

LOCAL COURT RULES OF THE TWELFTH JUDICIAL DISTRICT

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

These rules have been revised and amended as of March 25, 2026, by the Circuit Judges and Chancellor of the 12th Judicial District of the State of Tennessee.

TWELFTH JUDICIAL DISTRICT JUDGES

Honorable Bradley Sherman, Circuit Judge, Part I
Honorable John Harvey Cameron, Jr. Presiding Circuit Judge, Part II
Honorable Justin C. Angel, Circuit Judge, Part III
Honorable Melissa Thomas Willis, Chancellor
Honorable Russell Anne Swafford, Magistrate

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RULE ONE (1) FORMER RULES ABROGATED

1.01. Former Rules Abrogated.

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

1.02. Suspension of Rules.

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

RULE TWO (2) COURT SESSIONS AND CALENDAR

2.01. Applicability.

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

2.02. Terms Abolished.

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

2.03. Court Sessions.

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

2.04. Scheduling Calendar.

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

2.05. Court Docket.

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

RULE THREE (3) APPEARANCE AND CONDUCT OF COUNSEL

3.01. Counsel of Record; Entry of Appearance.

- a) All counsel who have entered an appearance in a case will be counsel of record. Entry of an appearance shall be made in one of the following ways:
- (1) a request by counsel to the Clerk that an appearance be entered; (2) the filing of pleadings; or
 - (3) the filing of a formal notice of appearance.
 - (4) appointment by the Court
- b) Whenever a defendant in a criminal case is determined by the Court to be indigent and counsel is appointed, an order shall be entered setting forth the indigency finding and identifying the appointed counsel.

3.02. Withdrawal of Counsel.

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

3.03. Contacting Judge.

Unless there is an emergency, neither counsel nor a party to a pending action shall contact the Judge before whom the matter is pending except by letter (with copies to all parties and the Clerk) or orally in the presence of other counsel of record. Because of the geographical size of the district, attorneys are encouraged to arrange conference phone calls with the Judge to dispose of any matters which can reasonably be conducted by phone, including motions. Counsel, following disclosure to and permission from the Judge, may record said conference phone calls should a Court reporter not be available to transcribe said conference phone call. No undisclosed recordings shall be permitted and all those participating in said call shall be identified at the outset.

RULE FOUR (4) COURTROOM DECORUM

4.01. Space Within Bar

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

4.02. Side Remarks

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

4.03. Examining Witnesses

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

4.04. Forbidden Conduct

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

4.05. Approaching the Bench

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

4.06. Familiarity with Participants

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

4.07. Conversing with Jurors

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

4.08. Spectators' and Litigants' Conduct

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

4.09. Interruptions by Counsel

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

4.10. Addressing the Court

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

4.11. Conduct Toward Witnesses

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

4.12. Attendance

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

4.13. Objections

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

4.14. Distractions

Lawyers should refrain from speaking in such audible tones in the courtroom as to distract or otherwise disturb the proceedings and are responsible for controlling the conduct of their clients and witnesses in a similar manner. While in the courtroom, all electronic and/or cellular devices must be turned off and shall not be utilized by anyone except attorneys and court personnel as necessary. Upon notice to the presiding judge, audio recordings are permitted by attorneys as authorized by T.C.A. § 20-9-104.

4.15. Portable Electronic Communication Devices

Possession of ANY electronic device(s) beyond the security checkpoints is EXPRESSLY PROHIBITED. Exceptions are made for certain individuals, including attorneys, their paralegals and assistants under their supervision. Attorneys, their paralegals, and assistants may use their devices in the courtroom, but only for court-related business. Further excepted from this prohibition are devices necessary to monitor medical conditions.

Broadcasting, televising, recording, or photographing of court proceeding by any individual(s) is strictly prohibited, excepting the media (members) as defined in Tennessee Supreme Court Rule 30 and strict compliance therewith. The prohibition includes all areas on the floor(s) of the Courthouse occupied by the courts during judicial proceedings, whether or not court is in session.

4.16. Plaques, Pictures, etc. in Courtroom

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

RULE FIVE (5) FILING AND SERVICE OF PAPERS

5.01 Filing with the Clerk.

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

5.02. Certificate of Service.

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

5.03. Proof of Indigency / Civil Cases.

The Clerk shall accept no civil pleading except upon payment of proper costs and fees except in a properly filed case of indigency. Indigent litigants wishing to file under a pauper's oath shall file with their complaint a completed Uniform Civil Affidavit of Indigency as required by Supreme Court Rule 29. False swearing on this Affidavit will be considered as contemptuous and be dealt with accordingly.

5.04 Request for Alias Summons.

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

5.05 Custody of Files

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

5.06 Papers, Documents or Files under Seal

All papers, documents and files shall be available for public inspection except as specifically exempted by Court Order or Statute. A request for such an Order shall be by Motion and must contain specific facts sufficient to overcome the presumption in favor of disclosure. [See *Ballard v. Herzke* 924 S.W.2nd 652 for standards relating to sealing of documents.]

RULE SIX (6) ASSIGNMENT OF CIVIL CASES -- CIRCUIT COURT

6.01. Initial Assignment of All Circuit Court Cases.

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

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

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

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

6.03. Divorce Cases.

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

6.04. Motions to Transfer.

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

of the court where the oldest related or companion case is pending.

6.05. Consolidation of Cases.

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

6.06. Termination Other Than on the Merits.

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

6.07. Interchange of Judges.

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

6.08. Docket Books.

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

RULE SEVEN (7)

SETTING CIVIL MATTERS FOR TRIAL, CONTINUANCES, DORMANT CASES

7.01. Civil Docket Calls.

Civil docket calls for Court may be set from time to time as deemed appropriate.

7.02. Method of Setting Jury Cases.

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

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

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

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

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

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

7.05. Trial Certification.

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

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

7.06. General Sessions Appeals.

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

7.07. Dormant Cases.

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

7.08. Continuances.

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

RULE EIGHT (8) JURY DEMAND IN CIVIL CASES

8.01. Jury Demand.

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

8.02. Session Appeals.

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

RULE NINE (9) COURT REPORTERS IN CIVIL CASES

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

RULE TEN (10) STATUS CONFERENCE IN CIVIL CASES

10.01. Status Conference.

The court may conduct a status conference with the attorneys and/or the parties when such a conference is deemed appropriate to expedite the orderly preparation of the case. (See Form Five (5) attached hereto). During or immediately following such a conference, a scheduling order shall be entered.

10.02. Scheduling Order.

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

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

RULE ELEVEN (11) PRE-TRIAL PROCEDURE, BRIEFS, AND EXHIBITS IN CIVIL CASES

11.01. Pre-trial Conference.

In all civil actions, jury or non-jury, set for trial on the merits, at least seventy-two (72) hours prior thereto, excluding weekends and federal holidays, counsel shall:

- a) Furnish the name and addresses of witnesses (other than impeachment and rebuttal witnesses) to opposing counsel.
- b) Furnish all exhibits which are proposed to be offered in evidence (other than impeachment and rebuttal exhibits) to opposing counsel and marked

for filing, if not objectionable. Objectionable exhibits shall be marked for identification and the court will rule on the objection prior to jury selection.

c) Depositions to be used as evidence (other than for impeachment) shall be filed with the clerk.

d) The attorneys shall advise the Court if there are any unique, complex, or complicated issues to be resolved in order that the Court may determine whether a pre-trial order is merited.

e) Exhibits and witnesses not disclosed (excluding rebuttal) are disfavored and may be excluded from evidence at the discretion of the trial Judge absent good cause shown by the non-disclosing party.

11.02. Depositions as Exhibits.

a) It is not necessary to file depositions that are not used as evidence.

b) The use of depositions as evidence shall be governed by the Rules of Civil Procedure.

c) Depositions and other discovery material not read into evidence but submitted to the court on other issues shall be marked as exhibits to the record.

11.03. Trial Exhibits.

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

11.04. Disposal of Exhibits.

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

RULE TWELVE (12) MOTIONS IN CIVIL CASES

The following provisions shall apply to motions filed in civil cases with the exception of motions for summary judgment, default judgment, new trial, alter or amend judgment, additur/remittitur, publication, dismiss, admission, pro hac vice, sever, in limine, permission to file third party

action, intervene, findings of fact and conclusions of law, to extend order of protection, and in domestic relations cases.(All motions in domestic relations cases shall be controlled by T.R.C.P. and specific orders or rules of the courts hearing the cases.)

