

**LOCAL RULES OF PRACTICE
THIRTY-SECOND JUDICIAL DISTRICT
HICKMAN, LEWIS, & PERRY COUNTIES**

**RULES OF THE CIRCUIT AND CHANCERY COURTS
FOR THE THIRTY-SECOND JUDICIAL DISTRICT**

Effective August 1, 2025

INTRODUCTION

JUDGE(S). The 32nd Judicial District embraces Hickman, Lewis, & Perry Counties. The Circuit & Chancery Judge of the 32nd Judicial District has full civil and criminal jurisdiction.

CLERKS. Each county within the District has a Circuit Court Clerk and a Clerk and Master with powers and duties prescribed by statute for such offices generally. The Clerk and Master is also clerk of the Probate Division of the Chancery Court.

The clerks are expected to perform all of the acts, including the issuance of writs of attachment, and fixing bonds therefor, which the Clerks are authorized to perform under the applicable statutes.

As used in these Rules, “CLERK” includes the Circuit Court Clerk and/or the Chancery Clerk and Master.

GRANDJURIES will be empaneled as follows:

HICKMAN COUNTY – First Wednesday in February and August.

LEWIS COUNTY – First Monday in February and August.

If the first Monday is a holiday, the Grand Jury will be empaneled on the following Wednesday.

PERRY COUNTY – Third Monday in February and August.

If the third Monday is a holiday, the Grand Jury will be empaneled on the following Wednesday.

WHEREAS: The Local Rules have promoted the efficient and cost-effective resolution and disposition of cases brought in the District; and due to their importance in efficient administration of justice may be amended from time to time.

CIVIL RULES

Rule 1. General Rules Not Abrogated

The Tennessee Rules of Civil, Criminal and Appellate Procedure, Tennessee Rules of Evidence, and the Rules of Professional Conduct and Judicial Conduct, will take precedence over these Rules.

Rule 2. Filing and Serving of Papers

Section 2.01. Filing with the Clerk

All pleadings, motions, proposed judgments and orders shall be filed with or submitted to the Clerk. Briefs shall be lodged with the Clerk who will deliver the same to the Judge.

Section 2.02. Certificate of Service

All papers must contain a certificate of service to opposing party's(ies')/counsel which must contain the date of service, the name of the person or persons served, and the method of service. The Clerk may refuse to file papers not having a certificate which complies with these rules and all applicable rules of Civil, Criminal or Appellate Procedure. (For the Rule as to appealable orders or decrees, see Rules 5 and 11.01).

Rule 3. Jury Trial

Section 3.01. Peremptory Challenge Procedure

At trial, peremptory challenges will be written on a sheet of paper provided the respective attorneys for that purpose. Any objection with regard to a challenge based upon systematic racial or sexual discrimination will be made by any party at this time. The failure to object when returning the opponent's challenge sheet to the court officer constitutes a waiver of such objection.

The manner of empaneling prospective jurors, the number of alternates and the challenge procedure will be discussed at the pre-trial conference.

Rule 4. Trial and Motion Schedules and Calendars

Section 4.01. Trial and Motion Schedules and Calendars

The Presiding Judge will prepare and deliver to the Clerks a master schedule designating days for motions, non-jury trials and jury trials for each Judge. Individual trial and motion calendars will be prepared by the Clerk.

Rule 5. Pretrial Motions

Section 5.01. General

All pretrial motions must be filed and scheduled for hearing no later than the court's last regular motion day before the scheduled trial date. No pre-trial motions, including motions in limine to exclude testimony, will be heard on the day of trial. All pre-trial motions, where possible, shall be raised by counsel at the pre-trial conference and orders resolving those motions entered before the day of trial. It will be the responsibility of counsel to have orders prepared and signed by the judge prior to trial.

Section 5.02. Content of Motions

Motions and written oppositions to motions may contain legal analysis or argument designated as such, or may be accompanied by a separate memorandum of law. In the event a party relies upon legal authority other than published cases decided by Tennessee appellate courts, a copy of the authority on which the party relies shall be filed as an appendix to the party's written legal argument.

Section 5.03. Timeliness of Filing

(a) All motions shall be filed in sufficient time for opposing counsel to have (a) notice of the filing, and (b) an opportunity to prepare and file any required responses. The court will consider justice, fairness, and prejudice in determining the failure to timely file any pleading.

