

**LOCAL RULES OF COURT -  
TWELFTH JUDICIAL DISTRICT**

It is ordered by the Judges of the Twelfth Judicial District that the following rules of practice and procedure shall be observed in the conduct of the business of the Court, the same being adopted and ordered spread upon the criminal and civil minutes of each Court by virtue of the power vested in said Judges by T.C.A. 16-3-407 and Rule 18 of the Rules of the Tennessee Supreme Court.

**RULE ONE (1)**

**FORMER RULES ABROGATED**

**1.01. Former Rules Abrogated.**

All former rules of local practice except as readopted herein are abrogated.

**1.02. Suspension of Rules.**

The Court may suspend any of these rules when justice requires.

**RULE TWO (2)**

**COURT SESSIONS AND CALENDAR**

**2.01. Applicability.**

Unless otherwise indicated by a particular rule, each rule applies to both the Circuit and Chancery Courts in the Twelfth Judicial District.

**2.02. Terms Abolished.**

Terms of Court for Circuit Court are abolished. All parts of the Circuit Court shall be considered available for setting continuously.

**2.03. Court Sessions.**

Court will begin at 9:00 A.M. unless otherwise provided by the Judge holding court.

**2.04. Scheduling Calendar.**

The Circuit Clerk shall maintain a scheduling calendar showing all trial settings and non-jury days for both Chancery and Circuit Court. The calendar will designate the Judge scheduled for the day. The efficient administration of justice may require rescheduling of non-jury days and/or the interchange of Judges on occasion and it shall be the duty of counsel to check with the Clerk regarding calendar changes.

**2.05. Court Docket.**

The Circuit Clerk shall prepare a docket for all Court days. Five (5) days prior to any civil non-jury day, the Clerk shall prepare a written docket of all properly noticed non-jury matters. The docket shall be divided into two (2) sections. Section one (1) shall be uncontested cases. Section two (2) shall contain the contested cases and include the estimated time for trial. The uncontested docket will be heard first. The Clerk shall docket all matters within each section in the order each request to docket is received by the Clerk. All properly filed requests shall be docketed, however, unless waived by the sitting Judge, cases will not be heard if their docket position and estimated time of trial would extend beyond 5:00 o'clock P.M. Matters not on the written docket shall be heard only at the discretion of the sitting Judge.

**RULE THREE (3)**

**APPEARANCE AND CONDUCT OF COUNSEL**

**3.01. Counsel of Record; Entry of Appearance.**

a) All counsel who have entered an appearance in a case will be counsel of record. Entry of an appearance shall be made in one of the following ways:

- (1) a request by counsel to the Clerk that an appearance be entered;
- (2) the filing of pleadings; or
- (3) the filing of a formal notice of appearance.

b) Whenever a defendant in a criminal case is determined by the Court to be indigent and counsel is appointed, an order shall be entered setting forth the indigency finding and identifying the appointed counsel.

**3.02. Withdrawal of Counsel.**

No attorney may be allowed to withdraw except for good cause and by leave of Court upon motion after notice to all parties.

**3.03. Contacting Judge.**

Unless there is an emergency, neither counsel nor a party to a pending action shall contact the Judge before whom the matter is pending except by letter (with copies to all parties and the Clerk) or orally in the presence of other counsel of record. Because of the geographical size of the district, attorneys are encouraged to arrange conference phone calls with the Judge to dispose of any matters which can reasonably be conducted by phone, including motions.

## RULE FOUR (4)

### COURTROOM DECORUM

#### **4.01. Space Within Bar**

During jury trials, the space within the bar in the courtroom is reserved for attorneys and for litigants actually engaged in trial. All other persons will be seated outside of the bar.

#### **4.02. Side Remarks**

Attorneys shall not make side remarks to each other, and shall address all objections directly to the Court.

#### **4.03. Examining Witnesses**

Counsel will stand when examining and cross-examining witnesses and when addressing the Court or the jury, unless excused by the Court.

#### **4.04. Forbidden Conduct**

Smoking, chewing gum or tobacco, or eating in the courtroom is forbidden at all times, except counsel and witnesses may have water provided.

#### **4.05. Approaching the Bench**

Attorneys will not approach the bench without permission of the Court.

#### **4.06. Familiarity with Participants**

During trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel, and the use of first names for adults shall be avoided. No juror shall be addressed individually by name, except upon voir dire.

#### **4.07. Conversing with Jurors**

No attorneys, parties, witnesses or any other person interested in a case being tried shall engage in any conversation with any juror until such juror's service in that case has ended.

#### **4.08. Spectators' and Litigants' Conduct**

When Court is in session, all spectators and litigants shall be seated at all times and shall not talk, laugh, whisper or otherwise make any noise that would be distracting or would otherwise disturb the proceedings.

#### **4.09. Interruptions by Counsel**

Counsel shall refrain from interrupting the Court or opposing counsel until the statement being made is fully completed, except when absolutely necessary to protect the client.

#### **4.10. Addressing the Court**

Counsel should respectfully await the completion of the Court's statement or opinion before pointing out objectionable matters.

**4.11. Conduct Toward Witnesses**

Counsel shall not engage in intentionally discourteous behavior to the litigants or witnesses for the purpose of obtaining an advantage.

**4.12. Attendance**

Lawyers and litigants should be prompt in arriving in the courtroom.

**4.13. Objections**

The legal grounds for an objection should always be stated without argument or discussion except by leave of the Court.

**4.14. Distractions**

Lawyers should refrain from speaking in such audible tones in the courtroom as to distract or otherwise disturb the proceedings and are responsible for controlling the conduct of their clients and witnesses in a similar manner.

**4.15. Plaques, Pictures, etc. in Courtroom**

No plaques, pictures, or other wall decorations shall be placed in any full time courtroom without the prior written approval of the Presiding Judge who shall act on the consent of the other judges of record.

**RULE FIVE (5)**

**FILING AND SERVICE OF PAPERS**

**5.01. Filing with Clerk.**

All documents appropriate for filing, including pleadings, motions, and briefs, but excluding decrees, orders and judgments, shall be submitted to the clerk and not mailed directly to the judge, unless the Court specifically directs the parties or their attorneys otherwise. Decrees, orders, and judgments approved by the parties or their attorneys shall be submitted to the judge for signature pursuant to the provisions of Local Rule 15. If such decrees, orders or judgments are mailed to the judge, they shall be accompanied by an envelope addressed to the office of the appropriate clerk or one of the attorneys of record.

**5.02. Certificate of Service.**

All documents submitted to either the clerk or the judge pursuant to Section 5.01 shall contain a certificate of service showing the date of service and the name of the person or persons served. The clerk may refuse to file documents if they do not contain such a certificate of service.

**5.03. Proof of Indigency / Civil Cases.**

The Clerk shall accept no civil pleading except upon payment of proper costs and fees except in a properly filed case of indigency. Indigent litigants wishing to file under a pauper's oath shall file with their complaint a completed Uniform Civil Affidavit of Indigency as required by Supreme

Court Rule 29. False swearing on this Affidavit will be considered as contemptuous and be dealt with accordingly.

**5.04 Request for Alias Summons.**

In order to preserve any right consistent with the issuance of alias summons, the parties must file with the Clerk a written request for alias summons.

**5.05 Custody of Files**

The Clerk shall have custody of all papers and records of the Court. Files may not be withdrawn without an approved Order of the Court. Provided that for the purpose of copying or reviewing materials, an attorney or staff person of an attorney may, with the permission of the Clerk, check out a file for no more than one working day by signing a receipt book. The Clerk shall always be responsible for the file being present at any Court hearing.

RULE SIX (6)

ASSIGNMENT OF CIVIL CASES --  
CIRCUIT COURT

**6.01. Initial Assignment of All Circuit Court Cases.**

The Circuit Court judges of the three parts shall adopt a method for the initial assignment of all civil cases originally filed in the Circuit Court and those appealed to the Circuit Court. The clerk shall not be authorized to assign cases to a particular part, except in compliance with the method adopted by the three judges.

**6.02. All Matters Remain in the Same Part with Exceptions.**

Once a case has been assigned to a part of the court all proceedings in that case shall be heard by that judge, except the following cases may be heard by any Circuit Judge.

- A. Worker's compensation approvals.
- B. Uncontested divorces.
- C. Uncontested adoptions.
- D. Legitimation petitions.
- E. Minors' claims approvals.
- F. Petitions to change name.
- G. Restoration of citizenship.

**6.03. Divorce Cases.**

Divorce cases shall be assigned by the method adopted by the judges, but any one of the judges may issue temporary restraining orders and conduct preliminary hearings on the issues of temporary support, custody, and visitation.

**6.04. Motions to Transfer.**

A party requesting a transfer of a case shall obtain a transfer order from the Court to which the case is assigned. If the motion to transfer is based upon allegations that two or more cases are companion cases or contain related issues and parties, the cases will be consolidated in the part of the court where the oldest related or companion case is pending.

**6.05. Consolidation of Cases.**

If companion or related cases are transferred to one part of the court, only the judge serving in that part shall determine whether or not the cases will be consolidated for trial.

**6.06. Termination Other Than on the Merits.**

Once a case has been assigned to a part by the adopted method and it is to be tried or retried following a non-suit, mistrial, reversal, setting aside of verdict, granting a new trial, dismissal on grounds other than on the merits, or for any other reason, then such case shall be tried by the same part to which it had been assigned unless good cause to the contrary shall appear. (T.R.C.P. Rule 59.06 provides that if the trial court grants a new trial because the verdict is contrary to the weight of the evidence, upon the request of either party, the new trial shall be conducted by a different judge. If the attorneys of record are aware that this rule is applicable, it shall be their duty to so notify the court.)

**6.07. Interchange of Judges.**

Any judge or chancellor may hear and determine any case by interchange when the efficient administration of justice will be served by said interchange. Having a case heard by a judge or chancellor from another part shall not constitute a transfer of the case to that part of the court.

**6.08. Docket Books.**

The clerk shall maintain separate civil docket books containing the cases that have been assigned to the respective parts of the court and another separate docket book containing cases that have not yet been assigned.

RULE SEVEN (7)

SETTING CIVIL MATTERS FOR TRIAL,  
CONTINUANCES, DORMANT CASES

**7.01. Civil Docket Calls.**

Civil docket calls for Circuit Court may be set from time to time as deemed appropriate. The Chancery docket calls shall be as shown on Table One.

**7.02. Method of Setting Jury Cases.**

Civil jury cases shall be set for trial in one of the following ways:

- a) by joint motion of all counsel stating the case is ready followed by a telephone conference to secure a date from the appropriate Judge; or
- b) by motion to set and request to docket filed by either side with notice to all opposing counsel/parties; or
- c) by the Court with notice to counsel; or
- d) by the Court at docket call.

**7.03. Method of Setting Civil Non-Jury Cases and Motions Requiring Three (3) Hours or Less.**

The attorney for the moving party on any civil non-jury trial or civil motion legitimately requiring no more than three (3) hours desiring to be heard in the Circuit Court on a regularly scheduled non-jury day shall notify the Clerk in writing that he/she desires to have the matter docketed. The request to docket shall be similar to Form One (1) attached hereto and shall state the case name, the docket number, the desired hearing date, the attorneys for the parties, whether the matter is contested or uncontested and if contested, the estimated time required for the hearing and a certification that the matter is ready. Requests to docket must be received by the Clerk not less than seven (7) days in advance of the requested hearing date. No request to docket shall be filed unless the requested hearing date: 1) has been agreed to by the parties, or 2) has been set by previous order of this Court, or 3) in the case of motions to set only, has been properly noticed to all parties. On motions to set may be docketed by notice.