12.01. Time for Filing Dispositive Pre-Trial Motions.

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

12.02. Time of Hearing.

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

12.03. Motions, Responses, Replies and Briefs.

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

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

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

12.04. Failure to Appear at a Motion Hearing.

If any party fails to appear at a hearing scheduled on a motion as herein provided, the court may either strike or adjudicate the merits of the motion as justice may require. When the court rules on a motion in the absence of one or more parties or their representatives said ruling shall be recorded on the docket in the office of the clerk.

12.05. Agreed Orders.

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

12.06. Certificate of Attempt to Reach Agreement.

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

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

This ____ day of _____, 20____. _____
Counsel for _____

RULE THIRTEEN (13) DISCOVERY IN CIVIL CASES

13.01. Filing Required Only for Use by Court.

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

13.02. Extension of Time for Responses to Discovery.

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

13.03. Form and Length of Interrogatories.

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

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

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

13.04. Requests for Admissions.

- a) Following each request for admissions, a blank space shall be provided reasonably calculated to enable the responding party to enter the appropriate response. The responses may be typed in the blank spaces provided or submitted on separate sheets with corresponding numbers.
- b) If an objection to a request is made in lieu of some response thereto, the reason for the objection must be fully stated.
- c) The party to whom the requests for admissions are directed or their attorney may sign the responses and serve the original response on the propounding party or their attorney with copies being served on all other parties or attorneys of record.

13.05. Objection to Requests for Production.

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

13.06. Motions to Compel Discovery.

Motions to compel discovery shall at least include the following:

- a) Either a verbatim quote of the interrogatory, request, question from deposition, and the objection or response thereto; or a copy of the interrogatory, request, excerpt of deposition and any response or objection shall be attached; and
- b) Statements of reasons supporting the motion; and
- c) A certificate of the attempt to reach an agreement between the parties or their attorneys as provided in Local Rule 12.06.

13.07. Motions for Protective Orders and to Quash Subpoenas.

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

- a) Either a verbatim quote of the interrogatory, request, questions, or subpoena, or be accompanied by a copy of said interrogatory, request, question, or subpoena; and
- b) Statement of specific grounds supporting said motion; and
- c) Be accompanied by a certificate that the parties or their attorneys have attempted to reach an agreement as provided by Local Rule 12.06.

13.08. Exhibits to Depositions.

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

RULE FOURTEEN (14)

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

14.01. Requests for Special Instructions.

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

14.02. Requests for Special Verdicts.

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

14.03. Written Findings and Conclusions.

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

RULE FIFTEEN (15) PREPARATION AND SUBMISSION OF ORDERS AND

JUDGMENTS

15.01. Preparation.

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

15.02. Five Day Rule.

When the parties and/or their attorneys fail to agree on an order to be submitted to the judge as anticipated by 15.01, any party may submit a proposed order directly to the judge under the Five Day Rule with the certification that efforts to agree on an order have failed. Copies of such a proposed order are to be furnished to all other parties of record or their attorneys. Any party or attorney who objects to the proposed order shall so notify the judge and submit their proposed draft of the order within five (5) days after receiving notice that an order has been submitted to the judge. The Court will not approve an order submitted on behalf of one of the parties unless it is approved as provided in 15.01 or the procedures set forth herein are followed.

15.03. Order Prepared by the Court.

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

RULE SIXTEEN (16) NEGOTIATIONS AND SETTLEMENTS IN CIVIL

CASES

16.01. Award of Expenses.

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

16.02. Court Approval of Settlements.

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

16.03. Presentment of Settlements.

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

16.04. Notice Immediately Upon Settlement.

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

RULE SEVENTEEN (17) DOMESTIC CASES

17.01. Income and Expense Statements.

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

17.02. Asset Stipulations/Statements.

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

17.03. Parties' Proposed Asset Distributions.

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

17.04. Divorce by Affidavit.

If parties to a divorce by irreconcilable differences have no minor children and are represented by counsel, they may waive their appearances in open court. However, the parties must submit affidavits in accordance with Appendix A to these rules with said Affidavit to be filed along with the Marital Dissolution Agreement and the Final Decree of Divorce and then presented to the Judge for disposition.

RULE EIGHTEEN (18) MOTIONS IN LIMINE (CIVIL CASES)

18.01. Deposition Testimony.

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

18.02. Objections to Admissibility of Evidence.

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

18.03. Using Audio/Visual Recordings.

Motions in Limine relative to audio or video recordings are governed by Tennessee Rules of Civil Procedure Rule 12.

RULE NINETEEN (19) EVIDENCE PRESENTATION (CIVIL AND CRIMINAL CASES)

Where feasible, counsel should always use an electronic display for introduction of photographs and documents during all trials, unless otherwise excused by the Judge.

RULE TWENTY (20) ASSIGNMENT OF CRIMINAL CASES

20.01. Apportioning Indictments.

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

20.02. Criminal Appeal Cases.

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

20.03. Rejected Pleas.

In the event that a Judge rejects a proposed plea in a particular case, all further proposed pleas in that case may only be accepted by a different Judge if the rejecting Judge is apprised of and approves of the subsequent plea.

20.04. Affidavits of Indigency.

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

RULE TWENTY-ONE (21) DISPOSITION OF CRIMINAL MATTERS

21.01. Non-Jury Criminal Matters.

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

21.02. Discussion Days.

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

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

21.03. Pre-Trial Motions.

- a) Non-dispositive pre-trial criminal motions which are not otherwise covered by Local Rule 22 may be filed at any time up to forty-eight (48) hours prior to trial unless otherwise directed by these rules.
- b) Dispositive motions must be filed and docketed for hearing no later than thirty (30) days prior to trial, absent a showing of good cause.

21.04. Revocation of Probation.

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

21.05. Post Conviction Matters.

Upon the filing of a post conviction petition, the Clerk shall immediately send a copy of same to the office of the District Attorney General and shall docket the case for hearing at the next scheduled criminal non-jury day¹ for the purpose of announcement/appointment of counsel and other pertinent matters relative to consideration and hearing of the matter.

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

RULE TWENTY-TWO (22) DISCOVERY IN CRIMINAL CASES

22.01. Request for Discovery.

- a) Within twenty (20) days after arraignment, a Defendant shall file a Request for Discovery;
- b) The State shall respond within thirty (30) days to the Defendant's request for discovery set forth above;
- c) The Defendant shall provide any reciprocal discovery required within thirty (30)

days from the proper request by the State.

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

22.02. Motions to Compel.

- a) Motions to compel discovery pursuant to Tenn.R.Crim.P.16 must be filed within twenty (20) days of opposing party's failure to comply with Local Rule 22.01.)
- b) Motions to compel discovery must recite that the state has failed to comply with Local Rule 22.01 and be accompanied by certificate of attempt to reach agreement as provided by Local Rule 12.06.

22.03. Pre-Trial Diversion.

- a) Applications for pre-trial diversion should be filed as soon as possible, but in no event shall the application be filed more than ninety (90) days after arraignment.
- b) The State shall have thirty (30) days after the filing of the pre-trial diversion application within which to respond.
- c) A Defendant shall file a writ of certiorari or petition for review of a denial of pre-trial diversion within ten (10) days after the denial.

