

**CIRCUIT COURT**  
**PART ONE**

**RULE 1. OVERVIEW OF THE RULES**

**§ 1.01 Adoption of Rules.**

These rules replace all previous local rules. These rules are effective December 1, 2013.

**§ 1.02 Application of Rules.**

These rules apply to proceedings conducted in each of the divisions of the circuit court in the 19<sup>th</sup> Judicial District of the State of Tennessee. The district is composed of Montgomery and Robertson counties. The rules are divided into three parts. Rules 1-7 in Part One and Rules 29-30 in Part Three apply to all proceedings. Rules 8-14 in Part Two apply to criminal proceedings. Rules 15-18 in Part Three apply to civil proceedings only.

**§ 1.03 Purpose of Rules.**

These rules are intended to provide for the just determination of every proceeding. They shall be construed to secure simplicity in procedure, fairness in administration and the elimination of unjustifiable expense and delay. These rules may be suspended or waived at any time the Court determines that justice so requires.

**§ 1.04 Citation of Rules.**

Reference to these local rules of practice shall be cited as "L. R. P."

**§ 1.05 Suspension of Rules.**

At the discretion of the court, one or more of these rules may be suspended for good cause.

**RULE 2. THE PRESIDING JUDGE**

**§ 2.01**

Pursuant to T.C.A. §16-2-509 and Rule 11, Supreme Court Rules, the presiding judge shall supervise the administration of all trial courts.

**§ 2.02**

The Presiding Judge shall be chosen by all the trial judges in the 19<sup>th</sup> Judicial District.

## **RULE 3. COURTROOM DECORUM**

### **§ 3.01 Reserved Space.**

The space within the rail shall be reserved for the judge, the judge's staff, involved counsel, officers attending court, the clerk(s), the involved parties, the involved jurors, the witness, persons contemplated by Rule 615(3), T.R.E., and other persons approved by the Court..

### **§ 3.02 Spectators.**

All spectators shall remain seated and quiet.

### **§ 3.03 Children.**

Disruptive children shall not be brought into or permitted to stay in the courtroom. Parents or guardians shall remove disruptive children immediately. Counsel shall advise clients and witnesses accordingly.

### **§ 3.04 Appropriate Attire.**

All persons entering the courtroom shall be appropriately attired. Appropriate attire shall be determined by the judge. Shorts and shirts without sleeves and a collar or displaying profane or offensive language are examples of inappropriate attire. Anyone dressed inappropriately may be directed by the judge to leave, change clothes and return to court.

All attorneys appearing before the Court are expected to dress professionally.

### **§ 3.05 Newspapers, Magazines and Books Prohibited.**

Newspapers, magazines and books shall not be read by anyone during a session of court. This rule does not prohibit attorneys from reviewing legal publications.

### **§ 3.06 Tobacco Products.**

No tobacco products may be used in the courtroom.

### **§ 3.07 Electronic Devices.**

All cell phones, pagers, PDA's, or other electronic devices shall be turned off or silenced while in a courtroom.

### **§ 3.08 Food, Drink and Gum Prohibited.**

With the exception of water provided by the court officers, no person shall use or consume any gum, food or beverage in the courtroom.

### **§ 3.09 Weapons/Firearms**

Counsel, litigants, witnesses, and other persons, to include law enforcement personnel, shall not carry or possess any weapon or firearm in Court or during the taking of any depositions. This rule shall specifically

not include law enforcement personnel while acting within the scope of their duties.

**§ 3.10 Atmosphere Of Solemnity.**

Upon approaching the courtroom, whether court is in or out of session, all persons shall desist from loud or excessive conversation, laughter, boisterous behavior, unnecessary departures and re-entries and any other conduct inconsistent with the degree of solemnity necessary to reflect the serious nature of the proceedings about to be or being conducted in the courtroom.

**§ 3.11 Enforcement.**

Court officers shall be alert to detect a violation of these rules and to admonish a violator of the need to immediately correct the violation. Court officers shall confiscate materials or articles contemplated by this rule. Violators are subject to such sanctions as the court deems necessary for the enforcement of these rules, including a finding of contempt.

**§ 3.12 Chamber Rules**

In addition to the Local Rules, judges may publish chamber rules which apply to proceedings being conducted by them.

**RULE 4. APPEARANCE OF COUNSEL**

**§ 4.01 Entry of Appearance.**

An entry of appearance obligates counsel to function as counsel of record through the entry of judgment. An appearance may be for a limited purpose only by leave of court.

