

LOCAL RULES  
2021



16TH JUDICIAL DISTRICT  
CHANCERY & CIRCUIT COURTS

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IN THE CHANCERY AND CIRCUIT COURTS  
FOR THE 16TH JUDICIAL DISTRICT  
RUTHERFORD AND CANNON COUNTIES, TENNESSEE

LOCAL RULES OF PRACTICE  
2021

PREAMBLE

Pursuant to the provisions of *Tennessee Code Annotated*, Section 16-2-501 et seq., and *Tennessee Supreme Court Rule 18* (2004), and the inherent power of the Courts, the following Rules are hereby adopted.

*Tennessee Supreme Court Rule 18* was amended January 29, 2004. Within that amendment, the Court particularly addressed the need for Local Rules addressing the following areas:

1. Setting cases for trial;
2. Obtaining continuances;
3. Disposition of pre-trial motions;
4. Settlement of plea bargaining deadlines for criminal cases; and
5. Preparation, submission and entry of orders and judgments.

These Rules, which were ninety days in draft, were published for comment on September 1, 2021. These rules became effective on November 8, 2021, and are published and available for distribution through the four Clerks' offices in the District, as well as online through the Administrative Office of the Courts and the Rutherford County information websites.

## RULE 1

### SCOPE, APPLICATION and CONSTRUCTION OF THE RULES DEFINITIONS OF TERMS

#### 1.01 SCOPE OF THE RULES.

Subject to such exceptions as are stated herein, these Rules shall supplement the *Tennessee Rules of Civil Procedure* and the *Tennessee Rules of Criminal Procedure* in the Circuit and Chancery Courts for the 16<sup>th</sup> Judicial District of Tennessee. Where, in civil cases, these Rules are in conflict with the *Tennessee Rules of Civil Procedure* or, in criminal cases, these Rules are in conflict with the *Tennessee Rules of Criminal Procedure*, the State rules will prevail. All former *Rules of Local Practice* for the 16<sup>th</sup> Judicial District, except as re-adopted herein, are abrogated. Any of these Rules may be suspended or varied in exceptional cases where the Judge determines justice so requires.

#### 1.02 APPLICATION OF THE RULES.

These Local Rules shall be applicable in all proceedings filed in Rutherford and Cannon Counties. Rule 1 has general application to all cases, whether filed in Chancery or Circuit Court, and whether criminal or civil in nature. Part A of these Rules, Rules 2 through 13, have no application in cases which are criminal in nature, but apply in all civil cases regardless of the Court in which the case is filed. Part B of these Rules, Rules 14 through 25, have no application in cases which are civil in nature, but apply in all criminal cases.

#### 1.03 CONSTRUCTION and CITATION OF THE RULES.

These Rules shall be construed to secure simplicity in procedure, fairness in administration, and promote the efficient and cost-effective resolution and disposition of cases brought in the District. These Rules shall be cited as *Rule \_\_\_ Local Rules of Practice, 16<sup>th</sup> Judicial District*.

#### 1.04 DEFINITION OF TERMS.

- (A) Within these Rules, the term "Clerk" shall refer to the Clerk & Master of the Chancery Court and the Clerk of the Circuit Court.
- (B) Within these Rules, the term "Judicial Days" in Rutherford County cases shall refer to days when the Judicial Building in Murfreesboro is open for business and the Clerks' offices are open. Similarly, the term "Judicial Days" in Cannon County cases shall refer to days when the County Courthouse in Woodbury is open for business and the Clerks' offices are open. The date of filing shall not be included in the calculation of days.



PART A: RULES IN COURTS EXERCISING CIVIL JURISDICTION

RULE 2

SCHEDULING OF CASES

2.01 SETTING CASES FOR TRIAL.

- (A) All cases shall be set for trial in one of the following ways:
  - 1. By obtaining dates from the Trial Judge's office and entering an agreed order which sets out the date, time, place, and duration of the trial;
  - 2. By motion and notice of hearing to set for trial; or
  - 3. By the Court with notice to all parties.
- (B) Entry by counsel of an agreed order setting a case for trial represents that all discovery has been completed and the case is ready to be tried on the dates scheduled.
- (C) Appeals from the General Sessions Court, the Juvenile Court, or from various Municipal Courts in the District will be set by Court Order at the time the appeal is perfected. The Clerk will prepare such order for the signature of the Judge.
- (D) Notwithstanding the above, all Cannon County cases shall be set through the Cannon County Chancery Court Clerk's Office and the Cannon County Circuit Court Clerk's Office.

2.02 ORDERS SETTING TRIALS.

- (A) JURY TRIALS:  
Orders setting jury trials shall display the words "A JURY OF" in all capital letters immediately followed by the number of jurors requested; all of which shall appear immediately under the docket number of the case. Where no number of jurors has been demanded, a panel of six jurors plus alternate(s) will be empaneled. The name of the Trial Judge shall appear in all capital letters immediately under the number of jurors. Orders establishing jury trial dates shall be in the form shown in Appendix A attached hereto, and include the date and time of the pre-trial conference, and the date, time, and duration of the trial.
- (B) NON-JURY TRIALS:  
Orders setting non-jury trials shall contain the name of the Trial Judge in all capital letters immediately under the Case Number, and include the date, time, and duration of the trial.
- (C) ALL TRIALS:
  - 1. When any case is set for trial, whether by agreement of counsel, upon decision of the Court, or following a Motion to Set, it shall be incumbent upon the attorney seeking the setting to draw an order setting the case, serving a copy thereof upon opposing counsel, or if there is no other attorney, upon the opposing party or

parties. Such orders must be lodged within five (5) Judicial Days from obtaining the date(s) from the Court. Where the case is set upon the Court's own motion, the Court will draw the order.

2. Any Order setting a case for trial shall include language certifying all discovery, mediation (if required), and evidentiary depositions have been completed.

### 2.03 PRE-TRIAL CONFERENCES IN JURY CASES.

- (A) Unless waived by the Trial Judge, a pre-trial conference shall be set in every case in which a jury has been demanded.
- (B) At the pre-trial conference, counsel who will conduct the trial or co-counsel with full knowledge of the case and authority to bind such party by stipulation shall be present.
- (C) At the pre-trial conference, each party shall present the following:
  1. A concise factual statement of his or her client's claim and/or defense(s), including specification of all damages claimed, if any;
  2. A list of names and addresses of all non-expert witnesses who are expected to testify at the trial of the cause;
  3. A list of names and addresses of all expert witnesses expected to testify at the trial of the cause; the expert witness list should include the expert's area of expertise, a copy of any reports prepared by the expert, any answers to expert interrogatories or, if none exist, a summary of the testimony the expert is expected to provide;
  4. A list of proposed exhibits with each exhibit marked for identification;
  5. A list of proposed pattern jury instructions and separate special instructions to be requested;
  6. A proposed verdict form; and
  7. Stipulations as to any matter of fact or law about which there is no issue.
- (D) The Court shall file an Order for Pre-Trial Conference with the date, time, and location of the Conference in the form shown in Appendix B attached hereto.

## RULE 3

### PRE-TRIAL EXCHANGES and TRIAL BRIEFS

#### 3.01 EXCHANGE OF WITNESSES AND EXHIBITS.

- (A) In trials in which a jury is demanded, lists of witnesses will be exchanged at the Pre-Trial Conference as discussed in Rule 2.03. In trials in which a jury has not been demanded, lists of all witnesses shall be filed with the Clerk and exchanged between counsel at least three (3) full Judicial Days prior to trial. Names of rebuttal witnesses need not be exchanged unless so ordered by the Court. Failure to comply with this rule shall be grounds for exclusion of witnesses.

- (B) In trials in which a jury is demanded, exhibits will be exchanged at the pre-trial conference as discussed in Rule 2.02. In trials in which a jury has not been demanded, lists of all exhibits shall be exchanged between counsel at least three (3) full Judicial Days prior to trial. Parties are not required to exchange rebuttal exhibits unless ordered by the Court. Failure to comply with this rule shall be grounds for exclusion of exhibits.
- (C) Exchange of Witness and Exhibit lists shall be done in the same document in the form shown in Appendix C attached hereto.

### 3.02 BRIEFS.

Trial briefs are not required in any trial, but may be filed no later than eight (8) Judicial Days prior to trial. Trial briefs should address contested issues of fact and law which counsel anticipates. The brief should contain theories of law and case authority which counsel seeks the Court to consider. Responsive briefs are not required, but may be filed no later than four (4) Judicial Days prior to trial. A courtesy copy of any brief shall be sent directly to the Judge's office within the same time frames as outlined above.

## RULE 4

### TRIAL EXHIBITS

In cases filed in Circuit Court, after the entry of the final order, the Clerk will retain exhibits for a period of one year. If at the expiration of one year no appellate action is pending, the Clerk may notify counsel that the Clerk plans to destroy the exhibits, and the attorney who introduced it may withdraw the exhibit. Exhibits which are not withdrawn are then held for a period of thirty (30) days after notice is given, and then may be destroyed by the Clerk. This rule further shall apply to depositions, which are not marked as Exhibits, but only made a part of the technical record.

In cases filed in Chancery Court, the clerk will scan evidence into the electronic file and maintain all original copies of evidence until the appeal period has passed. After the appeal period has passed, the clerk shall return all original copies of evidence to the attorney or litigant who submitted said evidence. This rule shall also apply to depositions which are not marked as an Exhibit, but made a part of the technical record.

## RULE 5

### TEMPORARY RESTRAINING ORDERS AND ORDERS OF PROTECTION

Persons seeking an order of the Court granting a Temporary Restraining Order should first file a complaint with the Clerk. The Clerk will then present the sworn pleadings for consideration to the Administrative Judge of the Week. The Order, whether granted or denied, shall be filed with the Clerk. Hearings on Temporary Restraining Orders, including those in domestic relations matters, will be scheduled before the Trial Judge within fifteen (15) days of issuance.

In Order of Protection cases, the Domestic Violence Program will assist parties in completing affidavits for consideration. The *Ex Parte* Order will be considered only upon the sworn pleadings and completed affidavit. No testimony will be considered.

## RULE 6

### APPEARANCE and CONDUCT OF COUNSEL and PARTIES IN CIVIL CASES

#### 6.01 COUNSEL OF RECORD; ENTRY OF APPEARANCE.

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

1. The filing of an initial pleading; or
2. The filing of a formal entry of appearance.

#### 6.02 WITHDRAWAL/SUBSTITUTION OF COUNSEL.

No attorney will be allowed to withdraw except for good cause. Motions to Withdraw shall state the reason the motion is made, except where such is excused under the Rules governing responsibility of counsel to their parties. Notice of the filing of the Motion shall be given to the party who is represented by the attorney seeking to withdraw and to opposing counsel. Agreed Orders allowing counsel to withdraw must have all counsel signatures and party the signature of the party whose counsel is withdrawing. Upon withdrawal of counsel or upon order of substitution of counsel, the Clerk of the Court is directed to remove/add the appropriate attorney as attorney of record.

#### 6.03 CONDUCT OF COUNSEL.

- (A) At trial, counsel shall not exhibit familiarity with witnesses, jurors or opposing counsel. No attempt may be made to curry favor with jurors during opening statements or arguments. No party, witness, juror, or counsel shall be addressed solely by their first name.
- (B) Bench conferences should be requested only when necessary in aid of a fair trial. Counsel shall not lean on the bench nor appear to engage the Court in conversation in a confidential manner. Arguments concerning evidentiary matters will be presented outside the presence of the jury.
- (C) Counsel shall refrain from interrupting the Court or opposing counsel until the statements being made are fully completed, except when absolutely necessary to protect the client. Counsel should respectfully await the completion of the Court's statements before undertaking to point out matters considered to be objectionable. Counsel should state grounds for objection. In a trial by jury, Counsel should state

grounds for an objection without argument, and where argument is necessary counsel should request to approach the bench.

- (D) Counsel shall stand while examining witnesses or addressing the Court or the jury. Counsel shall stand at the counsel table when voicing an objection and at the podium while questioning a witness or addressing the Court. During trials by jury, with permission of the Trial Judge, counsel may depart from the podium during opening and closing arguments, but must be cautious not to invade the space of jurors. Closing arguments of counsel in non-jury cases should be made from the podium.
- (E) No counsel should approach the bench, the witness or the jury without leave of the Court.
- (F) No counsel, parties, or any other person having an interest in a case set for trial shall engage in any conversation with any juror currently serving in that Court, except by leave of the Court. When a case is concluded, counsel may not discuss the case with the jurors until after that juror's term of service is concluded and said juror agrees to discuss the case.
- (G) Congeniality among members of the bar is desired. Counsel should avoid making ill-considered accusations of unethical conduct toward an opponent. Counsel should not engage in intentionally discourteous behavior for the purpose of attempting to obtain an advantage over an opponent. Counsel should never intentionally embarrass other lawyers and should avoid personal criticism of him or her in the presence of his or her client or other counsel.
- (H) The Clerk, in the performance of his or her duties, shall require litigants to give security for court costs, unless said litigant is indigent.

#### 6.04 CONTACT WITH THE COURT.

During the pendency of actions, contact regarding the litigation ordinarily should be made with the Court only during hearings and conferences established by Court Order. Other communications with the Court should occur only under unusual circumstances. Except in the event of an emergency, neither counsel should contact the Court regarding a pending matter.

#### 6.05 FAILURE TO APPEAR; LATE APPEARANCE.

Unless otherwise excused, failure of counsel or parties to appear, or late appearance, shall result in a motion, or trial being stricken or adjudicated as the Court orders. If there is to be a late arrival or attendance in another Court, counsel shall notify the *Judge's office AND other counsel*, or request a continuance of the motion and notify other counsel thereof prior to the designated time of hearing.

Notwithstanding the above, if a *Pro se* party notifies the Clerk's Office of a late arrival, the Clerk's Office shall notify the Judge's Office prior to the beginning of Court.

## RULE 7

### MOTION PRACTICE

#### 7.01 SCHEDULING OF MOTION HEARINGS.

All motions where oral presentations are sought will be set on a designated motion day. Motions which cannot be concluded within thirty (30) minutes should not be set on motion days, except upon direction of the Court.

#### 7.02 CONTENT OF MOTIONS.

All motions shall cite the *Rule of Procedure* upon which counsel relies. Except where counsel does not seek a prompt hearing upon a motion filed, all motions shall contain the following language at the conclusion:

THIS MOTION WILL BE HEARD ON THE \_\_\_ DAY OF \_\_\_\_\_, 202\_\_, AT \_\_\_:00  
\_\_M. IN COURTROOM \_\_\_ before the Honorable \_\_\_\_\_.

Counsel setting a motion shall consult with the opposing counsel, or opposing party, to determine a mutually agreeable day and time for hearing.

Where counsel setting a motion seeks to confer on a date and time, and receives no response from opposing counsel or opposing party within two (2) Judicial Days, counsel may file the motion with a notice of hearing on any date provided by the Court.

#### 7.03 HEARINGS AND ORAL ARGUMENTS; WAIVER OF ORAL PRESENTATIONS.

- (A) When a motion is filed, the Court will contemplate that oral argument is requested, except where the motion contains the following language directly under the case number: NO ORAL ARGUMENT REQUESTED. When such a motion is filed, the Clerk shall hold the motion and order for ten (10) days. If no response has been filed within ten (10) days, the Clerk shall immediately deliver that motion, proposed order, and the case file to the Court.
- (B) Where oral argument is not requested in the initial motion, but oral argument is requested in the response, counsel for the respondent shall set the matter for oral argument in accordance with Rule 7.02.