**7.04. Method of Setting Civil Non-Jury Cases and Motions Requiring More Than Three (3) Hours.**

Non-jury matters requiring more than three (3) hours shall be set in the same manner as provided in Local Rule 7.02.

**7.05. Trial Certification.**

Whenever counsel seeks the setting of a case, counsel is deemed to certify the following:

- (1) the case is at issue;
- (2) all depositions have been taken or properly scheduled;
- (3) settlement has been attempted;
  
- (4) all pending objections and motions have been disposed of;
- (5) all necessary witnesses have been located and, insofar as can be determined, will be available; and
- (6) the case is ready for trial in all respects foreseeable to counsel.

**7.06. General Sessions Appeals.**

All non-jury appeals from General Sessions Court will be set by the Clerk on the next scheduled non-jury day following the filing of an appeal. All litigants and witnesses must be present. Continuances will be allowed only upon the filing of a proper motion, good cause shown, and entry of an order on the minutes of the Court granting the continuance. All appeals from General Sessions Court wherein a jury demand is made shall be called up for assignment at the next scheduled non-jury day following the filing of an appeal.

**7.07. Dormant Cases.**

To expedite cases, the Court may take reasonable measures to purge the docket of all cases which have been dormant for an extended time without cause shown. Cases pending for more than two (2) years may be placed on the dormant list if they have not been set for trial or an appropriate scheduling order has not been entered. A notice that the case is considered as dormant and will be dismissed without prejudice unless a motion to the contrary is filed within sixty (60) days will be sent to the attorneys involved or to the parties if they are not represented. If the action outlined in the dormant notice is not taken, the Court may dismiss the case.

**7.08. Continuances.**

Cases shall not be continued by agreement of the parties without an order of the trial court assigned the case. The court will not grant a continuance except for good cause shown. Motions for continuance should be presented to the court as soon as practical after the good cause is known to the parties and their attorneys.

RULE EIGHT (8)

JURY DEMAND IN CIVIL CASES

**8.01. Jury Demand.**

In any civil case in which a jury is demanded, the words "Jury Demand" shall be typewritten in capital letters on the first page of the pleading opposite the style of the case above the space for the case number. (Failure to comply with this requirement will not be considered a waiver of the right to a jury so long as a proper jury demand is contained within the pleading.)

**8.02. Session Appeals.**

In any case appealed from the General Sessions Court wherein a jury is desired, a separate written demand for a jury trial shall be filed along with filing of the appeal bond. Failure to comply with this rule constitutes a waiver of the right to a jury trial in sessions appeal cases.

RULE NINE (9)

COURT REPORTERS IN CIVIL CASES

It shall be the responsibility of the party desiring to have a record of civil proceedings to contract with and pay a court reporter.

RULE TEN (10)

STATUS CONFERENCE IN CIVIL CASES

**10.01. Status Conference.**

The court may conduct a status conference with the attorneys and/or the parties when such a conference is deemed appropriate to expedite the orderly preparation of the case. During or immediately following such a conference, a scheduling order shall be entered.

**10.02. Scheduling Order.**

The scheduling conference may be waived by the parties if they agree upon an appropriate scheduling order (see Form Six (6) attached hereto) and said order is approved and entered by the court. A scheduling order should include limits of time on the following:

- (1) To join other parties.
- (2) To amend the pleadings.
- (3) To file and hear motions.
- (4) To complete discovery.
- (5) To list issues of fact and law.

RULE ELEVEN (11)

PRE-TRIAL PROCEDURE, BRIEFS, AND  
EXHIBITS IN CIVIL CASES

**11.01. Pre-trial Conference.**

In all civil actions, jury or non-jury, set for trial on the merits, at least seventy-two (72) hours prior thereto, counsel shall meet in a pre-trial conference in which the parties shall:

- a) Furnish the name and addresses of witnesses (other than impeachment and rebuttal witnesses) to opposing counsel.
- b) Furnish all exhibits which are proposed to be offered in evidence (other than impeachment and rebuttal exhibits) to opposing counsel and marked for filing, if not objectionable. Objectionable exhibits shall be marked for identification and the court will rule on the objection prior to jury selection.
- c) Depositions to be used as evidence (other than for impeachment) shall be filed with the Clerk.
- d) The attorneys shall advise the Court if there are any unique, complex, or complicated issues to be resolved in order that the Court may determine whether a pre-trial order is merited.

**11.02. Depositions as Exhibits.**

- a. It is not necessary to file depositions that are not used as evidence.
- b. The use of depositions as evidence shall be governed by the Rules of Civil Procedure.
- c. Depositions and other discovery material not read into evidence but submitted to the court on other issues shall be marked as exhibits to the record.

**11.03. Trial Exhibits.**

All trial exhibits admitted into evidence or marked for identification shall be entrusted to the custody of the court reporter if one is being used, or to the clerk of the court when there is no court reporter, unless otherwise directed by the court.

**11.04. Disposal of Exhibits.**

After final termination of any case, the parties shall have forty-five (45) days to withdraw exhibits and/or depositions. The court reporter or the clerk shall be authorized to destroy or otherwise dispose of exhibits and depositions not withdrawn within fifteen (15) days after notice of such disposition is given to the parties or their attorneys.

RULE TWELVE (12)

MOTIONS IN CIVIL CASES -- CIRCUIT COURT

The following provisions shall apply to motions filed in Circuit Court civil cases with the exception of motions for summary judgment, default judgment, new trial, alter or amend judgment, additur/remittitur, publication, dismiss, admission, pro hac vice, sever, in limine, permission to file third party action, intervene, findings of fact and conclusions of law, to extend order of protection, and in domestic relations cases. (All motions in domestic relations cases shall be controlled by T.R.C.P. and specific orders or rules of the courts hearing the cases.)

**12.01. Time for Filing Dispositive Pre-Trial Motions.**

Dispositive motions must be scheduled to be heard at least thirty (30) days before a trial, unless the court directs otherwise.

**12.02. Time of Hearing.**

Motions will be set for hearing in accordance with Local Rule 7.

**12.03. Motions, Responses, Replies and Briefs.**

a) Motions shall clearly state with particularity the grounds therefor and shall set forth the relief or order sought as required by T.R.C.P. 7.02.

b) Motions and responses that require resolution of an issue of law shall be accompanied by a memorandum of law and/or statement of facts in support thereof. Any motion, response, brief or memorandum of law that makes reference to a transcript or deposition shall refer to the specific page(s) of the transcript or deposition involved. Whenever a memorandum cites an unreported Tennessee case, a federal authority, or authority from another state, a copy of the referenced legal authority shall be attached to the memorandum and furnished to the court and the opposing party.

c) Opposition to motions may be filed in writing or presented orally at the time of the hearing. If legal authorities are relied upon in opposition to the motion filed, the same provisions set forth in Paragraph (b) above shall apply to the citation of those legal authorities.

**12.04. Failure to Appear at a Motion Hearing.**

If any party fails to appear at a hearing scheduled on a motion as herein provided, the court may either strike or adjudicate the merits of the motion as justice may require. When the court rules on

a motion in the absence of one or more parties or their representatives said ruling shall be recorded on the docket in the office of the clerk.

**12.05. Agreed Orders.**

If the parties agree upon an order that would dispose of a motion that has been set for hearing, the clerk shall be notified of said agreement as early as possible before the date of the hearing. The agreed order will then be submitted to the judge as herein provided.

**12.06. Certificate of Attempt to Reach Agreement.**

Any party and/or counsel filing any motion shall place thereon a certificate of attempt to reach an agreement which shall consist of the following:

I certify that prior to filing this motion I personally contacted my adversary by telephone and/or in writing and no agreement regarding the relief sought could be reached.

This \_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Counsel for \_\_\_\_\_

**RULE THIRTEEN (13)**

**DISCOVERY IN CIVIL CASES**

**13.01. Filing Required Only for Use by Court.**

Interrogatories, Requests for Production, discovery depositions, or any other discovery material shall not be filed with the clerk unless and until such material is to be considered by the court for some purpose.

**13.02. Extension of Time for Responses to Discovery.**

The parties or their attorneys may voluntarily agree to extend the time for responding to interrogatories, Requests for Production, or Requests for Admissions. If any party needs additional time to respond and no agreement can be voluntarily made for the extension of time, the issue can be presented to the court in the normal fashion by filing a Motion for Additional Time. The court may extend the time for responding for good cause shown.

**13.03. Form and Length of Interrogatories.**

a) No interrogatories shall contain more than forty-five (45) single questions, including sub-parts, without leave of court. A motion seeking permission to serve more than 45 interrogatories shall be accompanied by the proposed interrogatories the party wishes to serve. If a party is served with more than forty-five (45) interrogatories without an order of the court authorizing the additional number, that party shall only be required to respond to the first forty-five (45) questions.

b) After each separate question and sub-question, a blank space shall be provided reasonably calculated to be sufficient to contain the answer thereto. The responses to the interrogatories may be in the blanks provided therefor, or on separate pages with corresponding numbers. The responses shall be signed and verified by the person to whom the responses are attributed.

c) Responses shall be made to all interrogatories by either furnishing the answer requested or filing objections with the stated reason for declining to answer. The original verified responses shall be served on the party propounding the interrogatories with copies served on all other parties or their attorneys of record.

#### **13.04. Requests for Admissions.**

a) Following each request for admissions, a blank space shall be provided reasonably calculated to enable the responding party to enter the appropriate response. The responses may be typed in the blank spaces provided or submitted on separate sheets with corresponding numbers.

b) If an objection to a request is made in lieu of some response thereto, the reason for the objection must be fully stated.

c) The party to whom the requests for admissions are directed or their attorney may sign the responses and serve the original response on the propounding party or their attorney with copies being served on all other parties or attorneys of record.

#### **13.05. Objection to Requests for Production.**

When objecting to requests for production made pursuant to T.R.C.P. 34, the request shall be repeated immediately preceding the objection.

#### **13.06. Motions to Compel Discovery.**

Motions to compel discovery shall at least include the following:

a) Either a verbatim quote of the interrogatory, request, question from deposition, and the objection or response thereto; or a copy of the interrogatory, request, excerpt of deposition and any response or objection shall be attached; and

b) Statements of reasons supporting the motion; and

c) A certificate of the attempt to reach an agreement between the parties or their attorneys as provided in Local Rule 12.06.

#### **13.07. Motions for Protective Orders and to Quash Subpoenas.**

Motions for protective orders filed pursuant to T.R.C.P. 26.03, motions to quash subpoenas for discovery filed pursuant to T.R.C.P. 45.02, or any motion to otherwise postpone or restrict discovery shall include the following:

a) Either a verbatim quote of the interrogatory, request, questions, or subpoena, or be accompanied by a copy of said interrogatory, request, question, or subpoena; and

b) Statement of specific grounds supporting said motion; and

c) Be accompanied by a certificate that the parties or their attorneys have attempted to reach an agreement as provided by Local Rule 12.06.