(b) Motions for summary judgment must be scheduled and cleared with the judge to be heard at least forty-five (45) days before the scheduled trial date, unless the court orders otherwise. A motion for summary judgment cannot be heard until at least thirty-seven (37) days after the motion is filed and all matters presented in support of the motion are filed *and served*, unless the court orders otherwise. Motions for summary judgment will be set for hearing upon contacting the court's judicial legal assistant for dates and times and then by order of the court with counsel tendering the complete form in **Appendix A** attached hereto. It is the responsibility of the attorney proceeding on the motion to prepare and present the Order setting the hearing to the Judge for review and signature.

(c) If a motion is opposed, a written response to the motion must be filed and served on all parties. Responses to motions, including counter-affidavits, sworn income and expense statements, asset and liability statements, depositions, briefs or any other matters presented in opposition to the motion, must be filed and received by opposing counsel not later than the close of business four (4) business days prior to the date on which the motion is set to be heard. There shall be no reply to a response.

(d) If, at the time a motion is filed the moving party designates a date for the motion to be heard, the motion shall conspicuously state the date and time of the hearing

and shall advise the non-moving party that the failure to file and serve a written response may result in the motion being granted without further hearing. The following text, if used by the moving party, shall be deemed in compliance with this rule:

“THIS MOTION IS SET TO BE HEARD ON _____(date) AT (time) O’CLOCK, A.M./P.M. ON THE (CIRCUIT) (CHANCERY) COURT MOTION DOCKET HEARD AT THE _____ COUNTY COURTHOUSE. IF NO WRITTEN RESPONSE TO THIS MOTION IS FILED AND SERVED IN THE TIME SET BY THE LOCAL RULES OF PRACTICE, THE MOTION MAY BE GRANTED WITHOUT A HEARING.”

(e) If, at the time a motion is filed, the moving party does not set the motion to be heard, the motion shall conspicuously advise the non-moving party that the motion has not been set for a hearing. Thereafter, the moving party, or the parties by agreement, shall, by written notice timely served on all parties, set the motion to be heard within the time constraints established by these rules.

(f) For purposes of this Local Rule, service by personal delivery of a motion or of a written response in opposition to a motion means: (i) physical delivery received, or (ii) electronic delivery via email in accordance with Rule 5.02(2), Tennessee Rules of Civil Procedure.

(g) In this three (3) county district, motions shall be set and heard in the county where the underlying case is filed unless approved in advance by the court and order entered. Upon approval, an order shall be prepared, by counsel, and presented to the clerk for the court’s approval and entry. Other county hearings are discouraged. Zoom hearings, on motions or other pending matters must be specially set and will not be set on the court’s regular monthly motion docket.

Section 5.04 Motion to Compel/Efforts to Resolve Discovery Conflicts

The Court will refuse to rule on any motion related to discovery, *including a motion to compel for failure to timely respond*, unless the motion contains a statement which certifies the lawyer for the moving party, *or the moving party when said party is self-represented*, has conferred with opposing counsel, *or party*, in a good faith effort to resolve the *matters alleged in the motion* and that the effort has not been successful. *Such good faith effort shall, at a minimum, be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery.*

Section 5.05. Chambers’ Copies of Motions and Memoranda

Parties have leave and are encouraged to submit to the courts’ Judicial office an additional copy of all motions and any supporting memoranda of law. Such submission may be by personal delivery or email to the judge’s assistant attaching a portable data file. A chambers’ or office copy of supporting evidentiary material is not required nor encouraged, however, a listing of proposed witnesses and exhibit list is helpful to the

court. A party submitting a chambers' copy of any motion and/or memorandum shall serve a full and complete copy on the adverse party. Original orders should be submitted directly to the clerk who will forward them to the court.

Rule 6. Post-Trial Motions and Motions in the 32nd Judicial District

Section 6.01 Motions for New Trial, Motions for Judgment N.O.V. and Motions to Alter or Amend

Motions for new trial, motions for judgment n.o.v. and motions to alter or amend will not be set for hearing except upon direction of the Judge. Such motions should be accompanied by any citation of authorities and written argument which the moving party wishes the Judge to consider. No such motion will be sustained by the Judge without affording the adverse parties an opportunity either to file responsive briefs and written argument or to be heard in oral argument.