#### 7.04 STRIKING OR POSTPONING MOTIONS.

- (A) After a motion has been docketed, it may be stricken upon the agreement of all parties, or the moving party may strike the motion. When the motion is stricken without agreement, the party opposing the motion may move the Court for fees and costs. Counsel for the moving party shall **immediately** contact the **Judge's office** to advise the motion is stricken **and** file a notice of same with the Clerk prior to the date the motion is set for hearing.

- (B) After a motion has been docketed, it may be continued or postponed upon the agreement of all counsel or parties without consent of the Court. Neither party may unilaterally continue a motion hearing; however, where there is no agreement, the parties may seek leave of Court.

7.05 MOTIONS FOR SUMMARY JUDGMENT and MOTIONS TO DISMISS.

- (A) Motions for Summary Judgment and Motions to Dismiss must be scheduled to be heard at least sixty (60) days prior to the scheduled trial date, unless the Court orders otherwise. A Motion for Summary Judgment or a Motion to Dismiss cannot be heard until at least fifty (50) days after the motion, unless the Court orders otherwise.
- (B) Upon filing of a Motion for Summary Judgment or Motion to Dismiss, opposing party shall have thirty (30) days to file a response. The moving party shall have ten (10) days to file a reply to the response. **No further responses or replies shall be accepted.**
- (C) Any responses, replies, statement of undisputed facts, replies to statements of undisputed facts, or other additional filings pertaining to a Motion for Summary Judgment or a Motion to Dismiss shall be filed at least ten (10) Judicial Days prior to the scheduled hearing on the motion. However, if the non-moving party has asserted additional facts in accordance with *Tennessee Rules of Civil Procedure Rule 56.03*, the moving party shall be allowed to respond to these additional facts by filing a reply statement in the manner and form as specified in *TCRP 56.03* at least three (3) Judicial Days prior to the scheduled hearing on the motion.

7.06 PRE-TRIAL MOTIONS.

- (A) In cases where a Jury has been demanded, all Pre-Trial Motions shall be heard at the Pre-Trial Conference.
- (B) All motions, other than a Motion for Summary Judgment or a Motion to Dismiss, shall be heard at least ten (10) days prior to trial of the cause.

RULE 8

**ORDERS**

- (A) In all civil cases, within thirty (30) days after the Judge announces a decision, the attorney for the prevailing litigant (or the *pro se* litigant) shall submit to the Clerk an order containing the ruling of the Court. Prevailing counsel (or *pro se* litigant) shall serve a copy on opposing counsel (or *pro se* litigant). Such orders shall be lodged with the Clerk for ten (10) Judicial Days to afford opposing counsel an opportunity to object. Absent an objection, upon presentation by the Clerk to the Judge, the order will be entered. Civil orders submitted must be entered in accordance with

provisions of Rule 58 of the *Tennessee Rules of Civil Procedure*. Where an order is lodged and signed by all parties and/or their counsel, the Court will enter such order upon presentation, without the necessity for holding such order for ten (10) Judicial Days.

- (B) Objections to orders must be filed within ten (10) Judicial Days. A party objecting to an order shall submit an alternative order to the Court for consideration and identify specific objections to the original proposed order. Upon receipt of an objection and alternative order, the Court shall either enter the original proposed order, the alternative proposed order, the Court's own order, or set the matter for hearing.
- (C) All orders shall contain the name of the Judge presiding over that case immediately under the docket number.
- (D) All orders MUST be lodged with the Clerk of the Court absent request of the Judge. All orders sent directly to the Judge's office shall be returned unsigned to the attorney sending same.

## RULE 9

### JURY TRIALS

#### 9.01 JUROR QUESTIONNAIRES.

At the beginning of his or her service, each prospective juror will complete a questionnaire which will be filed with the Clerk of the Circuit Court, or the Clerk and Master of the Chancery Court, and shall be available to counsel at all times in the respective Clerks' offices.

#### 9.02 JURY SELECTION.

At trial, the Judge will seat prospective jurors in and around the jury box. Counsel will proceed, at the appropriate time, to voir dire those seated as prospective jurors. Questions should initially be directed by counsel to the entire panel, although follow-up questions may be asked of specific jurors as a result of their answers to general questions. Although counsel may also follow up on answers provided by prospective jurors in the jury questionnaires, it is presumed that counsel will consider questions and answers provided on the questionnaires and will not re-ask those questions. Should issues arise as to challenges for cause, the Court may excuse a juror on his or her own motion, or counsel may seek to approach the bench to discuss challenges for cause. *Batson* challenges similarly should be exercised by argument at the bench outside the presence of the jury.

#### 9.03 ALTERNATE JURORS IN CIVIL CASES.

Alternate jurors shall be determined prior to commencing deliberations and shall be selected at random.

#### 9.04 CONTINUANCE OF JURY TRIALS

Jury Trials shall only be continued by leave of the Court after a hearing on a Motion to Continue. Jury Trials shall not be continued by an Agreed Order.



## RULE 10

### DISCOVERY IN CIVIL CASES

#### 10.01 FILING REQUIRED ONLY FOR USE BY COURT.

Interrogatories or Requests for Admissions or Production of Documents or other discovery material need not be filed with the Clerk unless and until it is to be considered by the Court for some purpose.

#### 10.02 NUMBER OF INTERROGATORIES.

No party shall serve on any other party more than thirty (30) single question interrogatories, including subparts without leave of Court. Parties seeking to serve a greater number of interrogatories may do so with leave of Court. Any motion seeking permission to serve additional interrogatories shall contain the proposed interrogatories and shall be accompanied by a memorandum establishing good cause for such service. If a party is served with more than thirty (30) interrogatories without an order of the Court, he or she shall respond only to the first thirty (30) in the manner provided by the *Tennessee Rules of Civil Procedure*.

#### 10.03 MOTIONS REGARDING DISCOVERY ISSUES.

- (A) The Court shall 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 *pro se*, 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 be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery, and shall include the date for delivery of discovery.
- (B) When a Motion to Compel Answers to Interrogatories or Motion to Compel Production of Documents or other Exhibits is filed, counsel shall file the Interrogatories or Requests for Production of Documents for which answers are sought as an exhibit to the motion. Where the opposing party has not been diligent in submitting responses, attorney fees may be awarded.

## RULE 11

### FACSIMILE FILING AND E-FILING

#### 11.01 PLEADINGS WHICH MAY BE FILED BY FACSIMILE.

Facsimile filing is allowed to every extent allowed by the *Tennessee Rules of Civil Procedure*. New cases may not be filed by facsimile. However, once a case is filed, answers, motions, briefs, and other documents may be filed by facsimile. Once submitted by facsimile, copies of signatures submitted by facsimile shall be deemed by the Court to be original signatures, and documents submitted by facsimile shall be deemed to be original documents. It is not required that original documents which are duplicative of documents submitted by facsimile be filed.

11.02 TRANSMISSION INFORMATION.

- (A) Each of the respective Clerks' offices shall maintain a facsimile machine. These machines may be contacted as follows:

Cannon County Chancery Court: (615) 563-5696

Cannon County Circuit Court: (615) 563-6391

Rutherford County Circuit Court: (615) 691-5904

Rutherford County Chancery Court: (615) 691-5964

- (B) Facsimile machines will be operational during regular office hours on Judicial Days. Machines may be operational before and after business hours. Facsimile transmissions received after 4:15 p.m. will be considered to be filed the following business day.

11.03 COVER SHEETS AND USER FEES.

Each facsimile transmission must be preceded by a cover page bearing the signature of counsel guaranteeing prompt payment of the user fees. For each facsimile transmitted to the Court, there is a charge which is established by the Rules of the *Tennessee Supreme Court*. Counsel shall create their own bills for such services where they require such for their record keeping, and shall transmit payment within five (5) Judicial Days, or such other time which may be provided by *Supreme Court Rule*.

11.04 E-FILING.

In Chancery Court, E-Filing is the preferred method of filing. The Rutherford County Chancery Court Electronic Filing Rules are hereby incorporated by reference, and can be found at [www.rcchancery.com](http://www.rcchancery.com). Where the Electronic Filing Rules are in conflict with these Rules, these Rules shall prevail.

RULE 12

DIVORCE, PENDENTE LITE HEARINGS AND POST-DIVORCE MATTERS

12.01 PENDENTE LITE HEARINGS.

- (A) Upon the filing of a divorce action and the request for a Pendente Lite hearing, counsel shall file with the Court a motion requesting the Court to conduct a Pendente Lite hearing. The Court will appoint a Special Master for the purpose of conducting the Pendente Lite hearing. If counsel desires for the Pendente Lite hearing to be conducted by the Trial Judge, then a motion for same shall be filed with the Court. Any Order Appointing a Special Master shall be in the form shown in Appendix D attached hereto.

- (B) *Pendente Lite* hearings are for the purpose of setting a temporary residential sharing schedule, setting temporary child support for the minor child(ren), determining all matters as set forth in a temporary parenting plan (T.C.A. § 36-6-403), awarding temporary spousal support (T.C.A. § 36-5-121(b)), temporary possession of the marital home, and temporary allocation of marital expenses. Any matters concerning the division or sale of any personal or real property owned by one or both spouses, any referral of a party or minor child to any rehabilitation program, drug or alcohol testing, treatment program, or anger management program, or any referral of a party or minor child to any professional, including counselors, therapists, psychologists, and psychiatrists, who provides guidance, support, and treatment for mental, emotional, or behavioral disorders, alcoholism, alcohol abuse, drug addiction, substance abuse, or any other addiction shall be decided by the Trial Judge absent an Order to the contrary.
- (C) For every *Pendente Lite* hearing, both parties shall present written statements in the form shown in Appendix E attached hereto at least five (5) days prior to the *Pendente Lite* hearing. Such statements will be referred to as "Statement in Compliance with Rule 12.01." Both parties shall attach proof of income (i.e. latest W-2, 1099, most recent tax return, or other such proof) to their Rule 12.01 Statement. All such statements shall be signed by the filing party under oath. These statements shall be considered the testimony of the parties as to the issues contained therein.
- (D) Both parties shall also file a Temporary Proposed Parenting Plan, where there are children of the marriage, at least five (5) days prior to the *Pendente Lite* hearing.
- (E) Witness and Exhibit Lists for a *Pendente Lite* hearing shall be filed in accordance with Rule 3.01.
- (F) After a *Pendente Lite* hearing, the Special Master shall file a Special Master's Report containing Findings of Facts and Conclusions of Law in the form shown in Appendix F attached hereto. The Master's Report shall be followed until such time there is a hearing on any objection, or until the Trial Judge adopts the report, modifies the report, rejects the report in whole, rejects the report in part, receives further evidence, or recommits the report with instructions.. A Special Master's Report shall not become an order of the Court until such report is adopted by signature of the Trial Judge, or by Order Approving Special Master's Report in the form shown in Appendix G attached hereto.
- (G) Objections to the Special Master's Report shall be filed within ten (10) Judicial Days. A party objecting to an order shall submit an alternative order to the Court for consideration and identify specific objections to the original proposed order. Where there is a proper objection, the case shall be set for hearing before the Trial Judge. After hearing, pursuant to *Tennessee Rules of Civil Procedure* Rule 53.04, the Trial Judge may adopt the report, modify the report, reject the report in whole, reject the report in part, receive further evidence, or may recommit the report with instructions.

- (H) If an objection is not set within forty-five (45) days from filing, such objection shall be overruled, and the Trial Judge may adopt the report, modify the report, reject the report in whole, reject the report in part, receive further evidence, or may recommit the report with instructions.
- (I) Appeals from the decision of the Special Master will be conducted upon the record of the testimony presented before the Special Master and upon arguments of counsel, unless the Court directs otherwise.
- (J) Each case shall only go before the Special Master for one (1) *Pendente Lite* hearing, unless the Trial Judge approves a request for an additional *Pendente Lite* hearing, or the parties enter an Agreed Order for an additional *Pendente Lite* hearing before the Special Master. All other *Pendente Lite* hearings shall be set before the Trial Judge.

#### 12.02 CONTESTED DIVORCE HEARINGS.

- (A) No less than eight (8) Judicial Days prior to the Final Hearing of any contested divorce action, the Plaintiff and Defendant shall file a "Statement in Compliance with Rule 12.02," in the form shown in Appendix H attached hereto. Both parties shall attach proof of income (i.e. latest W-2, 1099, most recent tax return, or other such proof) to their Rule 12.02 Statement. All such statements shall be signed by the filing party under oath. These statements shall be considered the testimony of the parties as to the issues contained therein.
- (B) Valuations and listings of all assets and debts are mandatory. Any debt associated exclusively with a specific asset should be listed with the asset, setting out resulting equity.
- (C) Statements under this rule shall be signed by the respective party, under oath, and their counsel, if any.
- (D) Witness and Exhibit Lists for a contested divorce trial shall be filed in accordance with Rule 3.01.

#### 12.03 NON-CONTESTED DIVORCES.

- (A) Upon receipt of all documents and after the expiration of the statutorily-mandated waiting period, the Court Clerk shall forward the file to the Divorce Coordinator for review.
- (B) If the Divorce Coordinator is satisfied that the required documents meet the requirements of Tennessee law, she shall forward the file to the Judge or Chancellor assigned to the case. The Judge or Chancellor shall then review the file in Chambers and, if satisfied the required documents are proper, may in his or her discretion sign the appropriate documents. The Judge or Chancellor retains the discretion to require a Court hearing in any case.

(C) If the Divorce Coordinator determines the required documents are deficient, she shall contact the attorney(s) or *pro se* litigants in an effort to correct the problem(s). Upon correction of any such problems, the Divorce Coordinator shall then deliver the file to the Judge or Chancellor assigned to the case for review and potential entry of the appropriate documents. If the issues are not cured within five (5) business days from contact by the Divorce Coordinator the Order shall be forwarded to the Court for the appropriate action as determined by the Trial Judge.

(D) Notwithstanding the provisions of these rules, either party may still request that a Court hearing be held in any divorce case.

(E) Without Children:

The following shall occur before a non-contested divorce, or divorce submitted on stipulated grounds, where there are no children of the marriage, may be granted:

1. The divorce has been on file for at least sixty (60) days;
2. The parties have reached agreements as to all issues;
3. The parties have entered into a properly executed Marital Dissolution Agreement; and
4. A hearing has been scheduled (unless affidavits have been filed in accordance with this Rule).

After compliance with the above, a non-contested divorce, or divorce submitted on stipulated grounds, where there are no children of the marriage, may be granted in the following ways:

1. Upon presentation of testimony of either party by counsel for either party;
2. If neither party has counsel, upon presentation of testimony by either party *pro se*; or
3. Upon the affidavits of the parties in the form shown in Appendix I attached hereto.

(F) With Children:

The following shall occur before a non-contested divorce, or divorce submitted on stipulated grounds, where there are children of the marriage, may be granted:

1. The divorce has been on file for at least ninety (90) days;
2. The parties have reached agreements as to all issues;
3. The parties have entered into a properly executed Marital Dissolution Agreement;
4. The parties have entered an Agreed Permanent Parenting Plan; and
5. A hearing has been scheduled (unless affidavits have been filed in accordance with this Rule).

After compliance with the above, a non-contested divorce, or divorce submitted on stipulated grounds, where there are children of the marriage, may be granted in the following ways:

1. Upon presentation of testimony of either party by counsel for either party; or
2. If neither party has counsel, upon presentation of testimony by either party *pro se*.
3. Upon the affidavits of the parties in the form shown in Appendix I attached hereto.

(G) In non-contested divorce cases, all required documents shall be filed with the Clerk at least ten (10) Judicial Days before any scheduled hearing.

