

**LOCAL RULES OF PRACTICE
19TH JUDICIAL DISTRICT
CIRCUIT COURT
OCTOBER 15, 2004**

INTRODUCTION AND DEDICATION

In **compliance** with Rule 18, Supreme Court Rules, and after having public meetings in the Montgomery County courts buildings on May 25, 2004, and in the Robertson County Court House on June 2, 2004, the trial judges of the 19th Judicial District have adopted the following local rules. The local rules are divided into Local Rules of Practice for Chancery Court and Local Rules of Practice in Circuit Court. Part One of the Circuit Court Rules(Rules 1 through 7) pertains to Civil and Criminal cases. Part Two(Rules 8 - 14) apply to Criminal cases. Part Three(Rules 15 - 28) apply to civil cases. Rules 29 and 30 apply in both civil and criminal cases. Copies of these rules either by printing or by disc have been available to the public and attorneys. The local rules shall take effect thirty (30) days from September 15, 2004.

These rules are intended to work in conjunction with state rules of practice and statutes that govern the procedures associated with the practice of law.

DEDICATION: From September 1, 1984, until his death on November 13, 2001, James E. Walton served as the judge in the first division. Judge Walton was an outstanding jurist. His mere presence governed the courtroom. He was a judge of few words, but he did not need many. His grasp of issues was immediate. His style was comforting. Both his intelligence and common sense were obvious. He loved the law, lawyers and the advocacy system. He let lawyers try their lawsuit and when you left the courtroom you knew you had a fair trial. He was a wise man and a special colleague. He was a beloved friend and remains sorely missed. In his memory, we continue to dedicate these rules.

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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 October 15, 2004.

§ 1.02 Application of Rules.

These rules apply to proceedings conducted in each of the three divisions of the circuit court held in the 19th judicial district of the state of Tennessee. The district is composed of Montgomery and Robertson counties. The rules are divided into three parts. Rules 1-8 in Part One and Rules 29-30 in Part Three apply to all proceedings. Rules 9-16 in Part Two apply to criminal proceedings. Rules 17-31 in Part Three apply to civil proceedings.

§ 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.

§ 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

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.

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 court-approved assistants to involved counsel.

§ 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.

§ 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 Atmosphere Of Solemnity.

Upon entry into 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.

§ 3.10 Enforcement.

Court officers shall be alert to detect a violation of this rule 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 this rule, including a finding of contempt.

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 upon 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

The clerk shall provide counsel with a yearly 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 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. All pleadings shall be upon 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 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 such that the document served is physically received by the specified date and time. In the event service is by facsimile, an original copy of the document shall follow by delivery or mail.

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 shall serve for a three-month period.

§ 8.02 Robertson County.

In Robertson County, the grand jury shall meet on the fourth Monday of January, March, May, July, September and November. Grand Jurors shall serve for a six-month period.

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 notice for in-court review. In such event, appearance by counsel is required. Absence of counsel may result in dismissal of the case at the court's discretion. Scheduling orders filed after the court has set a show cause hearing (notice of in-court review) must contain a fixed trial date obtained from the court clerk.

§ 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.

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 maybe made for appropriate relief. Leave of court must be obtained to submit additional sets of interrogatories beyond the first 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 responding party, the submitting party shall provide a disk containing the submitted material which shall be returned with the response. Any party, relying upon the omission of a disk as a basis for refusal to answer or respond, shall give within 7 calendar days from date of service of same written notice to the submitting party of such omission. The time for response will be extended 30 days after the disk is supplied.

§ 17.05 Motions To Compel Discovery.

Motions to compel discovery shall be supported by counsel's affidavit of efforts made to acquire the subject discovery.

§ 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 brought to the attention of opposing counsel. 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

§ 20.01 Time For Filing Dispositive Motions.

Dispositive motions 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 shall constitute a waiver by counsel to participate in oral argument. 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 shall constitute a waiver by counsel to participate in oral argument. 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 shall be heard no 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 From The Docket.

After a motion has been scheduled for hearing, it may be stricken from the docket by the movant at any time before the hearing upon notice to the clerk. Removal of a motion by one party does not remove another party's motion.

§ 20.04 Removal Of A Petition For Court Approval From The Docket.

A petition for court approval may be stricken from the docket at any time.

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; or
- (c) 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; or
- (c) by the court with notice to 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 are obtained by written motion.

§23.03 Procedure.

Continuance motions must be timely filed and supported by sworn affidavit.

§ 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.

RULE 24. PRETRIAL PROCEDURE

§ 24.01 Witness List.

At least three(3) 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 three(3) 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 three (3) business days.

§ 24.03 Depositions.

At least three (3) 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

All trial briefs and memorandums of law shall be filed at least three (3) 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.

§ 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.

§ 24.08 Divorce Cases

(a) Temporary Hearings. At least three (3) business days before a hearing, counsel shall file:

- (1) an income and expense statement;
- (2) a temporary shared-parenting plan.

(b) Trial. In addition to the requirements of §§ 24.01-24.05 above, at least three (3) business days before trial, counsel shall file:

- (1) an income and expense statement;
- (2) a permanent shared-parenting plan;
- (3) a proposed assignment of debts;
- (4) a proposed division of marital property with values;
- (5) a list of separate property.

§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. 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 counsels 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 presented for the judge's approval in chambers, if both parties are aware of the presentation and there is no known objection. The date of the presentation must be indicated if notice is applicable but the time of the presentation is not required since the court's exact time of availability is not always known. The presentation should be arranged with the court's assistant. The presentation may be made if:

- (a) both counsel attend; or

- (b) absent counsel approves the decree prior to presentation; or
- (c) A pro se party is served with notice seven (7) calendar days prior to presentation.

§ 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.

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.

§ 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.

§ 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 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.

§ 27.04 Court Costs.

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

§ 27.05 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.