Rule 7. Setting Cases for Trial and Continuances

Section 7.01. Setting Cases for Trial

Except for pendente lite divorce and parenting plan matters and cases that can be set on the motion docket, cases shall be set for trial in one of the following ways:

- (a) By agreement of counsel after consultation with the Judge's Administrative Assistant, such agreement to be evidenced by a court order, prepared by counsel, submitted to the judge;
- (b) By motion and order
- (c) By the court with notice to counsel.

Note: No case will be set on the trial calendar until an Order is presented to the Judge for signature and entry and a copy forwarded to the Judge's Assistant. Where parties are competing for trial dates the first order filed will be the case to be heard.

All non-jury trials which are anticipated to require no more than three (3) hours may be set by agreed order on the regularly scheduled motion days after consultation with the Judge's Office. Domestic cases will be set in accordance with Rule 12 of these Local Rules.

Court schedules shall be prepared, released, posted in the clerk's offices and available to the attorneys quarterly for the following six-month period. Attorneys may request electronic mail of the court's schedule by providing their electronic mail address to the clerk's office. Cases shall be docketed in the order that the Order setting the case for trial is presented to the clerk of the court.

All motions to set and orders setting a case for trial will include a statement of how long the attorney anticipates the case will take for trial. Any case that the attorney or attorneys anticipate will take longer than three (3) hours day shall be set by motion only.

Section 7.02. Certifying Cases Ready When Set

No case will be set for trial unless all attorneys can certify it is ready for trial.

(a) When a case is set by agreement or by motion without objection, all counsel are certifying that they, their clients, and their necessary witnesses will be available for trial on the trial date and that all discovery has been completed or will be completed prior to the selected trial date. Where a case is set by the court or by motion over the objection of one or more of the parties, the court will specify a reasonable time within which discovery is to be completed and specify a trial date which falls a reasonable time thereafter. The failure to have completed discovery, inability to take a deposition, or failure to have completed any other trial preparation will, without sufficient justification, not be grounds for a continuance.

(b) In accordance with Rule 5, all pretrial motions, including motions to exclude evidence, must be filed in time to permit oral argument not later than the last regular motion day before the scheduled trial date. No motions will be argued on the morning of trial without a showing of some matter not anticipated at the pre-trial conference. For non-jury trials any such motion must be one not dispositive of the case.

(c) At the time a case is set for trial, counsel will provide their best, good-faith estimate of the number of trial days reasonably likely to be required to try the case.

(d) For all cases to be tried to a jury, and all non-jury cases where counsel for at least one party estimates the trial to require more than one day to try, the order setting the case for trial shall comply with the provisions of Rule 9 of these Local Rules.

(e) Mediation is a proven and effective method of alternative dispute resolution. Engaging in mediation promotes settlement and enhances the just and efficient resolution of civil litigation. Accordingly, unless approved by the court, no civil action shall be set for trial unless the parties have (i) engaged in good faith mediation without success, or have either, (ii) a firm date set for a mediation, (iii) a deadline pursuant to a scheduling order for completion of mediation, or (iv) an order of the court relieving the parties from the requirements of this rule, at the time they seek to have a case set for trial. This rule does not apply to the following classes of cases: (i) appeals from judgments in the general session court or juvenile court, and (ii) cases seeking termination of parental rights.

Section 7.03. Continuances

Cases may be continued upon reasonable notice and approval by the Court. Motions and agreements for continuance must be supported by sworn affidavit and either

be signed by the party or signed by the attorney and contain a certificate that a copy of the motion has been mailed to the party or parties whom a signing attorney represents.

Rule 8. General Sessions Appeals

All General Sessions appeals will be set for trial by order of the Court. The Clerk will notify the parties of the trial date. The appellant shall provide to the Court a short summary of the issues to be heard on appeal.