#### **13.08. Exhibits to Depositions.**

Agreements to furnish exhibits made during the taking of depositions may be enforced by a motion to compel pursuant to T.R.C.P. 37 and Local Rule 13.06.

## RULE FOURTEEN (14)

### REQUESTS FOR SPECIAL INSTRUCTIONS, VERDICTS, AND FINDINGS OF FACT AND CONCLUSIONS OF LAW

#### **14.01. Requests for Special Instructions.**

When counsel submits special requests for instructions, copies shall be furnished to all adversary counsel. When a request for an instruction is made that is contained in Tennessee Pattern Jury Instruction, the request shall be made by reference to “TPI No. \_\_\_\_\_.” If the request is for modification of a TPI instruction, reference shall be made to the TPI number and the exact proposed language of the modified instruction shall be furnished. When a request for an instruction is made and there is no TPI, this fact shall be stated and the authority for the request shall be cited at the conclusion of the proposed instruction. Special requests must be supplied to the court and adversary counsel at least forty-eight (48) hours prior to trial. Pursuant to T.R.C.P. 51, the court may, in its discretion, entertain requests for additional instructions at any time before the jury retires to consider its verdict.

#### **14.02. Requests for Special Verdicts.**

Requests for special written findings of fact and/or written interrogatories upon one or more issues of fact pursuant to T.R.C.P. 49 shall be submitted to the court seven (7) days before the commencement of the trial accompanied by a proposed verdict form. The court shall inform the parties and/or their attorneys of its proposed action on requests for special verdicts before the closing arguments are made to the jury.

#### **14.03. Written Findings and Conclusions.**

Requests for written findings of fact and conclusions of law should be accompanied by proposed finding of fact and conclusions of law and submitted in writing before the entry of judgment. The Court may decline to make written findings of fact and conclusions of law if findings and conclusions have been stated from the bench or if no transcript is available.

## RULE FIFTEEN (15)

### PREPARATION AND SUBMISSION OF ORDERS AND JUDGMENTS

#### **15.01. Preparation.**

Unless the trial Judge directs otherwise, attorneys for prevailing parties will prepare orders for entry by the Court. All orders must be approved by all counsel and received by the trial Judge within thirty (30) days following the day on which the ruling is made by the Court.

#### **15.02. Five Day Rule.**

When the parties and/or their attorneys fail to agree on an order to be submitted to the judge as anticipated by 15.01, any party may submit a proposed order directly to the judge under the Five Day Rule with the certification that efforts to agree on an order have failed. Copies of such a proposed

order are to be furnished to all other parties of record or their attorneys. Any party or attorney who objects to the proposed order shall so notify the judge and submit their proposed draft of the order within five (5) days after receiving notice that an order has been submitted to the judge. The Court will not approve an order submitted on behalf of one of the parties unless it is approved as provided in 15.01 or the procedures set forth herein are followed.

**15.03. Order Prepared by the Court.**

If an order or judgment is not submitted to the judge within thirty (30) days as provided by either 15.01 or 15.02, the court may prepare an appropriate order or judgment and file it with the clerk with instructions to furnish copies to the parties or their attorneys.

RULE SIXTEEN (16)

NEGOTIATIONS AND SETTLEMENTS  
IN CIVIL CASES

**16.01. Award of Expenses.**

If any case is settled within forty-eight (48) hours before trial is to begin, the Court may award compensation to witnesses for lost income and/or travel expenses and tax the same as cost.

**16.02. Court Approval of Settlements.**

All joint petitions for approval of worker's compensation, legitimation and minor's claims must be filed with the Clerk before being presented to a Judge. In the event such a petition is denied, all further proceedings must be heard by the Judge who denied the original petition. In the event a minor or incompetent person is not represented by counsel, the Court may require that a guardian ad litem be appointed for the person if the Court is not satisfied with the proposed settlement, and in that event, the fee of said guardian ad litem will be taxed as part of the costs.

**16.03. Presentment of Settlements.**

Proposed settlements and other uncontested matters may be presented to the judge at any time and place scheduled by the judge, including his office, before court, after court, at recesses, or in open court.

**16.04. Notice Immediately Upon Settlement.**

If a case is set for trial and the parties subsequently reach a settlement, notice of such settlement shall be immediately given to the office of the clerk and the judge. An agreed order shall be promptly prepared and submitted to the court for approval within a reasonable time, but it may be submitted by mail.

## RULE SEVENTEEN (17)

### DOMESTIC CASES

#### **17.01. Income and Expense Statements.**

In all domestic cases where support is an issue, five (5) business days before trial both parties shall file and serve upon their adversary a sworn income and expense statement in the form shown on Form 2 of these rules. The State of Tennessee is not required to file income and expense statements in Title IV-D Child Support Cases.

#### **17.02. Asset Stipulations/Statements.**

In all domestic cases where assets are to be distributed pursuant to the court order, each party shall file a financial statement containing a list of their assets with an estimate of value and a list of their debts. This statement may be in the form shown on Form 3 of these rules.

#### **17.03. Parties' Proposed Asset Distributions.**

Each party shall file and serve upon opposing counsel at least forty-eight (48) hours before trial, a proposed asset distribution in the form shown on Form Four (4) of these rules.

## RULE EIGHTEEN (18)

### MOTIONS IN LIMINE (CIVIL CASES)

#### **18.01. Deposition Testimony.**

All anticipated objections to deposition testimony pursuant to T.R.C.P. 32.02, must be made by written motion in limine filed at least five (5) days before trial or the objection is waived.

#### **18.02. Objections to Admissibility of Evidence.**

Attorneys are encouraged to raise appropriate evidentiary objections by written Motions in Limine filed at least five (5) days before trial.

#### **18.03. Using Audio/Visual Recordings.**

Motions in Limine relative to audio or video recordings are governed by Local Rule 19.

## RULE NINETEEN (19)

### NOTICE OF INTENT TO USE AUDIO/VISUAL RECORDING REQUIRED (CIVIL AND CRIMINAL CASES)

This rule shall apply to both civil and criminal jury cases. When a party intends to offer an audio and/or visual recording as evidence in a jury trial, counsel must provide actual or written notice to

all adverse counsel at least twenty-one (21) days before trial. All adverse counsel shall be afforded an opportunity to hear and view the proposed audio or visual recording. If any adverse counsel has objections to any part of the audio or visual recording, such objections shall be made in writing at least ten (10) days before the trial. The attorneys shall make a good faith effort to resolve all objections. If no resolution is reached between the parties, a Motion in Limine shall be filed and set for hearing a sufficient amount of time before trial to enable the court to hear and view the audio or visual recording and rule on the objections. Sufficient time should then be given to permit the editing of the recording, and if necessary, to remove objectionable matters. This rule does not void the requirements of Tenn. R. Crim. P. 12(d).

## RULE TWENTY (20)

### ASSIGNMENT OF CRIMINAL CASES

#### **20.01. Apportioning Indictments.**

The Circuit Judges of the three (3) Parts shall adopt a method for the assignment of criminal cases. The Clerk may not assign a case to a particular Part other than by using the method directed by the Court.

#### **20.02. Criminal Appeal Cases.**

Thirty (30) days after an appeal is filed the case will be assigned by the Clerk to the Part with the first available day for criminal matters. On that date the Court will schedule the case for trial. Counsel for all parties must be present for assignment of the case.

#### **20.03. Rejected Pleas.**

In the event that the Judge of any Part rejects a proposed plea in a particular case, all further proposed pleas in that case may only be presented to the Judge of that Part.

**20.04. Affidavits of Indigency.** Any attorney licensed to practice law in the Twelfth Judicial District shall have standing at any time to challenge by motion the indigency of any person for whom counsel has been appointed by the Court.

## RULE TWENTY-ONE (21)

### DISPOSITION OF CRIMINAL MATTERS

#### **21.01. Non-Jury Criminal Matters.**

In addition to actual trial days in the criminal courts, there is hereby designated: (1) grand jury and trial jury selection days, (2) grand jury days, which include the impaneling and charging of grand juries and the receiving of grand jury reports, (3) arraignment or bound over days, (4) discussion days, (5) plea and case assignment days which shall include sentencings and such other matters as may come before the court. The regular days for such criminal court sessions are shown on Table Three (3). The judges may set such other days as they from time to time deem necessary.

**21.02. Discussion Days.**

Discussion Day is designated as a time for defense counsel and representatives of the District Attorney General's Office to discuss the possibility of reaching a just resolution of the pending case or cases. All Defendants whose cases are not yet assigned a trial date and who have not agreed to a plea in their criminal cases must be present. At 9:00 A.M. the Clerk of the Court shall call a role of all named Defendants. For any Defendant failing to appear at 9:00 A.M., the Clerk shall issue a failure to appear warrant and bond for such warrant shall be set only by a Circuit Court Judge in open Court.

In the event an agreement is reached, the guilty plea will be accepted at the next scheduled plea or assignment date. The Court will begin accepting guilty pleas at 9:00 A.M. on the scheduled plea and assignment day. Counsel for all parties are expected to have the necessary paperwork prepared prior to court convening. If no plea agreement is reached, the case will be set for trial at the plea and assignment date. Once the case is set for trial, the Court will only accept guilty pleas to the indicted offense or offenses.

**21.03. Pre-Trial Motions.**

a) Non-dispositive pre-trial criminal motions which are not otherwise covered by Local Rule 22 may be filed at any time up to forty-eight (48) hours prior to trial unless otherwise directed by these rules.

b) Dispositive motions must be filed and docketed for hearing no later than thirty (30) days prior to trial, absent a showing of good cause.

**21.04. Revocation of Probation.**

All revocation warrants or petitions shall be returnable to the next scheduled criminal non-jury day.<sup>1</sup>

**21.05. Post Conviction Matters.**

Upon the filing of a post conviction petition, the Clerk shall immediately send a copy of same to the office of the District Attorney General and shall docket the case for hearing at the next scheduled criminal non-jury day<sup>1</sup> for the purpose of announcement / appointment of counsel and other pertinent matters relative to consideration and hearing of the matter.

**RULE TWENTY-TWO (22)**

**DISCOVERY IN CRIMINAL CASES**

**22.01. Request for Discovery.**

a) Within twenty (20) days after arraignment, a Defendant shall file a Request for Discovery;

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<sup>1</sup>Criminal discussion days are not considered non-jury days under this provision since no judge is present on discussion days.

b) The State shall respond within thirty (30) days to the Defendant's request for discovery set forth above;

c) The Defendant shall provide any reciprocal discovery required within thirty (30) days from the proper request by the State.

Both parties shall have an affirmative duty to make a good faith effort to ascertain and supply all discoverable material and there shall be the continuing duty for both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of this rule.

**22.02. Motions to Compel.**

a) Motions to compel discovery pursuant to Tenn.R.Crim.P.16 must be filed within twenty (20) days of opposing party's failure to comply with Local Rule 22.01.)

b) Motions to compel discovery must recite that the state has failed to comply with Local Rule 22.01 and be accompanied by certificate of attempt to reach agreement as provided by Local Rule 12.06.