Rule 22.04. Dissemination of Certain Discovery

- (a) The following definitions apply to this rule:
 - (1) "Confidential record" means:
 - (A) a medical record prepared by a physician, nurse, emergency medical technician, or other healthcare provider in the course of the medical treatment of a specific individual other than the defendant;
 - (B) a mental health record prepared by a psychiatrist, psychologist, or other mental health professional in the course of the mental health treatment of a specific individual other than the defendant;

- (C) a record prepared by the Department of Children’s Services in the course of investigating an alleged act of abuse or neglect against a specific individual; and,
 - (D) an educational record prepared by a school, university, college, or similar educational institution documenting the education of a specific student other than the defendant.
- (2) “Defendant” means the defendant in a criminal action. “Defendant” does not include any co-defendant or co-conspirator of the defendant.
- (3) “Defense team” means:
- (A) the defendant;
 - (B) any attorney representing the defendant;
 - (C) any investigator engaged by an attorney representing the defendant;
 - (D) any expert witness engaged by an attorney representing the defendant; and,
 - (E) any other person engaged by an attorney representing the defendant to assist in the preparation of a defense.
- (4) “Disseminate” means to knowingly provide protected discovery to a person other than a member of the defense team. “Disseminate” does not include providing protected discovery while questioning a witness or presenting evidence in the course of a trial or hearing.
- (5) “Personal identifying information” means:
- (A) a Social Security number;
 - (B) a date of birth;
 - (C) a residential address;
 - (D) an address of employment;
 - (E) a phone number;
 - (F) an email address;
 - (G) a driver’s license number;
 - (H) a vehicle license plate number;
 - (I) a vehicle identification number; and,
 - (J) a passport number.
- (6) “Protected discovery” means:
- (A) a confidential record;
 - (B) personal identifying information; and,
 - (C) a sensitive recording; that is provided to the defense team by the District Attorney General in response to a request for discovery. “Protected discovery” does not include personal identifying information that identifies only the defendant.
- (7) “Redacted” means:

- (A) for a document or photograph—obliterating or obscuring any personal identifying information, such that no personal identifying information can be read, discerned, or recovered;
 - (B) for an audio recording—muting or otherwise obscuring any portion of the audio recording containing personal identifying information or that constitutes a sensitive recording, such that no personal identifying information or sensitive recording can be heard, discerned, or recovered; and,
 - (C) for a video recording—blurring, excising, or otherwise obscuring any portion of the video recording containing personal identifying information or that constitutes a sensitive recording, such that no personal identifying information or sensitive recording can be read, discerned, heard, or recovered.
 - (D) for an item of electronically stored information—deleting or obscuring any portion of the electronically stored information containing personal identifying information or that constitutes a sensitive recording, such that no personal identifying information or sensitive recording can be read, discerned, heard, or recovered
- (8) “Sensitive recording” means:
- (A) a portion of a video recording showing the face of a minor child;
 - (B) a portion of a video or audio recording containing the statement of a minor child;
 - (C) a portion of a video recording taken inside of a healthcare or mental health facility depicting a person seeking care at that facility, except where the person seeking care is the defendant;
 - (D) a portion of a video or audio recording containing the statements of a patient to a healthcare or mental health provider or the statements of a healthcare or mental health provider to or about a patient, except where the patient is the defendant; and,
 - (E) a portion of a video recording taken inside a private residence other than the defendant’s residence.
- (b) No member of the defense team may disseminate protected discovery without leave of the Court.
- (1) Leave of the Court as required by this Rule may be sought *ex parte* on a satisfactory showing that notification of the District Attorney General would unfairly prejudice the defendant.
- (c) Notwithstanding Rule 22.04(b), a licensed attorney representing the defendant may show protected discovery to a witness or potential witness without leave of the Court if:
- (1) doing so is reasonably necessary in the attorney’s legal judgment to interview or question the witness or potential witness;

- (2) the interview or questioning of the witness or potential witness would be impaired if the protected discovery were redacted; and,
 - (3) no person who is not a member of the defense team is permitted to make or retain a copy of the protected discovery.
- (d) Rule 22.04(b) shall not apply to a document, photograph, audio recording, video recording, or item of electronically stored information that:
- (1) has been redacted; and,
 - (2) does not constitute or contain a confidential record.

RULE TWENTY-THREE (23) GRAND AND PETIT JURY SELECTION AND SERVICE, REGULAR DAYS OF COURT

23.01. Impaneling Grand Jury.

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

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

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

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

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

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

23.02. Grand Jury Selection.

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

23.03. Regular Days of Court³

- a) Civil non-jury days will be held as shown on Table One (1).
- b) Criminal non-jury days and Grand Jury days shall be as shown on Table Two (2).

RULE TWENTY-FOUR (24) POST-CONVICTION MATTERS

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

RULE TWENTY-FIVE (25) PROFESSIONAL BONDSMEN

Any individual, partnership, corporation, joint venture, or other business organization that desires to become a professional bail bond maker, hereinafter referred to as bonding company, must file an application and receive approval of the Circuit Court.

25.01. Petitions.

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

by the Circuit Court Judges of the 12th Judicial District of Tennessee sitting en banc.
C. A petition shall list a business address within the Twelfth Judicial District where the bonding company will conduct business. Bonding companies previously qualified to do business in the Twelfth Judicial District shall provide such information to the Circuit Court Clerk of Franklin County.

25.02. Collateral.

A. All petitions for the approval of a bonding company shall designate the security and method and manner of pledging the security which the bonding company proposes to secure its bonds with the Court. The Court will approve as security, cash, certificates of deposit, and an investment certificate including a certificate of deposit as provided in T.C.A.

40-11-302(h). Any bonding company petition pledging security pursuant to T.C.A. 40-11-302(h) shall provide with the application all documents required by said statute. Any existing bonding company presently qualified to do business in the Twelfth Judicial District shall provide all documents required by T.C.A. 40-11-302(h) when applying to the Court for approval of security under said statute. The minimum amount of security for a bonding company shall be \$20,000.00.

B. In the event the proposed security is in the form of a certificate of deposit, each such certificate shall be in the joint names of the Franklin County Circuit Court Clerk and the bonding applicant.

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

25.03. Semi-Annual Reports.

A. Any bonding company authorized by the Circuit Court Judges shall file with the Circuit Court Clerk of Franklin County a semi-annual financial report pursuant to T.C.A. 40-11-303. If a bonding company provides collateral pursuant to T.C.A. 40-11-302(h) for bonds posted in the Twelfth Judicial District and such collateral secures bonds posted outside the Twelfth Judicial District, the report required by T.C.A. 40-11-303 shall include all such bonds in any county for which such collateral is pledged. The semi-annual report shall be submitted on Form 11.

25.04. Limits.

A. Any company approved by the Court may write bonds in the Courts of the 12th Judicial District so long as its outstanding bonds in the Circuit Courts do not exceed ten (10) times the amount of the collateral posted with the Franklin County Circuit Court Clerk pursuant to 25.02 of this Rule.

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

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

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

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

25.05. Forfeitures.

A. Applicable to 25.04 and 25.05: Any bonding company or agent must have a representative present at any Court date in which the company has a defendant on the docket. The Circuit Court Clerk of each County shall notify each bonding company of every forfeiture for which that company is responsible. Notices of forfeitures, or Scire Facias, shall be made available for each company to pick up on a weekly basis.

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

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

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

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

D. No petition or request for relief on forfeited bail bonds will be considered in Circuit Court and/or Sessions Court unless such petition or request is accompanied by:

1. The duplicate copy of the receipt required by T.C.A. 40-11-304;
and
2. A sworn statement specifically describing any collateral security and its value, or a sworn statement that no collateral security was taken by a bonding company and/or its agent; and
3. A sworn statement describing any indemnity, guarantee, promissory note or any other agreement made by any person regarding reimbursement to the bonding company and/or its agent. In the event of forfeiture, or a sworn statement that no such agreement exists; and

4. A sworn statement describing all monies paid to the bonding company and/or its agent regarding original bond and/or indemnity and any balance due, if any; and
5. A sworn statement describing any expenses actually incurred and paid by the bonding company and/or its agent with receipts of same attached; and
6. A sworn statement describing the last known address or location of the defendant.

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

25.06. Surrenders.

A. A bondsman or his/her agent attempting to surrender his/her principal must comply with T.C.A. 40-11-137.

All surrenders, including those done in open court, must be by means of a certified copy of the bail bond provided by the Circuit Court Clerk and filed with the Clerk. Pursuant to T.C.A. 40-11-137, surrenders by a bondsman must be for good cause and approved by the Court in which the case is pending.

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

1. During normal business hours any bondsman wishing to surrender a defendant may get a certified copy of the original bond undertaking from the Circuit Court Clerk's office along with a Notice informing the defendant about the right to a surrender hearing.

2. The defendant must be given a copy of the Notice and sign the Notice indicating its receipt. In the event that a defendant refuses to sign the Notice, the Sheriff or his/her representative may sign the Notice as a witness that the Notice was given to the surrendered defendant.

3. The defendant may then be surrendered to the custody of the Sheriff who shall sign the certified bond and then return the signed certified bond to the surrendering bondsman.

C. The surrender hearing shall be held on the next available Criminal Court date.

The surrendering bondsman shall take the certified bond form signed by the Sheriff and the Notice signed by the defendant to the Court having jurisdiction over the matter At that time the surrendering bondsman must be present and a

sworn affidavit must be presented to the Court setting forth in detail:

1.The reason(s) for surrender; and

2.Any indemnity or guarantee received by the bonding company and/or its agent; and

3.Any collateral or payment received by the bonding company and/ or its agent, along with a copy of the receipt verifying the amount of payment.