Rule 9. Pre-Trial Procedure in Civil Cases

Section 9.01. Non-Jury Cases Requiring No More Than One Trial Day

In all civil actions set for trial on the merits where all counsel for the parties estimate in good faith that no more than one day will be required to try the case, at least seventy-two (72) hours (excluding weekends) prior to the date set for trial:

(a) The names and addresses of all witnesses shall be furnished to opposing counsel, with a copy to the Court;

(b) Copies of all exhibits which are proposed to be offered shall be furnished to opposing counsel. When it is impractical to copy exhibits, the proposed exhibits shall be made available for inspection upon reasonable notice. Stipulations for evidentiary purposes should be considered to save court time; and

(d) In a divorce hearing, either final or temporary, involving custody, primary use of residence, temporary or future alimony and/or child support issues, a joint asset and liability statement, proof of income, and income and expense statement in the form attached as **Appendix B** as appropriate, shall be filed with the Judge, the Clerk, and a copy furnished to opposing counsel. The parties shall also include a proposed division of property and indebtedness as well as any stipulation on division of property.

Failure to provide such documentation may be grounds for the Judge to pull the case from the trial calendar until counsel has/have their case ready for trial.

Section 9.02. Jury Trials and Non-Jury Cases Requiring More Than One Trial Day

In all civil actions set for trial by jury and all non-jury cases where counsel for the parties estimate in good faith that one or more days will be required to try the case, the following procedures shall apply:

(a) Not less than twenty-eight (28) days prior to the trial date, each party shall supplement all prior written discovery responses to the fullest extent required by Rule 26.05(3) of the Tennessee Rules of Civil Procedure. Nothing in this Section shall be construed to relieve any party of the duty seasonably to supplement the party's responses to discovery otherwise required by Rules 26.05(1) and (2).

(b) In cases to be tried to a jury, not less than fifteen (15) days prior to the trial date, or, at least, within five (5) days of the pre-trial conference, each party shall file and serve a complete set of proposed jury instructions and requested verdict form and provide a bench copy to the court. A party requesting an instruction contained in the "then-most-current-edition" of the Tennessee Patterned Jury Instructions (Civil), may comply with this rule by citing to the number of the pattern instruction. A party requesting an instruction not contained in the pattern instructions shall provide the full text of the requested instruction together with appropriate citation and case copy to legal authority for the proposed instruction.

(c) At the pre-trial conference, the attorneys shall have an agreed pre-trial statement setting out the following information:

(i) The name of each witness to be called by each party during the presentation of that party's case-in-chief, either in person or by deposition, together with a designation of whether the witness is offered as an expert (an understanding on whether or not opposing counsel can stipulate to the qualifications of the expert and the scope of expertise)

(ii) A designation by page and line number of all deposition excerpts to be offered into evidence in lieu of the live testimony of the deponent witness pursuant to Rules 32.01 (2) and (3) of the Tennessee Rule of Civil Procedure and any objection to such designation;

(iii) A list of all exhibits to be offered by each party into evidence during the presentation of that party's case-in-chief, together with a designation of which exhibits, if any, have been stipulated by the parties to be either authentic and/or admissible in evidence; and

(iv) A concise statement of each party's claims and defenses.

(d) Not less than seven (7) days prior to a non-jury trial, each party shall separately file and serve on all other parties and the court by personal delivery, a pre-trial brief setting forth the party's position and legal argument with respect to the issues to be tried. A party may choose to comply with this Section by filing proposed findings of fact and conclusions of law.

Section 9.03

Procedures Applicable to Motions, Petitions, and other Requests for Criminal Contempt Sanctions

- (a) **Notice of initial appearance:** At the time any motion, petition or other request for criminal contempt sanctions is filed by a private party, the clerk shall cause to be entered an order (the “Initial Appearance Order”) requiring the contempt defendant to appear before the court in which the criminal contempt matter is pending, pursuant to Tenn. R. Crim. P. 42, on a date certain to be entered by the clerk at the time the order to appear is entered. The order entered by the clerk shall conform to the form in **Appendix C** to these Local Rules. The party initiating the criminal contempt matter shall, without unreasonable delay, serve the Initial Appearance Order upon the criminal contempt defendant and/or his or her counsel of record, if any.
- (b) **Initial appearance:** Unless the contempt defendant waives his or her right to an initial appearance, at the date and time set in the Initial Appearance Order, or by any subsequent court order, the court will provide the contempt defendant the notices described in Tenn. R. Crim. P. 42(b)(1) and enter an order confirming such notice in compliance with Tenn. R. Crim. P. 42(b)(2) (the “Rule 42 Order”). The Rule 42 Order shall conform to the form in **Appendix D** to these Local Rules and shall include (i) a schedule for the orderly disposition of the contempt charge, (ii) a stay of discovery served on the contempt defendant, and (ii) a hearing date, if feasible.
- (c) **Waiver of initial appearance:** Prior to the scheduled date of the initial appearance, a contempt defendant may waive his or her right to an initial appearance by filing and serving upon the adversary party, a notice of waiver that conforms in form and substance with the form in **Appendix E** to these Local Rules.