**§ 4.02 Ways To Make An Entry Of Appearance.**

An entry of appearance is made by:

- (a) filing a notice; or
- (b) filing pleadings; or
- (c) an appointment by the judge; or
- (d) an announcement by counsel in open court.

**§ 4.03 Withdrawal of Counsel.**

No attorney may be allowed to withdraw as counsel except for good cause and by leave of court upon written motion after notice to all interested persons.

## **RULE 5. COURT CALENDAR AND SESSIONS**

### **§ 5.01**

The clerk shall maintain and make available to counsel a calendar indicating sessions of court. The sessions may change at the court's discretion, based on developing needs. The sessions may commence at various times. It is the responsibility of counsel and parties to know when court convenes. The clerk shall provide this information upon request.

## **RULE 6. PLEADINGS**

### **§ 6.01 Form.**

Unless otherwise permitted by the court, all pleadings shall be typewritten, double-spaced and in black ink. Unless otherwise permitted by the court, all pleadings, exhibits and other documents to be filed shall be on 8 ½ by 11 inch paper.

### **§ 6.02 Caption.**

The caption of the pleading which commences an action shall include a space for the entry of the division to which the case will be assigned or the name of the judge to whom the case will be assigned. The caption in subsequent pleadings shall include the name of the judge to whom the case is assigned.

### **§ 6.03 Title.**

Each pleading shall bear a brief title that is descriptive of or suggests content.

### **§ 6.04 Certificate of service.**

Except for pleadings that commence an action, all pleadings shall contain a certificate of service by counsel or pro se party showing the date and manner of service and the name of the person or persons served.

### **§ 6.05 Service Defined.**

Service means delivery, mailing or transmission of a facsimile which complies with the requirements of Rules 4 and 5 T.R.C.P. In the event service is by facsimile, an original copy of the document shall follow by delivery or mail.

### **§ 6.06 Courthouse Boxes.**

Service is not accomplished by delivery to Courthouse Boxes.

## **RULE 7. ASSIGNMENT OF CASES**

Cases shall be initially assigned to a division of court by the clerk at the commencement of the action. Thereafter, cases may be reassigned after a review of case assignments by the judges. Disclosure of the assigned division shall not be made by the clerk in advance of the commencement of the action.

### **PART TWO**

## **RULE 8. GRAND JURY**

### **§ 8.01 Montgomery County.**

In Montgomery County, the grand jury shall meet on the first Monday of each month. If the first Monday of a month is a legal holiday, the grand jury shall meet on the first Tuesday of that month. Grand jurors are chosen quarterly and serve a three month term.

### **§ 8.02 Robertson County.**

In Robertson County, the grand jury shall meet on the third Wednesday of month except June and December. Grand Jurors are chosen semi-annually and serve a six month term.

## **RULE 9. ARRAIGNMENTS**

### **§ 9.01 Dates For Arraignments.**

Arraignments for new indictments or presentments shall be set on criminal non-jury dates selected by the clerk.

### **§ 9.02 Defendant's Appearance At Arraignment.**

Each defendant shall personally appear for arraignment on his/her scheduled arraignment date unless his/her attorney appears in open court and presents an executed written waiver of arraignment in compliance with Rule 43, Tenn. R. Crim. P.

### **§ 9.03 Closed-Circuit Arraignment Of Inmates.**

At the discretion of the court, arraignments of inmates may be conducted by closed-circuit television.

## **RULE 10. CRIMINAL CASE MANAGEMENT**

### **§ 10.01 Arraignment.**

At arraignment, the court shall determine the attorney who represents the defendant. If a defendant is indigent, the court shall follow Amended Rule 13(e)(4) and shall appoint the public defender's office if qualified and no conflict of interest exists, unless in the sound discretion of the judge appointment of other counsel is necessary. The court shall not make an appointment if counsel makes a clear and convincing showing that adding the appointment to counsel's current workload would prevent counsel from rendering effective representation in accordance with constitutional and professional standards. At arraignment, the court shall set a settlement date. A trial date shall not be set unless requested by both the state and the defendant or demanded by the defendant pursuant to a speedy trial motion.

### **§ 10.02 Discovery.**

Discovery requests by defense counsel shall be made at arraignment. The state shall deliver or identify, as appropriate, discovery materials contemplated by Rule 16 (a)(1)(A)(B)(C)&(D), Tenn. R. Crim. P. then known to the state or its agents. All other provisions of Rule 16 shall be complied with on a timely basis consistent with the management intent of this rule.