#### 12.04 ATTENDANCE AT MEDIATION AND PARENTING CLASSES.

- (A) No contested divorce shall be heard unless the parties have first attempted to resolve their contested issues before a Rule 31 Mediator, who shall report to the Court the result of the mediation in accordance with the *Tennessee Supreme Court Rule 31*. Mediation may be waived by the Court in appropriate cases, and when the Court finds mediation should be waived pursuant to Tennessee Code Annotated (T.C.A.) § 36-4-131.
- (B) Before a divorce may be granted to parties with minor children of the marriage at issue, both parties must attend parenting classes in accordance with orders of the Court. Where a party has not so attended, the final decree must provide that the party shall attend the parenting classes within sixty (60) days, except that for good cause the Trial Judge may waive the duty of a party to attend the parenting classes in very unusual circumstances.

#### 12.05 HEARINGS IN CONTESTED DIVORCES.

At the option of the Trial Judge, the Court may elect to hear the testimony of the parties first before any additional witnesses are called, or the Court may hear the proof for the Plaintiff before considering any defense proof, as in other litigation.

#### 12.06 PROPOSED PARENTING PLANS.

When a contested divorce involving parties who have minor children is scheduled for trial, the Plaintiff and Defendant shall file a proposed Parenting Plan at least two (2) Judicial Days before trial.

When a contested divorce involving parties who have minor children is scheduled for hearing on a Motion for Default, Plaintiff shall file a proposed Parenting Plan at least two (2) Judicial Days before the scheduled hearing.

#### 12.07 FINAL DECREE OF DIVORCE.

The Final Decree of Divorce shall provide the full names, places of employment, and addresses of the parties. Where parties have minor children, the parties must provide a statistical information sheet to the Clerk in the form shown in Appendix J attached hereto.

12.08 TERMINATION OF CHILD SUPPORT.

It shall be the duty of the divorced parent who is under an order to pay child support to petition the Court for an order terminating wage assignments or other deductions for payment of support when child support should no longer be required. Such petitions can be filed *pro se* and be in the form shown in Appendix K attached hereto. Before support may be terminated, it must be determined that the child is eighteen (18) years of age, that the child has graduated high school, or his or her class has graduated from high school, or the child is no longer attending high school, and that the child is competent and not disabled, and that no past due child support is owed.

The Petitioner shall be required to file a Proposed Order for Termination of Child Support in the form shown in Appendix L attached hereto.

12.09 DIVORCE COORDINATOR.

The Divorce Coordinator shall assist in ensuring compliance with all requirements under Rule 12.01 through 12.08 of these Rules. The Divorce Coordinator shall also ensure compliance with relevant statutes and guidelines pertaining to domestic matters.

RULE 13

ADDITIONAL FORMS

13.01 WORKER'S COMPENSATION.

No less than two (2) Judicial Days before a contested Worker's Compensation trial, parties shall file a completed form in the form shown in Appendix M attached hereto, setting forth stipulations and certifying that all depositions, which will be introduced, have been filed. Except where counsel are unable to do so, depositions of medical professionals which testimony will be presented at trial should be filed two (2) Judicial Days before scheduled commencement of the trial to enable the Court to read the testimony before trial.

Any settlement reached in a Worker's Compensation action where the employee has agreed to waive his/her right to retain future medical bills shall be supported by an affidavit in the form shown in Appendix N attached hereto.

Any settlement reached in a Worker's Compensation action where the employee has NOT agreed to waive his/her right to retain future medical bills shall be supported by an affidavit in the form shown in Appendix O attached hereto.

13.02 AFFIDAVIT OF INDIGENCY.

No case may be filed without payment of fees (except Petitions for Orders of Protection which are exempt from such fees) unless a Uniform Civil Affidavit of Indigency, in the form shown in Appendix P attached hereto, has been approved by the Court.

If a party is entitled to a court appointed attorney in a civil case, a Uniform Affidavit of Indigency in the form shown in Appendix Q must be filed before an attorney may be appointed.

# PART B: RULES IN COURTS EXERCISING CRIMINAL JURISDICTION

## RULE 14

### PETIT AND GRAND JURIES AND CRIMINAL PROCEDURE

#### 14.01 SELECTION OF GRAND AND PETIT JURIES.

(A) Unless otherwise determined by the Presiding Judge, Grand Juries in Rutherford County are to be empaneled on the first Monday of each month. The Grand Jury is to consist of twelve qualified jurors and a sufficient number of qualified alternates to serve in this capacity for a period of one month. After being empaneled, sworn and qualified, the Grand Jury will commence its duties. The Grand Jury will meet on the first Monday of the month and such subsequent days as needed. If the first Monday of the month falls on a holiday, the Grand Jury will meet on the first Tuesday and continue until their duties are completed. The Court will select from the remaining prospective jurors petit panels to serve for one month intervals. All Petit Jurors will be required to complete a prescribed juror information sheet and will be assigned a month of service in accordance with the needs of the Court.

(B) The Grand Jury will meet as directed by the Presiding Judge to hear criminal cases in Cannon County in January, May and September. The Grand Jury in Cannon County will be selected in the same manner and fashion as that in Rutherford County; however, they will serve for a four month period of time, and will serve commencing on the day of their service and empanelment until the completion of the business of cases to be presented before them. Thereafter, they remain subject to special call at the direction of the Court during the period of their continuous service as the Grand Jurors. Other potential jurors not selected for Grand Jury service will comprise the Petit Jury panel for the ensuing four-month period. A sufficient number of Petit Jurors will be selected, and at the discretion of the Court, may be divided into panels which will serve for intervals of time. The Petit Jury members will be given direction by the Circuit Court Clerk of Cannon County as to the date and telephone number which they are to call for further instructions as to their jury service.

#### 14.02 EXTRAORDINARY INTERLOCUTORY RELIEF.

All special requests for extraordinary interlocutory relief in unindicted and unassigned cases awaiting Grand Jury action shall be presented to the Judge where the case will eventually be assigned, according to the policy and procedure of the office of the Circuit Court Clerk.

#### 14.03 PROCEDURE AFTER INDICTMENT.

(A) All Rutherford County felony and misdemeanor cases having been the subject of indictment will be arraigned pursuant to the docket schedule of the judicial division that is assigned the case. The Court will be available for settlements, criminal motions, sentencing hearings, and other necessary criminal matters as time may permit.



(B) Arraignment and plea days for Cannon County will take place at the direction of the Judge holding criminal court. Arraignment should generally occur the first Thursday or Friday of the month depending on the direction of the Judge, with plea days being set the first available date in the month following arraignment.

#### 14.04 PLEA DAYS.

Plea days for both felonies and misdemeanors are to occur as directed by the Judges holding criminal court. No pleas shall be accepted on the date of trial other than to the indicted charge(s) unless good cause can be shown otherwise and at the discretion of the Judge.

### RULE 15

#### PROCEDURE IN CRIMINAL CASES BOUND OVER OR APPEALED FROM COURTS HAVING GENERAL SESSIONS JURISDICTION IN RUTHERFORD COUNTY

All cases in which prosecution was initiated by a criminal warrant shall be set, pursuant to Rule 5 of the Tennessee Rules of Criminal Procedure, in the General Sessions Court. Misdemeanor cases may be resolved by plea, nolle, dismissal, or bench trial. Felony cases and misdemeanor cases that are not resolved in General Sessions Court will be bound over to the Grand Jury following either a preliminary hearing or by written waiver. If the Grand Jury fails to act on the case of a defendant in custody that has been bound over to the Circuit Court at its Division's next regular session, the Clerk shall notify the Court that the individual is being held unindicted, and the Court may appoint counsel to represent the individual. The District Attorney must be given at least five (5) days' notice regarding any motions filed concerning any unindicted individual who is being held.

### RULE 16

#### BAIL BONDS

#### 16.01 GENERAL.

These Rules shall be applicable in all Courts of record in the 16th Judicial District of Tennessee exercising criminal court jurisdiction.

16.02 PETITIONS FOR APPROVAL OF NEW COMPANY.

(A) The Judges of the courts of record exercising criminal court jurisdiction shall sit en banc as needed and consider for approval each company who petitions the Court for permission to write bonds in the 16th Judicial District. All petitions for approval of a new bonding company must be in a form similar to the one provided by the Circuit Court Clerk of Rutherford County, Tennessee.

(B) The petition shall contain the following information:

1. the business name, street address and telephone number of the bonding company office, which will be located in Rutherford or Cannon County;
2. a copy of the business license issued for the bonding company;
3. a copy of the bonding entity's agents school certificate (annually with first semi-annual report only);
4. a copy of an Oral Fluid Testing drug screen of each owner, and each prospective agent, as required by the Court to be conducted by a certified facility, and which shall be performed within forty-eight (48) hours of the date of filing the petition for permission to write bonds, and petitioners are responsible for the cost of testing;
5. a copy of all organizational documents (e.g., corporate charter, partnership agreement, etc.) and all other agreements or documents pertaining to the identity of the owners and interest holders in the said company, the distribution of profits from the said company, the source of all funds used to establish the company, and the names of those persons who will be personally liable for forfeiture judgments;
6. list all disciplinary actions, such as suspension or termination as a bonding person or agent;
7. identify the funds and source of said funds to be filed with the Clerk to establish the bonding capacity; and
8. any officer or owner of a bonding company must attach a sworn statement under oath and penalty of perjury from each individual stating the following:
  - i. a list of all prior criminal convictions and all other information required by Tennessee Code Annotated (T.C.A.) §40-11-317;
  - ii. describe all relationships to any other bond company owner, interest holder, or agent of a bail bond company authorized to do business in Rutherford or Cannon County;
  - iii. a statement as to whether such people have ever been an owner, interest holder, or agent of a bail bond company authorized to do business in Rutherford or Cannon County;
  - iv. a statement as to whether such people are related, by blood or marriage, to any person who works for the Circuit Court Clerk, the Sheriff's Department, or any Judge of Rutherford or Cannon County; and
  - vi. a statement that the officers or owners of the bonding company and its proposed agents have read and are aware of the requirements of Tennessee Code Annotated (T.C.A.) §40-11-301, et seq. and § 40-11-401, et seq., pertaining to the rules governing professional bonds persons, the requirements for continuing education, and the Rules of this Court governing bonding companies.

(C) Applications for new bonding companies AND new agents must comply with the following:

1. owner of a new bonding company must have at least two (2) years experience with a bonding company prior to applying;
2. obtain Tennessee Bureau of Investigation (TBI) Form from the Rutherford or Cannon County Circuit Court Clerk's office;
3. submit completed application with the report of criminal history conducted by the TBI for a nationwide record check based upon the submitted fingerprints of each agent and owner of the bonding company (at the expense of the bonding agency); and
4. regulations for new agents are same as Rule 16.02 (A) and (B).

(D) All petitions for approval of a new company shall be served upon the District Attorney General at least two (2) weeks prior to the hearing on the petition and shall be heard by the judges of the courts of record exercising criminal court jurisdiction, sitting en banc as needed. The District Attorney General or his designee or Rutherford County Sheriff's Department shall conduct a criminal history and background investigation of the owner of the bonding company and its agents. The results of this background investigation shall be furnished to the Court at least one (1) week before the date of the en banc qualification hearing. The applicant shall submit to a criminal history background check by the Tennessee Bureau of Investigation, pursuant to Tennessee Code Annotated (T.C.A.) § 38-6-109. The applicant shall be responsible for any fees for the criminal history background check. The results shall be submitted to the Circuit Court Clerk at least one (1) week before the date of the qualification hearings. The District Attorney General or his designee shall be present and represent the State of Tennessee at the qualification hearing. The petition shall have an attached affidavit disclosing the criminal history and all criminal charges, if any, of the petitioner. If the affidavit is found to be inaccurate, the petitioner shall be immediately disqualified as a professional bonding person.

(E) All petitions for new agents of existing companies shall be approved or denied at the discretion of the Presiding Judge in accordance with these Local Rules and the laws of the State of Tennessee.

### 16.03 COLLATERAL.

(A) From the effective date of these rules, any person or company filing a petition for approval to open a professional bail bond company in Rutherford or Cannon County is required to post a minimum of Seventy-Five Thousand Dollars (\$75,000.00) in cash, by Certificate of Deposit in the sum of not less than Seventy-Five Thousand Dollars (\$75,000.00) in the joint names of said bonding company and the Circuit Court Clerk of Rutherford or Cannon County, Tennessee, and/or by way of an Investment Certificate pursuant to the provisions of T.C.A. Section §40-11-302(h) with the Circuit Court Clerk of either Rutherford or Cannon County as security for bonds written. The Certificate of Deposit and/or Investment Certificate shall be retained and secured in the office of the Circuit Court Clerk of the appropriate county.

(B) The bonding company must obtain prior written approval from the Court before the bonding company will be allowed to post any additional security exceeding the minimum cash deposit to increase its bonding capacity.

(C) Collateral posted as security with the Clerk may not be withdrawn or applied to satisfy a forfeiture judgment except upon notice to the District Attorney General and upon Order of the Court.

(D) Any bonding company approved by the Court may write bonds in the amount equal to 10 times the amount of collateral pledged.

(E) No bonding company shall be allowed to write any one single or blanket bond for an individual defendant in excess of twenty percent (20%) of its available bonding capacity as determined by the Clerk on a quarterly basis.

#### 16.04 FORFEITURES.

(A) A bonding company shall not be allowed total outstanding forfeitures in the General Sessions Courts and the Circuit Courts of the 16th Judicial District to exceed more than fifty percent (50%) of the amount of collateral posted with the Clerk.

(B) Bonding companies which have exceeded their forfeiture limit at the time of the quarterly report prepared by the Clerk shall be removed from the approved list, and the Clerk shall immediately notify the Court, the Sheriff, and the District Attorney. The bonding company shall not be allowed to write any additional bail bonds until the forfeitures are again within the company's allowable limits and upon Order from the Court.

(C) If there is a discrepancy between the records of the bail bond company and the Circuit Court Clerk's office, the records of the Circuit Court Clerk's office will be presumed correct, unless the presumption of correctness is overcome by the submission of supporting documentation by the bail bond company.

(D) Any misrepresentation on any application form regarding financial worth, cases outstanding, forfeitures, dates of forfeitures, or the status on the payment of forfeitures will be cause for immediate removal from the approved bonding list of the Court in the 16th Judicial District.

(E) Upon any forfeiture becoming final, the professional bail bonding entity approved in this District will be required to pay the bond in full within thirty (30) days of the date that the forfeiture becomes final without further action of the Court. Should a professional bail bonding company entity refuse or neglect to pay the forfeiture in full within thirty (30) days, it will be immediately suspended and barred from making further bonds, and the Court will issue the appropriate judgment to collect a said outstanding bond as provided by law or to liquidate the Certificate of Deposit or other collateral to satisfy the forfeited bond.

(F) Upon a forfeiture becoming final and timely paid, the bonding entity may apply for the return of bond proceeds if the defendant is incarcerated within Tennessee within thirty (30) days of the forfeiture becoming final.

(G) In order to facilitate the determination of the owner of any funds remitted to a bail bond company entity after having been granted relief pursuant to Tennessee Code Annotated (T.C.A.) §40-11-204 on forfeitures paid in, any monies paid into the Office of the Circuit Court Clerk due on forfeitures taken shall be paid only by case or by a single check written on the account of the surety or its owner. The Circuit Court Clerk shall not accept payment for any forfeiture by personal check written on the account of any other party, nor shall the Clerk take payment by multiple checks drawn on different accounts.

#### 16.05 COMPANY CHANGES.

(A) The bonding company must notify, in writing, the Circuit Court Clerk of any changes to a bonding company's address or telephone number from that documented in the original qualifying petition. Written notice of any such changes shall be provided to the Clerk's office within ten (10) days of said changes.