Rule 10. Exhibits

Section 10.01. Depositions and Discovery Material

Depositions, interrogatories and other discovery material shall not be filed with the Clerk. Any such material offered into evidence that is not read to the court may be made trial exhibits at the request of either party and subject to approval by the Court.

Section 10.02 Custody of the Clerk

All trial exhibits shall be marked by, accounted for and placed in the custody of the Clerk unless otherwise directed by the court.

Section 10.03 Disposition of Exhibits in Civil Cases

After final determination of any case, the parties shall have 30 days to withdraw exhibits. The Clerk may destroy or dispose of exhibits not so withdrawn.

Rule 11. Orders and Judgments

Section 11.01 Preparation and Submission

On matters announced by the Court at the conclusion of the proof and unless the court directs otherwise, attorneys for prevailing parties will prepare proposed orders for entry by the court and shall file such proposed orders not more than seven (7) days following the day on which the ruling is made by the court. If the proposed order submitted reflects that it has been approved for entry by counsel for all parties, then the court will take action promptly to enter such proposed order, or, at the court's discretion, enter the court's own order with respect to the ruling. If the proposed order does not reflect that it has been approved for entry by counsel for all parties, then the court will take no action to enter such proposed order for four (4) days after receipt of the proposed order to afford counsel for the opposing party to submit an alternative proposed order. If the opposing party submits an alternative proposed order, the court shall undertake promptly to enter either the original proposed order, the alternative proposed order, or the court's own order with respect to the ruling. All of the time periods in this section may, for good cause, be extended by the court.

A party's approval for entry of a proposed order, which does not by its express terms state that it is an agreed order, shall not be construed as anything other than the party's agreement that the proposed order accurately reflects the court's ruling on the particular matter and shall not be construed to imply that party's agreement with or consent to the ruling set out in the proposed order.

Section 11.02 Non-Minute Entry Orders

Orders not affecting the legal course of an action, such as orders setting a case for trial or acting upon a request for a continuance, may be designated by the clerk as a non-minute entry order. Such designated order shall be placed in the file of the case but not spread upon the minutes of the court.

Section 11.03 Court Costs

(a) All final judgments shall provide for the taxing of court costs.

(b) Whenever it appears to the clerk that a judgment has been satisfied but that court costs have not been paid, the clerk may apply to the court for a retaxing of court costs. The clerk shall notify the parties of the application and the date and time it will be considered by the court.

Rule 12. Divorce and Child Parenting Hearings

Section 12.01. Parenting Seminars

All parties to a divorce action who have minor children shall be required to complete a minimum of a four (4)-hour parenting seminar which is approved by the court.

The Clerk of the court shall maintain a list of organizations or individuals that have been approved by the court to conduct these seminars. A copy of the list shall be served on the opposing party along with the summons and complaint. If a party is waiving service of process, waiver of service shall be filed with the Clerk and the Clerk shall mail a copy of the list to that party.

Section 12.02 Temporary Parenting and Support Hearings and Orders

Section 12.02(a) Agreement of the Parties

Where the parties with minor children can agree upon temporary parenting and support arrangements, a Temporary Parenting Plan shall be prepared and submitted to the court. If approved by the court, the plan will govern the parenting and support arrangements between the parties, during the pendency of the divorce action and shall not be modified by the parties without prior court approval. Further pursuant to the ethical obligations of each attorney, the Court expects counsel to maintain, with their client, the necessity to follow the court order and encourage their clients to refrain from personal modification or agreement outside the court's order, without prior court approval.

