell v. Sundquist*, 926 S.W.2d 250 (Tenn. Ct. App. 1996).

¹⁹ See *Planned Parenthood of Middle Tennessee v. Sundquist*, 38 S.W.1 (Tenn. 2000).

²⁰ *Planned Parenthood v. Casey*, 505 U.S. 833 (1992).

²¹ *State v. Tester*, 879 S.W.2d 823 (Tenn. 1994).

²² See *D.C. v. Heller*, 554 U.S. 570 (2008) and *McDonald v. City of Chicago*, 561 U.S. 742 (2010).

²³ *Aymette v. State*, 21 Tenn. 54 (1840) and *Hill v. State*, 298 S.W.2d 799 (Tenn. 1957).

²⁴ Attorney General Op. 08-19 (February 6, 2008).

I. TN Const., Article III, Section 6, dealing with the Governor's power, states that the Governor has the power "to grant reprieves and pardons, after conviction, except in cases of impeachment." This means that the Tennessee Governor cannot prospectively pardon a person as former President Ford did for former President Nixon.

J. Tennessee lacks an official Lieutenant Governor. TN Const., Article III, Section 12 provides that the Governor will be replaced by the State Senate Speaker should the Governor be removed from office by death, incapacity or impeachment. If the State Senate Speaker cannot take office, the position shall devolve to the Speaker of the House of Representatives.

K. Unlike states that elect their Secretary of State, Tennessee's Secretary of State is appointed by joint vote of the General Assembly and commissioned for a four year term.²⁵

L. Tennessee's Governor can veto any bill passed by joint vote of the General Assembly. However, a General Assembly override can be effectuated by mere majority vote in each House, making the Gubernatorial veto a weaker measure than that of the U.S. President, which requires a two-thirds majority in each House to be overridden.²⁶

M. TN Const., Article IV, Section 1, provides an equal and unqualified entitlement to vote in all federal, state, and local elections held in the county or district in which a person resides. The Tennessee Supreme Court has held that this provision creates a right to vote that is not violated by a requirement for provision of state identification.²⁷

N. TN Const., Article VI, Section 1, provides that the judicial power of this state shall be vested in one Supreme Court.

O. TN Const., Article VI, Section 2 provides that the Tennessee Supreme Court shall consist of five justices, who shall designate one of their own as chief justice. It further provides that no more than two justices shall reside in any one of the state's three grand divisions which are based in Knoxville, Nashville and Jackson. By contrast, the U.S. Constitution does not mandate the number or geographical origin of U.S. Supreme Court justices.

P. TN Const., Article VI, Section 3 enacted by referendum in 2014 gave the General Assembly a role in appointing the TN Supreme and appellate court judges. The TN Constitution now requires both Houses to confirm the Governor's judicial

²⁵ TN. Const., Article III, Section 17

²⁶ TN. Const., Article III, Section 18

²⁷ *City of Memphis v. Hargett*, 414 S.W.3d 88 (Tenn. 2013).

nominations. These nominees are to assume the bench if the General Assembly does not act on a nomination within sixty days. The public's role is maintained because all appellate and Supreme Court judges face retention elections every eight years following their appointment. This process differs from that of the U.S. in that Article III federal judges are lifetime appointees and the U.S. Constitution grants only the U.S. Senate a role in the confirmation process.²⁸

Q. TN Const., Article VI, Section 4 provides that “[T]he Judges of the Circuit and Chancery Courts, and of other Inferior Courts, shall be elected by the qualified voters of the district or circuit to which they are to be assigned. Every judge of such courts shall be thirty years of age, and shall before his election, have been a resident of the state for five years, and of the circuit or district one year. The term of service shall be eight years.

R. TN Const., Article VI, Section 5 provides that the Attorney General shall be appointed by Supreme Court judges for a term of eight years. Unlike the U.S. Constitution, which treats the U.S. Attorney General as a high executive official who can be removed at the President's discretion, the TN Constitution gives the Governor no direct role in appointing the TN Attorney General, which immunizes the TN Attorney General from gubernatorial pressure. Also, because the TN Attorney General is not a statewide elected official, the office is not a “stepping stone” to the governorship as is the case with New York, Virginia and other states.