### **§ 10.03 Filing Of State's Witness List.**

Except for those witnesses whose name, address and statements or summaries of statement are provided in the discovery packet delivered at arraignment or unless a list has been endorsed on the indictment or presentment in compliance with T.C.A. § 40-17-106, the state shall deliver a list of witnesses expected to be used by the state in its case in chief to defense counsel at arraignment. Unless otherwise ordered by the court, the list shall provide the address and phone number of each witness. This list shall include the real name of any confidential informant in order to avoid conflicts of interest.

### **§ 10.04 Pretrial Motions.**

At arraignment, the court may schedule or counsel may request, a motion date to hear all pretrial motions. All pretrial motions, including those contemplated by Rules 12 and 21, Tenn. R. Crim. P., shall be in writing and filed at least ten (10) calendar days prior to the hearing date. If

the State desires to provide a response as an aid to the Court, the response shall be in writing and filed at least three (3) calendar days prior to the hearing date.

**§ 10.05 Memorandum Of Facts And Law.**

Every motion and response seeking the resolution of an issue of law shall be supported by a memorandum of facts and law filed simultaneously with the respective pleadings. The Motion or Response may contain sufficient facts and law to substitute for a memorandum of facts and law. At the discretion of the court, based on good cause shown, counsel may be permitted to file the memorandum after the hearing is conducted. Copies of referenced unreported or out-of-state cases shall be provided to the court and counsel.

**§ 10.06 Settlement Date.**

On the settlement date, the court shall entertain a plea agreement. If no agreement has been reached or if an agreement is rejected by the court, the court shall set a trial conference date and a trial date. If a pretrial motion has been timely filed and is pending, the court may hear the motion on the settlement date and schedule another settlement date.

**§ 10.07 Trial Conference Date.**

On the trial conference date, the court will announce the trial priority for each case set during the month.

**§ 10.08 Trial Date.**

On the trial date, unsettled cases shall be disposed of by trial, the state's dismissal with prejudice, the entry of a nolle prosequi or the defendant's plea of guilty to the indicted offense(s). In its discretion, the court may approve the state's dismissal without prejudice or retirement. Cases not tried shall be rescheduled.

**§ 10.09 Filing Of Enhancement/Mitigating Factors Statement.**

The enhancement statement contemplated by T.C.A. § 40-35-202, including prior convictions, shall be filed and certified to opposing counsel no later than ten(10) calendar days prior to the trial and no later than trial conference date. Mitigating factors statement shall be filed and certified to opposing counsel no less than (5) days prior to the sentencing hearing. If a defendant enters an "open plea" and the state intends to present enhancement factors in addition to any prior convictions, the defendant must either waive his right to have the jury determine beyond a reasonable doubt the existence of an enhancement factor or the statement of facts as admitted by the defendant must establish the enhancement factor. If the

defendant neither waives this right nor admits the facts necessary to establish an enhancement factor, the court will consider prior convictions only as an enhancement factor.

## **RULE 11. CONTINUANCES IN CRIMINAL CASES**

### **§ 11.01 Court Approval Required.**

Continuances are obtained by court approval only.

### **§ 11.02 Procedure.**

Continuances must be requested by a written motion, which must be timely filed and heard. Motions based upon the representation of a non-lawyer must be supported by the sworn affidavit of the non-lawyer.

### **§ 11.03 Hearings.**

A continuance motion may be heard:

- (a) as a pretrial motion in compliance with Rule 10.04, L.R.P.; or
- (b) on the trial conference date; or
- (c) on the trial date, if circumstances have arisen since the trial conference date that were not then known or could not be known with the exercise of due diligence by the moving party or a subpoenaed witness is absent despite compliance with Rule 12, L. R. P. and Rule 17, Tenn. R. Crim. P.

## **RULE 12. SUBPOENAS IN CRIMINAL CASES**

Subpoenas for witnesses residing within the county must be issued by the clerk no later than ten (10) calendar days before the trial date. Subpoenas for witnesses residing out of the county must be issued no later than fourteen (14) calendar days before the trial date.

## **RULE 13. ORDERS AND JUDGMENTS IN CRIMINAL CASES**

### **§ 13.01 Form.**

All orders and judgments shall be in writing and bear the court division number in the caption and the name of the judge under the signature line.

### **§ 13.02 Preparation And Delivery.**

The orders and judgments shall be prepared and delivered to the court for approval on the same day the order or judgment is rendered. Any



order prepared by counsel shall be presented to opposing counsel for approval.