- D. The Court shall then determine whether the surrender was for good cause. If the Court finds that the surrender was for good cause, the Court shall approve the surrender by endorsement upon the certified bail bond or by other writing. If the Court finds that the surrender was not for good cause, it may order the defendant released upon the same undertaking, and/or impose any other conditions within its discretion as provided by law. The Court shall also make a finding of the amount, if any, of the premium to be refunded and to whom.

It shall be the duty of the surrendering bail bondsman to deliver the original court signed certified bond and an Exoneration Order with payment of related fees to the Clerk in order to be relieved of responsibility.

- E. A bonding company or agent wishing to surrender his or her principal must surrender that principal for each and every charge or case pending against that principal for which the company or agent has written a bail bond.

25.07. Final Judgments.

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

1. In the event that a bonding company fails or refuses to pay a Final Forfeiture Judgment within the allowed thirty (30) days, the District Attorney General shall request a Court order requiring an amount necessary to satisfy the judgment to be deducted from that company's collateral.
 - a. In the event that it becomes necessary for the Clerk to deduct the amount of judgment from the collateral, the bonding company must file a Petition with the Court re-questing to be reinstated. The company must post with the Clerk such collateral as is then required as a minimum for a new company under the local rules before being reinstated as an approved company.
 - b. The Clerk must keep any remaining collateral until the bonding company has no outstanding bonds or forfeitures in the 12th Judicial District. When the company has no further liabilities with any Court, the District Attorney General shall notify the company by certified mail of the amount of funds remaining and of the company's right to a return of such funds. If, after one hundred eighty (180) days, the company has not requested in writing a return

of the balance of funds remaining on deposit, said funds shall be considered abandoned and shall become the property of the Clerk of the County of forfeiture.

2. In the event that the collateral on deposit with the Franklin County Circuit Court Clerk is insufficient to satisfy a judgment, the Clerk shall proceed with other legal means of collection in order to fully satisfy the judgment. This may include attaching other property of the bonding company, its trustee, and/or its owner.
3. The Clerk shall first apply payments of a final forfeiture to any costs incurred, including but not limited to reasonable attorneys' fees and publication expenses. Thereafter, the Clerk shall apply the payment to court costs and then to the final judgment.

25.08. Company Changes.

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

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

- B. Requests for changes to a bonding company's name, ownership, or agent(s) must be submitted to and approved by the Court in writing, before any change becomes effective.
Changes to a bonding company's name, ownership, or agents, shall be heard by the Circuit Court Judges sitting en banc.
 1. Requests for ownership changes or the addition of an agent shall be filed with the Circuit Court Clerk no later than four o'clock (4:00) p.m. two weeks prior to the hearing.
 2. Requests to delete an agent must be in writing and may be presented to the Court for its approval at any time by the Circuit Court Clerk.

25.09. Correspondence.

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

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

25.10. Receipts.

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

Receipts shall include:

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

25.11. Business License.

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

25.12. Complaints Against Bonding Companies.

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

1. Complaints must be in writing, must be legible, and include:
 - a. The printed name of the person making the complaint; and
 - b. The printed full address and telephone number of the person making the complaint, and
 - c. The printed name of the defendant and the docket number involved, and
 - d. The name and address of the bonding company and agent involved; and
 - e. A summary of the circumstances or action being complained of, including when and where the alleged action took place; and
 - f. The signature of the person making the complaint.
2. Upon receipt of any written complaint the Circuit Court Clerk shall a. First forward a copy of the complaint to the bonding com-

pany requesting a written response within ten (10) days;
and

b. After ten (10) days, provide a copy of the complaint and the response, if any, to the Court.

c. The Clerk will then notify all parties in writing of the date and time scheduled for a hearing.

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

1. A referral to the District Attorney's office for any allegations that may rise to the level of a criminal offense; or
2. The suspension or termination of the bonding company's approval to do business; or
3. The refund of any premium paid or a portion thereof; or
4. The setting of any conditions the Court feels necessary.

25.13. Continuing Education.

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

25.14. Clerk Fees.

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

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

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

from the defendant's failure to appear.

25.15. Miscellaneous.

- A. It shall be the responsibility of the bonding company that all bonds shall be fully completed. Bail bonds shall
1. Have the name, address and zip code number of the defendant legibly printed thereon;
 2. Be signed by the agent making said bond; and
 3. Have the name of the bonding company boldly and legibly
- B. A bonding company, or its agent, must be given a copy of each bail bond at the time the bonding company, or its agent, accepts responsibility for the defendant. The bonding company must retain a copy of each bail bond for which it is liable.
- C. Upon the failure of any company to file the semi-annual report, or any other record or document required by statute or local rules, the District Attorney General shall notify the Circuit and Sessions Court Judges and Clerks who shall remove the company from the approved list. In such event, the company shall not be allowed to write any bonds until such time as all requirements are met.
- D. All persons having financial or managerial interests in a bonding company must be revealed on the initial petition and on the semiannual report.
- There is no prohibition against one person or entity owning, having any ownership or financial or managerial interest more than one bonding company if:
- a. Such interest is revealed to the Court, and
 - b. Each company is qualified with its own deposited security and the corresponding limits, and
 - c. Each company has its own business license and telephone number, and
 - d. Each company has its own separate agents who write bonds only for that one company.
- E. There is no prohibition against a person or entity owning a bonding company from also owning or having an interest in any other business. Such other interest must be revealed to the Court at the time of the original petition and on the semiannual reports.
- The Court may, in its discretion, impose any limits or conditions it feels necessary to ensure the professional standing or appearance of the bonding company.
- Such measures, if any, shall be in the public interest to avoid a conflict of interest or an appearance of impropriety on the part of the bonding company.
- F. An agent may be qualified for, and write bonds for, only one bonding company.

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

- G. Pursuant to T.C.A. 40-11-125 and 40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension, or termination of approval to do business if it appears to the Court that a bondsman:
1. Has been guilty of violating any of the laws of the State of Tennessee relating to bail bonds; or
 2. Has been arrested and convicted for violating any of the laws of any state; or
 3. Has a final judgment of forfeiture entered against him/her that remains unsatisfied; or
 4. Has failed to comply with any local rules; or
 5. Fails to satisfy any court order or judgment; or
 6. Is guilty of unprofessional conduct that includes but is not limited to:
 - a. Loitering about any jail or court premises for the purpose of soliciting business;
 - b. Suggesting or advising the employment of, or otherwise making referrals to, any particular attorney to represent the defendant;
 - c. Paying a fee or giving or promising anything of value to any attorney, to acquire a bond, or receiving a fee or anything of value from any attorney;
 - d. Paying a fee or giving or promising anything of value to any clerk of court, jailer, police officer, peace officer, committing magistrate or any other person who has power to arrest or hold in custody, or to any public official or public employee to secure a bond and/or a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof;
 - e. Paying a fee or rebate or giving anything of value to an attorney in bail bond matters, except in the defense of any action on a bond;
 - f. Participating in the capacity of an attorney at a trial or hearing of one on whose bond he/she is surety;
 - g. Surrendering a principal or asking any court to be relieved from a bail bond arbitrarily, or without good cause;
 - h. Accepting anything of value from a principal except the premium; however, the bondsman shall be allowed to accept collateral security or other indemnity from the principal with the provision that such shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the

amount of the bond. When a bail bondsman accepts collateral, he/she shall give a written receipt for same, and this receipt shall be given in detail a full description of the collateral received and the terms of redemption;

i. Making or posting a bail bond for himself/herself, or for another agent of the same bonding company.

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

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

25.16. Enforcement.

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

RULE TWENTY-SIX (26) PRIVATE SUPERVISORY SERVICES

26.01. Petition Filed.

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

26.02. Minimum Qualifications.

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

(1) The chief executive officer of a private entity offering probation supervision shall have at least four (4) years of administrative experience in supervisory services and shall have a Bachelor's Degree from an accredited university or proof of full-time professional experience in correctional probation for a period of four (4) years. Said person shall have no history of criminal convictions.

(2) An employee responsible for providing probation supervision and employed by a private agency shall have had at least four (4) years of experience in criminal justice

or social services supervision or counseling agencies or a Bachelor's Degree from an accredited university. No employee of a private probation supervisory service shall have a record of criminal convictions.