S. Tennessee is the only U.S. state to constitutionally prohibit fines in excess of a certain amount, unless assessed by a jury.²⁹ Known as the Fifty Dollar Fine Clause, it dates back to 1796 and reads “[N]o fine shall be laid on any citizen of this state that shall exceed fifty dollars, unless it shall be assessed by a jury of his peers, who shall assess the fine at the time they find the fact, if they think the fine should be more than fifty dollars.” The Tennessee Supreme Court has held the Fifty Dollar Fine Clause cannot be adjusted for inflation and this, in effect precludes municipal judges from imposing fines greater than \$50 for municipal ordinance violations.³⁰

T. TN Const., Article IX, Section 2 disallows atheists from holding office. This provision violates the U.S. Constitution's First Amendment.³¹

U. TN Const., Article XI, Section 3 provides for an atypically arduous constitutional amendment procedure. It states that a proposed amendment is effectuated if a) it is agreed to by a majority of all the members elected to each of the two houses; b) referral of the matter to the next General Assembly, which must, no sooner than six months after the earlier passage, agree to the proposed amendment by no less than two-thirds of each House's membership; c) submission of the proposed amendment to the

²⁸ U.S. Constitution, Article II, Section 2(2).

²⁹ Tennessee Constitution, Article VI, Section 14.

³⁰ *Town of Nolensville v. King*, 151 S.W.3d 427 (Tenn. 2004).

³¹ See e.g. *Torcaso v. Watkins*, 367 U.S. 488 (1961).

people at the next general election in which a governor is to be chosen; d) approval by a majority of all the citizens of the state voting for governor. This happened in 2014 when four amendments were enacted by voter referendum.

V. Article XI, Section 3 also outlines a procedure for the General Assembly to submit to the people, at any general election, the question of calling a convention to alter, reform, or abolish any provision of the Tennessee Constitution. It provides that when a majority of all the voters approve the proposal to call a convention, the delegates to such convention shall be chosen at the next general election and the convention shall assemble for the consideration of the proposed amendments. It also provides that constitutional conventions cannot be held more frequently than once every six years.

III. TENNESSEE COURTS

A. Basic Structure. Tennessee has 95 counties and 31 judicial districts. Larger counties such as Shelby (Memphis), Davidson (Nashville) and Knox (Knoxville) are their own districts.³² In rural areas, 5 or 6 counties might be combined to form a judicial district.³³ The TN Courts system can be divided into Courts of Limited Jurisdiction, Courts of General Jurisdiction, Courts of Appeal and the Tennessee Supreme Court.³⁴ The Courts of Limited Jurisdiction include General Sessions Courts, Juvenile Courts and Municipal Courts.³⁵ The Courts of General Jurisdiction are Circuit Courts, Chancery Courts, Criminal Courts and Probate Courts.³⁶ The Appeals Courts are the TN Court of Appeals and the TN Court of Criminal Appeals.³⁷ One of the features that distinguishes the Tennessee court system is the bifurcated structure of intermediate appellate courts.³⁸ In 1895 the General Assembly created the Court of Chancery Appeals.³⁹ In 1907 this tribunal, renamed the Court of Civil Appeals, acquired appellate jurisdiction over the circuit as well as the chancery courts.⁴⁰ In 1925 the name was changed to the Court of Appeals.⁴¹ In 1967, the legislature established the Court of Criminal Appeals to handle routine appeals in criminal cases.⁴² Thus, at present there are two intermediate appellate courts, one for civil cases and one for criminal cases.⁴³ Tennessee and Alabama are the only two states to have such a structure at the intermediate appellate level. TN's highest court is, of course, the TN Supreme Court. The court system is more fully described below.

³² <http://www.tsc.state.tn.us/courts/circuit-criminal-chancery-courts>

³³ *Id.*

³⁴ <https://web.utk.edu/~sceb/tncourts.htm>

³⁵ <https://web.utk.edu/~sceb/tncourts.htm>

³⁶ <https://web.utk.edu/~sceb/tncourts.htm>

³⁷ <https://web.utk.edu/~sceb/tncourts.htm>

³⁸ <https://web.utk.edu/~sceb/tncourts.htm>

³⁹ <https://web.utk.edu/~sceb/tncourts.htm>

⁴⁰ <https://web.utk.edu/~sceb/tncourts.htm>

⁴¹ <https://web.utk.edu/~sceb/tncourts.htm>

⁴² <https://web.utk.edu/~sceb/tncourts.htm>

⁴³ <https://web.utk.edu/~sceb/tncourts.htm>

B. Courts of Limited Jurisdiction

1. General Sessions Courts are the most important courts of limited jurisdiction, hearing both criminal and civil matters in each of TN's 95 counties.⁴⁴ They were created by the state legislature in 1960 to replace the former justice of the peace system.⁴⁵

a) Jurisdiction varies from county to county based on General Assembly private acts:

(1) Generally, civil jurisdiction is limited to cases of specific monetary limits and types of actions;⁴⁶

(2) Criminal jurisdiction is limited to preliminary hearings in felony cases and misdemeanor trials in which the defendant waives the right to a grand jury investigation and trial by jury in Circuit or Criminal Court.⁴⁷

b) General Sessions judges:

(1) have the authority to issue search and arrest warrants as well as the power to set bonds for release from custody pending case resolution;⁴⁸

(2) serve as juvenile judges except in counties in which the legislature has established separate Juvenile Courts;⁴⁹ and

(3) are elected to eight year terms.⁵⁰

c) General Sessions courts:

(1) do not empanel juries, so any trial by this court is by bench;⁵¹ and

(2) are not courts of record; therefore, appeals from their judgments take the form of trial de novo in the courts of general jurisdiction.⁵²

2. Juvenile Courts were designed to remove juveniles from the harsh system of criminal justice for adult offenders and place them in a system that emphasized rehabilitation rather than punishment.⁵³ Tennessee first established juvenile courts in 1911, but only in the three most urbanized counties. Today there are "private act" juvenile courts in 17 of the state's 31 judicial districts. i.e. of the 98 courts dealing with juveniles, 17 are designated "Private Act" juvenile courts while the remaining 81 are general sessions courts with juvenile jurisdiction.⁵⁴ Each court, with the exception of Bristol and Johnson City, is county-based and

⁴⁴ <https://web.utk.edu/~scheb/tncourts.htm>

⁴⁵ Id.

⁴⁶ Id.

⁴⁷ Id.

⁴⁸ Id.

⁴⁹ Id.

⁵⁰ <http://www.tsc.state.tn.us/courts/general-sessions-courts/about>

⁵¹ <http://www.tsc.state.tn.us/courts/general-sessions-courts/about>

⁵² <https://web.utk.edu/~scheb/tncourts.htm>

⁵³ <https://web.utk.edu/~scheb/tncourts.htm>

⁵⁴ <https://web.utk.edu/~scheb/tncourts.htm>

administered with at least one juvenile court located in each of the state's 95 counties.⁵⁵ Juveniles are defined as individuals under the age of 18 who have not previously been transferred to adult court.⁵⁶ Juvenile courts deal with delinquency, status offenses, dependency, neglect, child abuse, child support, custody and parentage disputes, visitation and children's needs for medical and mental health treatment.⁵⁷ It is increasingly common, in TN and elsewhere, for juvenile courts to waive jurisdiction when juveniles are charged with serious criminal offenses.⁵⁸ This is especially the case with older juveniles with an extensive history of criminal offenses.⁵⁹ Waiver of jurisdiction can occur on the district attorney general's motion.⁶⁰ If granted, the case is transferred to criminal or circuit court so that the juvenile can be tried as an adult.⁶¹

3. Municipal or City Courts hear cases involving violations of municipal ordinances within their particular cities. About three hundred of Tennessee's cities have municipal courts. Most of these courts hear speeding and other traffic violations. However, they also hear disputes as to dogs running loose, uncut lawn grass, or other violations of municipal ordinances. Municipal courts, per the TN Constitution, can typically issue fines up to \$50, plus court costs and can issue jail sentences of up to 30 days. Municipal court officials are the municipal court judge and clerk, both of whom may be appointed by the city's governing body, or, in some instances, directly elected.