(B) Any changes to a bonding company's name, ownership, or agents as submitted in the original petition must be submitted in writing within ten (10) days of said changes and approved by Order of the Court thereafter.

(C) Any material changes to the financial statements submitted to the Court must be corrected and filed with the Clerk immediately upon occurrence.

(D) Notice of any changes in the employment status of agents must be submitted in writing within ten (10) days of said change.

(E) Any owner or agent of an approved bonding company shall immediately notify the Court of any arrest or the filing of criminal charges involving the owner or agent, or the filing of any civil action including bankruptcy and an order of protection, where the owner or agent is a party to the action.

(F) Failure to comply with the notice requirements in this section will be cause for immediate removal from the approved bonding list of the Court in the 16th Judicial District.

#### 16.06 ACTIVITIES OF QUALIFIED BAIL AGENTS.

(A) All agents must wear photo identification badges while performing their duties as a bail agent.

(B) It is the duty of each agent to surrender his or her photo identification badge upon termination of their employment, and it is the responsibility of the owner of the company, or his designee, to retrieve and return to the Circuit Court Clerk said photo-identification badge.

(C) In addition to criminal sanctions elsewhere provided by law, the following are deemed unprofessional conduct, and no bondsman or surety agent shall:

1. suggest or advise the employment of, or name for employment, any particular attorney to represent the bondsman's principal;
2. pay a fee or rebate, or give or promise 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 in order to secure a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture of the bail bond;
3. pay a fee or rebate or give anything of value to an attorney in bail bond matters except in defense of any action on a bond;
4. pay a fee or rebate or give or promise anything of value to the principal or anyone in the principal's behalf;
5. participate in the capacity of an attorney at a trial or hearing of one on whose bond the person is a surety;
6. solicit business directly or indirectly, by active or passive means, or engage in any other conduct which may reasonably be construed as intended for the purpose of solicitation of business in any place where prisoners are confined or in any place immediately surrounding where prisoners are confined;
7. surrender a principal or ask any court to be relieved from a bail bond arbitrarily or without good cause;
8. accept anything of value from a principal except the premium, provided that the bondsman shall be permitted to accept collateral security or other indemnity from the principal which shall be returned upon final termination of liability on the bond. The 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, the bondsman shall give a written receipt for the collateral, and this receipt shall give in detail a full description of the collateral received and the terms of redemption; or
9. engage in the business of a professional bondsman or surety without maintaining a permanent business office, business telephone and appropriate signage indicating that the office is a professional bail bond business.

(D) No bonding company employee or agent shall initiate contact with a defendant or a defendant's family member to obtain business. Contact with a defendant who is a potential client will be allowed only after the bonding company has been contacted by the defendant or someone authorized to act on behalf of a defendant.

(E) All agents or employees of a bonding company shall conduct themselves in accordance with all the rules and orders of the Sheriff and Circuit Courts of the 16th Judicial District while performing required duties within such buildings. The penalty for a first violation of this provision is a suspension for not less than ninety (90) days. The penalty for a second violation of this provision is a suspension for not less than six (6) months. After any suspension, the bonding company must petition the Court for reinstatement of the bonding company or agent. The penalty for a third or subsequent violation of this provision is termination of the privilege to write bonds in the 16th Judicial District.

(F) All qualified agents may be subject to random drug screens as requested by the Court. A request for a screen may be initiated by the District Attorney or his designee by written request to the Presiding Judge. The request shall specify the type of test requested and the basis for the request. The test shall be ordered by the Judge for good cause shown. The cost of random drug screens shall be the responsibility of the agent. All test samples shall be divided to provide for confirmation testing. Should an agent test positive for any illegal substance, the agent has forty-eight (48) hours to request that the remaining sample be forwarded to a certified laboratory for re-testing at the agent's expense. Should an agent test positive for any illegal substance, the agent shall be suspended immediately pending a show cause hearing before the Presiding Judge. On the first occasion that an agent tests positive for any illegal substance, the agent shall be suspended for a minimum of six (6) months. After the agent has provided written documentation of successful completion of a drug treatment program, the agent may petition the Court for reinstatement. The credentials and/or qualifications of any treatment program shall be submitted to the Circuit Court Clerk for approval of the Court. Any agent who tests positive for any illegal substance on a second occasion shall be disqualified from serving as a bond agent and shall not be subject to reinstatement.

(G) A bonding company shall notify the defendant-principal of each court appearance.

(H) All records required by these rules shall be maintained and open to inspection upon written Order of the Court. A request to inspect such records may be initiated by the District Attorney or his designee by written request to the Presiding Judge. The request shall specify the records requested and the basis for the request. The request shall be ordered by the Judge for good cause shown.

#### 16.07 PREMIUMS.

(A) As provided by Tennessee Code Annotated (T.C.A.) § 40-11-126, no bonding company or agent shall accept anything of value from a principal or anyone acting on their behalf except the authorized premium and initiation fee as set out in Tennessee Code Annotated (T.C.A.) § 40-11-316 and as described in the bond contract. If any property other than cash (or other negotiable instrument) is accepted for the premium, the agent shall notify the Presiding Judge and the District Attorney General in writing.

(B) All funds or negotiable instruments accepted in payment or satisfaction of the premium and the initiation fee shall be recorded and itemized by the bonding company. A copy of the record documenting the premium and initiation fee received shall be provided to the defendant, or to the party acting in the defendant's behalf, and shall be maintained as a part of the ordinary, daily business records of said company. If funds or negotiable instruments are accepted as collateral, the bonding company shall:

1. deposit such collateral into a separate trust account pending its redemption,
2. identify the account or principal to which the collateral applies, and
3. provide the person providing the collateral with the identity of the institution in which the collateral is held.

(C) In the event that a bail bonding company receives funds for a premium or initiation fee and elects not to post the bond for the defendant-principal, any funds received shall be returned immediately to the defendant or person acting on the defendant's behalf.

(D) Every bondsman or agent must use a duplicate receipt book to record all payments for premiums. A copy of the receipt must be given to the defendant or the person acting on the defendant's behalf. Receipts must include:

1. a specific description of all property, including cash or checks received from the defendant or someone acting on the defendant's behalf, and
2. the signature of the defendant or the person acting on his or her behalf tendering the said funds.

(E) No bond may be secured, guaranteed, or otherwise indemnified by a contract which purports to be a promissory note, indemnification contract, hold-harmless agreement, or guaranty from a company, or a bonding person not approved as a bonding company.

(G) Any single or total bond for the same defendant, charged with an offense listed in Rule 16.07(H) or (I), in an amount of Seventy-Five Thousand Dollars (\$75,000.00) or more shall not be made without an order approving the source. Any hearing upon motion by defendant or bonding company shall be heard on an expedited basis requiring three (3) days' notice to the Court and the District Attorney General. The Court shall conduct a hearing to determine compliance with these Rules and the provisions of Tennessee Code Annotated (T.C.A.) § 39-11-715 regarding the source of the premium of said bond. Any Trial Court or General Sessions Court, depending upon where the case is pending, may conduct such hearings and enter such orders, injunctions, restraining orders, prohibitions, or issue any extraordinary process for the purpose of ensuring that any defendant does not use any proceeds directly or indirectly derived from a criminal offense for the purpose of securing an appearance bond or to pay the premium for the bond. Any court may require the defendant or bonding agent to prove in open court the source of such bond or premium before accepting the bond, and the burden of proof shall be upon the party seeking the approval or acceptance of the bond. If the Trial Court in which the case is pending is unavailable, the source hearing may be conducted in any Trial Court exercising criminal jurisdiction. Nothing in this rule shall prohibit the District Attorney General from filing a motion to request a source in any case. Further, nothing in this rule shall prohibit the Court, sua sponte, requiring a source on its own motion.

(H) Criminal Offenses subject to a source hearing as required by Rule 16.07(G):

First Degree Murder; 39-13-202  
Second Degree Murder; 39-13-210  
Voluntary Manslaughter; 39-13-211  
Robbery; 39-13-401  
Aggravated Robbery; 39-13-402  
Especially Aggravated Robbery; 39-13-403  
Carjacking; 39-13-404  
Criminal Simulation; 39-14-115  
Forgery; 39-14-114  
Tax Fraud/Evasion; 67-2-121  
Felony Theft; 39-14-103-105; 39-14-108; 39-14-110



Identity Theft: 39-14-150  
 Embezzlement: See Theft and 40-13-221  
 Credit Card Fraud: 39-14-118  
 Bribery: 39-16-101-108  
 Counterfeit Money: See Forgery and 40-13-215  
 Money Laundering: 39-14-901-909  
 Financial Exploitation of an Elder/Vulnerable Person: 39-15-502  
 Extortion: 39-14-112  
 Organized Retail Crime: 39-14-113  
 Trafficking for Forced Labor or Services: 39-13-308  
 Trafficking for Commercial Sex Act: 39-13-309  
 Aggravated Gambling Promotion: 39-17-504  
 Worthless Checks: 39-14-121  
 Human Trafficking: 39-13-314  
 Promoting Prostitution: 39-13-515  
 Aggravated Prostitution: 39-13-516  
 Promoting Travel for Prostitution: 39-13-533  
 Fraudulent Qualifying for Set Aside Programs 39-14-137  
 Theft of Trade Secrets: 39-14-138  
 Sale of Recorded Live Performances without Consent: 39-14-139  
 Communication Theft: 39-14-149  
 Use of Counterfeit Mark/Logo: 39-14-152  
 Home Improvement Fraud: 39-14-154  
 Illegal Sale of Firearms: 39-17-1301-1304; 1316  
 Insurance Fraud: 56-53-102  
 False or fraudulent insurance claims: 39-14-133

(I) Felony Controlled Substance Offenses subject to a source hearing as required by Rule 16.07(G):

39-17-417(a)	Manufacture, delivery, sale or possession of Controlled Substances
39-17-417(b)	Schedule I
39-17-417(c)	Schedule II
39-17-417(d)	Schedule III
39-17-417(e)(1)	Schedule IV-Flunitrazepam
39-17-417(e)(2)	Schedule IV
39-17-417(f)	Schedule V
39-17-417(g)	Schedule VI
39-17-417(h)	Schedule VII
39-17-417(i)	M/D/S/P Controlled Substances constituting a Class B Felony
39-17-423	Counterfeit controlled substances
39-17-425(b)(1)	Unlawful drug paraphernalia as a Class E Felony
39-17-433	Promotion of methamphetamine manufacture
39-17-434	Manufacture, delivery, sale or possession of methamphetamine
39-17-435	Initiation of a process intended to result in the manufacture of methamphetamine.
39-17-438	Production, manufacture, distribution, or possession of salvia divinorum or synthetic cannabinoids

39-17-453(a)	Imitation controlled substances
39-17-454(c)	Controlled substance analogues
39-17-455(b)	Manufacture of marijuana concentrate by process which includes use of inherently hazardous substance- Use of premises.
53-11-401(a)(1)/(2)	Unlawful distribution of controlled substances
53-11-401(a)(5)	Maintaining a dwelling

#### 16.08 REPORTS AND REQUIRED RECORDS.

(A) It shall be the responsibility of the bonding company to certify that all bonds are fully completed upon the release from custody of the defendant-principal from custody. All bail bond contracts, written undertakings, and bond powers shall:

1. contain the name, address (including any apartment number) and zip code of the defendant typed or legibly printed thereon. It shall be the obligation of the bonding company to notify the Clerk of any change of address of the defendant;
2. be signed by the agent making said bond;
3. have the name of the bonding company boldly and legibly stamped or printed thereon;
4. identify the property used to pay the premium and initiation fee as well as any other property received as collateral for said bond; and
5. include a copy of a photo identification of all persons (excluding the defendant/principal) delivering such premiums, fees or collateral to the agent if the bond is Seventy-Five Thousand Dollars (\$75,000.00) or more.

(B) Any bonding company authorized by the Court to execute bail or bonds, or bonds securing fines and cost, shall file with the Circuit Court Clerk a semi-annual financial report pursuant to Tennessee Code Annotated (T.C.A.) §40-11-303. The semi-annual report shall be an attested filing subject to prosecution for perjury. Such reports shall include, but are not limited to, a listing of:

1. all current and active qualified bonding agents approved for said company;
2. any outstanding civil performance or costs bonds;
3. all persons having financial or managerial interest in the bonding company; and
4. a certificate of compliance for each qualified agent for continuing education credits. The certificate must be furnished annually as required by Tennessee Code Annotated (T.C.A.) §40-11-402.

(C) Any bonding company authorized by the Court to execute bail or bonds, or bonds securing fines and cost, shall file with the Circuit Court Clerk will file a quarterly report by the tenth (10th) day of the following months; January, April, July, and October, in the format prescribed by the Clerk on a spreadsheet or table suitable for auditing by the Clerk and shall contain the following information for each bond:

1. all outstanding bonds and their amounts ending with the month of the report;
2. the name of each defendant, the bail bond book page number, the date the bond was made, the name of the agent signing the bond book, the amount of the bond and the case number assigned by the Clerk for the court that issued the warrant or capias;
3. all forfeitures and their amounts;

4. all disciplinary actions such as suspension or termination as a bonding person or agent; and
5. the quarterly report shall be an attested filing subject to prosecution for perjury.

(D) Upon failure of any bonding company to file the required quarterly report, or any other record or document required by statute or these Local Rules, the Circuit Court Clerk shall notify the Presiding Judge who shall suspend and remove the company from the approved list. The Presiding Judge shall issue a written order and immediately terminate the bail bond company's authority to execute bonds in the 16th Judicial District. Thereupon, the bond company shall not be allowed to write any bonds until such time as all the requirements of the semi-annual report have been satisfied and the bonding company has been reinstated by the Presiding Judge in a written order. In the event the bonding company disputes the suspension, the bonding company may petition the Court for a hearing to reconsider the suspension.

#### 16.09 SUSPENSION OF BONDING COMPANY OR AGENT.

(A) Every bonding company acts as an agent of the Court, and the conduct of the bonding company constitutes an integral part of the operation of the Court. The Court may impose any limits and conditions necessary to ensure the professional standing and reliability of the bonding company. Such measures, if any, shall be made in the public interest to avoid a conflict of interest or an appearance of impropriety on the part of the bonding company. Pursuant to the provisions of Tennessee Code Annotated (T.C.A.) §40-11-125 and §40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension or termination of the approval to do business as a bail bond company or agent if it appears to the Court that it is in the best public interest to take such action. For good cause, the Court may issue a restraining order, writ or other process without notice to the company if deemed necessary in the public interest.

(B) Pursuant to the provisions of Tennessee Code Annotated (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 for a bondsman to act as an agent for an approved bonding company, if the agent:

1. has been convicted of a crime of dishonesty, any felony or any alcohol or drug related offense;
2. fails to submit to a drug screen as requested by the Court or fails to provide proof of successful drug screens as mandated in the semi-annual reports;
3. tests positive for any illegal substance by a drug screen requested by the Court, and the owner of the bonding company must notify the Court immediately of any failed drug screens by any owner or agent of the bonding company;
4. authorized a bond which has a final judgment of forfeiture entered against the bonding company that remains unsatisfied. If a bonding company fails to satisfy payment of a final judgment, the bonding company shall be suspended immediately from the list of qualified bonding companies. The bonding company shall remain suspended unless reinstated upon Order from the Court. There shall be a one-hundred-dollar (\$100.00) reinstatement fee, together with the costs as a result of such suspension;
5. has failed to comply with any local rules; or
6. is guilty of any unprofessional conduct that includes, but is not limited to:

- i. loitering about the jail or court premises and within prohibited areas to solicit business;
- ii. suggesting or advising the employment of, or otherwise referring, any particular attorney to represent a defendant;
- iii. paying a fee or giving or promising anything of value to any Clerk of the Court, jailer, police officer, peace officer, committing Magistrate, or any other person who has the power to arrest or hold in custody, or to any public official or public employee to secure a bond or a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof;
- iv. paying a fee or rebate or giving anything of value to an attorney in bail bond matters, except in the legal representation or any action pertaining to the bail bond company or action;
- v. surrendering a principal without good cause;
- vi. accepting anything of value from a principal except the premium provided, however, the bondsman shall be allowed to collect collateral, security or other indemnity from the principal that shall be returned upon final termination of liability on the bond where such collateral, security or other indemnity required by the bondsman is reasonable in relation to the amount of the bond and where the said bondsman accepting such collateral delivers a written receipt for the same which receipt describes in detail the collateral received and the term of redemption; or
- vii. receiving anything of value as payment for a premium or collateral on credit bonds on cases where the total bonds for any defendant exceed Seventy-Five Thousand Dollars (\$75,000.00) after the defendant-principal is released from custody as prohibited by these Rules, except as authorized under Rule 16.07.