**§ 13.03 Uniform Judgment Document.**

All judgments shall be prepared by the district attorney utilizing the uniform judgment document. The disposition of each count must be shown on a judgment form. The judgment shall be presented to defense counsel for approval if he/she is in the courtroom at the time of the preparation of the judgment and presentation to the court.

**RULE 14. COMPLIANCE WITH VICTIMS' RIGHTS**

All constitutional and statutory provisions regarding victims' rights shall be complied with on a timely basis in a manner consistent with the management intent of these rules.

**PART THREE**

**RULE 15. DISPOSITION OF CIVIL CASES**

**§ 15.01 Time Requirement.**

A final judgment or a court-approved scheduling order must be entered in every civil case within twelve (12) months from the filing date of the cause of action. Otherwise, the court will set the case by a show cause notice for in-court review. In such event, personal, in court appearance by counsel is required. Absence of counsel may result in dismissal of the case at the court's discretion.

**§ 15.02 Absence From Scheduled Hearing.**

The court may enter such orders as it deems appropriate if a party or counsel is absent from a scheduled hearing, including the adjudication of issues, striking the matter from the docket, assessing court costs, attorney's fees and related expenses.

**§15.03 Scheduling Order.**

In all matters in which any party has demanded a jury, the attorneys and parties shall obtain and file a scheduling order, by agreement, within thirty (30) days of all answers being filed or ninety (90) days of service of process on all defendants, whichever occurs first. The scheduling order shall specify the following:

- (1) Interrogatories, requests for production of documents and requests for admissions of all parties completed no later than: \_\_\_\_\_
- (2) Parties, occurrence, fact witness depositions shall be completed by: \_\_\_\_\_
- (3) Plaintiff shall disclose and complete all treating physician or expert proof for trial depositions and designate any treating physician and/or expert witnesses which shall be called live to trial by: \_\_\_\_\_ (at least 90 days prior to trial).
- (4) Defendant shall disclose and complete all expert proof for trial depositions and designate any expert witnesses which shall be called live to trial by: \_\_\_\_\_ (at least 30 days prior to trial).
- (5) Trial date: \_\_\_\_\_. Expected length of trial \_\_\_\_ days.

In the event no agreed scheduling order is filed as required herein, a scheduling order may be entered by the Court and/or upon motion of any party. Trial dates shall not be continued or changed by the parties except as provided by L.R.P. Rule 23. The parties may, by Agreed Order, modify all other schedules in the scheduling order. Failure to abide by the Order may result in sanctions pursuant to T.R.C.P. 16.

## **RULE 16. APPLICATION FOR CERTAIN EXTRAORDINARY RELIEF**

Applications seeking a writ of supersedeas or a restraining order shall be left with the clerk for presentation to a judge. The presentation shall be made by the clerk and the judge's action reported to counsel. If all circuit judges are unavailable, the clerk may permit counsel to present the application to a judge of another court.

## **RULE 17. DISCOVERY**

### **§ 17.01 When Filing Required.**

Discovery material shall not be filed unless and until such material is to be considered by the court for any purpose.

### **§ 17.02 Discovery Completion Deadline.**

Upon motion of a party or the court, the court may order a completion date for discovery.

**§ 17.03 Interrogatories To Parties.**

Interrogatories pursuant to Rule 33, T.R.C.P., shall be unlimited, but if the number of interrogatories in any given set or the content thereof is considered overly burdensome, a motion may be made for appropriate relief. Leave of court must be obtained to submit additional sets of interrogatories beyond the second set. Requests for leave shall include copies of such additional interrogatories or sets of interrogatories to be submitted, and a statement of counsel as to the necessity for such information, its relevance, or likelihood to lead to relevant information, and that it cannot be obtained readily from other sources.

**§ 17.04 Responding To Interrogatories.**

Responses to interrogatories and requests for admissions shall follow each corresponding interrogatory or request so that one pleading contains all relevant information. To facilitate the foregoing, the submitting party shall provide a disk containing the submitted material. Upon request of the responding party, the submitting party shall provide an electronic copy of the submitted material to the responding party via email in a format accessible by the responding party. Any party, relying upon the omission of a disk or electronic copy of the questions submitted, as a basis for refusal to answer or respond, shall within 7 calendar days from the date of service of the written discovery, provide the submitting party with notice of such omission. The time for response will be extended 30 days after the date the disk or electronic copy is supplied to the responding party. The responding party shall provide complete copies of the responses to all parties or to their respective counsel of record.

To the extent the responding party seeks to assert an objection with regard to any interrogatory, request for admission or requests for production, the responding party shall state the specific objection immediately following the corresponding interrogatory or requests. Boiler plate objections cited within the response which are not identified in response to any individual interrogatory or request, shall be considered waived by the responding party and shall be stricken by the Court.