**22.03. Pre-Trial Diversion.**

a) Applications for pre-trial diversion should be filed as soon as possible, but in no event shall the application be filed more than ninety (90) days after arraignment.

b) The State shall have thirty (30) days after the filing of the pre-trial diversion application within which to respond.

c) A Defendant shall file a writ of certiorari or petition for review of a denial of pre-trial diversion within ten (10) days after the denial.

**RULE TWENTY-THREE (23)**

**GRAND AND PETIT JURY SELECTION  
AND SERVICE, REGULAR DAYS OF COURT**

**23.01. Impaneling Grand Jury.**

In Bledsoe County grand juries shall be impaneled and charged on the fourth Monday in March, July, and November.

In Franklin County grand juries shall be impaneled and charged on the first Monday in January, May, and September. In Franklin County, the charged panel shall reconvene without a Judge present on the first Monday in March, July, and November.

In Grundy County grand juries shall be impaneled and charged on the second Monday in March, July, and November.

In Marion County grand juries shall be impaneled and charged on the first Monday in February, June and October. In Marion County the charged panel shall reconvene without a Judge present on the first Monday in April, August, and December.

In Rhea County grand juries shall be impaneled and charged on the first Monday in April, August, and December. In Rhea County the charged panel shall reconvene without a Judge present on the first Monday in February, June, and October.

In Sequatchie County grand juries shall be impaneled and charged on the fourth Monday in January, May, and September.

**23.02. Grand Jury Selection.**

Pursuant to T.C.A. 22-2-304, the jury commission shall select the venire for the ensuing session as determined by the presiding judge at such times as the presiding Judge or his designate shall so direct. The presiding Judge or his designate shall in open Court select the grand juries in accordance to law prior to the impaneling and charging of the grand jury. The Court shall also select the trial juries which may be separated into two (2) or more panels to serve until replaced by a subsequent panel. Members of one (1) panel may be required to serve with another panel should the need so arise. It shall be the responsibility of the Clerks of the various courts to notify the grand jurors and the trial jurors of the date and times their services are required.

**23.03. Regular Days of Court<sup>3</sup>**

- a) Civil non-jury days will be held as shown on Table Two (2).
- b) Criminal non-jury days and Grand Jury days shall be as shown on Table Three (3).

RULE TWENTY-FOUR (24)

POST-CONVICTION MATTERS

On the date of filing of a post-conviction petition, the Clerk shall fax a copy to the Judge of Part I and the District Attorney General. Within fourteen (14) days of receiving the petition, the District Attorney shall file an answer and/or a motion to dismiss.

RULE TWENTY-FIVE (25)  
PROFESSIONAL BONDSMEN

**25.01. Petitions.**

A. Petitions for approval of a bonding company or its agents shall be on a form consistent with that provided by the Circuit Court Clerk of Franklin County. All petitions for approval of a bonding company and/or an agent thereof must be filed in the Office of the Circuit Court Clerk of Franklin County regardless of which county or counties of the Twelfth Judicial District approval is sought.

B. Petitions for approval of a bonding company or of an agent thereof shall be heard by the Circuit Court Judges of the 12th Judicial District of Tennessee sitting en banc.

**25.02. Collateral.**

A. Effective January 1, 2001, all applicants seeking to open a professional bail bond company in the 12<sup>th</sup> Judicial District are required to post a minimum of Ten Thousand Dollars (\$10,000.00) in cash

with the Circuit Court Clerk of Franklin County as security for bail bonds written. No real or other personal property collateral will be approved by the Court. An approved Bonding Company may post additional cash collateral in increments of One Thousand Dollars (\$1,000.00) with the Circuit Court Clerk of Franklin County at any time.

1. This collateral may be in the form of one or more Certificates of Deposit issued by a federally insured financial institution chosen by the Circuit Court Clerk of Franklin County. Such Certificate of Deposit shall be issued to the Franklin County Circuit Court Clerk as Trustee for the bonding company, and shall require either the signature of both the Clerk and the owner of the company, or a Court Order, before being withdrawn.

2. A Certificate of Deposit shall not exceed a face value of Ten Thousand Dollars (\$10,000.00), and its term shall be for a period of time not to exceed one year. Any interest accruing on the Certificate of Deposit will not be considered as additional collateral and shall be paid by the financial institution to the bonding company upon maturity of the Certificate. Any notices or statements issued by the financial institution shall be mailed to both the Franklin County Circuit Court Clerk and the bonding company.

B. All companies previously qualified must requalify under the provisions of these rules on or before April 1, 2001.

C. Any bonding company sold or transferred to another person for any reason must meet all guidelines and requirements in effect at the time of court approval as if for a new company, unless otherwise ordered by the Court for good and sufficient cause. The Court must approve all transfers and/or sales before any liability of the previous owner is released by the Court.

#### **25.03. Limits.**

A. Any company approved by the Court may write bonds in the Courts of the 12<sup>th</sup> Judicial District so long as its outstanding bonds in the Circuit Courts do not exceed ten (10) times the amount of the cash collateral posted with the Franklin County Circuit Court Clerk.

A bonding company may be allowed to write any one bond for any one person in an amount equal to one half (50%) of the total collateral posted.

B. The Circuit Court Clerk of each County shall keep a file in each county for each bonding company. The respective Clerks shall make copies of all bonds in duplicate and shall file one in the bond file and one to the individual case file.

C. The District Attorney General shall review all bonding companies' outstanding bonds, forfeitures, and final judgments on a monthly basis. The District Attorney General shall notify the Circuit Court Judges, the Sessions Court Judges, the Clerks' offices, and the jails of those bonding companies that have exceeded their allowed limits or have uncollected final forfeitures.

A bonding company exceeding its total allowable bond limit shall be removed from the list of approved bonding companies. A company exceeding its limits shall not be allowed to write any bail bonds until the outstanding bonds are within the company's allowable limits.

#### **25.04. Forfeitures and Petitions for Relief or Exoneration From a Forfeiture.**

A. The Circuit Court Clerk of each County shall notify each bonding company of every forfeiture for which that company is responsible. Notices of forfeitures, or Scire Facias, shall be made available for each company to pick up on a weekly basis.

The bonding company shall pick up all Notices each week and shall sign and date a duplicate copy indicating date of receipt. The bonding company's failure to pick up Notices shall be a waiver of any objection and shall be deemed notice for all purposes under this rule.

B. The clerk shall file all conditional and final forfeitures in a separate bond forfeiture docket book. Upon conditional forfeiture, the clerk shall docket the case for a final forfeiture hearing not less than one hundred eighty (180) days nor more than two hundred ten (210) days after entry of the conditional forfeiture.

Bonding companies will be allowed total forfeitures in the 12<sup>th</sup> Judicial District Sessions Courts and Circuit Courts, combined, in an amount equal to the amount of collateral posted.

Bonding companies that are within their forfeiture limit will be allowed 180 days beginning when the forfeiture was taken, within which to surrender the defendant to the court, before a Final Judgment will be issued requiring the bonding company to pay the amount of forfeiture.

C. Bonding companies that have exceeded their forfeiture limit at the time of the monthly review by the District Attorney General shall be removed from the list of approved companies and shall not be allowed to write any bail bonds until the forfeitures are again within the company's allowable limits. A company has exceeded its limit when the total amount of forfeitures in the Sessions Courts and/or Circuit Courts in the 12<sup>th</sup> Judicial District exceed the amount of collateral posted with the Franklin County Circuit Court Clerk.

D. A bondsman may file a Petition for Relief or Exoneration From a Forfeiture either when a surrender has been made pursuant to 25.05 of this Rule, or when the defendant has been returned by capias or other process to the custody of the Sheriff of the county where the charge is pending upon which the bond was written. The following procedures shall be followed when filing a Petition for Relief or Exoneration From a Forfeiture:

1. The bondsman shall pay the appropriate filing fee and file the Petition (Form 7) in the county where the charge is pending upon which the bail bond was written.
2. The bondsman shall serve a copy of the Petition on the District Attorney General's office either personally at least five (5) days before the hearing or by mail post-marked at least seven (7) days before the hearing.
3. The Petition may be set for a hearing by the Circuit Court Clerk on the next available plea or assignment or boundover day in the county where the petition is filed, or upon any other day, with the consent of the circuit judge who hears the petition.

E. The District Attorney General, or one of his assistants, shall attend the hearing and address the issues raised in the Petition. At the hearing on the Petition for Relief or Exoneration From a Forfeiture, the Court shall determine what relief the bondsman is entitled.

F. In the event of a final forfeiture, upon the surrender of the defendant as a direct result of the bondsman's efforts, and for a period of time not to exceed two years from the date of forfeiture, the bondsman may file a Petition with the Court requesting a refund of the payment previously made to the Court. Any refund / credit, and the amount of same, shall be in the sole discretion of the Court after a hearing. In no event will court costs paid by a bondsman pursuant to a final forfeiture be refunded by the Clerk.

**25.05. Surrenders and Petitions to Approve a Surrender.**

A. A bondsman attempting to surrender a principal must comply with T.C.A. 40-11-137, and must surrender the principal for each and every charge for which the bonding company has written a bail bond.

The following procedures shall be followed for the surrender of a defendant when no *capias* has been issued for the defendant's arrest:

- a) During normal business hours the bondsman shall obtain a certified copy of the original bond from the Circuit Court Clerk's office and complete the Notice (Form 8), informing the defendant of the right to a surrender hearing.
- b) The bondsman shall provide a copy of the Notice to the defendant who shall be given the opportunity to sign the Notice acknowledging its receipt. In the event a defendant refuses to sign the Notice, the Sheriff or his/her representative shall sign the Notice as a witness noting that the Notice was given to the surrendered defendant.
- c) The defendant may then be surrendered to the custody of the Sheriff or his representative who shall sign the certified bond and then return the signed certified bond to the surrendering bondsman.
- d) Upon surrendering defendant to the Sheriff's custody the bondsman shall pay the appropriate filing fee and immediately file a Request to Approve Surrender (Form 9) and the original of the Notice signed by the defendant or the sheriff or his representative with the Circuit Court Clerk of the county where the charge is pending upon which the bail bond was written.
- e) The bondsman shall immediately personally serve a copy of the Petition and Notice on the District Attorney General's office.
- f) The hearing date shall be set by the Circuit Court Clerk as soon as practicable and within seventy-two (72) hours of the surrender.
- g) If the bondsman also intends to request relief or exoneration from a forfeiture pursuant to 24.04(D) of this Rule when a defendant is surrendered, then he may join the requests in a joint petition (Form 10).

B. The District Attorney General, or one of his assistants, shall attend the hearing and address the issues raised in the Petition. At the hearing the Court shall determine whether the surrender was for good cause. If the Court finds that the surrender was for good cause, the Court shall approve the surrender. If the Court finds that the surrender was not for good cause, it may order the defendant released upon the same undertaking, and/or impose any other conditions within its discretion as provided by law. If the Court accepts a surrender, the bondsman may request relief or exoneration from a forfeiture as provided in 24.05 of this Rule.

#### **25.06. Final Judgments.**

A. Any final forfeiture judgment must be paid within thirty (30) days of the date of judgment. A company having an unpaid final forfeiture judgment at the end of thirty (30) days shall be removed from the approved list and not allowed to write bail bonds in the 12<sup>th</sup> Judicial District until the judgment is paid and/or the Bonding Company is reinstated by Court Order.