#### 16.10 INDIVIDUAL BONDS.

(A) Any individual who desires to post a real property bond pursuant to Tennessee Code Annotated (T.C.A.) §40-11-122 shall submit a current insured title opinion letter by an attorney approved by the Clerk identifying said real property and reflecting any encumbrances thereon. The appraised value or equity of the property must equal one and one-half times the amount of the bond. The property owner providing said surety must comply with all regulations as set forth by the Office of the Circuit Court Clerk. If the amount of the bond is Seventy-Five Thousand Dollars (\$75,000.00) or more, the bond must be made after notice is provided to the District Attorney General and a hearing is conducted in open court pursuant to Tennessee Code Annotated (T.C.A.) §39-11-715 regarding the source of the bond. If the bail bond is secured by real estate, the defendant or the defendant's surety shall execute a deed of trust conveying the real estate in trust to the Clerk who shall immediately file the deed of trust in the office of the register of the county in which the real estate is situated. The costs of preparation of the deed of trust and recordation shall be paid by the defendant.

(B) Any individual who desires to deposit a cash bond with the Clerk pursuant to Tennessee Code Annotated (T.C.A.) §40-11-118 shall be notified in writing that such cash deposit shall be returned subject to any fines, court costs or restitution as ordered by the Court. No cash bond may be received in the amount of ten-thousand dollars (\$10,000.00) or more without notice

to the District Attorney General and a hearing is conducted in open court pursuant to Tennessee Code Annotated (T.C.A.) §39-11-715 regarding the source of the bond.

(C) Upon release from custody, or at first appearance to booking authorities upon receipt of a citation, the Clerk shall notify the defendant in writing of the initial court appearance. The Clerk shall retain proof of such notification. Each defendant shall provide to the Clerk before release on a property or cash bond an address where notification of a court date may be delivered. It shall be the responsibility of the defendant to notify the Clerk of any change of address.

#### 16.11 REPRESENTATION OF INCORPORATED BONDING COMPANIES.

(A) Any bail bonding company, that is organized as a corporation or a limited liability company, must be represented by licensed legal counsel to make appearances, file petitions, file responsive pleadings, or take any other actions before the Court as contemplated by Tennessee Code Annotated (T.C.A.) §40-11-101, *et seq.*, §40-11-201 *et seq.*, and §40-11-301, *et seq.*

(B) Pursuant to Tennessee Code Annotated (T.C.A.) §40-11-302(f), an individual sole proprietor professional bondsman, or the bondsman's agent, as an officer of the court, shall be permitted to answer court, surrender a defendant based upon one (1) or more of the grounds set forth in Tennessee Code Annotated (T.C.A.) §40-11-132, obtain an extension of time, or respond to a court's request for information without the necessity of obtaining legal counsel.

### RULE 17

#### COUNSEL AND DEFENDANT'S PRESENCE AT ARRAIGNMENT AND SUBSEQUENT ARRAIGNMENT ARRAIGNMENT MOTION AND ORDER

An unrepresented defendant's presence is required at arraignment unless he or she has hired an attorney and that attorney has filed an Arraignment Motion and Order (Appendix R) waiving formal arraignment and setting a plea day for the defendant as set by the Judge's calendar. The defendant and his or her counsel shall appear for formal arraignment if no motion for an order of arraignment is filed. No counsel will be relieved except where substitute counsel has been obtained or unless the Court relieves for some other good cause.

### RULE 18

#### PUBLIC DEFENDER AND INDIGENT CRIMINAL DEFENDANTS

The Public Defender for the 16th Judicial District is charged with the responsibility for representing indigent defendants charged with crimes and criminal contempt and shall assist the Court in making available legal representation to such indigent defendants. To meet these responsibilities, the Public Defender or his designee shall:

1. Assist the Court and supervise those who seek to have appointed Public Defender representation in the completion of the indigency affidavits justifying their assertion of indigence.

2. When the Public Defender is appointed in the General Sessions Court and the indigent defendant is in custody, this appointment is to continue through to the Circuit Court should the case be bound over. The Public Defender, once appointed, is to follow the progress of these cases to ensure they promptly proceed through the criminal court system.

## RULE 19

### DISCOVERY

#### 19.01 STANDING DISCOVERY RULE.

Within fourteen (14) days of the defendant filing a Motion for Discovery pursuant to Rule 16 of the Tennessee Rules of Criminal Procedure, the parties shall confer and the following shall be accomplished:

(A) The State shall permit the defendant to inspect and copy, or shall apply copies of all items listed below that are within the possession, custody, or control of the State, or the existence of which is known or by the exercise of due diligence may become known to the State:

1. Written recorded statements made by the defendant;
2. The substance of any oral statement the State intends to offer into evidence at trial made by the defendant before or after his arrest in response to interrogatories by a then known to be State agent;
3. Recorded grand jury testimony of the defendant relating to the offenses charged;
4. The defendant's arrest and conviction record;
5. Books, papers, documents, photographs, tangible objects, buildings, or places which the State intends to use as evidence at trial to prove its case in chief, or which were obtained from or belong to the defendant; and
6. Results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the State, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the State, and which are material to the preparation of the defense or are intended for use by the State as evidence in chief at the trial.

(B) Notwithstanding the foregoing, the State is not required to disclose confidential information protected by State or Federal rules or regulations or statute.

#### 19.02 DISCOVERY BY DEFENDANT.

When the defendant is entitled to discovery and so requests, the procedure shall be as set forth in Rule 19.01 of these Rules.

## RULE 20

### NEGOTIATED PLEA AGREEMENTS

#### 20.01 PLEA AGREEMENT PROCEDURES.

Rule 11 of the Tennessee Rules of Criminal Procedure shall govern negotiated plea agreements. In all felony cases, the defendant must file a written negotiated plea agreement signed by the District Attorney or his representative, the defendant, and defense counsel if the defendant is represented.

#### 20.02 NOTICE TO VICTIMS.

In cases where Tennessee Code Annotated (T.C.A.) §40-38-101 applies, the court may refuse to accept the plea unless the prosecuting attorney states on the record that he or she has, before the plea, communicated with the victim regarding the plea or made a good faith effort to communicate with the victim.

#### 20.03 COURT RESPONSIBILITIES.

In accordance with the Tennessee Rules of Criminal Procedure, no plea agreement will be binding on the Court. In the event a plea agreement is rejected by the Court, the Court will so advise the parties, and that rejection shall be binding on the other parts of the Circuit Court, and no other Judge shall accept such plea agreement without the knowledge and consent of the rejecting Judge.

## RULE 21

### MOTIONS PRIOR TO TRIAL

#### 21.01 PRE-TRIAL MOTIONS.

All pre-trial motions, except motions regarding discovery under Tenn. R. Crim. P. Rule 16, shall be filed pursuant to the scheduling order that the court sets out. All pre-trial motions shall be accompanied by a memorandum and shall include the certification required by Tenn. R. Crim. P. Rule 49.

#### 21.02 MOTIONS IN LIMINE.

Motions in limine shall be filed at least ten (10) Judicial Days prior to the trial unless otherwise ordered by the Court and must be heard before the trial date, absent a showing of good cause.

### 21.03 RESPONSIBILITIES OF JUDGES AND CLERKS.

The trial Judges exercising criminal jurisdiction for Rutherford and Cannon Counties will designate motion days. Counsel for any party may request the Clerk to set any motion, and any criminal matter requiring a brief period of time for a hearing on motion day. Persons interested in being heard on the criminal docket will set their matter with the Circuit Court Clerk by agreement with the District Attorney General's office or upon the notice required by these rules for civil motions. Any criminal motions not pursued and set for disposition, are considered waived when the case is set for trial before a jury.

### 21.04 MOTIONS TO ASCERTAIN STATUS OF CASE.

At any time, an attorney for any party to a proceeding may file a written motion inquiring of the Court as to the status of the case or to pending motions and may include in said motion a statement of reasons why an expedited disposition of the case or motion is deemed necessary or desirable.

### 21.05 MOTIONS FOR MENTAL EVALUATION.

If counsel discovers a reasonable basis to believe his or her client was incompetent at the time of the offense or is incompetent to assist in his or her defense, this fact is to be made known immediately to the Court by written motion seeking a mental evaluation.

## RULE 22

### CRIMINAL DOCKET SETTING

Cases shall be set for trial by the Court. Setting of the docket for criminal cases not set in the above-styled manner will be made at the discretion of the Court. Any case which is crowded off the docket by a trial shall be immediately assigned a new date by the Court so that all criminal cases are assigned a day certain for their disposition at all times. Continuances requested by Counsel must be made by motion and Defendant's appearance is required unless excused by the Court. Orders to continue must state the grounds for the continuance requested. (Appendix S)

## RULE 23

### ORDERS AND JUDGMENTS IN CRIMINAL CASES

#### 23.01 PREPARATION AND SUBMISSION OF ORDERS AND JUDGMENTS.

Unless the Court directs otherwise, the District Attorney General or his designee shall prepare judgment orders. The attorney or the District Attorney shall prepare motion orders as directed by the Court. The Clerk shall prepare all other orders as directed by the Court.



## 23.02 ORDERS FOR MENTAL HEALTH EVALUATIONS.

In all mental health evaluations under the provisions of Tennessee Code Annotated (T.C.A.) §33-7-301, a separate form shall accompany the order. This form, to be filled out by counsel, shall at least include the reason for the request, observed behavior, nature of charges, social history (including a history of prior treatment), a prior criminal record, copy of arrest warrant or indictment and, if available, the arrest report. The Clerk shall provide the completed form to the individual or agency doing the evaluation. Where the evaluation is requested by the defendant, orders will be prepared by counsel for the defendant, and where the evaluation is requested by the State, the District Attorney or his designee will prepare the order. The Clerk will then send a copy of the orders to the agency to perform the evaluation.

### RULE 24

#### DEFERRED PAYMENT OF FINES AND COSTS

An application for deferred payment of fines and costs on an installment basis shall be made by the defendant to the Clerk, which application should present a detailed plan of the amount of payment to be made and the date thereof, with no payment being less than \$25.00.

### RULE 25

#### EXPUNGEMENTS

## 25.01 NOTICE REQUIREMENT.

Any defendant seeking to have a case expunged pursuant to pre-trial diversion [Tennessee Code Annotated (T.C.A.) §40-15-102 - §40-15-107], judicial diversion [Tennessee Code Annotated (T.C.A.) §40-35-313], agreed order retirement, or five-year expungement [Tennessee Code Annotated (T.C.A.) §40-32-101(g)] shall submit a copy of any petition, motion or request for expunction to the office of the District Attorney General of the 16th Judicial District, or otherwise notify the same, at least five (5) business days prior to any court proceeding related to the expunction request. Failure to provide adequate notice may result in a delay in the adjudication of the expunction request.

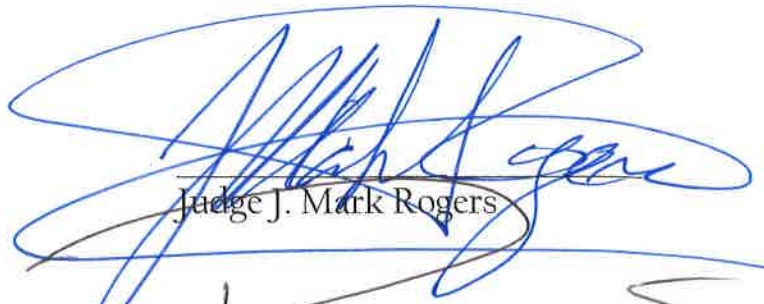
## 25.02 AFFIDAVIT IN LIEU OF APPEARANCE.

Any defendant seeking to have a case expunged pursuant to pre-trial diversion [Tennessee Code Annotated (T.C.A.) §40-15-102 - §40-15-107], judicial diversion [Tennessee Code Annotated (T.C.A.) §40-35-313], or agreed order retirement, who resides outside the State of Tennessee or lives in excess of 150 miles from the county wherein the expunction is sought, may, through counsel, submit an affidavit in lieu of appearing in court setting out the successful completion of all terms of probation or retirement. Counsel for the defendant shall be required to appear in court on the day the case is docketed and is subject to the notice requirement set out in Rule 25.01.

THESE RULES HAVE BEEN ADOPTED AND APPROVED BY THE FOLLOWING:



Chancellor Howard W. Wilson



Judge J. Mark Rogers



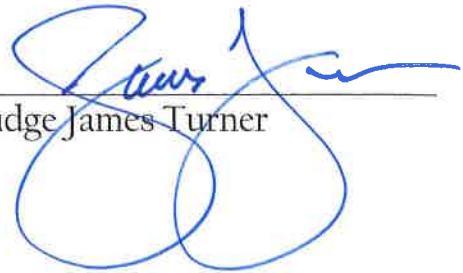
Judge Darrell Scarlett



Judge Barry Tidwell



Judge B. Jo Atwood



Judge James Turner

APPENDIX A

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	JURY DEMAND
_____	)	JUDGE: _____
	)	
Defendant.	)	
	)	

ORDER

The above referenced matter is hereby set for trial by jury beginning on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ at \_\_\_\_\_ a.m./p.m. in Courtroom \_\_\_\_\_. Said trial is expected to last \_\_\_\_\_ day(s), ending on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
JUDGE/CHANCELLOR

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_

APPENDIX B

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Docket No. _____
	)	PERSON JURY DEMAND
	)	JUDGE: _____
_____	)	
	)	
Defendant.	)	

**ORDER FOR PRE-TRIAL CONFERENCE**

WHEREAS, the above-styled cause is at issue, and it appears to the Court that a trial by jury has been demanded and set for \_\_\_\_\_, a Pre-Trial Conference shall be conducted, attended by counsel with full authority: to make disclosure of facts; admit and stipulate undisputed facts; advise the Court on the proper number of jurors and alternate jurors to be empaneled; discuss the number of preemptory challenges that will be awarded for purposes of *voir dire*; waive requirements of formal proof of documents; furnish the names and addresses of witnesses and the nature of their testimony; submit documentary proof, photographs, and other proposed exhibits; argue any motions not previously decided; discuss points of law and submit trial briefs thereon, and address jury instructions to be requested of the Court, thereby enabling the entry of a Pre-Trial Order setting out the nature of the case, the theories of the parties, the admitted facts, the ultimate facts that will be disputed; and it appearing proper to the Court,

**IT IS THEREFORE ORDERED:**

(a) That the Parties shall appear for a Pre-Trial Conference on \_\_\_\_\_ at \_\_\_\_\_ a.m. before the Court at **116 West Lytle Street, Courtroom \_\_\_\_\_, Murfreesboro, Tennessee 37130**;

(b) That each party, unless appearing *pro se*, shall be represented at the Pre-Trial Conference by counsel who will conduct the trial or by co-counsel with full knowledge of the case and with authority to bind such party ready and able to address all issues stated above;

(c) That in the event of the failure of counsel (or party *pro se*) to appear, pursuant to this Order, an *ex parte* hearing shall be held and an appropriate judgment rendered or dismissal ordered, unless continued, pursuant to request made at least **48 hours** in advance, for good cause shown;

(d) To prepare for the Pre-trial Conference, each party shall mail/email/fax/hand-deliver to the other party, email to the Judge's Office Staff at \_\_\_\_\_, **and** file with the Clerk's Office, no later than **five (5) Judicial Days prior** to the Pre-Trial Conference, the following:

(1) a concise factual statement of his or her client's claim and/or defense, including specification of all damages claimed, if any;

(2) a list of names and addresses of all non-expert witnesses who are expected to testify at the trial of this cause, and identify any witness requesting to appear telephonically or virtually;

(3) a list of names and addresses of all expert witnesses expected to testify at the trial of this cause, and identify any expert requesting to appear telephonically or virtually; the expert witness list should include the expert's area of expertise, a copy of any reports prepared by the expert, any answers to expert interrogatories or, if none exist, a summary of the testimony the expert is expected to provide;

(4) a list of proposed exhibits with each exhibit marked for identification;

(5) a list of proposed pattern jury instructions and separate special instructions to be requested, and

(6) a proposed verdict form;

(7) stipulate as to any matter of fact or law about which there is no issue;

Counsel for the parties are strongly encouraged to collaborate with one another in order to submit items five (5) and six (6) as joint proposals.