Section 12.02(b) Contested *Pendente Lite* Motions/Hearings

- (1) If the parties cannot agree upon temporary support and visitation matters, the issue may be brought before the court upon the filing of a proper motion.
- (2) At the time of filing, the moving party seeking *pendente lite* relief shall file and serve a proposed Temporary Parenting Plan, or any modification sought, if applicable, as well as an affidavit of income and expenses in the form outlined in **Appendix B** attached hereto.
- (3) At the time of filing, the party opposing *pendente lite* relief shall file and serve a written response together with that party's proposed Temporary Parenting Plan as well as that party's affidavit of income and expenses in the form outlined in **Appendix B** attached hereto.
- (4) Parties to contested *pendente lite* motions are reminded such motions are for the purpose of setting **temporary** support, custody, and visitation pending a final hearing. Hearings on *pendente lite* motions are not a substitution for, or a shortcut towards a final adjudication or to be used for discovery. In the event the parties cannot reasonably anticipate their contested *pendente lite* motion will be heard fully within a total time period of three (3) hours or less, the parties shall notify the court through the assigned judge's legal assistant and seek a special setting on a date other than a day reserved for general civil and/or domestic motions.

Section 12.02(c) Forms

Parenting Plans and income and expense forms will be available in each clerk's office.

Section 12.03. Contested Divorce and Parenting Actions

(a) Contested Divorce Actions. If there is no agreement approved by the Court, contested divorce actions shall be set for trial by the court only upon a motion filed and served upon the adverse party at least ten (10) days prior to the hearing on the motion. Prior to the date of hearing on the motion to set, the moving party shall file and serve upon the adverse party:

1. A proposed Permanent Parenting Plan (**Appendix F**)
2. An Asset and Liability Statement (**Appendix G**)
3. Their request for relief.
4. Whether they have attempted mediation and, if not, a statement explaining their failure to mediate.
5. Their certificate of attendance at an approved parent education seminar.
6. Income and expense statements with proof of income

(b) Hearings on Motions to Set. At the hearing on motions to set for trial on divorce and parenting actions, counsel will be certifying that (1) the parties have attended the parenting seminar as required by Rule 12.01, above; (2) the parties have attempted mediation and, if not, whether the case is appropriate for mediation; (3) the necessity of a special master or court's expert for the purpose of assisting the court in determining the value of the assets of the parties, or mental health issues; and (4) whether other orders of the court might facilitate the proceedings. If at this hearing the court is satisfied the case is ready for trial the action will be set for a date certain.

(c) No later than five (5) days prior to the trial of any domestic matter, counsel for both parties shall have filed and provided bench copies to the Judge's Administrative Assistant: (1) pre-trial briefs, (2) list of witnesses and exhibits, (3) income and expense statements, and (4) listing of stipulated matters on property and grounds.

Section 12.04 Non-Contested Divorces and Parenting Actions

(a) Hearings. Where divorce cases are grounded on irreconcilable differences or are submitted on stipulated grounds, it is not necessary to move for a default judgment provided the facts giving the court jurisdiction of the parties and the subject matter are recited under oath either in the complaint or by separate affidavit. A defendant who has not filed an answer must specifically waive service of process and the filing of an answer in the marital dissolution agreement or by separate affidavit.

(b) Children. Parties to a parenting action who have reached an agreement with regard to their disputed issues may submit to the court a Permanent Parenting Plan in the form attached as **Appendix F**. Parties to a non-contested divorce action who have minor children may incorporate a permanent parenting plan in the same form into their marital dissolution agreement. A plaintiff with minor children who seeks a divorce after a

judgment for default shall submit to the court a proposed permanent parenting plan in the same form at the final hearing for divorce and shall be prepared to testify, with corroborating witnesses as to the best interest of the children.

Rule 13. Adoptions

Section 13.01. Filing

All adoption petitions shall be filed with the Chancery Court Clerk and must comply with state law.

Section 13.02. Adoption by Step-Parents and Relatives

All adoptions by step-parents and relatives must comply with state law.

Rule 14. Accountings – Return of Supporting Documentation to Fiduciary

In connection with any accounting where the fiduciary is required to produce supporting documentation, such as, but not limited to, canceled checks, bank statements, receipts, etc., the clerk shall have the right, as set forth below, to return the supporting documentation to the custody of the fiduciary for safekeeping. Such a return of documentation shall not occur until the clerk has reviewed and approved the accounting and at least 30 days have elapsed from the date the court approves the accounting and it is recorded.

Rule 15. Extraordinary Interlocutory Relief

Section 15.01. Restraining Orders

Proposed restraining orders shall be prepared by counsel prior to submitting the request for relief to the court. Except in domestic relations cases, the restraining order shall provide for the setting of a bond as a condition to the entry of the restraining order. The restraining order shall further provide for the setting of a hearing for temporary injunction and shall provide a place thereon for the court to set a date, time and location for such a hearing. Requests for extraordinary relief must comply in all respects with Rule 65, T.R.C.P.