B. The District Attorney General or his assistant shall mail a copy of each final forfeiture judgment to the Franklin County Circuit Court within five (5) days of the execution of said order.

C. If a bonding company fails or refuses to pay a Final Forfeiture Judgment within the allowed thirty (30) days, an order shall be entered requiring an amount necessary to satisfy the judgment to be deducted from that company's collateral.

1. If the Franklin County Circuit Court is ordered to deduct the amount of judgment from the collateral, the bonding company must file a Petition with the Court requesting to be reinstated. The company must post with the Franklin County Circuit Court Clerk such collateral as is then required as a minimum for a new company under the local rules before being reinstated as an approved company.
2. The Franklin County Circuit Court Clerk must keep any remaining collateral until the bonding company has no outstanding bonds or forfeitures in the 12<sup>th</sup> Judicial District. When the company has no further liabilities with any Court, the District Attorney General shall notify the company by certified mail of the amount of funds remaining and of the company's right to a return of such funds. If, after one hundred eighty (180) days, the company has not requested in writing a return of the balance of funds remaining on deposit, said funds shall be considered abandoned and shall become the property of the Clerk of the County of forfeiture.
3. In the event that the collateral on deposit with the Franklin County Circuit Court Clerk is insufficient to satisfy a judgment, the Clerk shall proceed with other legal means of collection in order to fully satisfy the judgment. This may include attaching other property of the bonding company, its trustee, and/or its owner.
4. The Clerk shall first apply payments of a final forfeiture to any costs incurred, including but not limited to reasonable attorneys' fees and publication expenses. Thereafter, the Clerk shall apply the payment to court costs and then to the final judgment.

**25.07. Company Changes.**

A. Any changes to a bonding company's address and/or telephone number from that noted in the original petition must be made in writing and filed with the Franklin County Circuit Court Clerk who shall send certified copies to the other Circuit Court Clerks of the 12<sup>th</sup> Judicial District.

Until the bonding company notifies the Clerk of a change, the telephone number, etc., on file with the Clerk will be the information provided to and by the local jails within the 12<sup>th</sup> Judicial District.

B. Requests for changes to a bonding company's name, ownership, or agent(s) must be submitted to and approved by the Court in writing, before any change becomes effective.

Changes to a bonding company's name, ownership, or agents, shall be heard by the Circuit Court Judges sitting en banc.

1. Requests for ownership changes or the addition of an agent shall be filed with the Circuit Court Clerk no later than four o'clock (4:00) p.m. two weeks prior to the hearing.
2. Requests to delete an agent must be in writing and may be presented to the Court for its approval at any time by the Circuit Court Clerk.

**25.08. Correspondence.**

A. All correspondence from the Circuit Court Clerk's office will be mailed to the bonding company and/or agent at the address last on record in the Clerk's office.

B. In the Circuit Court Clerk's discretion, copies of monthly reports detailing a company's outstanding bonds and forfeitures in Sessions Court and Circuit Court may be made available to the companies at the Circuit Court Clerk's Office in lieu of mailing same.

### **25.09. Receipts.**

Every bondsman and/or agent must use at least duplicate carboned receipts to record all payments made by or on behalf of a defendant. A copy of the receipt must given to the defendant. Receipts shall include:

1. A specified description of all property, including cash or checks, received from the defendant or someone acting on defendant's behalf, and
2. The signature of the defendant or someone acting on his/her behalf, and
3. The balance, if any, due and the terms of paying such balance.

### **25.10. Business License.**

Each bonding company must have a valid and current business license. A copy of the license and receipt of payment for same must be filed with the Franklin County Circuit Court Clerk on an annual basis each January 15.

### **25.11. Complaints Against Bonding Companies.**

A. Any person may file a complaint against a bonding company and/or its agent.

1. Complaints must be in writing, must be legible, and include:

- a. The printed name of the person making the complaint; and
- b. The printed full address and telephone number of the person making the complaint, and
- c. The printed name of the defendant and the docket number involved, and
- d. The name and address of the bonding company and agent involved; and
- e. A summary of the circumstances or action being complained of, including when and where the alleged action took place; and
- f. The signature of the person making the complaint.

2. Upon receipt of any written complaint the Circuit Court Clerk shall

- a. First forward a copy of the complaint to the bonding company requesting a written response within ten (10) days; and
- b. After ten (10) days, provide a copy of the complaint and the response, if any, to the Court.
- c. The Clerk will then notify all parties in writing of the date and time scheduled for a hearing.

B. Upon a hearing of all parties present, the Court shall make a finding of fact as to whether or not the allegations contained in the complaint violate any rules of the Circuit or Sessions Courts, and whether or not the allegations support any ethical violations. The Court may in its sole discretion make any finding and order it deems necessary, including;

1. A referral to the District Attorney's office for any allegations that may rise to the level of a criminal offense; or
2. The suspension or termination of the bonding company's approval to do business; or

3. The refund of any premium paid or a portion thereof; or
4. The setting of any conditions the Court feels necessary.

#### 25.12. Continuing Education.

Every bail bondsman and bonding agent shall comply with the continuing education mandates of T.C.A. 40-11-401, et seq. Failure to complete the required course work and file proof with the Clerk by December 15 of each year shall disqualify said bondsman / bonding agent from making further bonds.

#### 25.13. Clerk Fees.

A. There shall be a filing fee, payable in advance, of \$15.00 for the filing of any document except the Semi-Annual Reports and proof of continuing education. Any document includes but is not limited to the following:

1. Any change in a company's name, address, telephone number;
2. The addition or deletion of any agent;
3. A response to any complaint; or
4. The notification of an arrest of a bonding company agent.

B. There shall be a \$6.00 fee, payable in advance, for the surrender of any defendant, including those done in open court. In the event of multiple charges or cases for one defendant, the fee must be paid for each charge or case for which the surrendering bonding company has liability. **No order exonerating a bondsman shall be filed unless accompanied by payment of all costs arising from the defendant's failure to appear.**

#### 25.14. Miscellaneous.

A. It shall be the responsibility of the bonding company that all bonds shall be fully completed. Bail bonds shall

1. Have the name, address and zip code number of the defendant legibly printed thereon;
2. Be signed by the agent making said bond; and
3. Have the name of the bonding company boldly and legibly stamped or printed thereon.

B. A bonding company, or its agent, must be given a copy of each bail bond at the time the bonding company, or its agent, accepts responsibility for the defendant. The bonding company must retain a copy of each bail bond for which it is liable.

C. Any bonding company authorized by the Circuit Court Judges shall file with the Circuit Court Clerk a semi-annual financial report pursuant to T.C.A. 40-11-303.

Upon the failure of any company to file this report, or any other record or document required by statute or local rules, the District Attorney General shall notify the Circuit and Sessions Court Judges and Clerks who shall remove the company from the approved list. In such event, the company shall not be allowed to write any bonds until such time as all requirements are met.

D. All persons having financial or managerial interests in a bonding company must be revealed on the initial petition and on the semiannual report.

There is no prohibition against one person or entity owning, having any ownership or financial or managerial interest more than one bonding company if:

1. Such interest is revealed to the Court, and
2. Each company is qualified with its own deposited security and the corresponding limits, and
3. Each company has its own business license and telephone number, and
4. Each company has its own separate agents who write bonds only for that one company.

E. There is no prohibition against a person or entity owning a bonding company from also owning or having an interest in any other business. Such other interest must be revealed to the Court at the time of the original petition and on the semiannual reports.

The Court may, in its discretion, impose any limits or conditions it feels necessary to ensure the professional standing or appearance of the bonding company, including, but not limited to, dress of bondsmen in the courtroom and signs and advertisements in close proximity to the courthouse.

Such measures, if any, shall be in the public interest to avoid a conflict of interest or an appearance of impropriety on the part of the bonding company.

F. An agent may be qualified for, and write bonds for, only one bonding company.

An owner of more than one bonding company may be approved by the Court as an agent for each company under his/her ownership, thereby being qualified to write bonds for each company owner.

G. Pursuant to T.C.A. 40-11-125 and 40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension, or termination of approval to do business if it appears to the Court that a bondsman:

1. Has been guilty of violating any of the laws of the State of Tennessee relating to bail bonds; or
2. Has been arrested and convicted for violating any of the laws of any state; or
3. Has a final judgment of forfeiture entered against him/her that remains unsatisfied; or
4. Has failed to comply with any local rules; or
5. Fails to satisfy any court order or judgment; or
6. Is guilty of unprofessional conduct that includes but is not limited to:
  - a. Loitering about any jail or court premises for the purpose of soliciting business;
  - b. Suggesting or advising the employment of, or otherwise making referrals to, any particular attorney to represent the defendant;
  - c. Paying a fee or giving or promising anything of value to any attorney, to acquire a bond, or receiving a fee or anything of value from any attorney;
  - d. Paying a fee or giving or promising anything of value to any clerk of court, jailer, police officer, peace officer, committing magistrate or any other person who has power to arrest or hold in custody, or to any public official or public employee to secure a bond and/or a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof;

- e. Paying a fee or rebate or giving anything of value to an attorney in bail bond matters, except in the defense of any action on a bond;
- f. Participating in the capacity of an attorney at a trial or hearing of one on whose bond he/she is surety;
- g. Surrendering a principal or asking any court to be relieved from a bail bond arbitrarily, or without good cause;
- h. Accepting anything or value from a principal except the premium; however, the bondsman shall be allowed to accept collateral security or other indemnity from the principal with the provision that such shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. When a bail bondsman accepts collateral, he/she shall give a written receipt for same, and this receipt shall given in detail a full description of the collateral received and the terms of redemption;
- i. Making or posting a bail bond for himself/herself, or for another agent of the same bonding company.

H. It shall be the responsibility of any bonding company and/or bonding company owner to immediately notify the Court, in writing, of any misdemeanor and/or felony arrest of any of its agents, including an owner/agent. Failure to do so may result in any disciplinary action against the agent and/or company the Court, in its sole discretion, find necessary.

I. It shall be the responsibility of the bonding company to have its agent in attendance on all plea and assign and boundover days.

**25.15. Enforcement.**

In the event that legal action is necessary to enforce any rules or to collect any judgment, the owner of a bonding company shall pay any attorney fees, court costs, and other costs incident thereto.

**RULE TWENTY-SIX (26)**

**PRIVATE SUPERVISORY SERVICES**

**26.01. Petition Filed.**

Before being allowed to supervise misdemeanor probationers, any private supervisory service shall formally petition the Court for approval to do so, setting forth its qualifications consistent with requirements of this rule. A copy of said petition shall be forwarded to the District Attorney General who may investigate the qualifications of said applicant and make such report to the court as he deems advisable.

**26.02. Minimum Qualifications.**

The following minimum education standards shall be required for employees of a private entity established for the purpose of supervising misdemeanor probationers under this rule:

- (1) The chief executive officer of a private entity offering probation supervision shall have at least four (4) years of administrative experience in supervisory services and shall have a Bachelor's

Degree from an accredited university or proof of full-time professional experience in correctional probation for a period of four (4) years. Said person shall have no history of criminal convictions.

(2) An employee responsible for providing probation supervision and employed by a private agency shall have had at least four (4) years of experience in criminal justice or social services supervision or counseling agencies or a Bachelor's Degree from an accredited university. No employee of a private probation supervisory service shall have a record of criminal convictions.