(e) That counsel shall file, no later than five (5) Judicial Days prior to the pre-trial conference, **any and all** Motions *in Limine* and be prepared to argue those on the date of the pre-

trial conference. Further, counsel shall be prepared to argue any objections to portions of deposition testimony, or proposed exhibits.

(f) Any motions, excluding motions *in Limine*, not argued prior to the Pre-Trial Conference shall be deemed abandoned.

(g) Counsel shall complete all discovery, including independent medical examinations, at least **15 days** prior to the first day of trial. Discovery conducted after this time period shall only be permitted by order of the Court for good cause shown.

(h) All provisions of this Order that require compliance by counsel are likewise applicable to any party appearing *pro se*.

(i) Failure to comply with the requirements of this Order shall subject counsel and parties to such sanctions as the Court shall determine just and proper under the circumstances.

**IT IS SO ORDERED, this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.**

\_\_\_\_\_  
**JUDGE/CHANCELLOR**

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing **ORDER** has been sent by U.S. Mail and facsimile, to the following:

This \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_



Further, the \_\_\_\_\_ reserves the right to call any witnesses and/or use any exhibits listed by the \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_



APPENDIX D

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	TRIAL JUDGE: _____
_____	)	
	)	
Defendant.	)	
	)	

ORDER APPOINTING SPECIAL MASTER

This cause came to be considered by the Court, *sua sponte*, upon consideration of a request for an interim order pertaining to one or more of the *Pendente Lite* issues identified in Rule 12.01 of this Court’s Local Rules. The Court has considered the needs of the parties and it appearing proper:

IT IS HEREBY ORDERED that reference is hereby made to the Honorable JOHN A. W. BRATCHER, Clerk and Master for Rutherford County, a member of the Rutherford/Cannon County Bar Association, and Mr. Bratcher is hereby appointed Special Master in accordance with the provisions of Rule 53 of the *Tennessee Rules of Civil Procedure*. The Special Master shall conduct a hearing on any interim issues (as identified in Rule 12.01 of this Court’s Local Rules), and render his report as provided in *Tennessee Rules of Civil Procedure* Rule 53.04.

IT IS FURTHER HEREBY ORDERED, in matters involving children, the Special Master shall issue a temporary parenting plan pursuant to T.C.A. § 36-6-403, which plan shall be followed until such time there is a hearing on any objection, or until the Trial Judge adopts the report,

modifies the report, rejects the report in whole, rejects the report in part, receives further evidence, or recommits the report with instructions.

IT IS FURTHER HEREBY ORDERED, objections to the Report of the Special Master may be made to the Court in accordance with Rule 12.01 of this Court's Local Rules.

IT IS FURTHER HEREBY ORDERED, any Temporary Restraining Order previously issued in this matter shall remain in effect pending further orders of this Court.

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

\_\_\_\_\_  
**JUDGE/CHANCELLOR**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_

APPENDIX E

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, TENNESSEE  
 AT \_\_\_\_\_

\_\_\_\_\_  
 Plaintiff,  
 v. \_\_\_\_\_  
 Defendant.

)  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )

Case No. \_\_\_\_\_  
 JUDGE: \_\_\_\_\_

**STATEMENT OF ISSUES, INCOME, AND EXPENSES**  
**IN COMPLIANCE WITH RULE 12.01**

ISSUES: The issues in this cause *pendente lite* include: (check all that apply)

- \_\_\_\_\_ Temporary Visitation/Parenting Time
- \_\_\_\_\_ Temporary Child Support
- \_\_\_\_\_ Temporary Spousal Support
- \_\_\_\_\_ Temporary Possession of the Marital Home
- \_\_\_\_\_ Temporary Allocation of Marital Expenses

**INCOME:** It is mandatory to attach payroll records, leave earning statement from the military, or other proof of income for the past six (6) most recent pay periods. If such income information is not available, then the past two (2) years of tax returns and all schedules are required to be attached.

I. INCOME	
a. Employer's Name	
b. Employer's Address	
c. Monthly Gross Income	\$
d. Monthly Federal Tax Deduction	-\$
e. Monthly FICA Deduction	-\$
f. Other Deductions (describe)	-\$
g. Other Income (from any source)	\$
h. Net Monthly Income (c - d - e - f + g)	\$

II. OTHER HOUSEHOLD RESIDENTS (other than minor children)	
a. Name: Relationship to Party: Net Income:	Total Net Income of Other Household Residents: \$
b. Name: Relationship to Party: Net Income:	
III. HEALTH INSURANCE INFORMATION	
a. Provided by employer? Yes/No	If yes: Cost: \$
b. Self-Employed/Provide Own Insurance: Yes/No	If yes: Cost: \$
c. No Health Insurance Coverage? Yes/No	
d. List all persons covered under any existing health insurance plan:	
IV. HOUSEHOLD MONTHLY EXPENSES	
a. Mortgage (PITI)/Rent	\$
b. Real Estate Property Taxes	\$
c. Personal Property Taxes	\$
d. Homeowner's Insurance	\$
e. Repairs/Maintenance	\$
f. Furniture/Furnishings	\$
g. Electricity	\$
h. Gas/Heating Oil	\$
i. Water/Sewer	\$
j. Telephone (home phone and cell phone)	\$
k. Trash Service	\$
l. Cable/TV	\$
m. Groceries	\$
n. Meals Out	\$
o. Other (describe)	\$
	TOTAL: \$
V. AUTOMOBILE EXPENSES	
a. Automobile Payment	\$
b. Gasoline	\$
c. Auto Repair/Maintenance	\$
d. Auto Insurance	\$
e. Tags/Inspection, etc.	\$
f. Other (describe)	\$
	TOTAL: \$
VI. CLOTHING	
a. New (excluding children)	\$
b. Cleaning/Laundry	\$
c. Uniforms	\$
	TOTAL: \$

VII. INSURANCE/HEALTH EXPENSES	
a. Medical/Health Care (not covered by insurance)	\$
b. Dental Expenses (not covered by insurance)	\$
c. Prescription Medications (not covered by insurance)	\$
d. Optical Expenses (not covered by insurance)	\$
e. Life Insurance	\$
f. Renter's Insurance	\$
g. Other (describe)	\$
TOTAL: \$	
VIII. MISCELLANEOUS EXPENSES	
a. Credit Cards	\$
b. Dues – Professional/Social Associations/Homeowner's Association	\$
c. Gifts	\$
d. Church/Charity	\$
e. Entertainment/Recreation	\$
f. Vacations	\$
g. Personal Grooming	\$
h. Newspapers/Publications	\$
i. Other Insurance	\$
j. Other (describe)	\$
TOTAL: \$	
IX. EXPENSES FOR CHILDREN	
a. Child Care	\$
b. School Tuition	\$
c. Lunch Money	\$
d. School Supplies	\$
e. Lessons/Sports	\$
f. New Clothing	\$
g. Personal Grooming	\$
h. Allowance	\$
i. Other (describe)	\$
TOTAL: \$	
TOTAL MONTHLY EXPENSES	\$
TOTAL NET INCOME BALANCE (subtract monthly expenses from net monthly income)	\$

**SUPPLEMENTAL INCOME STATEMENT**

Name of Party Submitting this Form: \_\_\_\_\_

This page must be filled out if you:

1. Are self-employed, or
2. Operate a business or practice a profession, or
3. Are a member of a partnership or joint venture, or
4. Are a shareholder in and are salaried by a closed corporation or similar entity.

Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, professional corporation or similar entity:

1. The most recent Federal Income Tax Return; and
2. The most recent Profit and Loss Statement.

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Nature of Business: (check one)

Partnership

Joint Venture

Professional

Closed Corporation

Other (describe) \_\_\_\_\_

Name of Accountant, controller, or other person in charge of financial records:

\_\_\_\_\_

Address: \_\_\_\_\_

Annual Income from Business: \$ \_\_\_\_\_

How often is income received? \_\_\_\_\_

Gross income per pay period: \$ \_\_\_\_\_

Net income per pay period: \$ \_\_\_\_\_

Specified Deductions, if any: \_\_\_\_\_

**DECLARATION**

I, \_\_\_\_\_, declare under the penalty of perjury that the above

**(Print Name)**

Income and Expense Statement, including all attachments, is complete, true, and correct.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**State Bar No. (if any)**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Telephone Number**

\_\_\_\_\_  
**Email Address**

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

**SWORN TO and SUBSCRIBED before me**  
this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

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

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

---



APPENDIX F

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	TRIAL JUDGE: _____
_____	)	
	)	
Defendant.	)	
	)	

---

REPORT OF THE SPECIAL MASTER  
FINDINGS OF FACTS AND CONCLUSIONS OF LAW

---

This cause came on to be heard on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before the Honorable John A. W. Bratcher, Special Master, upon the Petition for relief *pendente lite*, the testimony of the parties and witnesses, and the entire file in this cause, from all of which the following findings of facts and conclusions of law are recommended to the Trial Court:

**I. FINDINGS OF FACT**

(INSERT FINDINGS OF FACT HERE)

**II. CONCLUSIONS OF LAW**

1. The \_\_\_\_\_, should pay \$ \_\_\_\_\_ per \_\_\_\_\_ temporarily for the reasonable support of the minor child(ren). Payments should commence on the \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

2. Payments of support for the minor child(ren) should be made by \_\_\_\_\_ to \_\_\_\_\_ (directly by check, money order, or direct deposit) (through the Central Receiving Agency).
3. The \_\_\_\_\_ should have sole possession of the parties' marital home pending the final resolution of this cause (if applicable);
4. Visitation shall be exercised in accordance with the Temporary Parenting Plan.
5. Visitation will be exercised at \_\_\_\_\_.
6. The transportation arrangements should be as follows:  
\_\_\_\_\_.
7. Petitioner should be responsible for the payment of the following bills *pendente lite*:

Description	Monthly Payment

8. Respondent should be responsible for the payment of the following bills *pendente lite*:

Description	Monthly Payment

9. The \_\_\_\_\_ should pay to the \_\_\_\_\_ the sum of \$ \_\_\_\_\_ per \_\_\_\_\_ as temporary spousal support *pendente lite*. Payments should be made directly to \_\_\_\_\_ by (check,

money order, or direct deposit). Payments should begin on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

10. Pursuant to the *Tennessee Rules of Civil Procedure* Rule 53, and Rule 12.01 of this Court's Local Rules, the parties have ten (10) days from receipt of this Report to file an objection hereto. Absent the filing of an objection within the time allowed by law, this Report will be either adopted or denied by the Trial Judge.

11. Appeal will be heard on the record and argument of counsel, unless the Court directs otherwise.

Entered, this the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**SPECIAL MASTER**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_

APPENDIX G

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	TRIAL JUDGE: _____
_____	)	
	)	
Defendant.	)	
	)	

ORDER APPROVING SPECIAL MASTER'S REPORT

This cause came to be considered upon the Report of the Special Master. The Court finds that more than ten (10) days has expired since the entry of the Special Master's Report. The Court finds that no objection to said Report has been filed. It appears to the Court that the Report is proper in all respects, and should be adopted.

IT IS, THEREFORE, ORDERED the Report of the Special Master is hereby adopted as the Order of the Court. Court costs and further matters are reserved.

Entered, this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**JUDGE/CHANCELLOR**

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_.

---

APPENDIX H

IN THE \_\_\_\_\_ COURT OF \_\_\_\_\_ COUNTY, TENNESSEE  
 AT \_\_\_\_\_

_____	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Case No.</b> _____
	)	<b>JUDGE:</b> _____
_____	)	
<b>Defendant.</b>	)	

**STATEMENT OF ISSUES, INCOME, AND EXPENSES**  
**IN COMPLIANCE WITH RULE 12.02**

ISSUES: The contested issues in this cause include: (check all that apply)

- \_\_\_\_\_ Grounds for Divorce
- \_\_\_\_\_ Division of Co-Parenting Time with Children
- \_\_\_\_\_ Payment of Child Support
- \_\_\_\_\_ Division of Property
- \_\_\_\_\_ Payment of Debts
- \_\_\_\_\_ Payment of Alimony
- \_\_\_\_\_ Division of Retirements or Other Assets Requiring Entry of a QDRO
- \_\_\_\_\_ Payment of Attorney's Fees
- \_\_\_\_\_ Payment of Court Costs

**INCOME:** It is mandatory to attach payroll records, leave earning statement from the military, or other proof of income for the past six (6) most recent pay periods. If such income information is not available, then the past two (2) years of tax returns and all schedules are required to be attached.