Section 15.02. Hearings

All applications for temporary injunctive and other forms of extraordinary interlocutory relief shall be heard upon sworn pleadings or affidavit and/or deposition unless a party, prior to the time of the hearing, requests and obtains permission of the court for the introduction of oral testimony and so notifies all other counsel of record.

Rule 16. Suspension of Rules

Whenever the court determines that justice requires it, the court may suspend any of the foregoing local rules.

LOCAL CRIMINAL RULES

RULE 1. TRIAL AND MOTIONS SCHEDULES AND CALENDARS.

Section 1.01. The presiding judge will prepare and deliver to the Circuit Court Clerk a schedule designating days for motions and for trials for all judges. All hearings on motion and settings for trial must be set forth in a status order signed by the Judge. Hearings will only be held upon signed order and each party is expected to have their witnesses available for the hearing.

Section 1.02. Trial and motion calendars will be prepared by the Judge's Assistant and provided to the respective clerks.

RULE 2. REQUESTS FOR DISCOVERY, AND MOTIONS

Section 2.01.

- (1) The form arraignment order shall contain a default option for defense counsel, at time of arraignment, to request disclosure of evidence by the State of all information made subject to disclosure by Tenn. R. Crim. P. 16(a)(1).
- (2) All pre-trial motions that the moving party reasonably anticipates will require an evidentiary hearing shall comply with Tenn. R. Crim. P. 47, and shall be filed and served in accordance with Tenn. R. Crim. P. 49(b) and set, by the court, for hearing on the court's regular motion calendar, consistent with the scheduling order applicable to the particular case.. Pre-trial motions not requiring an evidentiary hearing shall be filed, served and set on the court's docket, consistent with the scheduling order applicable to the particular case, not less than fourteen (14) days following the date of filing and service. A party opposing a motion shall file and serve a written response, not later than the close of business three (3) days prior to the scheduled hearing date, setting forth the grounds upon which the party relies for opposing the relief sought by the moving party. For purposes of computing compliance with the time requirements of this Section 2.01(2), the provisions of Tenn. R. Crim. P. 45(a) and (d) shall be strictly applied. All motions and responses to motions must be forwarded to the Judge's Assistant for the Court's review.
- (3) Notice of a desired hearing date shall be conspicuously set out by the moving party in the motion at the time of filing and service. The hearing date will be set forth in the Status Order approved by the Court.

- (4) Relief from the time requirements of the foregoing Section 2.01(2) may be granted, in the court's discretion, upon a showing of good cause supported by affidavit or other written evidence.

Section 2.02. At the time of arraignment, the court shall designate a review date and a plea date. On the review date or the plea date, the Court may:

- (1) Consider any plea bargain agreements between the district attorney general and the defendant and his or her attorney.
- (2) Hear any pretrial motions filed by either party and previously set by the Court on a Status Order. Motions to compel may be made without a set hearing date, as may be needed.
- (3) Determine whether there are pretrial motions which cannot be heard either in accordance with these rules or for reasons of fairness to the respective parties and, if so, set those motions for appropriate disposition.
- (4) Set all cases for trial that have no pretrial motions pending, except for those cases described in Section 2.04 below.
- (5) Pass the case to the next appropriate date.

Section 2.03.

(1). On the review date for each particular case, it shall be the responsibility of the defendant or his or her attorney to advise the court of the following:

(a.) That the state has failed to respond to a request for discovery filed pursuant to Rule 16, T.R.Cr.P.

(2) On the review date for each particular case, it shall be the responsibility of the district attorney, or his or her assistant to advise the court that the defendant has failed to provide discovery per reciprocal agreement or as requested pursuant to Rule 16, T.R.Cr.P.

(3) Upon the determination of the existence of any of the circumstances set forth in this section, the trial court may continue the review date and may make such further orders as may be appropriate for the timely disposition of pretrial proceedings.

(4) Any circumstance not called to the attention of the court in accordance with this section shall not be considered as a ground for continuance of the trial of the case.

RULE 3. SETTING CASES FOR TRIAL.