**26.03. Insurance.**

A private entity seeking to provide misdemeanor probation supervisory services shall, as a condition of being authorized to supervise probationers of this Court, obtain a policy of general liability insurance in a sufficient amount to cover any claims or damages arising from the negligence or misconduct of said officials or employees of such entity which may arise in the course and conduct of their duties under this rule. Such policy shall provide coverage in an amount not less than One Million (\$1,000,000.00) Dollars per occurrence.

**26.04. Monthly Reports.**

Any supervisory service approved according to this rule shall provide the Court with a current report listing all probationers assigned for supervision which shall include the case number and the length of applicable supervision. This report shall be filed monthly in the office of the appropriate Circuit Court Clerk.

**26.05. State Probation Officers.**

Private supervisory services will only be used when State probation officers are not available.

**26.06. Public Service.**

All public service shall be supervised solely by the Public Works Coordinator employed by the Tennessee Department of Corrections or such other probation officer as may be assigned by the State Department of Corrections.

**RULE TWENTY-SEVEN (27)**

**HEARINGS BEFORE THE  
CHILD SUPPORT REFEREE**

**27.01. Child Support Referee's Authority.**

The Child Support Referee shall hear only Title IV-D matters, and Title IV-D cases shall proceed promptly in accordance with federal and state statutory requirements. All non-Title IV-D child support matters will be set on the regular court docket of the appropriate court. All Child Support Referee recommended orders shall be approved by the appropriate Court, and unless otherwise ordered by the Court they shall be effective pending rehearing, approval by the Court, or appeal.

**27.02. Initiation of Referee Proceedings.**

Title IV-D proceedings before the Child Support Referee may only be initiated by the completion of an application for Title IV-D services through the offices of the Title IV-D Child Support Division

of the District Attorney General's Office *and* the filing of a motion or petition with the appropriate court Clerk. Upon such filing, the motion or petition will be set for a hearing before the Child Support Referee by the Title IV-D Child Support Division or by the Child Support Referee, and notice shall be given to the parties and the Title IV-D Child Support Division.

**27.03. Attorneys in Referee Proceedings.**

An individual party participating in a hearing before the Child Support Referee may retain a private attorney who will be paid at that party's sole expense. Private attorney representation will be with attorney-client privilege and with all incidents of the lawyer-client relationship including the confidentiality of lawyer-client communications. Attorneys employed by the Child Support Division of the District Attorney General's Office pursuant to the provisions of Tennessee Code Annotated 71-3-124 shall not have an attorney-client relationship with any party other than the State of Tennessee. All legal services provided by Title IV-D attorneys are solely on behalf of the State of Tennessee without any incidents of the lawyer-client relationship between the Title IV-D attorney and any party other than the State of Tennessee including the confidentiality of lawyer-client communications. The representation of Title IV-D attorneys shall be limited only to Title IV-D matters.

**27.04. Hearings and Orders in Referee Proceedings.**

The Child Support Referee may hear parentage cases and set child and spousal support in Title IV-D hearings as appropriate and proper under the circumstances. Upon completing a hearing, the Child Support Referee shall make a recommendation and order, which shall be transmitted to the Circuit Judge for approval and confirmation. If the Court does not approve the recommended order, it may order the matter returned to the Child Support Referee with directions for a further hearing and recommendations. At the hearing, the Child Support Referee may hear and enter recommendations in pendente lite matters, and hear uncontested visitation and custody plans, and make a custody and visitation order in cases where custody and visitation arrangements are agreed to by the parties.

**27.05. Appeals.**

All appeals of decisions of the Child Support Referee are governed by Tennessee Code Annotated 36-5-405(h). The Child Support Referee's decision on a preliminary matter, not dispositive of the ultimate issue in the case shall be final and not reviewable by the Court. Requests for a hearing before the Court must be made within five (5) judicial days of the filing of the Findings and Recommendations and Order of the Child Support Referee with the Clerk of the appropriate court. All requests for rehearing shall be filed with the appropriate Clerk of the Court and shall specify in writing with particularity those findings of fact and/or conclusions of law of the Child Support Referee which are alleged by the appellant to be in error.

If a request for a hearing before the Court is filed within five (5) days of the date of the filing of the Child Support Referee's Findings and Recommendations and Order as required by T.C.A. 36-5-504(h), the Court may grant a hearing before the Court, or order a rehearing of the case before the Child Support Referee. In the event that a hearing before the Court is granted, or a rehearing before the Child Support Referee is ordered, the provisions of the Child Support Referee's order remain in effect pending the rehearing or decision by the Court, unless otherwise modified or stayed by the Court or Child Support Referee.

## RULE TWENTY-EIGHT (28)

### RESPONSIBILITIES OF COURT OFFICER

#### **28.01.**

On criminal days the Court Officer shall be responsible for ascertaining the names of all prisoners who will be needed in Court that day and shall see that those prisoners are ready for transport by jail personnel. The Court Officer shall inquire of each prisoner if he has a private attorney and if not, the Court Officer shall have the prisoner complete prior to leaving the jail the Uniform Affidavit of Indigency.

#### **28.02.**

The Court Officer should be at the courthouse no later than 8:45 A.M. on the day of Court and shall prior to the opening of Court each day inquire of the Presiding Judge as to any special instructions that may be appropriate for that day's court business.

#### **28.03.**

The Court Officer shall open Court and shall thereafter instruct all persons to rise upon entry and exit of the jury and upon the return to the courtroom of the Judge after each recess.

#### **28.04.**

The Court Officer shall remain in the courtroom at all times while Court is in session.

#### **28.05.**

The Court Officer shall be vigilant and shall require all persons to remain quiet and shall otherwise prevent any disturbances in the courtroom during Court sessions.

#### **28.06.**

The Court Officer shall see that the jury is comfortable and shall advise the Presiding Judge of any special needs any juror may have.

#### **28.07.**

The Court Officer shall wait immediately outside the jury room during deliberations and shall report to the Court when a verdict has been reached.

#### **28.08.**

Upon adjournment of the Court at the conclusion of the day's business, the Court Officer shall inquire of the Presiding Judge as to any special needs and shall insure the Judge's safe passage to his vehicle.

## RULE TWENTY-NINE (29)

### PARENTING PLANS

#### **29.01. General Provisions.**

This rule is adopted to promulgate procedures to be followed in the Courts of Record in the 12<sup>th</sup> Judicial District of Tennessee so as to ensure that the intent of T.C.A. 36-6-401, et seq, is carried out by those parties with children involved in domestic relations cases, by clerks, by attorneys, by providers (parenting plan educators and mediators), and by the courts. If any provision herein is found to be in conflict with the legislation, the legislation will prevail.

#### **29.02. General Order.**

The General Order for the 12<sup>th</sup> Judicial District is hereby adopted. It is attached hereto as Form P-1.

#### **29.03. Duties of Clerks:**

- A. When a complaint for divorce or petition for modification in a post-divorce case is filed with the Clerk's office, the Clerk shall assure that the parenting plan package has been attached to the summons and has been made available to the filing party. If the filing party is represented by an attorney, the package shall be attached to the summons by the filing attorney. If the filing party is not represented by an attorney, the clerk shall give the filing party a package. The same package will be included in the summons to the Defendant / Respondent.
  
- B. Package Contents: The package shall contain the following:
  - 1) The General Order and open letter from the judges (Forms P-1 and P-2);
  - 2) The parents guide for education (Form P-3);
  - 3) The parents guide for mediation (Form P-4);
  - 4) The parents guide for developing a parenting plan (Form P-5);
  - 5) A list of approved educational providers;
  - 6) A list of mediators available in the district.
  - 7) Child Support Information Form (Form P-4(a)).
  
- C. The following documents will be made available by the clerks to attorneys and parents upon request:
  - 1) Temporary Parenting Plan (Form P-19);
  - 2) Permanent Parenting Plan [Form P-20(c)].
  
- D. Check List: A check list (Form P-10) will be attached by the Clerk to each case file involving divorce proceedings with minor children. The check list will be completed by the clerk as items are furnished to parties, or filed by parties, attorneys, providers, or the court. The Clerk shall maintain a monthly status report of all pending divorce actions under this Rule [Form P-10(a)].

- E. Issue a show cause order (Form P-6) to any party who has not submitted a Certificate of Attendance from a parenting education seminar within 10 days of the date attendance is required (30 days from filing for plaintiff, 30 days from service for Defendant.) If the party or parties fail to attend the Show Cause hearing, an Attachment (Form P-7) shall issue for the person or persons.
- F. Submit to the judge for signature an Order to Mediate [Form P-15(a)] if the parties have not filed an agreed parenting plan within 120 days of filing of the complaint.

**29.04. Duties of Attorneys.**

Attorneys representing parents involved in divorce proceedings involving minor children shall:

- A. Secure from the Clerk's office or otherwise all approved forms utilized under this rule;
- B. Furnish a copy of the package (29.03 B. of this rule) to their client and explain the contents to the client;
- C. Attach a copy of the package to any summons filed on behalf of Plaintiff/Petitioner;
- D. Monitor their clients timely attendance at a parent education seminar;
- E. Assist client in selecting / reaching agreement as to an appropriate mediator if a parenting plan has not been timely agreed to by the parties;
- F. File with the complaint or answer to hearing an agreed to or proposed parenting plan on Form P-20(c). If a temporary parenting plan is sought, a proposed temporary parenting plan (Form P-19) will be submitted to be acted on by the Court, if appropriate, ex-parte or at an early hearing. It is strongly suggested that the blanks in the form be filled out by hand and/or highlighted for easier review by the court.
- G. Follow the Attorneys's Guide to Mediation (Form P-8).
- H. Attach the agreed or ordered parenting plan to the Marital Dissolution Agreement or Decree as an exhibit and which will not be duplicated in the MDA or decree.

**29.05. Duties of Providers:**

**A. Educational Providers:**

1. The Education Committee consisting of the 3 Circuit Court Judges, the Chancellor, the Rhea County Family Court Judge and the Bledsoe County General Sessions Court Judge will receive and act upon applications from providers who seek approval to provide parent education seminars. A list of approved providers will be furnished to the clerks to be included in the package.
2. The Educational Providers will make all arrangements for time, place and fees for seminars to be conducted in no less than two hour blocks. Seminar schedule for each provider will be provided to the clerk to be made available to parents and attorneys.
3. Educational Providers will notify the courts by filing with the appropriate clerk a copy of a certificate of attendance given to parents attending the classes. Certificates shall include the following: Name; Social Security numbers; Docket number; name of educational provider; date class was attended; and be signed by a representative from the seminar facilitator.

4. Fees: The fee or costs of the parenting seminars shall be borne by the parties. Fees may be reduced or waived for indigent persons. The Educational Provider will be expected to provide an appropriate number of pro bono slots for indigent persons.