I. INCOME	
a. Employer's Name	
b. Employer's Address	
c. Monthly Gross Income	\$
d. Monthly Federal Tax Deduction	-\$
e. Monthly FICA Deduction	-\$
f. Other Deductions (describe)	-\$

APPENDIX H

g. Other Income (from any source)		\$
<b>h. Net Monthly Income (c - d - e - f + g)</b>		<b>\$</b>
<b>II. OTHER HOUSEHOLD RESIDENTS (other than minor children)</b>		
a. Name: Relationship to Party: Net Income:	Total Net Income of Other Household Residents: \$	
b. Name: Relationship to Party: Net Income:		
<b>III. HEALTH INSURANCE INFORMATION</b>		
a. Provided by employer? Yes/No	If yes: Cost: \$	
b. Self-Employed/Provide Own Insurance: Yes/No	If yes: Cost: \$	
c. No Health Insurance Coverage? Yes/No		
d. List all persons covered under any existing health insurance plan:		
<b>IV. HOUSEHOLD MONTHLY EXPENSES</b>		
a. Mortgage (PITI)/Rent		\$
b. Real Estate Property Taxes		\$
c. Personal Property Taxes		\$
d. Homeowner's Insurance		\$
e. Repairs/Maintenance		\$
f. Furniture/Furnishings		\$
g. Electricity		\$
h. Gas/Heating Oil		\$
i. Water/Sewer		\$
j. Telephone (home phone and cell phone)		\$
k. Trash Service		\$
l. Cable/TV		\$
m. Groceries		\$
n. Meals Out		\$
o. Other (describe)		\$
	<b>TOTAL: \$</b>	
<b>V. AUTOMOBILE EXPENSES</b>		
a. Automobile Payment		\$
b. Gasoline		\$
c. Auto Repair/Maintenance		\$
d. Auto Insurance		\$
e. Tags/Inspection, etc.		\$
f. Other (describe)		\$
	<b>TOTAL: \$</b>	
<b>VI. CLOTHING</b>		
a. New (excluding children)		\$
b. Cleaning/Laundry		\$

APPENDIX H

c. Uniforms	\$
TOTAL: \$	
VII. INSURANCE/HEALTH EXPENSES	
a. Medical/Health Care (not covered by insurance)	\$
b. Dental Expenses (not covered by insurance)	\$
c. Prescription Medications (not covered by insurance)	\$
d. Optical Expenses (not covered by insurance)	\$
e. Life Insurance	\$
f. Renter's Insurance	\$
g. Other (describe)	\$
TOTAL: \$	
VIII. MISCELLANEOUS EXPENSES	
a. Credit Cards	\$
b. Dues – Professional/Social Associations/Homeowner's Association	\$
c. Gifts	\$
d. Church/Charity	\$
e. Entertainment/Recreation	\$
f. Vacations	\$
g. Personal Grooming	\$
h. Newspapers/Publications	\$
i. Other Insurance	\$
j. Other (describe)	\$
TOTAL: \$	
IX. EXPENSES FOR CHILDREN	
a. Child Care	\$
b. School Tuition	\$
c. Lunch Money	\$
d. School Supplies	\$
e. Lessons/Sports	\$
f. New Clothing	\$
g. Personal Grooming	\$
h. Allowance	\$
i. Other (describe)	\$
TOTAL: \$	
TOTAL MONTHLY EXPENSES	\$
TOTAL NET INCOME BALANCE (subtract monthly expenses from net monthly income)	\$



APPENDIX H

**SUPPLEMENTAL INCOME STATEMENT**

Name of Party Submitting this Form: \_\_\_\_\_

This page must be filled out if you:

1. Operate a business or practice a profession, or
2. Are a member of a partnership or joint venture, or
3. Are a shareholder in and are salaried by a closed corporation or similar entity.

Attach to this statement a copy of the following documents relating to the partnership, joint venture, business, professional corporation or similar entity:

1. The most recent Federal Income Tax Return; and
2. The most recent Profit and Loss Statement.

Name of Business: \_\_\_\_\_

Address of Business: \_\_\_\_\_

Telephone Number: \_\_\_\_\_

Nature of Business: (check one)

Partnership

Joint Venture

Professional

Closed Corporation

Other (describe) \_\_\_\_\_

Name of Accountant, controller, or other person in charge of financial records:

\_\_\_\_\_

Address: \_\_\_\_\_

APPENDIX H

Annual Income from Business: \$ \_\_\_\_\_

How often is income received? \_\_\_\_\_

Gross income per pay period: \$ \_\_\_\_\_

Net income per pay period: \$ \_\_\_\_\_

Specified Deductions, if any: \_\_\_\_\_

**DECLARATION**

I, \_\_\_\_\_, declare under the penalty of perjury that the above

**(Print Name)**

Income and Expense Statement, including all attachments, is complete, true, and correct.

\_\_\_\_\_  
**Signature**

\_\_\_\_\_  
**State Bar No. (if any)**

\_\_\_\_\_  
**Address**

\_\_\_\_\_  
**Telephone Number**

\_\_\_\_\_  
**Email Address**

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

**SWORN TO and SUBSCRIBED before me**  
this \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

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

APPENDIX H

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202 \_\_\_\_.

---

APPENDIX H

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE

AT \_\_\_\_\_

Case No. \_\_\_\_\_

Judge: \_\_\_\_\_

Plaintiff,

v.

Defendant.

STATEMENT OF ASSETS AND LIABILITIES IN COMPLIANCE WITH RULE 12.02

MARITAL ASSETS

DESCRIPTION	HUSBAND'S VALUE	WIFE'S VALUE	MONTHLY PAYMENT	NAME OF CREDITOR AND AMOUNT OF DEBT	AMOUNT OF EQUITY	CONCEDED TO WIFE	CONCEDED TO HUSBAND	DISPUTED
REAL ESTATE								
VEHICLES (including boats, RV's, motorcycles, etc.)								
BANK ACCOUNTS								
LIQUID ASSET ACCOUNTS								
RETIREMENT/401K/PENSION ACCOUNTS								





APPENDIX H

MARITAL DEBT

SECURED DEBT									
CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	WHO INCURRED THE DEBT? HUSBAND OR WIFE?	DATE INCURRED	PURPOSE OF DEBT	ASSUMED BY WIFE	ASSUMED BY HUSBAND	DISPUTED	
<b>TOTAL</b>									

UNSECURED DEBT  
(including credit cards, medical bills, etc.)

CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	WHO INCURRED THE DEBT? HUSBAND OR WIFE?	DATE INCURRED	PURPOSE OF DEBT	ASSUMED BY WIFE	ASSUMED BY HUSBAND	DISPUTED	
<b>TOTAL</b>									

APPENDIX H

SEPARATE DEBT

SEPARATE DEBT OF WIFE			
CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	PURPOSE OF DEBT

SEPARATE DEBT OF HUSBAND			
CREDITOR NAME	BALANCE TO DATE	MONTHLY PAYMENT	PURPOSE OF DEBT



APPENDIX I

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____	)	
	)	
Defendant.	)	
	)	

AFFIDAVIT

Comes now \_\_\_\_\_, the \_\_\_\_\_ in this cause,  
having been duly sworn, who would state to the Court as follows:

1. My name is \_\_\_\_\_  
I reside at \_\_\_\_\_.
2. I am a party to a divorce action filed in this cause. I have signed a Marital Dissolution Agreement on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.
3. It is my sworn testimony that I have read the Marital Dissolution Agreement, and that I believe the agreement to be fair to me and to my spouse.
4. I further solemnly swear or affirm that the Marital Dissolution Agreement, which has been signed, disposes of all of our marital assets and all of our marital debts, and I further swear or affirm that all divisions of property and debts have been accomplished. Any sales of property contemplated by the Marital Dissolution Agreement have been accomplished, and the assets have been divided, except where expressly stated in the Marital Dissolution

Agreement. I have signed all Deeds, Titles, Bills of Sale, and other documents necessary for the transfers of my interests contemplated in the Marital Dissolution Agreement.

5. I further solemnly swear or affirm that I have, to the best of my ability, attempted to reconcile the marital differences, which my spouse and I have developed, and I have been unable to do so. It is my belief that our marriage is irretrievably broken.
6. I further solemnly swear or affirm either that there have been no children born to this marriage, and none are expected, or, alternatively, that all children born to my spouse and I are mentally and physically competent and they have reached the age of eighteen years, and either have previously graduated from high school, or they have ceased to attend school and the members of the child's class have graduated.
7. To the extent that the Marital Dissolution Agreement requires any further actions on my part, I solemnly swear or affirm that I will abide by the terms of the Marital Dissolution Agreement, which I have entered. I am able to bear all financial responsibilities, which I have agreed to accept.
8. I therefore ask the Court to consider the Marital Dissolution Agreement, which my spouse and I have signed. I ask the Court to approve the Marital Dissolution Agreement, and to incorporate it into a Final Decree of Divorce.
9. I therefore ask the Court to conduct a hearing in my absence, and I further ask that my attorney be excused from participation at that hearing. I ask the Court to consider this Affidavit, the Marital Dissolution Agreement, and the entire file in this cause, and enter an order divorcing my spouse and I.

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

---

**Signature of Affiant**

Name

Address

STATE OF TENNESSEE  
COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY OR DEPUTY CLERK  
My Commission Expires:  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_

APPENDIX J

STATE OF TENNESSEE  
COURT OF RUTHERFORD COUNTY, TENNESSEE  
Non IV-D Demographic Information and Update Worksheet  
(Please print legibly)

COMPLETE FORM AND FAX ONE COPY TO: CHILD SUPPORT CLERK 615-907-3165

Please check on of the following:

Original Order   
Modified Order   
Updated Order

Please check only one:

State Case Registry   
Centralized Collections   
Both of the above

Docket ID \* \_\_\_\_\_

Original Order Date: \_\_\_\_\_

Court Code\* \_\_\_\_\_

Family Violence Indicator \* Yes Or No

Custodial Parent Information

CP Last Name\* \_\_\_\_\_ First Name\* \_\_\_\_\_ Middle Name\* \_\_\_\_\_

Sex\* \_\_\_\_\_ SSN\* \_\_\_\_\_ Date of Birth\* \_\_\_/\_\_\_/\_\_\_ Relationship to DP \_\_\_\_\_

CP Mailing Address\* \_\_\_\_\_

Address Line 2 \_\_\_\_\_

City Name\* \_\_\_\_\_ State\* \_\_\_\_\_ Zip\* \_\_\_\_\_ Country \_\_\_\_\_

Non-Custodial Parent Information

NCP Last Name\* \_\_\_\_\_ First Name\* \_\_\_\_\_ Middle Name\* \_\_\_\_\_

Sex\* \_\_\_\_\_ SSN\* \_\_\_\_\_ Date of Birth\* \_\_\_/\_\_\_/\_\_\_ Relationship to DP \_\_\_\_\_

NCP Mailing Address\* \_\_\_\_\_

Address Line 2 \_\_\_\_\_

City Name\* \_\_\_\_\_ State\* \_\_\_\_\_ Zip\* \_\_\_\_\_ Country \_\_\_\_\_

NCP Employer Name\* \_\_\_\_\_

Employer Address\* \_\_\_\_\_

Address Line 2 \_\_\_\_\_

City Name\* \_\_\_\_\_ State\* \_\_\_\_\_ Zip\* \_\_\_\_\_ Country \_\_\_\_\_

Dependent Information

DP #1: Last Name\* \_\_\_\_\_ First Name\* \_\_\_\_\_ Middle Name\* \_\_\_\_\_

Sex\* \_\_\_\_\_ SSN\* \_\_\_\_\_ Date of Birth\* \_\_\_/\_\_\_/\_\_\_

DP #2: Last Name\* \_\_\_\_\_ First Name\* \_\_\_\_\_ Middle Name\* \_\_\_\_\_

Sex\* \_\_\_\_\_ SSN\* \_\_\_\_\_ Date of Birth\* \_\_\_/\_\_\_/\_\_\_

DP #3: Last Name\* \_\_\_\_\_ First Name\* \_\_\_\_\_ Middle Name\* \_\_\_\_\_

Sex\* \_\_\_\_\_ SSN\* \_\_\_\_\_ Date of Birth\* \_\_\_/\_\_\_/\_\_\_

DP #4: Last Name\* \_\_\_\_\_ First Name\* \_\_\_\_\_ Middle Name\* \_\_\_\_\_

Sex\* \_\_\_\_\_ SSN\* \_\_\_\_\_ Date of Birth\* \_\_\_/\_\_\_/\_\_\_

\*Fields Required. Notes: Additional dependents can be entered on a separate page and faxed to the above numbers. Docket # and Court Code Must be re-entered for additional dependents. Father's and Mother's Information need not be re-entered.

APPENDIX K

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____	)	
	)	
Defendant.	)	

PETITION FOR TERMINATION OF CHILD SUPPORT

Comes now \_\_\_\_\_, the Petitioner in this cause, who would show to the Court he/she was ordered to pay child support in this cause, and the child for whom support was ordered:

(A) Is now 18 years of age (or soon will be 18 years of age), that child having been born on

\_\_\_\_\_, \_\_\_\_\_;

(B) The child has graduated from \_\_\_\_\_ High School on \_\_\_\_\_,

\_\_\_\_\_, (or the child was a member of the Senior Class of \_\_\_\_\_ High School, which class graduated on \_\_\_\_\_, \_\_\_\_\_, and this child did not graduate);

(C) The child is mentally and physically competent; and

(D) All child support which is due has been paid.

Petitioner would therefore pray the Court rule the following:

1. The obligation for the payment of child support shall cease;
2. An Order may enter terminating any wage assignment previously entered to \_\_\_\_\_ effective \_\_\_\_\_; and

3. Cost bond be waived in the event an AGREED ORDER is submitted with this petition and Petitioner tenders herewith the costs of this petition and resulting Order.

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

\_\_\_\_\_  
**Signature of Petitioner**

Name

Address

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY OR DEPUTY CLERK

My Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_



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

\_\_\_\_\_  
**JUDGE/CHANCELLOR**

APPROVED FOR ENTRY:

\_\_\_\_\_  
PETITIONER

STATE OF TENNESSEE  
COUNTY OF \_\_\_\_\_

Subscribed and sworn before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY REPUBLIC  
My Commission Expires:  
\_\_\_\_\_

\_\_\_\_\_  
RESPONDENT

STATE OF TENNESSEE  
COUNTY OF \_\_\_\_\_

Subscribed and sworn before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
NOTARY REPUBLIC  
My Commission Expires:  
\_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_



APPENDIX M

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

\_\_\_\_\_  
Plaintiff,  
v. \_\_\_\_\_, Case No. \_\_\_\_\_  
Defendant.

---

PRE-TRIAL MEMORANDUM IN WORKER'S COMPENSATION CASES

---

1. The Plaintiff is \_\_\_\_\_ years of age. The highest grade the Plaintiff completed in school is the \_\_\_\_\_ grade. Additional formal training the Plaintiff has received is as follows:
2. The Plaintiff has the following transferable job skills:
3. The treating physician, Dr. \_\_\_\_\_, will testify that the Plaintiff sustained \_\_\_\_\_ percent impairment apportioned to the \_\_\_\_\_, and the Plaintiff has the following permanent work restrictions:
4. Dr. \_\_\_\_\_, who performed an Independent Medical Evaluation at the request of the \_\_\_\_\_ will testify that the Plaintiff sustained \_\_\_\_\_ percent impairment apportioned to the \_\_\_\_\_, and the Plaintiff has the following permanent work restrictions:
5. Dr. \_\_\_\_\_, who performed an Independent Medical Evaluation at the request of the \_\_\_\_\_ will testify that the Plaintiff sustained \_\_\_\_\_ percent impairment apportioned to the \_\_\_\_\_, and the Plaintiff has the following permanent work restrictions:

6. The Plaintiff alleges that he/she has the following physical limitations as a result of his/her injury:

7. The Plaintiff asserts he/she has the following work history:

8. The parties stipulate the following: (check all that apply)

\_\_\_\_\_ Plaintiff received a compensable injury under the worker's compensation law;

\_\_\_\_\_ Plaintiff sustained a gradual/traumatic (circle one) injury;

\_\_\_\_\_ Plaintiff's injury occurred on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

\_\_\_\_\_ Notice was timely given;

\_\_\_\_\_ Plaintiff's compensation rate is \$ \_\_\_\_\_;

\_\_\_\_\_ Total disability benefits were paid from \_\_\_\_\_, 20\_\_ through \_\_\_\_\_, 20\_\_;

\_\_\_\_\_ No additional payments of temporary disability are owed;

\_\_\_\_\_ The earlier of the date of maximum medical improvement and the Plaintiff's return to work is the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_;

\_\_\_\_\_ Plaintiff returned to work for the pre-injury employer at the same or higher wage.