Cases will be set for trial by the court upon motion of either party or on its own motion with notice to the respective parties or attorneys. Older cases and cases involving class A and B felonies will be given prior

Section 3.01. Witnesses for Trial. The subpoena for any witness, whether for the State or Defendant, shall be issued at least seven days prior to the date of the trial.

RULE 4. CONTINUANCES.

Section 4.01. If no plea agreement is entered on or before the plea date as stated in the scheduling order, the case will be docketed for trial, unless an amended scheduling order is filed and agreed to by the Court.

Section 4.02. Once set for trial, cases may be continued only with the approval of the court. All motions for continuance made prior to the date of trial or hearing shall be filed in writing, shall state the reason the continuance is being sought and shall either be sworn to or be supported by sworn affidavit.

Section 4.03. Any request for a continuance in a case where the defendant is charged with a crime of violence involving death or serious bodily injury that will cause the trial of the case to be delayed beyond 180 days from the date of the indictment shall be accompanied by a proposed certificate in compliance with T.C.A. § 40-38-105 setting forth the reasons the case is still pending before the court.

Section 4.04. It is expected that a case where the defendant is charged with a crime of violence involving death or serious bodily injury shall be given priority in scheduling and selection of cases for trial over cases not involving such a charge. Further, older cases and Class A & B felonies will be given priority over the setting of other cases.

RULE 5. REQUEST FOR SEQUESTRATION OF JURY.

Except in capital cases, both the defendant and the state shall be deemed to have waived any right they may have to a sequestered jury unless a written request has been filed with the clerk of the court at least 72 hours prior to the time the case is set for trial.

RULE 6. ORDERS AND JUDGMENTS

Section 6.01. Once sentencing has been completed, a proposed judgment document shall be prepared by the district attorney for approval by the Court. All other orders and judgments shall be prepared by the clerk, unless the court otherwise directs pursuant to Rule 6.02, and shall be submitted directly to the judge.

Section 6.02. When directed by the court, counsel will prepare orders for entry. All orders prepared by counsel, except for judgment documents, shall be filed with the clerk and served on opposing counsel.

Section 6.03. Counsel who has been served with a proposed order prepared by adversary counsel at the direction of the court, shall immediately notify the court and opposing counsel of any disagreement with the contents of the proposed order. Objecting counsel shall, within 3 days, submit a revised order and serve a copy on opposing counsel. Opposing counsel shall immediately notify the court of any objection to the contents of the revised order. The court will either approve one of the orders submitted with notice to counsel, enter the court's own order with respect to the underlying ruling, schedule a chambers conference, or set the matter for hearing.

If the court does not receive notice of any objection to any proposed order, or to any revised order submitted in accordance with this rule, the order will be presumed correct and will be entered unless amended by the court.

RULE 7. FORM ORDERS.

Section 7.01. Arraignment and Scheduling Order: At arraignment, the court will enter an Arraignment and Scheduling Order. Defense counsel shall make their elections with respect to discovery and in-person arraignment prior to the court signing the completed Arraignment and Scheduling Order.

Section 7.02. Transportation Order: No inmate will be transported unless a plea agreement is reviewed and signed by the district attorney, defense counsel, and the defendant and lodged with the clerk for the court's review.

Section 7.03. Waiver of Arraignment: Defendants and defense counsel may, in writing, waive in-person arraignment, provided that they complete and execute a written waiver in the form provided in **Appendix H**.

RULE 8. REVOCATION OF BONDS IN GENERAL SESSIONS COURT: Defendants whose case originated in General Sessions Court and whose case was bound over but in which the defendant's bond was revoked shall be put on the next circuit court docket from the filing of a motion by their counsel for a consideration of their bond by the Circuit Judge. In the Court's discretion, the bond motion may be heard on the date for hearing on the motion or set by the court on the next motion date for that county.

RULE 9. SUSPENSION OF RULES.

Whenever the court determines that justice requires it, the court may suspend any of the foregoing local rules.

ORDER

The foregoing Local Rules of Practice are applicable in the Circuit, Chancery, and Criminal Courts of Hickman, Lewis, and Perry Counties within the 32nd Judicial District. All standing orders not incorporated in these rules are declared invalid and shall have no effect.

Adopted and effective as of the 1st day of August, 2025.



MICHAEL E. SPITZER
Circuit Judge & Chancellor
32nd Judicial District