**§ 17.05 Motions To Compel Discovery.**

Motions to compel discovery shall:

- a. either (1) quote verbatim the interrogatory, request, or question and any objection or response thereto, or (2) be accompanied by

- a copy of the interrogatory request, or excerpts of a deposition which shows the question and objection or response, and;
- b. state the reason supporting the motion, and;
- c. where a party has submitted no response to the discovery or has objected to the entire set of interrogatories or requests, neither of the requirements in Local Rule 17.05(a) shall apply.

The Court will refuse to rule on any motion related to discovery unless moving counsel files with the motion, a statement which certifies that the lawyer has conferred with opposing counsel in a good faith effort to resolve the discovery dispute and that the effort has not been successful. If the certification asserts that opposing counsel has refused or delayed discussion of the discovery issues raised in the motion, the court will take appropriate action when resolving the motion so as to prevent further delay.

#### **§ 17.06 Supplementation to Discovery**

Answers to interrogatories must be supplemented a sufficient time before trial to the end that no evidence within the scope of the interrogatories will be proffered at trial which has not previously been disclosed in writing, or in testimony under oath. A violation of this rule, which expands the duty to supplement imposed by Rule 26.05 T.R.C.P., may result in the imposition of serious sanctions, including, but not limited to, taxing of costs to the culpable party for delays caused and/or attorney's fees.

### **RULE 18. DISPOSITIVE MOTIONS**

#### **§ 18.01 Time For Filing Dispositive Motions.**

Dispositive motions other than a Motion for Default shall be filed and served upon opposing counsel no less than thirty (30) calendar days prior to hearing. Every motion seeking the resolution of an issue of law shall be supported by a memorandum of facts and law. Failure to file a written response may constitute a waiver by counsel to participate in oral argument and may be deemed as a basis for sanctions under §18.06. Copies of unreported or out-of-state cases referenced in any memorandum shall be provided to the court and to opposing counsel.

#### **§ 18.02 Time For Filing Responses.**

Responses to dispositive motions shall be filed and served upon opposing counsel no less than five (5) calendar days prior to hearing.

#### **§ 18.03 Time For Filing Replies To Responses.**

Replies to responses to dispositive motions shall be filed and served upon opposing counsel no less than two (2) calendar days prior to hearing.

**§ 18.04 Time For Hearing Dispositive Motions.**

Dispositive motions shall be heard no less than thirty (30) calendar days prior to trial.

**§ 18.05 Waiver Of Time Requirement.**

The time requirements may be waived by agreement of counsel with court approval.

**§ 18.06 Sanctions.**

**Any adjournment, delay or resetting made necessary by a party's failure to comply with the time requirements set forth herein may result in sanctions against the culpable party or counsel, including, but not limited to, an award of attorney's fees, costs and expenses.**

**RULE 19. NON-DISPOSITIVE MOTIONS**

**§ 19.01 Time For Filing Non-Dispositive Motions.**

Non-dispositive motions shall be filed and served upon opposing counsel no less than ten (10) days prior to hearing. Every motion seeking the resolution of an issue of law shall be supported by a memorandum of facts and law. Failure to file a written response may constitute a waiver by counsel to participate in oral argument and may be deemed as a basis for sanctions under §18.06. Copies of unreported or out-of-state cases referenced in any memorandum shall be provided to the court and to opposing counsel.

**§ 19.02 Time For Filing Responses.**

Responses to non-dispositive motions shall be filed and served upon opposing counsel no less than five (5) calendar days prior to hearing.

**§ 19.03 Time For Filing Replies To Responses.**

Replies to responses to non-dispositive motions shall be filed and served upon opposing counsel no less than two (2) calendar days prior to hearing.

**§ 19.04 Time For Hearing Non-Dispositive Motions.**

Non-dispositive motions, including Motions in Limine, will not be heard less than seven (7) calendar days prior to trial.

**§ 19.05 Waiver Of Time Requirement.**

The time requirements may be waived by agreement of counsel with court approval.

**§ 19.06 Sanctions.**

**Any adjournment, delay or resetting made necessary by a party's failure to comply with the time requirements set forth herein may result in sanctions against the culpable party or counsel, including, but not limited to, an award of attorney's fees, costs and expenses.**

**RULE 20. SETTING MOTIONS AND PETITIONS FOR COURT APPROVAL**

**§ 20.01 The Clerk.**

Hearing dates for all motions and petitions for court approval shall be obtained from the clerk of the court.