26.03. Insurance.

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

26.04. Monthly Reports.

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

26.05. State Probation Officers.

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

26.06. Public Service.

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

RULE TWENTY-SEVEN (27) HEARINGS BEFORE THE CHILD SUPPORT MAGISTRATE

27.01. Child Support Magistrate's Authority.

The Child Support Magistrate shall hear only Title IV-D matters, and they shall proceed promptly in accord with statutory requirements. Other child support matters that do not involve the Child Support Office should be docketed before a Circuit Judge or the Chancellor. After hearing, the Child support Magistrate shall issue a Findings and Recommendations and Order which shall be confirmed by a Circuit Judge or the Chancellor, or Judge of the Court from which the case originated. Unless otherwise ordered, the Findings and Recommendations and Order of the Child Support Magistrate shall be in full force and effect pending confirmation or request for rehearing before a Circuit Judge, the Chancellor, or other appropriate judge. The Child Support Magistrate shall not hear cases involving issues of parenting time.

27.02. Initiation of Magistrate Proceedings.

Title IV-D proceedings before the Child Support Magistrate may only be initiated by the State after the Child Support Office receives an application for IV-D services, or the Child Support Office receives a referral from the Department of Human Services. The Child Support Office shall file motions or petitions to establish child support, to establish parentage, and to enforce or to modify existing support orders. The Child Support Office will file Motions and Petitions with the appropriate Court Clerk, docket the motion or petition for a hearing before the Magistrate, and provide appropriate notice of the hearing to the parties.

27.03. Attorneys in Magistrate Proceedings.

All IV-D cases shall be heard by the Child Support Magistrate. A litigant may retain counsel at his/her own expense to represent his/her individual interests in a hearing before the Magistrate. The Title IV-D attorney for the Child Support Office represents solely the interests of the State. There is no attorney-client privilege between the IV-D attorney and the individual litigants in Title IV-D proceedings before the Child Support Magistrate.

27.04. Hearings and Orders in Magistrate Proceedings.

The Child Support Magistrate may establish parentage, set child support orders, and modify or enforce orders for child support. The Child Support Magistrate can enforce existing orders for spousal support if child support is also ordered in the same case. The Child Support Magistrate does not establish or modify orders for spousal support. The Child Support Magistrate may hear and enter findings and recommendations and orders in pendente lite matters. The Child Support Magistrate may approve and order parenting time if agreed to and requested by the parties in conjunction with the entry or modification of a child support order. After hearing, a Child Support Magistrate shall present the order to a Circuit Judge, the Chancellor, or other appropriate judge for approval and confirmation. If the Circuit Judge or the Chancellor does not approve the order, he/she may remand the matter to the Child Support Magistrate with directions for further hearing and recommendations. The Order of the Child Support Magistrate becomes final upon confirmation by a Circuit Judge, the Chancellor, or other appropriate judge.

27.05. Civil Contempt Proceedings Before the Magistrate.

The Child Support Magistrate shall have all the powers of enforcement for contempt as a Circuit

Judge or the Chancellor, including ordering immediate incarceration. The order shall designate a date certain for incarceration to begin. The Child Support Magistrate shall specify a purge amount that, if paid, will purge the obligor of contempt and suspend the period of incarceration.

In civil contempt proceedings where the Child Support Magistrate determines that the obligor is in jeopardy of incarceration for willful contempt, the Child Support Magistrate shall advise the obligor that the obligor has the right to be represented by counsel throughout the contempt proceedings, and that counsel will be appointed to represent the obligor in the contempt proceedings, if the obligor is financially unable to obtain counsel. Upon request by the obligor, the Child Support Magistrate shall conduct a hearing of the obligor's qualification for court-appointed counsel after review of a sworn affidavit of indigency by the obligor. If the Child Support Magistrate determines that the obligor qualifies for court-appointed counsel, the Magistrate shall appoint a member of the private bar, who shall be compensated by the Administrative Office of the Courts. The obligor shall not have a right to choose his/her appointed counsel. Appointed counsel shall remain as counsel for the obligor through the contempt proceeding and any appeal to a Circuit Judge, or the Chancellor, unless relieved sooner by the Child Support Magistrate.

27.06. Appeals.

All appeals of decisions of the Child Support Magistrate are governed by T.C.A. 36-5-405(h). Requests for a hearing before a Circuit Judge or the Chancellor must be made within five (5) judicial days of the filing of the Findings and Recommendations and Order of the Child Support Magistrate with the Clerk of the Court. All requests for rehearing shall specify in writing with particularity those findings of fact and/or legal conclusions of the Child Support Magistrate which are alleged to be in error.

If a request for a hearing before a Circuit Judge or the Chancellor is filed within five (5) days of the date of the filing of the Child Support Magistrate's Findings and Recommendations and Order, a Circuit Judge or the Chancellor may grant a hearing before the appropriate Court; or order a rehearing of the case before the Child Support Magistrate; or deny the request for hearing de novo upon review of the record and confirm the order of the Magistrate. In the event that a hearing before the Circuit or Chancery Court is granted, or a rehearing before the Child Support Magistrate is ordered, the provisions of the Child Support Magistrate's order providing for incarceration shall be temporarily stayed pending said hearing or rehearing with all other provisions of the Child Support Magistrate's order remaining in effect pending the rehearing or decision by the Judge, unless otherwise modified or stayed.

RULE TWENTY-EIGHT (28) RESPONSIBILITIES OF COURT OFFICER

28.01.

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

28.02

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

28.03.

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

28.04.

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

28.05.

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

28.06.

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

28.07.

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

28.08.

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

RULE TWENTY-NINE (29) PARENTING PLANS

29.01 General Provisions.

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

29.02 Duties of Clerks:

- A. When a complaint for divorce or petition for modification in a post-divorce case is filed with the Clerk's office, the Clerk shall assure that the parenting plan package has been attached to the summons and has been made available to the filing party. If the filing party is represented by an attorney, the package shall be attached to the summons by the filing attorney. If the filing party is not represented by an attorney, the clerk shall give the filing party a package. The same package will be included in the summons to the Defendant / Respondent. Counsel shall use the most recent available Parenting Plan provided by the Administrative Office of the Court. The most recent Parenting Plan version may be found at the following link: www.tncourts.gov/node/253
- B. The following documents will be made available by the clerks to attorneys and parents upon request:
 - o Temporary Parenting Plan;
 - o Permanent Parenting Plan.
- C. Check List: A check list will be attached by the Clerk to each case file involving divorce proceedings with minor children. The check list will be completed by the clerk as items are furnished to parties, or filed by parties, attorneys, providers, or the court. The Clerk shall maintain a monthly status report of all pending divorce actions under this Rule.

29.03 Duties of Attorneys.

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

- A. Secure from the Clerk's office or otherwise all approved forms utilized under this rule;
- B. Monitor their client's timely attendance at a parent education seminar;
- C. Assist client in selecting / reaching agreement as to an appropriate mediator if a parenting plan has not been timely agreed to by the parties;
- D. File with the complaint or answer to hearing an agreed to or proposed parenting plan. If a temporary parenting plan is sought, a proposed temporary parenting plan will be submitted to be acted on by the Court, if appropriate, ex-parte or at an early hearing. It is strongly suggested that the blanks in the form be filled out by hand and/or highlighted for easier review by the court.
- E. Follow the Attorneys' Guide to Mediation.
- F. Attach the agreed or ordered parenting plan to the Marital Dissolution Agreement or Decree as an exhibit and which will not be duplicated in the MDA or decree.
- G. Counsel shall comply with all statutes regarding mediation in divorce cases including, but not limited to, those involving assets, liabilities, alimony, and parenting plans. Both parties shall make a good faith effort to exchange at least one day prior to mediation, and no later than the date of mediation, asset and liability statements, income and expense statements, proposed division of assets and liabilities, and proposed parenting plans with supporting documentation. Pursuant to the applicable mediation statutes, these documents shall not be admissible in Court and shall be used for settlement negotiation purposes only. These documents shall contain a statement to that effect. (See Attached Forms Two (2) and Four (4)).

29.04. Duties of Providers:

Educational Providers:

1 The Education Committee consisting of the 3 Circuit Court Judges, the Chancellor, the Rhea County Family Court Judge and the Bledsoe County General Sessions Court Judge will receive and act upon applications from providers who seek approval to provide parent education seminars. A list of approved providers will be furnished to the clerks to be included in the package.

2 The Educational Providers will make all arrangements for time, place and fees for seminars to be conducted in no less than two hour blocks. Seminar schedule for each provider will be provided to the clerk to be made available

to parents and attorneys.