**B. Mediators:**

1. At anytime during the divorce proceedings, parents may choose to participate in a method of alternative dispute resolution and select their own mediator or arbitrator. However, if the court is involved, either by the court's own motion or by motion of one or both parties, the court will appoint a mediator pursuant to Supreme Court Rule 31. If the parties are unable to reach an agreement on a permanent parenting plan within 120 days after the commencement of the action, the parties may submit a scheduling order to the court including a referral to mediation or alternative dispute resolution or request for a waiver for just cause. The court may designate a Rule 31 family mediator by court order. A list of mediators who have met the court's criteria will be provided to the attorneys and parents. The mediators' fees may be taxed as court costs or the court may determine the case is appropriate for pro bono mediation to be coordinated through legal services. The mediator is responsible for reporting to the court pursuant to Supreme Court Rule 31.

2. Mediation Assignment:

If the court is involved, either by the Court's own motion or by motion of one or both parties, a family mediator will be appointed pursuant to Supreme Court Rule 31.

A Rule 31 Family Mediator will be appointed by court order (Form P-14)

**OR**

a referral to mediation is ordered by the court [Form P-15(a)]

**OR,**

a referral to pro bono mediation is ordered by the Court (Form P-16).

3. Mediation Fees and Agreement to Mediate

The parents may directly negotiate the fees with the mediator. An agreement to mediate [Form P-15(b)] shall be executed at the beginning of mediation by the parents and mediator,

**OR,**

The Court may, upon motion, determine that the case is appropriate for pro bono mediation and the fees will be waived. Pro bono mediations will be coordinated by legal services. Each mediator must provide proof of 3 pro bono mediations to the Administrative Office of the Court for annual reapproval.

4. Invoicing Procedures

(a) If the Court has ordered that mediator fees are to be taxed as court cost, the invoice must be submitted with the original final report to the Clerk's office;

(b) It is the mediator's responsibility to notify the Clerk's office that an invoice is included in the final report;

(c) The invoice should include a docket number to ensure correct filing and payment.

5. Mediator Reports

When a mediator has been appointed by the Court, reports will be filed with the Court pursuant to Supreme Court Rule 31. The reports include a 30-day report and final report (refer to Forms P-12 and P-13).

C. **Judicial Settlement Conferences:**

Judicial Settlement Conferences will not be available in cases affected by this rule, except on motion and a showing of exceptional circumstances that would make mediation not appropriate.

**TABLE ONE (1)**

**CHANCERY COURT DOCKET CALLS**

BLEDSOE COUNTY      Second Monday in  
March and September

FRANKLIN COUNTY      Second Monday in  
June and December

GRUNDY COUNTY Fourth Tuesday in  
May and Fourth  
Monday in November

MARION COUNTY Second Monday in  
January and July

RHEA COUNTY      Second Monday in  
April and Second  
Tuesday in October

SEQUATCHIE COUNTY      Fourth Monday in  
February and Fourth  
Tuesday in August

**TABLE TWO (2)**

**CIRCUIT COURT CIVIL NON-JURY DAYS**

**BLEDSON COUNTY**

Part I Fourth Monday of March, and the Second Thursday of September  
Part II Second Thursday of May, and the Fourth Monday of November  
Part III Second Thursday of January, and the Fourth Monday of July

**SEWATECHIE COUNTY**

Part I Fourth Monday of May, and the Second Thursday of November  
Part II Second Thursday of March, and the Fourth Monday of September  
Part III Fourth Monday of January, and the Second Thursday of July

**GRUNDY COUNTY**

Part I Third Monday of March and September, and the second Tuesday of November at 9:00 A.M.  
Part II Third Monday of May and August and second Tuesday of December at 9:00 A.M.  
Part III Third Monday of January, April, and July at 9:00 A.M.

**FRANKLIN COUNTY**

Part I Fourth Tuesday of each month at 9:00 A.M.  
Part II Third Tuesday of each month at 9:00 A.M.  
Part III First Tuesday of each month at 9:00 A.M.

**MARION COUNTY**

Part I Third Wednesday of each month at 9:00 A.M. except May  
Part II First Tuesday of each month at 9:00 A.M. except January  
Part III Fourth Tuesday of each month at 9:00 A.M. except September

**RHEA COUNTY**

- Part I      First Thursday of February, May, August and November;  
              Fourth Thursday of March, June, September and December
- Part II      First Thursday of July, September and December;  
              Third Thursday of January, March, April and October;  
              Fourth Thursday of May
- Part III     First Thursday of January, April and October;  
              Third Thursday of June;  
              Fourth Thursday of February, July, August and November

In addition to the above listed days, non-jury matters may be scheduled beginning at 10:00 A.M. on the morning the Grand Jury is empaneled as shown on Table Three (3).

**TABLE THREE (3)**

**TWELFTH JUDICIAL DISTRICT  
CRIMINAL NON-JURY DAYS**

**BLEDSON COUNTY**

<u>Grand Jury</u>	<u>Boundover</u>	<u>Discussion Day</u>
Fourth Monday	Following Friday	Friday before Fourth Monday
March	March	May
July	July	September
November	November	January
<u>Criminal Pleas / Assignments / Motions</u>		
Fourth Monday (9:00 A.M.)		Wed. following Fourth Monday
February      April		May
June            August		September
October		January
December (Third Monday)		

**SEQUATCHIE COUNTY**

<u>Grand Jury</u>	<u>Boundover</u>	<u>Discussion Day</u>
Fourth Monday	Following Friday	Friday before Fourth Monday
January	January	March
May	May	July
September	September	November
<u>Criminal Pleas / Assignments / Motions</u>		
Fourth Monday (1:00 P.M.)		Wed. following Fourth Monday
February      April		March
June            August		July
October		November
December (Third Monday)		

**MARION COUNTY**

Grand Jury

First Monday  
February  
April \*\*  
June  
August \*\*  
October  
December \*\*

Boundover

Second Friday  
Following Grand Jury  
February  
April  
June  
August  
October  
December

Discussion Day

First Thursday  
Each Month

Criminal Pleas / Assignments

First Monday  
  
March  
  
July  
  
November

Wed. following  
First Thursday  
Feb., April, June,  
Aug., Oct., Dec.,  
Third Wed., May  
First Tues., Jan.  
Fourth Tues., Sept.

Motions / Revocations / Sentencings

Third Tuesday  
February, March  
May, June, August,  
September, November  
December

Third Wednesday  
January, April,  
July, October

**RHEA COUNTY**

Grand Jury

First Monday  
February \*\*  
April  
June \*\*  
August  
October \*\*  
December

Boundover

Following Friday  
February  
April  
June  
August  
October  
December

Discussion Day

Second Thursday  
Each Month

Criminal Pleas / Assignments / Motions

First Friday  
  
May  
  
September  
  
January

Wed. following  
First Thursday  
Feb., April, June,  
Aug., Oct., Dec.,  
Third Thurs., Nov.  
Third Thurs., July  
First Thurs., March

**GRUNDY COUNTY**

<u>Grand Jury</u>	<u>Boundover</u>	<u>Discussion Day</u>
Second Monday	Second Friday Following	Second Monday
March	Grand Jury	May
July	March	September
November	July	January
	November	
<u>Criminal Pleas / Assignments / Motions</u>		
Second Monday		Wed. following
		Second Monday
February	April	May
June	August	September
October	December	January

**FRANKLIN COUNTY**

<u>Grand Jury</u>	<u>Boundover</u>	<u>Discussion Day</u>
First Monday	Second Friday *	Third Tuesday
January	January	Each Month
March **	March	
May	May	
July **	July	
September	September	
November **	November	
<u>Criminal Pleas / Assignments</u>		
Thurs. following Fourth Tuesday Each Month except December		
<u>Motions / Revocations / Sentencings</u>		
Second Monday Each Month		

-----

\* Unless first day of the month is Friday; if so, then it shall be third Friday.  
\*\* Judge will not be present.

Any day falling on a National Holiday or Judicial Conference Day shall be conducted on such other day as the Court shall determine. With permission of the scheduled Judge, civil nonjury may be heard on Grand Jury, Boundover, and Plea & Assignment days.

**FORM ONE (1)**

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE

CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
PART \_\_\_\_\_

----- \*  
v. \* No.: \_\_\_\_\_  
----- \*

**REQUEST TO DOCKET**

TO: THE CIRCUIT COURT CLERK

Please place the above styled case on the non-jury docket for the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, which date complies with Local Rule 7.03.

\_\_\_\_\_ This case is contested and will take approximately \_\_\_\_\_ hr(s). trial time.

\_\_\_\_\_ This case is uncontested.

The attorneys in this case are:

I understand this notice must be received seven (7) days prior to the date requested. I certify that this matter is ready.

-----  
(Attorney for Moving Party)

CERTIFICATE OF SERVICE

**FORM TWO (2)**  
 IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE  
 CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
 PART \_\_\_\_\_

-----  
 PLAINTIFF

vs.

CASE # \_\_\_\_\_

-----  
 DEFENDANT

**INCOME AND EXPENSE STATEMENT<sup>1</sup>**

**MONTHLY INCOME:**

- 1. Gross monthly wages / commissions \_\_\_\_\_
- 2. Other monthly income (any source) \_\_\_\_\_
  
- 3. Total Gross Monthly Income(Add Lines 1 and 2) \_\_\_\_\_

**MONTHLY DEDUCTIONS:**

- 4. Federal Income Tax \_\_\_\_\_
- 5. FICA \_\_\_\_\_

Other Deductions (Describe):

- 6. \_\_\_\_\_
- 7. \_\_\_\_\_
- 8. \_\_\_\_\_
- 9. \_\_\_\_\_

- 10. Total Monthly Deductions (Add Lines 4 thru 9) \_\_\_\_\_

- 11. **NET MONTHLY INCOME**  
 (Subtract Line 10 from Line 3) \_\_\_\_\_

**MONTHLY EXPENSES:**

Household Expenses:

- 12. Monthly Rent or Mortgage \_\_\_\_\_
- 13. Monthly Water Bill \_\_\_\_\_
- 14. Monthly Gas Bill \_\_\_\_\_
- 15. Monthly Electric Bill \_\_\_\_\_
- 16. Monthly Telephone Bill \_\_\_\_\_
- 17. Car Operation (Gas, Oil, etc.) \_\_\_\_\_
- 18. Insurance (Auto) \_\_\_\_\_
- 19. Insurance (Other) \_\_\_\_\_
- 20. Auto Payment \_\_\_\_\_
- 21. Other Installment Debt \_\_\_\_\_

---

<sup>1</sup>To convert weekly amounts to monthly, use 4.3 as the multiplier.

Other Payments:

22. \_\_\_\_\_  
23. \_\_\_\_\_  
24. \_\_\_\_\_

25. Total Monthly Household Expenses  
(Add Lines 12 thru 24): \_\_\_\_\_

Personal Monthly Expenses:

		Myself	Children	
26.	Food	_____	_____	
27.	Clothing	_____	_____	
28.	Medical, Dental, Drugs	_____	_____	
29.	Laundry & Cleaning	_____	_____	
30.	Recreation (Specify)	_____	_____	
31.	School Expenses	_____	_____	
32.	Babysitting/child care	_____	_____	
33.	Beauty / Barber	_____	_____	
	Other (Specify):			
34.	_____	_____	_____	
35.	_____	_____	_____	
36.	Total Monthly Personal Expenses: (Add Lines 26 thru 35)			_____
37.	TOTAL MONTHLY EXPENSES: (Add Lines 25 and 36)			_____
38.	NET INCOME Less EXPENSES: (Subtract Line 37 from Line 11)			=====

MY EMPLOYER:

Employer's Name: \_\_\_\_\_  
Employer's Phone Number: \_\_\_\_\_  
Employer's Mailing Address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
PLAINTIFF/DEFENDANT

\_\_\_\_\_  
SOCIAL SECURITY NUMBER

Sworn to and subscribed before

me, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

-----  
Notary Public

My Commission expires:

-----

(Revised 08/97)

**FORM THREE (3)**

----- v. -----

-----  
**ASSET STIPULATION**  
**(Plaintiff's / Defendant's)**  
**PURSUANT TO LOCAL RULE 17.03**

No.	Description of Asset / Liability	Fair Market Value	Separate Property*	Marital Portion	Balance of Debt	Marital Equity
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						

\* See attached footnotes to all separate property entries

**FORM FOUR (4)**  
 IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE  
 CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
 PART \_\_\_\_\_

-----  
 PLAINTIFF

vs.