**§ 20.02 Procedure.**

Motions and petitions for court approval may be set:

- (a) by agreement of counsel; or
- (b) by notice; or
- (c) by the court.

**§ 20.03 Removal Of A Motion or a Petition for Court Approval From The Docket.**

After a motion or a Petition for Court Approval has been scheduled for hearing, it may be stricken from the docket by the movant or petitioner at any time before the hearing upon timely notice to the clerk and to the opposing party or counsel. **Removal of a motion by one party does not remove another party's motion.**

**RULE 21. SETTLEMENT OF CASES SET FOR TRIAL**

**§ 21.01 Notice.**

Counsel shall immediately notify the clerk and witnesses upon reaching a settlement in a case set for trial.

**§ 21.02 Assessments And Awards.**

If a party negligently fails to make the required notice, the court may assess jury fees as court costs and may award compensation to a witness for lost income and travel expenses and assess the award as court costs.

## **RULE 22. SETTING CIVIL CASES**

### **§ 22.01 Setting Jury Trials.**

Cases may be set for a jury trial:

- (a) by agreement of counsel and consultation with the clerk; or
- (b) by motion, if the parties are unable to agree on a trial date; or
- (c) by notice pursuant to the Tennessee Rules of Civil Procedure;  
or
- (d) by the court with notice to counsel.

### **§ 22.02 Setting Non-Jury Matters.**

Non-jury matters may be set for hearing:

- (a) by agreement of counsel and consultation with the clerk; or
- (b) by motion, if the parties are unable to agree on a hearing date; or
- (c) by notice pursuant to the Tennessee Rules of Civil Procedure;  
or
- (d) by the court with notice to counsel.

### **§ 22.03 Setting by agreement preferred.**

The preferred method for setting all matters is by agreement of counsel and consultation with the clerk. Counsel are expected to accede to reasonable requests of opposing counsel for resetting or continuances, especially matters set by notice without the prior agreement of or consultation with opposing counsel.

## **RULE 23. CONTINUANCES IN CIVIL CASES**

### **§ 23.01 Non-Jury Matters.**

Continuances are obtained by agreement of counsel or by written motion.

### **§ 23.02 Jury Trials.**

Continuances may be obtained only by motion made to the judge before whom the matter is scheduled to be heard. Jury trials cannot be continued by agreement of counsel without court approval.

### **§23.03 Procedure.**

Continuance motions must be timely filed. Written motions supported by sworn affidavit are required unless exigent circumstances exist which make the filing of written pleadings impossible.

### **§ 23.04 Hearings.**

A continuance may be heard:

- (a) as a pretrial motion; or
- (b) by special setting by the court.

**§ 23.05 Late-Issued Subpoenas Not Grounds.**

A continuance shall not be granted on the basis that a subpoenaed witness is absent if the issuance of the subpoena does not comply with these rules. See **§26.02**.

**RULE 24. PRETRIAL PROCEDURE**

**§ 24.01 Witness List.**

At least five (5) business days before trial, the names, addresses and phone numbers of case-in-chief witnesses shall be furnished to opposing counsel.

**§ 24.02 Exhibit List.**

At least five (5) business days before trial, copies of all exhibits to be used in the case-in-chief shall be furnished to opposing counsel. If it is impractical to copy exhibits, such notice shall be given and the exhibits shall be available for inspection by opposing counsel any business hour during the five (5) business days.

**§ 24.03 Depositions.**

At least five (5) business days before trial, depositions shall be filed that are to be used in lieu of live testimony in the case-in-chief.

**§ 24.04 Trial Briefs and Memorandums of Law**

If trial briefs or memorandums of law are required or the parties choose to submit the same, they shall be filed at least five (5) business days before trial.

**§ 24.05 Audio/Visual Recordings**

Notice of intent to use an audio/visual recording in a jury trial shall be given to all adverse counsel at least twenty-one (21) calendar days before trial. The recording shall be available for inspection and copying when the notice is given. Objections to the recording or portions thereof shall be timely made so that any objections can be ruled on and necessary editing can be completed before trial. In non-jury cases, notice shall be given at least three (3) business days before trial and objections may be heard at trial.



### **§ 24.06 Standard Jury Instructions.**

Requests for standard jury instructions may be made by numerical reference to Tennessee Pattern Jury Instructions. Such requests shall be filed at least five (5) business days before trial.

### **§ 24.07 Special Jury Instructions.**

Requests for special jury instructions shall be submitted on paper with supporting authority and submitted on a disk, without authority. Either Microsoft Word or Word Perfect is acceptable. Such requests shall be filed at least five (5) business days before trial.