3. Educational Providers will notify the courts by filing with the appropriate clerk a copy of a certificate of attendance given to parents attending the classes. Certificates shall include the following: Name; Docket number; name of educational provider; date class was attended; and be signed by a representative from the seminar facilitator.

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

B. Mediators:

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

2 Mediation Assignment:

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

A Rule 31 Family Mediator will be appointed by court order

OR

a referral to mediation is ordered by the court

OR,

a referral to pro bono mediation is ordered by the Court.

3. Mediation Fees and Agreement to Mediate

The parents may directly negotiate the fees with the mediator. An agreement to mediate shall be executed at the beginning of mediation by the parents and mediator,

OR,

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

4. Invoicing Procedures

- (a) If the Court has ordered that mediator fees are to be taxed as court cost, the invoice must be submitted with the original final report to the Clerk's office;
- (b) It is the mediator's responsibility to notify the Clerk's office that an invoice is included in the final report;
- (c) The invoice should include a docket number to ensure correct filing and payment.

5. Mediator Reports

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

C. **Judicial Settlement Conferences:**

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

Rule Thirty (30) **THE 12TH JUDICIAL DISTRICT ELECTRONIC FILING RULES (E-FILING RULES)**

30.01 Authority

In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, Tenn. Code Ann. § 16-15-701, Rule 106 of the Tennessee Rules of Juvenile Procedure, and pending adoption of e-filing in each court, the Courts participating in e-filing for the Twelfth Judicial District adopts the following electronic filing rules. Pleadings and other electronic documents filed electronically in any participating Court shall be considered filed the same as court documents filed in paper format.

30.02 Short Title

These rules may be cited as "E-Filing Rules for the Twelfth Judicial District."

30.03 Definitions

The following terms in these E-Filing Rules shall be defined as follows:

“Authorized Users” means the following persons who, upon completion of the registration requirements or user account configuration, may E-File documents:

- a. Attorneys licensed to practice law in Tennessee;
- b. Pro Se litigants;
- c. Law Enforcement Officers;
- d. Process Servers;
- e. Agents of Governmental entities;
- f. Special appointed agents for Domestic Violence Support;
- g. All Court judges and their staff; and
- h. The Clerk and all deputy clerks of the Clerk’s Office;

“Clerk” means any participating Court Clerk and Clerk and Master for the Twelfth Judicial District;

“Clerk’s Office” means the office of any participating Court Clerk and/or the Clerk and Master in the Twelfth Judicial District;

“Convenience Fee” is a minimum fee or percentage of any statutory charged fee which is charged by a credit card processing company in connection with electronic filing and which is in addition to the statutory filing fees. Such a fee is charged in connection with payment by credit card or ACH (if accepted). (See Section 12 below);

“Case Management System” or “CMS” means a computer system operated by the Clerk’s Office which maintains all case information within each office. The CMS includes TnCIS and CourtPro.

“Court Administrator” means the Court Clerk and the Clerk and Master, or their designated deputy clerk, who administers TnCIS, CourtPro, the document management system, and internal users;

“Court” means any participating Court Clerk’s or Clerk and Master’s office for the Twelfth Judicial District, and any Judge or Chancellor;

“CourtPro” means the Tennessee Case Information System or Case Management System software supported by CourTNet, used to manage and record case information specific to Tennessee;

“Document” means a pleading, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the TRCP and the Local Rules;

“Document Management System” or “DMS” means a computer system operated by the Clerk’s Office which maintains all electronic and scanned paper documents filed in the Court in electronic form;

“E-file” or “E-filing” means the electronic transmission of original documents to and from the Court for the purposes of recording information and Court documents to a Court case, or other official Court purposes. For purposes of these rules, e-filing does not include the filing of faxed documents;

“E-Filer” is an Authorized User who has a Court approved E-Filing login, username, and password allowing E-Filing of Documents into the Court’s CMS and DMS;

“Electronic Court Filing System” or “ECF” means the software and services provided to Authorized Users to E-file, review filings, and process information that is recorded to the Court’s CMS and DMS;

“E-Filing Fee” is the fee an attorney or pro se litigant pays for using the E-Filing system. This is a separate fee from, and in addition to, the Convenience Fee charged by the credit card processor and the statutory filing fee(s) (See Section 12 below);

“E-Filing Rules” means the E-Filing Rules for the Twelfth Judicial District;

“Local Rules” means the Rules of the Circuit Court and Chancery Court for the Twelfth Judicial District;

“Notice of Association” means a method provided by the ECF that a pro se filer will use to link the ECF Authorized User account to a case in TnCIS or CourtPro;

“Notice of Electronic Filing” or “NEF” means an electronic notice distributed by the ECF to Authorized Users when court documents are E-filed to a case. The notices are specific to a case and are distributed to case participants or their legal representatives who are registered in the ECF System, recorded in TnCIS or CourtPro as a case participant, and are linked between ECF and TnCIS or CourtPro;

“Party” or “Parties” means any person, including an individual, executor, administrator, or other personal representative, corporation, partnership, association or any other legal, governmental or commercial entity, whether organized under the laws of this State who is a party in a case pending in the Court and is represented by an attorney or acting pro se;

“PDF” or “Portable Document Format” means a computer file format developed by Adobe Systems for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents. Converted Documents must contain the “.pdf” file extension;

“Public Access Terminal” means a publicly accessible computer provided by the Clerk for the purposes of allowing E-filing and/or viewing of public electronic court records. The public access terminal, where available, shall be available in the Clerk’s Office and made available during normal business hours. The Clerk’s Office may also offer printed copies of the electronic court records and apply relevant copying fees as permitted by relevant statutory and court rules;

“Statutory Fee” means the normal filing fee charged by the Court to file a law suit, and other usual fees charged by the Court in the course of the case;

“System Administrator” means the Tybera Development Group, Inc. management team that supports the Court Administrator and the registration and support of Authorized Users;

“Terms of Use Agreement” means the agreement parameters for the use of the ECF System by all Authorized Users;

“TnCIS” means the Tennessee Case Information System or Case Management System software supported by Local Government, owned and controlled by the Tennessee Administrative Office of the Courts, used to manage and record case information specific to Tennessee;

“Traditional Filing” is a process by which a Party files a paper document with the Clerk;

“TRCP” means the Tennessee Rules of Civil Procedure;

“User Guide” means the recommendations and modifications to procedures specific to the participating court. All E-Filers should periodically check participating Clerk’s Website for updates to the User’s Guide. The ECF system will provide a Filer’s User Manual specific to how to use the ECF system that will function for State courts in all counties.

30.04 Effect on Existing Local Rules

These E-Filing Rules are adopted as an Appendix to the Local Rules of the Court and do not supersede or replace any other Local Rules of the Court.

30.05 Electronic Filing Encouraged Unless Prohibited by Order of the Court

- a. E-Filing of documents is encouraged by this Court. Except as provided by subsection (b) below, a document that can be traditionally filed with the Court may be E-Filed.
- b. The Court or the Clerk may exclude documents and/or certain types of cases from E-Filing. Notice of these excluded documents and/or cases may be obtained from the Clerk’s office.

30.06 Scope of Rules

- a. Except as expressly provided herein, for all new cases filed on or after the effective date of these E-Filing Rules, the Court shall accept as validly filed all documents that are filed through E-Filing. Existing cases can be converted to e-filed cases at the request of the litigants or their attorneys.
- b. The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically, subject to the provisions of these E-Filing Rules.
- c. E-Filers may obtain access to the E-Filing Website either through an internet access point, or, where available, by using the Clerk’s Public Access Terminal located in the Clerk’s Office.

30.07 Electronic Case File

The Clerk shall maintain all E-Filed documents that are reviewed and approved in electronic format as part of the official case file. Although the electronic case file will be the official case file, each Clerk will continue to maintain a paper copy of the file until these rules are modified to permit only electronic files to be kept.

30.08 Registration Requirements

- a. Persons who qualify as Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the ECF Website. The registration process requires the prospective user to accept the User Agreement, identify their role for the account, enter their personal information, their username and password, and submit the request. Attorneys must include a valid Tennessee issued Bar Number. There is an approval process that will occur. Once the approval process is completed the user will receive an email notifying them that their account is approved. The user must then register their payment options and credit card with the ECF system and the Court. If the user does not receive an email the user can determine if their account is activated by logging into the ECF website;
- b. E-Filers shall change their E-Filing profile immediately upon any change in firm name, delivery address, phone number, fax number or e-mail address;
- c. Attorneys who intend to practice Pro Hac Vice are not allowed to register. Out of State Attorneys who are not admitted to the Bar in Tennessee are required to associate with an attorney who has a Tennessee issued Bar number, and they must follow the rules for participating in a case.