C. Courts of General Jurisdiction

1. Circuit Courts are courts of general jurisdiction in Tennessee.⁶² Circuit court judges, who are elected to eight year terms, hear civil and criminal cases and appeals of decisions from Juvenile, Municipal and General Sessions Courts.⁶³ The jurisdiction of circuit courts often overlaps with chancery courts.⁶⁴ Criminal cases are tried in circuit court except in districts with separate criminal courts established by the General Assembly.⁶⁵

2. Chancery Courts are courts of equity that are based on the English system in which the chancellor acted as the "King's conscience."⁶⁶ A chancellor, who is elected to an eight year term, may modify the application of strict legal rules and adapt

⁵⁵ <http://www.tsc.state.tn.us/courts/juvenile-family-courts>

⁵⁶ <https://www.tncourts.gov/courts/juvenile-family-courts/about>

⁵⁷ <https://www.tncourts.gov/courts/juvenile-family-courts/about>

⁵⁸ <https://www.tncourts.gov/courts/juvenile-family-courts/about>

⁵⁹ <https://www.tncourts.gov/courts/juvenile-family-courts/about>

⁶⁰ <https://www.tncourts.gov/courts/juvenile-family-courts/about>

⁶¹ <https://www.tncourts.gov/courts/juvenile-family-courts/about>

⁶² <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁶³ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁶⁴ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁶⁵ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁶⁶ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

relief to the circumstances of individual cases.⁶⁷ Chancery Courts handle a variety of issues including lawsuits, contract disputes, applications for injunctions and name changes.⁶⁸ A number of matters, such as divorces, adoptions and workers' compensation, can be heard in either chancery or circuit court.⁶⁹

3. Criminal Courts were established by the General Assembly in areas with heavy caseloads.⁷⁰ In addition to having jurisdiction over criminal cases, criminal court judges, who are elected to eight year terms, hear misdemeanor appeals from lower courts.⁷¹ In districts without criminal courts, criminal cases are handled by circuit judges.⁷²

4. Probate Courts were created by the legislature and given jurisdiction over the probate of wills and the administration of estates.⁷³ Probate judges also handle conservatorships and guardianships.⁷⁴

D. TN Appellate Courts

1. The TN Court of Appeals hears civil appeals from trial courts and state boards and commissions.⁷⁵ The court has 12 members who sit in panels of three judges and hears cases, on a monthly basis, in Jackson, Knoxville and Nashville.⁷⁶ When hearing cases in The TN Court of Appeals may also meet in alternative locations when necessary.⁷⁷ TN Court of Appeals decisions may be appealed, by permission, to the TN Supreme Court.⁷⁸

2. The TN Court of Criminal Appeals hears trial court appeals in felony cases, misdemeanor cases and post-conviction petitions.⁷⁹ The court has 12 members who sit in monthly panels of three in Jackson, Knoxville, Nashville and other locations when necessary.⁸⁰ All Court of Criminal Appeals decisions may be appealed, by permission, to the Tennessee Supreme Court, except capital cases, which are appealed automatically⁸¹.

⁶⁷ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁶⁸ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁶⁹ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁷⁰ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁷¹ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁷² <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁷³ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁷⁴ <https://www.tncourts.gov/courts/circuit-criminal-chancery-courts/about>

⁷⁵ <https://www.tncourts.gov/courts/court-appeals/about>

⁷⁶ <https://www.tncourts.gov/courts/court-appeals/about>

⁷⁷ <https://www.tncourts.gov/courts/court-appeals/about>

⁷⁸ <https://www.tncourts.gov/courts/court-appeals/about>

⁷⁹ <https://www.tncourts.gov/courts/court-criminal-appeals/about>

⁸⁰ <https://www.tncourts.gov/courts/court-criminal-appeals/about>

⁸¹ <https://www.tncourts.gov/courts/court-criminal-appeals/about>

3. The TN Supreme Court is composed of five justices, no more than two of whom can come from one of the state's three Grand Divisions.⁸² The TN Supreme Court is the state's court of last resort, hearing civil and criminal appeals from the state's lower courts.⁸³ It may assume jurisdiction over undecided cases in the Court of Appeals and Criminal Court of Appeals when there is special need for an expedited decision.⁸⁴ TN Supreme Court opinions on federal constitutional issues can be appealed only to the U.S. Supreme Court, which may or may not agree to hear the appeal.⁸⁵ The TN Supreme Court regularly meets in Jackson, Knoxville and Nashville as provided for in the TN Constitution and a few times a year in alternative locations as part of the Supreme Court Advancing Legal Education for Students ("SCALES") program.⁸⁶

⁸² <https://tncourts.gov/courts/supreme-court/about>

⁸³ <https://tncourts.gov/courts/supreme-court/about>

⁸⁴ <https://tncourts.gov/courts/supreme-court/about>

⁸⁵ <https://tncourts.gov/courts/supreme-court/about>

⁸⁶ <https://tncourts.gov/courts/supreme-court/about>