No.:-----

-----  
 DEFENDANT

**[PLAINTIFF'S / DEFENDANT'S]  
 PROPERTY DISTRIBUTION PROPOSAL**

PROPOSED DIVISION OF ASSETS TO  
 BE AWARDED TO PLAINTIFF

Description of Property	Value	Liability*	Net Equity
1.			
2.			
3.			
4.			
5.			

TOTALS:      \_\_\_\_\_      \_\_\_\_\_      \_\_\_\_\_

PROPOSED DIVISION OF ASSETS TO  
BE AWARDED TO DEFENDANT

Description of Property	Value	Liability*	Net Equity
1.			
2.			
3.			
4.			
5.			

TOTALS:                                                                                                                        

-----  
Attorney for [Plaintiff / Defendant]

\* List any debt directly related to any asset.

CERTIFICATE OF SERVICE

**FORM FIVE (5)**

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE  
CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
PART \_\_\_\_\_

_____	*	
Plaintiff	*	
v.	*	No.: _____
_____	*	
Defendant	*	

**NOTICE OF STATUS CONFERENCE**

This case is set for status conference on the \_\_\_\_\_ day of \_\_\_\_\_, 2\_\_\_\_, at \_\_\_\_\_ .m. The conference will be held by Judge \_\_\_\_\_. The location of the conference will be \_\_\_\_\_.

All attorneys must attend the status conference. It is not necessary for represented parties to attend. You should contact the secretary at \_\_\_\_\_ if you have a scheduling conflict.

The following matters will be discussed at the conference:

1. Deadline for production of documents;
2. Deadline for completing depositions, answering interrogatories and answering requests for admissions;
3. Deadline for filing pre-trial motions; and
4. The setting of the next date for a status conference or trial.

If all attorneys and unrepresented parties agree to the entry of the enclosed Scheduling Order with insertion of the agreed dates, you need not appear for this initial status conference. In the event the maximum deadlines set forth in the attached Scheduling Order are not adequate, then it will be necessary for you to appear at the status conference rather than entering the agreed order.

ENTERED this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 19\_\_\_\_, a copy of this document was mailed  
to:\_\_\_\_\_.

\_\_\_\_\_  
Deputy Clerk

**FORM SIX (6)**

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE  
CIRCUIT COURT OF \_\_\_\_\_ COUNTY  
PART \_\_\_\_\_

----- \*  
Plaintiff \*  
v. \* No.: \_\_\_\_\_  
----- \*  
Defendant \*

**SCHEDULING ORDER**

The following schedule shall govern this case:

- (1) DEADLINE FOR FILING INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSIONS:

\_\_\_\_\_  
\_\_\_\_\_  
(Should be no longer than 5 months from date complaint was filed)

- (2) DEADLINE FOR ANSWERING INTERROGATORIES, PRODUCTION OF DOCUMENTS, AND ANSWERING REQUESTS FOR ADMISSIONS:

\_\_\_\_\_  
\_\_\_\_\_  
(Should be no longer than 7 months from date complaint was filed)

- (3) DEADLINE FOR COMPLETING DISCOVERY DEPOSITIONS:

\_\_\_\_\_  
\_\_\_\_\_  
(Should be no longer than 8 months from date complaint was filed)

- (4) DEADLINE FOR COMPLETING EXPERT DEPOSITIONS:

\_\_\_\_\_  
\_\_\_\_\_  
(Should be no longer than 10 months from date complaint was filed)

(5) DEADLINE FOR FILING PRE-TRIAL MOTIONS:

\_\_\_\_\_  
\_\_\_\_\_  
(Should be no longer than 10 months from date complaint was filed)

This Scheduling Order shall not be modified except by leave of the Court and only for good cause. Failure to abide by the Order may result in the sanctions set forth in T.R.C.P. 16.

ENTERED: This \_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
CIRCUIT JUDGE

APPROVED FOR ENTRY:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
In the event the suggested deadlines set forth above are not adequate and the parties cannot agree on other deadlines, it will be necessary for you to appear at a status conference.

**FORM 7**  
**IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE**  
**CIRCUIT COURT OF \_\_\_\_\_ COUNTY**

**STATE OF TENNESSEE** )  
 )  
**VS.** ) **NO. \_\_\_\_\_**  
 )  
\_\_\_\_\_, )  
**Defendant.** )

**PETITION FOR RELIEF OR EXONERATION FROM A FORFEITURE**

Comes the undersigned surety and petitions the Court for relief or exoneration from the hereinafter described bond and states under oath as follows:

1. Petitioner is surety on a bail bond executed on behalf of the defendant the particulars of which are:

DATE OF BOND: \_\_\_\_\_

BOND AMOUNT: \$ \_\_\_\_\_

PREMIUM PAID: \$ \_\_\_\_\_

PREMIUM DUE: \$ \_\_\_\_\_

Description of Any Collateral Taken

\_\_\_\_\_  
\_\_\_\_\_

2. A duplicate copy of the receipt required by T. C. A. 40-11-304 is attached as Exhibit 1.

3. The defendant is in the custody of the Sheriff of this county by capias, or other process, issued on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and served the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

4. Petitioner has incurred the following expenses in bringing defendant into custody:

\_\_\_\_\_  
\_\_\_\_\_

5. Law enforcement officials have incurred the following expenses in bringing the defendant into custody:

\_\_\_\_\_  
\_\_\_\_\_

6. Petitioner requests this matter be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and has served a copy on the district attorney's office in \_\_\_\_\_, Tennessee.

Wherefore, petitioner asks this court for the following relief: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Bonding Company*

\_\_\_\_\_  
*Agent*

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ (Bondsman), hereby certify that a copy of the foregoing Petition has been served on the District Attorney's office by:

( ) personal service at least five (5) days before the date requested for hearing; or

( ) U. S. Mail, posted at least seven (7) days before the date requested for hearing.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Bondsman*

**FORM 8**  
**IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE**  
**CIRCUIT COURT OF \_\_\_\_\_ COUNTY**

STATE OF TENNESSEE )  
 )  
 VS. ) NO. \_\_\_\_\_  
 )  
 \_\_\_\_\_, )  
 Defendant. )

**NOTICE OF RIGHT TO A SURRENDER HEARING**

1. \_\_\_\_\_ Bonding Company is surety on a bail bond executed on your behalf, the particulars of which are:

DATE OF BOND: \_\_\_\_\_

BOND AMOUNT: \$ \_\_\_\_\_

PREMIUM PAID: \$ \_\_\_\_\_

PREMIUM DUE: \$ \_\_\_\_\_

2. Your bonding company claims you may lawfully be surrendered for good cause, due to the following (check all applicable):

- ( ) The defendant has violated the contractual provision between defendant and bondsman;
- ( ) The bondsman or surety has good cause to believe the defendant will not appear as ordered by the court having jurisdiction;
- ( ) A forfeit, conditional or final, has been rendered against the defendant;
- ( ) The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process;
- ( ) The defendant has been arrested while on bond;
- ( ) Other \_\_\_\_\_

3. A circuit judge will conduct a hearing on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_, and determine whether or not the surrender was for good cause. If the court finds the surrender was not for good cause, you may be re-released on the same bond, or other conditions may be imposed as a condition for release.

4. As defendant in this action, I hereby (check one):

- ( ) request to attend the hearing
- ( ) decline to attend the hearing

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Defendant's signature*

The undersigned certifies the defendant refused to sign the foregoing notice, but that a copy was provided to the defendant.

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*(Name)*

\_\_\_\_\_  
*(Position with Sheriff's Department)*

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ (Bondsman), hereby certify that a copy of the foregoing Notice was served on the defendant on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_m.

\_\_\_\_\_  
*Bondsman*



- ( ) The defendant has been arrested while on bond;
- ( ) Other \_\_\_\_\_

6. Petitioner requests this matter be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and has served a copy on the district attorney's office in \_\_\_\_\_, Tennessee.

Wherefore, petitioner asks this court for the following relief: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Bonding Company*

\_\_\_\_\_  
*Agent*

Sworn to and subscribed before me this  
\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC  
My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ (Bondsman), hereby certify that a copy of the foregoing Petition has been served on the District Attorney's office by personal service.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Bondsman*

**FORM 10**  
**IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE**  
**CIRCUIT COURT OF COUNTY**

STATE OF TENNESSEE )  
 )  
 VS. ) NO. \_\_\_\_\_  
 )  
 \_\_\_\_\_, )  
 Defendant. )

**PETITION TO APPROVE SURRENDER AND**  
**FOR RELIEF OR EXONERATION FROM A FORFEITURE**

Comes the undersigned surety and petitions the Court to confirm defendant's surrender and for relief or exoneration from the hereinafter described bond and states under oath as follows:

1. Petitioner is surety on a bail bond executed on behalf of the defendant the particulars of which are:

DATE OF BOND: \_\_\_\_\_

BOND AMOUNT: \$ \_\_\_\_\_

PREMIUM PAID: \$ \_\_\_\_\_

PREMIUM DUE: \$ \_\_\_\_\_

Description of Any Collateral Taken

\_\_\_\_\_  
\_\_\_\_\_

2. A duplicate copy of the receipt required by T.C.A. 40-11-304 is attached as Exhibit 1.

3. The defendant is in the custody of the Sheriff of this county by surrender on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

4. Petitioner has incurred the following expenses in bringing defendant into custody:

\_\_\_\_\_  
\_\_\_\_\_

5. Law enforcement officials have incurred the following expenses in bringing the defendant into custody:

\_\_\_\_\_  
\_\_\_\_\_

6. Petitioner requests defendant be surrendered because (check all applicable):

- The defendant has violated the contractual provision between defendant and bondsman;
- The bondsman or surety has good cause to believe the defendant will not appear as ordered by the court having jurisdiction;
- A forfeit, conditional or final, has been rendered against the defendant;

- ( ) The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process;
- ( ) The defendant has been arrested while on bond;
- ( ) Other \_\_\_\_\_  
\_\_\_\_\_

7. Petitioner requests this matter be heard on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, and has served a copy on the district attorney's office in \_\_\_\_\_, Tennessee.

Wherefore, petitioner asks this court for the following relief: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
*Bonding Company*

\_\_\_\_\_  
*Agent*

Sworn to and subscribed before me this

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I, \_\_\_\_\_ (Bondsman), hereby certify that a copy of the foregoing Petition has been served on the District Attorney's office by personal service.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
*Bondsman*