30.09 Time and Effect of E-Filing

Any E-Filed document shall be considered as filed with the Clerk once the transmission of the entire document is received and approved by the Clerk. Any document received by the Clerk before midnight local time of the Clerk's Office shall be deemed filed on that date if such document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon approval by the Clerk of an E-Filed document, the ECF system shall electronically transmit a Transaction Receipt indicating that the E-Filing has been filed. The Transaction Receipt shall serve as proof of filing.

If a document is rejected and returned to the E-Filer and that document has to be resubmitted due to an E-Filer not submitting a .pdf file, or other filing errors by the E-Filer, the document will receive a new time and date stamp when the correct document type is filed. A Party may petition the Court for good cause for the document to receive a *nunc pro tunc* effective time and date for the filing (see Part 15 below).

30.10 Form of Documents Electronically Filed

- a. Each E-Filed document shall be uploaded in a PDF format unless it is a Proposed Order for a judge to review. The document should be formatted in accordance with the applicable Terms of Use Agreement as well as the TRCP and Local Rules governing formatting of paper documents and in such other and further format as the Court may require from time to time. Proposed Orders can be E-Filed in Microsoft Word format;
- b. The E-Filer is responsible for verifying that the documents to be E-Filed are legible and formatted correctly. The Clerk will not reject documents that are generally not legible or are sideways so long as the document can be associated to a case. However, the Clerk will be held harmless for any such errors by the E-filer. Notwithstanding proposed orders, documents that are not formatted as a .pdf are unable to be e-filed and will be rejected since they cannot be added to the CMS. By E-filing, the E-Filer accepts the consequences for not formatting documents correctly and the Clerk will be held harmless for the consequences of any such error by the E-filer;
- c. In addition to the information required by TRCP Rule 11 and any other Local Rule, the Party or Attorney signing a document that is being E-Filed shall also follow the requirements in Part 30.13.

30.11 Notice of Electronic Filing (NEF)

When a person E-files to a case, whether they are a case participant or not, notifications of the E-Filing are distributed to Authorized Users that are recorded in TnCIS or CourtPro as case participants or legal representatives. To receive notifications, participants must be Authorized Users and have an active account in the ECF System. For the notification to recognize the association of an Authorized User to a case the Clerk must first record the Authorized User on the case in TnCIS or CourtPro as a pro se litigant, or as a legal representative with a Bar Number. TnCIS and CourtPro only maintain Tennessee issued Bar Numbers.

All Authorized Users agree to receive their notices of documents which are E-Filed in their cases electronically through the ECF system.

All Authorized Users must include a Certificate of Service on each pleading filed just as if it had been filed on paper.

Pro se litigants recorded in TnCIS or CourtPro on a case must be registered Authorized Users in ECF and have previously filed a Notice of Association that links the ECF user account to their TnCIS or CourtPro participant ID.

The NEF **does not** replace the need for service of process. The NEF satisfies the responsibility of a filer to send service to other parties that are registered in the ECF System and linked as participants on the case for secondary filings. This service does not replace the responsibility of E-Filers to notify parties by conventional means when they are not registered in the ECF system. The ECF system provides a method

to identify what case participants are Authorized Users and recorded in TnCIS or CourtPro as participants in the case each time an e-filing is submitted.

The NEF is distributed as an email and posted in the ECF web interface for access. It is incumbent on each filer to keep the NEF in his/her permanent files as proof of notice. It is the responsibility of each Authorized User to login to the ECF and review their NEFs within ninety days (90) from the time the NEF is posted to their user account. After ninety days, all NEFs are deleted from the Authorized User's account.

All electronic service of papers e-filed shall be done according to Tennessee Supreme Court Rule 46A which reads as follows:

(1) For purposes of this Rule, the following definitions shall apply:

(a) "E-file" or "E-filing" means the electronic transmission of documents in cases pending in the court, using the dedicated E-Filing system maintained by the clerk of the court.

(b) "E-Filer" means a registered user who e-files a document.

(c) "E-Filing system" means a system adopted by any Circuit, Chancery, Criminal,

Probate, Juvenile or General Sessions Court Clerk that allows for the e-filing of documents and is in compliance with the technological standards promulgated by this Court.

(d) "E-service" or "E-served" means the automatically generated electronic transmission, by and through an e-filing system, of a notice to all participants in a case who are registered users that a document has been e- filed.

(e) A "registered user" is a person who has properly registered with and has been authorized to use an e-filing system for the e-filing of documents in accordance with

the requirements of a local rule of court. A registered user is deemed to have consented to receive e-service and is responsible for maintaining a valid and current e-mail address and keeping same up to date in the e-filing system.

(f) "Documents" that may be e-served under this Rule include only those items that

must be served pursuant to Tenn. R. Civ. P. 5.01, Tenn. R. Crim. P. 49, Tenn. R. Juv. P. 106, and any similar General Sessions Court rule.

(2) Any Circuit, Chancery, Criminal, Probate, Juvenile or General Sessions Court that has, by local rule of court, allowed documents to be filed, signed or verified by a registered user of an e-filing system shall allow such documents to be e-served. E-service shall constitute proper service of the e-filed document on a registered user and shall have the same legal effect as service of a paper document under the applicable rules of procedure. Independent conventional service of an e-filed document, either by paper or otherwise, need not be made by an e-filer on any registered user, unless otherwise ordered by the court.

(3) Any (A) lawyer representing a person, party or participant in the case, or (B) pro se person, party or participant in the case, who is either (i) not a registered user of the e-filing system or (ii) known by the e-filer not to have been e-served, must be served by the e-filer through the conventional means of service set forth in the applicable

rules of procedure.

(4) Unless ordered otherwise by the court, a court clerk may, through the e-filing system, transmit to registered users all notices, orders, opinions, or judgments filed by the court or court clerk, which transmission shall constitute proper service and shall satisfy the notice requirements of Tenn. R. Civ. P. 58 or any other applicable rules of procedure.

(5) The court has the discretion, for good cause shown, to order that service, other than e-service, be required in a particular case.

30.12 Payment of Fees

- a. All E-Filed Documents subject to statutory filing fees (Court Costs) shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees must be paid with a credit card or via ACH (if available) at the time of E-Filing. Use of the E-Filing Website constitutes E-Filer's consent to process or charge the credit card or ACH supplied. Notwithstanding, attorneys may enter into a separate payment agreement with the participating Clerk's office in lieu of paying the **statutory fee** through the ECF that will permit the attorney to pay the statutory fees by cash or check. Payment of the **E-Filing** fee must be paid by credit card or ACH through the ECF and cannot be paid in the Clerk's office. If an attorney fails to promptly pay any statutory fees pursuant to their agreement with the Clerk's office then any such agreement may be voided at the Clerk's discretion and payment by credit card through the ECF will be required for any future E-Filing;
- b. It is the responsibility of the Authorized User to contact the appropriate Clerk's Office or Clerk and Master's Office to obtain the correct amount of fees. The ECF system will not calculate the fees in this release of the E-Filing system (release one). When the ECF system provides an estimate in later releases the Clerk is still responsible for calculation of the fees which may be different from the estimates. This can occur when the Clerk corrects information entered by the filer;
- c. The E-Filing Fee is in addition to the statutory filing fees and is \$5.00 per filing up to a maximum of \$50.00 per case. In lieu of paying an E-Filing Fee for each transaction an E-Filer may elect to pay \$300.00 as a flat subscription fee per lawyer or pro se litigant for a one year period starting on the date the flat fee is paid. The flat fee pays all the E-filing fees for all cases filed by that lawyer or pro se litigant in any Court in the State using the Tybera E-Filing System. The E-Filing Fee shall not be assessed against the State, a party declared indigent or to that indigent's party's legal representative. Tybera will keep an account of the amount of fees paid in each case;
- d. The convenience fee charged by a credit card processor pursuant to T.C.A. Sec. 9-1-108(c)(4) & (5), is charged to E-Filers in addition to the statutory filing fee and the E-Filing Fee. The convenience fee covers the cost of processing the credit card. The amount of that fee will appear with each credit card transaction;
- e. Authorized users will be able to access their cases as well as any other cases in the system that are not under seal and make copies of documents in those files. Certified and paper copies will be available from the Clerk's office for the statutory fees;
- f. Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. The Clerk will issue either a check for a refund, or if available the refund may be applied directly back to the card holder's credit card. Refunds will not be made in cash and

will be made to the original card holder. Depending on the credit card processing company the amount of any refund may be less the percentage charged as the credit card convenience fee;

- g. Refunds on a case will be paid to the owner of the credit card used to make the payment.