### **§ 24.08 Divorce Cases**

(a) Temporary Hearings and Mediation. At least five (5) business days before a hearing, when applicable, counsel shall file:

- (1) a signed and notarized income and expense statement;
- (2) a signed and notarized temporary parenting plan with the words “PROPOSED by \_\_\_\_\_(father or mother)” at the top of the first page;
- (3) a sworn statement of assets and liabilities of the parties (for mediation only - not required for temporary support hearings).

(b) Trial. In addition to the requirements of §§ 24.01-24.05 above, at least five (5) business days before trial, where applicable, counsel shall file:

- (1) a signed and notarized income and expense statement;
- (2) a signed and notarized permanent parenting plan with the words “PROPOSED by \_\_\_\_\_ (father or mother)” at the top of the first page;
- (3) a proposed assignment of debts;
- (4) a proposed division of marital property with values;
- (5) a list of separate property.
- (6) Certificates of Completion of parenting classes. PARENTING CLASSES MUST BE COMPLETED PRIOR TO TRIAL.

(7) Report of Mediation. MEDIATION MUST BE COMPLETED PRIOR TO TRIAL.

(c) **Final Decrees in Divorce Cases.** All Final Decrees of Divorce submitted for the judge’s signature, shall have stapled to them any applicable Marital Dissolution Agreements, Parenting Plans (containing at least a copy of a judge’s signature if previously approved) and child support worksheet consistent with the support provisions contained in the Parenting Plan or with an explanation for any proposed deviation. All required and applicable documents shall be stapled to the Final Decree and submitted as one packet for the judge’s signature. Each page requiring the signature of counsel or the parties shall be signed, dated and notarized, if required. Pages requiring the

signature of the judge shall be tabbed.

**§24.09 Intent of these Rules**

**It is the intent of these rules that the court, the parties and their counsel will all be aware of all evidence and proof which will actually be offered at trial or hearing. These rules do not relieve a party from the duty of timely disclosure of evidence in discovery or the duty of timely supplementation of discovery responses. Appropriate sanctions will be imposed against parties or counsel who violate the spirit of these rules. Such sanctions may include dismissal, exclusion of evidence or witnesses not made known in a timely fashion or assessment of fees, costs and expenses resulting from delay of proceedings.**

**RULE 25. SPECIAL PROCEDURES**

**§ 25.01 Divorce Based On Irreconcilable Differences.**

In lieu of a court hearing, a final decree of divorce based on irreconcilable differences may be filed for the judge's approval if both parties are aware of the presentation and there is no known objection. Notice of the date of the presentation must be given seven (7) calendar days in advance. All counsel or parties must sign and approve the decree prior to presentation or their approval must be specifically waived in writing. The Final Decree when submitted, must comply with Rule 24.08(c)L.R.P. Where applicable, proof of completion of parenting classes must also be attached to the Final Decree.

**§ 25.02 Juvenile Appeals.** All juvenile appeals shall be set for an appearance by the clerk in Division II or Division III immediately upon the filing of the notice of appeal.

**§25.03 General Sessions Appeals of Civil Cases.**

(a) All general sessions appeals shall be set by the clerk for docket call within sixty (60) days of the filing of the appeal. Appeals will be set for hearing at the docket call or as provided in Rule 22.

(b) In any general sessions appeal where a jury demand has been made by either party, the party who filed the general sessions lawsuit shall within thirty (30) days of the docket call, file an Amended Complaint in Circuit Court which fully complies with all requirements of the Tennessee Rules of Civil Procedure. Within thirty (30) days thereafter, responsive pleadings complying with the Tennessee Rules of Civil Procedure shall be filed by the other parties. Any subsequent pleadings or proceedings in the matter in

Circuit Court will be governed by the Tennessee Rules of Civil Procedure and these local rules.

**§ 25.04 Workers' Compensation Cases.**

To comply with T.C.A. §50-6-225(f), the clerk shall set workers' compensation cases on any scheduled civil non-jury court date mutually requested by counsel.

**RULE 26. SUBPOENAS**

**§ 26.01 Procedure.**

All subpoenas shall be issued by the Clerk in triplicate. The original shall be the "return document." One copy shall be retained in the file. One copy shall be the "service document" which shall be served on the witness.

**§ 26.02 Time for Issuance.**

Subpoenas for witnesses residing in the county must be issued by the clerk no later than seven(7) calendar days before the date of trial. Subpoenas for witnesses residing out of the county must be issued by the clerk no later than fourteen (14) calendar days before the date of trial.