\_\_\_\_\_  
COUNSEL FOR EMPLOYEE

\_\_\_\_\_  
COUNSEL FOR EMPLOYER

\_\_\_\_\_  
COUNSEL FOR THE SECOND INJURY FUND

APPENDIX N

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____	)	
	)	
Defendant.	)	
	)	

AFFIDAVIT

Comes now \_\_\_\_\_, the \_\_\_\_\_ in this cause,  
having been duly sworn, who would state to the Court as follows:

1. My name is \_\_\_\_\_.  
I reside at \_\_\_\_\_.
2. I have entered into a worker's compensation settlement, settling all claims, which I have pending in this cause under the Worker's Compensation Act.
3. As a part of that agreement, I have knowingly, willingly, and intelligently surrendered all of my rights, including my right to have future medical expenses relating to this injury paid by my employer or its insurance company. I have made this decision without force or coercion.
4. Further, I understand that under the terms of the worker's compensation law, I would almost certainly be entitled to retain these future medical benefits for the remainder of my life.
5. I recognize and understand the only reason my future medical benefits will be terminated is because of my agreement with my employer in this case.

6. I have agreed to receive \$ \_\_\_\_\_ in exchange for surrendering my future medical benefits.

7. In addition to the above sum, I have further agreed to compromise all of claims which I have in this cause for the sum of \$ \_\_\_\_\_. This equates to a \_\_\_\_\_ percent vocational disability, apportioned to the \_\_\_\_\_.

8. I was treated by the following doctors who assigned the following anatomical impairment ratings to me:

Doctor	Anatomical Rating

9. I understand that it is the duty of the Court to establish attorney's fees for my lawyer. I would request that my attorney be compensated \$ \_\_\_\_\_, which equates to \_\_\_\_\_ percent of my total recovery. I am satisfied with the work of my attorney in this case.

10. I recognize my right to have my case tried by a Judge, and I know that worker's compensation cases are tried quickly. I waive my right to a trial. I know that a Judge might decide that I am entitled to receive more money than I am receiving in this settlement, and I also recognize that a Judge might determine that I am entitled to receive less money than I am receiving in this settlement.

11. I am satisfied with the terms of the settlement. I feel that I understand the settlement. I also feel that I understand the worker's compensation law as it applies to me. My attorney and I have discussed all of those matters at some length.
12. I ask the Court to conduct a hearing, considering this affidavit and the entire file in this cause. I further ask that my attorney and I be excused from participation in that hearing. I ask the Court to approve the settlement, which I have reached in this cause.
13. I know I am not required to settle this cause, but I also understand that if this settlement is approved, I will be entitled to no further compensation from my employer or insurance company whatsoever. I also understand that the fees paid to my attorney will be deducted from the settlement, which I have agreed to accept.

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

\_\_\_\_\_  
**Signature of Affiant**

Name

Address

STATE OF TENNESSEE  
 COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 NOTARY OR DEPUTY CLERK  
 My Commission Expires:

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202 \_\_\_\_.

\_\_\_\_\_

APPENDIX O

IN THE \_\_\_\_\_ COURT FOR \_\_\_\_\_ COUNTY, TENNESSEE  
AT \_\_\_\_\_

_____	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. _____
	)	
_____	)	
	)	
Defendant.	)	
	)	

AFFIDAVIT

Comes now \_\_\_\_\_, the \_\_\_\_\_ in this cause,  
having been duly sworn, who would state to the Court as follows:

1. My name is \_\_\_\_\_.

I reside at \_\_\_\_\_.

2. I have entered into a worker's compensation settlement, settling all claims, which I have pending in this cause under the Worker's Compensation Act.

3. As a part of that agreement, I have knowingly, willingly, and intelligently surrendered all of my rights, other than my right to retain my future medical bills, I recognize that all future medical bills directly related to this claim will be paid by my employer or its insurance company for the rest of my life, so long as I continue to be treated by a doctor approved by my employer or insurance company. I recognize that neither my employer, nor its insurance company, will be required to pay future medical bills not related to the claims which I have made in this cause, or occasioned by further injuries or aggravations which may,

subsequently, be determined by a Court to be unrelated to the claims which I have made herein.

4. I have agreed to compromise all of the claims which I have in this cause for the sum of \$\_\_\_\_\_. This equates to a \_\_\_\_\_ percent vocational disability, apportioned to the \_\_\_\_\_.
5. I was treated by the following doctors who assigned the following anatomical impairment ratings to me:

Doctor	Anatomical Rating

6. I understand that it is the duty of the Court to establish attorney's fees for my lawyer. I would request that my attorney be compensated \$\_\_\_\_\_, which equates to \_\_\_\_\_ percent of my total recovery. I am satisfied with the work of my attorney in this case.
7. I recognize my right to have my case tried by a Judge, and I know that worker's compensation cases are tried quickly. I waive my right to a trial. I know that a Judge might decide that I am entitled to receive more money than I am receiving in this settlement, and I also recognize that a Judge might determine that I am entitled to receive less money than I am receiving in this settlement.



8. I am satisfied with the terms of the settlement. I feel that I understand the settlement. I also feel that I understand the worker's compensation law as it applies to me. My attorney and I have discussed all of those matters at some length.
9. I ask the Court to conduct a hearing, considering this affidavit and the entire file in this cause. I further ask that my attorney and I be excused from participation in that hearing. I ask the Court to approve the settlement, which I have reached in this cause.
10. I know I am not required to settle this cause, but I also understand that if this settlement is approved, I will be entitled to no further compensation from my employer except future medical bills as stated above. I also understand that the fees paid to my attorney will be deducted from the settlement, which I have agreed to accept.

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

\_\_\_\_\_  
**Signature of Affiant**

Name

Address

STATE OF TENNESSEE  
 COUNTY OF \_\_\_\_\_

Sworn to or affirmed and signed before me on this the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 NOTARY OR DEPUTY CLERK

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

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been delivered by U.S. Mail to the following:

On this the \_\_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_

APPENDIX P

IN THE \_\_\_\_\_ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

\_\_\_\_\_  
PETITIONER,  
vs.

DOCKET NO. \_\_\_\_\_

\_\_\_\_\_  
RESPONDENT.

*UNIFORM CIVIL AFFIDAVIT OF INDIGENCY*

I, \_\_\_\_\_, having been duly sworn according to law, make oath that because of my poverty, I am unable to bear the expenses of this cause and that I am justly entitled to the relief sought to the best of my belief. The following facts support my poverty.

1. Full Name: \_\_\_\_\_

2. Address: \_\_\_\_\_

3. Telephone Number: \_\_\_\_\_

4. Date of Birth: \_\_\_\_\_

5. Names and Ages of all Dependents:

\_\_\_\_\_ Relationship \_\_\_\_\_

\_\_\_\_\_ Relationship \_\_\_\_\_

\_\_\_\_\_ Relationship \_\_\_\_\_

\_\_\_\_\_ Relationship \_\_\_\_\_

\_\_\_\_\_ Relationship \_\_\_\_\_

APPENDIX P

6. I am employed by:

\_\_\_\_\_

7. My present income, after federal income and social security taxes, is \$ \_\_\_\_\_ per week or \$ \_\_\_\_\_ per month

8. I am not employed, but receive or expect to receive money from the following sources:

AFDC	\$ _____	per month beginning _____
SSI	\$ _____	per month beginning _____
Retirement	\$ _____	per month beginning _____
Disability	\$ _____	per month beginning _____
Unemployment	\$ _____	per month beginning _____
Workers's Compensation	\$ _____	per month beginning _____
Other	\$ _____	per month beginning _____

9. My expenses are:

Rent/House Payment	\$ _____	per month
Groceries	\$ _____	per month
Electricity	\$ _____	per month
Water	\$ _____	per month
Gas	\$ _____	per month
Transportation	\$ _____	per month
Medical	\$ _____	per month
Telephone	\$ _____	per month
Other	\$ _____	per month

APPENDIX P

10. Assets:

Automobile	\$	_____
Checking/Savings Account	\$	_____
House	\$	_____
Other	\$	_____

11. My debts are:

Amount Owed	To Whom
-------------	---------

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

I hereby declare under penalty of perjury that the foregoing answers are true, correct, and complete and that I am financially unable to pay the costs of this action.

\_\_\_\_\_  
PLAINTIFF

STATE OF TENNESSEE

COUNTY OF \_\_\_\_\_

Subscribed and sworn before me on this the \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

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

My commission expires: \_\_\_\_\_

APPENDIX P

ORDER ALLOWING FILING UPON OATH OF INDIGENCY

It appears based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is an indigent person and is qualified to file case upon an oath of indigency.

It is so ordered this the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
CHANCELLOR/JUDGE

DETERMINATION OF NON-INDIGENCY

It appearing based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is not an indigent person because

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

IT IS SO ORDERED AND ADJUDGED that the Plaintiff does not qualify for filing this case upon an oath of indigency.

This the \_\_\_\_\_ day of \_\_\_\_\_.

\_\_\_\_\_  
CHANCELLOR/JUDGE

NOTICE: If the judge determines that based upon your affidavit you are not eligible to proceed under a pauper's oath, you have the right to a hearing before the judge or, in certain cases, an appeal to Circuit Court.

_____ Court _____ County _____ Tennessee	<b>UNIFORM AFFIDAVIT OF INDIGENCY</b> page 1 of 2	<b>Case Number</b>  _____
_____ vs. _____		

Comes the defendant and, subject to the penalty of perjury, makes oath to the following facts (please list, circle, complete, etc.):

**PART I**

1. Full Name: \_\_\_\_\_
2. Social Security No.: \_\_\_\_\_
3. Any other names ever used: \_\_\_\_\_
4. Address: \_\_\_\_\_
5. Telephone Nos.: (Home) \_\_\_\_\_ (Work) \_\_\_\_\_ (Other) \_\_\_\_\_
6. Are you working anywhere? Yes ( ) No ( ) Where \_\_\_\_\_
7. How much do you make? \_\_\_\_\_ (weekly, monthly, etc.)
8. Birth date: \_\_\_\_\_
9. Do you receive any governmental assistance or pensions (disability, SSI, AFDC, etc.)? Yes ( ) No ( )  
 What is its value? \_\_\_\_\_ (weekly, monthly, etc.)
10. Do you own any property (house, car, bank acct., etc.): Yes ( ) No ( )  
 What is its value? \_\_\_\_\_
11. Are you, or your family, going to be able to post your bond? Yes ( ) No ( )
12. Are you, or your family, going to hire a private attorney? Yes ( ) No ( )
13. Are you now in custody? Yes ( ) No ( )  
 If so, how long have you been in custody? \_\_\_\_\_  
*(If the defendant is in custody, unable to make bond and the answers to questions one (1) through eleven (11) make it clear that the defendant has no resources to hire a private attorney, skip Part II and complete Part III. If Part II is to be completed, do not list items already listed in Part I.)*

**PART II**

14. Names & ages of all dependents: \_\_\_\_\_ relationship \_\_\_\_\_  
 \_\_\_\_\_ relationship \_\_\_\_\_  
 \_\_\_\_\_ relationship \_\_\_\_\_
15. I have met with following lawyer(s), have attempted to hire said lawyer(s) to represent me, and have been unable to do so:  
 Name \_\_\_\_\_  
 Address \_\_\_\_\_
16. All my income from all sources (including, but not limited to wages, interest, gifts, AFDC, SSI, social security, retirement, disability, pension, unemployment, alimony, worker's compensation, etc.):  
 \$ \_\_\_\_\_ per \_\_\_\_\_ from \_\_\_\_\_  
 \$ \_\_\_\_\_ per \_\_\_\_\_ from \_\_\_\_\_  
 \$ \_\_\_\_\_ per \_\_\_\_\_ from \_\_\_\_\_
17. All money available to me from any source:  
 A. Cash \_\_\_\_\_  
 B. Checking, Saving, or CD Account(s)-give bank, acct. no., balance \_\_\_\_\_  
 C. Debts owed me \_\_\_\_\_  
 D. Credit Card(s)-give acct. no., balance, credit limit, and type (Visa, Mastercard, American Express, etc.) \_\_\_\_\_

_____ _____ _____ <b>Court County Tennessee</b>	<b>UNIFORM AFFIDAVIT OF INDIGENCY</b> page 2 of 2	<b>Case Number</b>  _____
_____ vs. _____		

E. Other \_\_\_\_\_

18. All vehicles/vessels owned by me, solely or jointly, within the last six months (including but not limited to cars, trucks, motorcycles, farm equip., boats etc.):

\_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_  
 \_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_  
 \_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_

19. All real estate owned by me, solely or jointly, within the last six months (including land, lots, houses, mobile homes, etc.):

\_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_  
 \_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_

20. All assets or property not already listed owned within the last six months or expected in the future:

\_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_  
 \_\_\_\_\_ value \$ \_\_\_\_\_ amt. owed \_\_\_\_\_

21. The last income tax return I filed was for the year \_\_\_\_\_ and it reflected a net income of \$ \_\_\_\_\_.  
 I will file a copy of same within one week if required.

22. I am out of jail on bond of \$ \_\_\_\_\_ made by \_\_\_\_\_, The money to make bond, \$ \_\_\_\_\_ was paid by \_\_\_\_\_.

**PART III**

23. Acknowledging that I am still under oath, I certify that I have listed in Parts I and II all assets in which I hold or expect to hold any legal or equitable interest.

24. I am financially unable to obtain the assistance of a lawyer and request the court to appoint a lawyer for me.

25. I understand that it is a **Class A misdemeanor** for which I can be sentenced to jail for up to 11 months 29 days or be fined up to \$2500.00 or both if I intentionally or knowingly misrepresent, falsify, or withhold any information required in this affidavit. I also understand that I may be required by the Court to produce other information in support of my request for an attorney.

This \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_  
Defendant

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

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Judge

APPENDIX R

IN THE CIRCUIT COURT OF RUTHERFORD COUNTY, TENNESSEE  
AT MURFREESBORO

STATE OF TENNESSEE

)  
)  
)  
)  
)  
)  
)

vs.

Case Number(s) \_\_\_\_\_

\_\_\_\_\_,  
Defendant.

---

MOTION FOR ARRAIGNMENT

---

I am \_\_\_\_\_, the defendant in this case, and my attorney is \_\_\_\_\_ . I hereby acknowledge receipt of the following:

- 1) The indictment in this case;
- 2) Information that I may appear in open court for Arraignment;
- 3) Information that I may waive my formal Arraignment;
- 4) My Plea day is \_\_\_\_\_ .

Pursuant to Rule 43(a) of the Tennessee Rules of Criminal Procedure, I respectfully request this Court waive my personal appearance, and that of my attorney, at Arraignment. I request the Court enter a plea of not guilty on my behalf. I certify that I will appear timely on the scheduled Discussion and Plea days.

\_\_\_\_\_  
Defendant

As counsel for the defendant, I certify I am retained or appointed to represent the defendant through the trial of this cause, and I have not signed my client's signature to this motion.

\_\_\_\_\_  
Attorney for Defendant

**NON-MINUTE ORDER**

The motion on this cause is hereby approved by the Court. A plea of not guilty is entered for the defendant. The defendant's Discussion and Plea days are set as stated above.

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

\_\_\_\_\_  
Judge



APPENDIX S

IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE  
AT MURFREESBORO

STATE OF TENNESSEE, )  
)  
vs. )  
)  
\_\_\_\_\_)  
Defendant )

Case No(s). \_\_\_\_\_

**AGREED CONTINUANCE ORDER**

By agreement of the parties, as evidenced by their signatures below, and for good cause shown, it is hereby ORDERED that:

This case be reset from the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_ to the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, for the purposes of:

- Plea
- Probation Revocation Hearing
- Motion Hearing
- Arraignment
- Sentencing Hearing
- Status/Review/Other

Reason for Continuance: \_\_\_\_\_

- Requested by the State
- Requested by the Defense

**IT IS SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
**JUDGE**

APPROVED FOR ENTRY:

\_\_\_\_\_  
Assistant District Attorney

\_\_\_\_\_  
Attorney for Defendant

**LAST CONTINUANCE GRANTED  
MUST SETTLE OR SET FOR TRIAL**