30.13 Signatures

- a. A document that is required to be verified by a notary public, sworn to, or made under oath, or one that requires multiple signatures may be E-Filed only as a scanned image of the original. The original document shall be maintained by the Party or the attorney E-Filing the document and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities;
- b. Any document filed with an electronic signature must be filed using the user account of the individual electronically signing the document. Any document signed and filed using the account that matches the signature is considered binding on that individual even if that user shares their username and password;
- c. For all other documents that generally include an attorney's or pro se E-Filer's signature the following pattern is to be used:
- d. /S/John Doe (Authorized User's name) and TN Bar No. (if an attorney)
- e. 123 Main Street (Authorized User's street address)
- f. City, State, Zip Code
- g. Attorneys may also use any other electronic signature format that is approved pursuant to Tenn. R. Civ. P. 5B.

30.14 Redaction

Authorized Users must be sensitive to confidential and personal information filed publicly and not under seal. E-Filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the Clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court;

It is the responsibility of the Authorized User to redact all documents that are E-Filed to the Court. When a document required to be E-Filed includes sensitive data that otherwise would be redacted, the Authorized User must file an original and a redacted version in the manner described at the end of this part. The redacted version will be stored for public access and should be redacted as follows:

- a. Social Security Numbers. If a social security number must be included in a document, only the last four digits of that number must be used;
- b. Dates of Birth. If an individual's date of birth must be included in a document, only the year must be used;
- c. Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers must be used;
- d. Names of Minors. If a case includes a minor and when this information needs to be

protected from the public, the Authorized User should use a pseudo name in the documents and then file a sealed document with the actual names.

In addition, exercise caution when filing documents that contain the following:

- a. Personal identifying number, such as a driver's license number;
- b. Medical Records, treatment and diagnosis;
- c. Employment History;
- d. Individual Financial Information;
- e. Proprietary or Trade Secret Information.

It is the responsibility of E-Filers to be sure that all documents comply with the rules of this Court requiring redaction of personal identifiers. The Clerk will not review each document for redaction

Only a redacted copy of a document shall be E-Filed. Any un-redacted document shall be delivered to the Clerk's office and the Clerk will attach the document to the case file in a manner that does not permit public access to the document or access through the ECF.

30.15 System or User Filing Errors

If the E-Filing does not reach a status of RECEIVED because of (1) an error in the transmission of the document to the Clerk which was unknown to the sending party, (2) a failure to process the electronic document when received by the Clerk, or (3) other technical problems experienced by the E-Filer or the Clerk, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date the document was first attempted to be filed electronically and may also extend the date for any response or the period within which any right, duty, or other act must be performed.

30.16 Effective Date

These rules shall become effective thirty (30) days after approval by the Administrative Office of the Courts E-Filing Committee.

ADOPTION OF ELECTRONIC FILING RULES

The foregoing Circuit Court and Chancery Courts of the Twelfth Judicial District, Tennessee E-Filing Rules concerning the electronic filing of documents are hereby adopted by the Presiding Judge on this the 25th day of March 2026 and submitted to the Administrative Director of the Administrative Office of the Courts.

PARTIES ARE ENCOURAGED TO CHECK WITH THE LOCAL CLERK'S OFFICES TO VERIFY ANY CHANGES IN THE CALENDAR

TABLE ONE (1) CIRCUIT COURT CIVIL NON-JURY DAYS*

BLEDSON COUNTY

- Part I Fourth Monday of March, Second Thursday of September, and the Fourth Monday of April, August and December
- Part II Second Thursday of May, Fourth Monday of November, and the Fourth Monday of February, June and October
- Part III Second Thursday of January, Fourth Monday of July, and Wednesday following the Fourth Monday of January, May and September

SEQUATCHIE COUNTY

- Part I Fourth Monday of February, Fourth Monday of May (following Grand Jury), Third Thursday of August, and Third Tuesday of November
- Part II Fourth Thursday of March, June, and December, and Fourth Monday of September (following Grand Jury)
- Part III Third Thursday of April, July and October and Fourth Monday of January (following Grand Jury)

GRUNDY COUNTY

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

FRANKLIN COUNTY

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

MARION COUNTY

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

RHEA COUNTY

- Part I Fourth Thursday of March, June, September and December;
First Monday of April (following Grand Jury)
- Part II Fourth Thursday of February, May, August and November;
First Monday of August (following Grand Jury)
- Part III Fourth Thursday of January, April, July and October;
First Monday of December (following Grand Jury)

***In addition to the above listed days, Non-Jury matters may be scheduled at 9:30 a.m. on the morning the Grand Jury is empaneled as shown in Table 2.**

TABLE TWO (2) TWELFTH JUDICIAL DISTRICT
CRIMINAL NON-JURY DAYS

BLEDSON COUNTY

Grand Jury:

Fourth Monday in March, July & November

Boundover:

Friday following Grand Jury in March, July & November

Discussion Day:

Friday before Fourth Monday in January, May & September

Criminal Pleas/ Assignments/Motions

Fourth Monday (9:00) in February, April, June, August & October

Third Monday in December

Wednesday following Fourth Monday in January, May & September

SEQUATCHIE COUNTY

Grand Jury:

Fourth Monday in January, May & September

Boundover:

Friday following Grand Jury in January, May & September

Discussion Day:

Friday Before Fourth Monday in March, July & November

Criminal Pleas / Assignments / Motions

Second Thursday in February, April, June, August, October & December

Wednesday following the Fourth Monday in March, July & November

MARION COUNTY

Grand Jury:

First Monday in February, April**, June, August**, October & December **

Boundover:

Second Friday following Grand Jury in February, April, June, August, October & December

Discussion Day:

First Thursday Each Month

Criminal Pleas / Assignments

Fourth Monday in March, July & November

Tuesday following the First Thursday in February, April, June, August, October, & December

Third Tuesday in May

First Tuesday in January Fourth Tuesday in

September

Motions / Revocations / Sentencings

Fourth Monday in February, March, May, June, August, September, November & December

Third Tuesday in January, April, July & October

RHEA COUNTY

Grand Jury:

First Monday in February**, April, June**, August, October**, & December

Boundover/ Motions, Revocations & Sentencings*:**

Friday following Grand Jury in February, April, June, August, October & December

Discussion Day:

Second Thursday each month

Criminal Pleas / Assignments

First Friday in January, May & September

Wednesday following the First Thursday in February, April, June, August, October & December

Third Thursday in July & November

First Thursday in March

Motions/Revocations/ Sentencings***

Boundover Days as shown above

Last Thursday in January, March, May, July and September

Second Thursday in November

GRUNDY COUNTY

Grand Jury:

Second Monday in March, July & November

Boundover:

Second Friday following Grand Jury in March, July & November

Discussion Day:

Second Monday in January, May & September

Criminal Pleas / Assignments / Motions

Second Monday in February, April, June, August, & December

Second Friday in October

Wednesday following second Monday in January, May & September

FRANKLIN COUNTY

Grand Jury:

First Monday in January, March**, May, July**, September & November**

Boundover:

Second Friday in January, March, May, July, September & November

Discussion Day:

Third Tuesday of each month

Criminal Pleas / Assignments / Motions

Second Tuesday each month

Thursday following the fourth Tuesday each month except December

Thursday following Second Tuesday in December

*Unless first day of the month is Friday; if so, then it shall be third Friday.

* *Judge will not be present.

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

TABLE THREE (3) CHANCERY COURT DOCKET CALL*

Unless otherwise noticed by the Chancellor or Clerk, Docket call will be held twice per year, per county as follows:

First Tuesday of June and December: Grundy County 9:00 a.m.
Franklin County 1:00 p.m.

First Wednesday of June and December: Marion County 9:00 a.m.
Sequatchie County 1:00 p.m.

First Thursday of June and December: Rhea County: 9:30 a.m.
Bledsoe County 1:00 p.m.

*Only uncontested cases will be heard following docket call without prior Court permis