**RULE 27. ORDERS AND JUDGMENTS IN CIVIL CASES**

**§ 27.01 Preparation.**

Orders and judgments shall be prepared by the prevailing party and delivered to opposing counsel within seven (7) calendar days of the day the order or judgment is rendered for opposing counsel's approval for entry. In the event counsel for the prevailing party does not deliver the appropriate order or judgment to opposing counsel within seven (7) days of the day the order or judgment is rendered, opposing counsel may prepare and deliver to counsel for the prevailing party an order or judgment, which opposing counsel believes accurately reflects the ruling of the Court. In the event counsel for the prevailing party does not sign opposing counsel's proposed order, opposing counsel may submit the order to the Clerk, pursuant to §27.03.

**§ 27.02 Contested Orders And Judgments.**

If an order or judgment is contested, objecting counsel shall prepare a separate order or judgment. Both documents shall be submitted to the court within ten (10) days of the day the order or judgment is rendered for the court's review and determination.

**§ 27.03 Failure of Opposing Counsel to Approve Prevailing Party's Tendered Order.**

In the event counsel for the prevailing party submits an order to opposing counsel to which no contest or objection is made, but which is not signed by opposing counsel, counsel for the prevailing party shall submit the order to the Clerk, providing notice by certificate of service to opposing counsel, of the order's submission. Such orders and judgments shall be held by the Clerk for ten (10) calendar days before presentation to the Judge for signing.

**§ 27.04 Approval For Entry.**

Orders and judgments shall provide for approval for entry by involved counsel. Approval for entry shall be made by involved counsel if the order or judgment accurately reflects the ruling or verdict. Orders that have been approved for entry by involved counsel shall be filed by the clerk when signed by the judge. Signatures of counsel may be entered by permission. Orders that have not been approved for entry shall be held by the clerk for ten (10) days before presentation to the judge for signing.

**§ 27.05 Court Costs.**

All final orders and judgments must include a provision for the assessment of court costs. If not, the court may assess the costs sua sponte.

**§ 27.06 Default Judgments For Liquidated Damages.**

Before the court will enter a default judgment for liquidated damages, a sworn affidavit shall be submitted to the court for approval. The affidavit shall be verified by the prevailing party and contain an itemization of the damages sought.

**RULE 28 PAYMENT AND SATISFACTION OF JUDGMENTS**

**§ 28.01 Disbursement Based On Check.**

Funds paid to the clerk by check shall not be disbursed prior to ten (10) banking days from the date the check is received by the clerk.

**§ 28.02 Disbursement Upon Final Order.**

Disbursement orders must be final before disbursement is made by the clerk unless the order is approved by involved counsel.

**§ 28.03 Satisfaction Of Judgment To Counsel.**

Satisfaction of a judgment made directly to counsel shall be immediately certified to the clerk for entry in the clerk's records.

## **RULE 29. NON-MINUTE ENTRY ORDERS**

Orders not affecting the legal course of an action may be designated by the clerk as a non-minute entry order. Such designated orders shall be placed in the case file but not spread upon the minutes of the court.

## **RULE 30. MATTERS UNDER ADVISEMENT**

If a matter taken under advisement has not been ruled on after thirty (30) days, it shall be the duty of counsel to jointly remind the court of the unresolved matter. The reminder may be in pleading or letter form delivered to the clerk for presentation to the court.

AMENDMENT TO RULE 24.08  
of the Local Rules of Practice for the Circuit Court  
for the 19<sup>th</sup> Judicial District for the State of Tennessee

The following amendment becomes effective immediately:

§ 24.08 Divorce Cases is amended to read:

**§ 24.08 Domestic Relations Cases**

Comment:

This change is intended to make clear that the requirements for production of income and expense statements, temporary parenting plans, statements of assets and liabilities, etc. required in both Sections (a) and (b) of this rule are not limited to just divorce cases but also include modification cases and other types of cases where the income and expenses of the parties, the provisions of a parenting plan or the assets and liabilities of the parties are at issue or are relevant to the determination of the issue before the Court. The Rule requires these documents to be "filed at least five (5) business days before a hearing, when applicable".

Adopted October 6, 2017.

  
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Ross H. Hicks, Circuit Court Judge, Division I

  
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William R. Goodman, III, Circuit Court Judge, Division II

  
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Ted Crozier, Jr., Circuit Court Judge, Division III

  
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Jill B. Ayers, Circuit Court Judge, Division IV