

Original

PROPOSED LOCAL RULES OF CHANCERY COURT - SECOND CHANCERY DIVISION

RULE 1. FORMER RULES ABROGATED

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

RULE 2. TERMS

Beginning July 1, 1984 Court shall begin at 9:00 A. M. on the date set by the Legislature and shall continue for ten (10) days of trials, except for major holidays. These holidays will be made up so as to constitute a ten (10) day term as soon as possible after a term. The term will not be otherwise expanded.

If ten (10) days is not sufficient considering our docket, the bar and interested parties are aware that the Legislature meets in January, 1984.

RULE 3. SUSPENSION OF RULES

Whenever the Court determines that justice requires it, it may suspend any of these rules. The signing of an order by the Court which does not comply with a rule or rules herein adopted shall be considered a waiver and/or suspension of such rule or rules.

RULE 4. COURT SESSIONS

Regular sessions of Court will open at 9:00 A. M. or at such other times as the Court directs.

Chambers hearings for motions and uncontested matters shall

be held on designated Fridays in Union and Claiborne Counties commencing at 9:00 A. M. and at such other places and times as the Court may designate. All attorneys, parties and witnesses shall be prompt at all sessions.

RULE 5. APPEARANCES AND CONDUCT OF COUNSEL

Sec. 5.01. Counsel of Record; Entry of Appearance

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 the filing of a formal notice of appearance.

Sec. 5.02. Withdrawal of Counsel

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

Sec. 5.03. No Appearance Entered; Copies of Pleadings

If a party does not have counsel of record, copies of the pleadings filed shall be furnished to the party. If a party does not have counsel of record, that fact shall be called to the attention of the Court before any action is taken on any pleading filed which substantially affects the case.

Sec. 5.04. Conduct of Counsel

(a) During trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel, and the use of first names for adults shall be avoided.

(b) Counsel shall appear appropriately dressed at all times.

(c) 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, and shall respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matters. When objections is made to a question asked, counsel shall refrain from asking the witness another question until the Court has had an opportunity to rule upon the objection. Objecting counsel shall state the legal grounds without argument or discussion except by leave of Court.

(d) Unless physically impaired, attorneys shall stand while examining witnesses and while addressing the Court.

RULE 6. SETTING ATTORNEY FEES

Whenever it is necessary for the Court to fix fees of attorneys, the attorney shall file a statement of time spent on the case, a statement of his fee arrangement with his client, if any, a suggestion of the amount of a proper fee, or any other information requested by the Court.

RULE 7. CONTACTING JUDGE

Neither counsel nor a party to a pending action shall contact the judge before whom a matter is pending unless there is an emergency, except by letter or orally with other counsel of record present. A copy of all such letters shall be sent to all counsel of record and a copy sent to the Clerk for filing.

RULE 8. COURT FILES

All papers and records of the Court shall be in the custody of the Clerk. Files may not be withdrawn by any person at any time. The Clerk and Master will copy files and request of and at the cost of the attorneys.

RULE 9. TRIAL CALENDAR

Daily Calendars

(a) Daily trial calendars shall be prepared by the Clerk in each of the respective counties of the Chancery Division.

(b) The Clerk of the county in which Chambers hearings are held shall be notified of all matters to be brought up at Chambers on a given Chambers day and he shall prepare a trial calendar of the Chambers proceedings.

(c) All ex-parte matters and non-contested matters set on a particular trial day or Chambers day shall, if ready, be heard before the contested matters set on a trial date or Chambers day.

RULE 10. STRIKING OR POSTPONEMENT OF MOTIONS

After a motion has been docketed, no party may strike or postpone a motion without the agreement of all parties. In the absence of an agreement, the Court may order postponement of a motion hearing upon motion. If a motion is to be stricken or postponed by agreement, counsel shall notify the Clerk as soon as practicable. If any parties strike or postpone a motion without agreement of all parties of record or without leave of Court, the Court may tax as costs reasonable fees and expenses to any party who appeared at the scheduled hearing.

**RULE 11. FAILURE TO APPEAR AT A MOTION HEARING;
LATE APPEARANCE**

If any party does not appear at a scheduled hearing on a motion or any other matter scheduled to be heard on a motion docket, the Court may strike or adjudicate the motion. Counsel who will be late for a motion hearing shall notify the Clerk in advance of the hearing or have an announcement to that effect made at the call of the docket.

RULE 12. SPECIAL SETTING OF MOTIONS

Where special circumstances warrant, motions may be specially

set at other times and places than the times and places herein designated.

RULE 13. SETTING CASES FOR TRIAL AND CONTINUANCES

Sec. 13.01. Method of Setting

Cases shall be set for trial in one of the following ways:

- (a) By Motion;
- (b) By the Court with notice to counsel;
- (c) At the regular docket setting held in a given county prior to the term of Court by the Clerk and Master.

Sec. 13.02. Notice of Docket Setting

The Clerk of the respective courts shall give each litigant or their attorney at least a seven day notice of any docket setting to be held by the Court or the Clerk.

Sec. 13.03. Notice of Setting

Except in cases where all parties or their attorneys are present before the Court or the Clerk when a cause is set or unless a cause is set by agreement of the parties, the Clerk shall notify all parties or their attorneys of the time and place where the matter will be heard.

Sec. 13.04. Certifying Cases Ready When Set

When a case is set by agreement or when a case is set by motion without objection to having it set, all counsel are certifying that the case will be in all respects ready for trial on the trial date.

Sec. 13.05. Continuances

(a) Cases shall not be continued by agreement without leave of Court. Cases will not be continued except for good cause which shall be brought to the attention of the Court as soon as practicable before the date of the trial.

(b) Absences of a witness will not be grounds for a continuance unless the witness has been subpoenaed in accordance with the requirements of these rules and the Tennessee Rules of Civil Procedure.

(c) When a case is set by agreement or set upon motion without objection to having it set, failure to have completed discovery, unavailability of counsel on the trial date, inability to take a deposition, or failure to have completed any other trial preparation will not be grounds for a continuance unless it can be conclusively shown that unusual or extraordinary events have arisen which necessitates such continuance.

RULE 14. ORDERS AND JUDGMENTS

Sec. 14.01. Preparation and Submission of Orders and Judgments

Unless the Court directs otherwise, attorneys for prevailing parties will prepare orders for entry by the Court. All orders must be filed with the Clerk and served on opposing counsel within ten days following the day on which the ruling is made by the Court. If orders not timely filed, a show cause order may issue and be served on counsel.

Sec. 14.02. Disagreements Over Contents of Orders and Judgments

Orders in contested matters containing only the signature of the attorney preparing the order will not be entered immediately but will be held by the Clerk five (5) days. When opposing counsel receives a copy of a proposed order, he shall notify the Clerk immediately if he has any objection to the order. If the Clerk receives no objection with the five (5) day period, the order will be submitted to the Judge for signature. Where there is a disagreement as to the terms of the order, each party will submit a proposed order.

Sec. 14.03. Court Costs

(a) All final judgments shall provide for the taxing of court costs. The Clerk may refuse to enter any agreed final judgment,

compromise and settlement order until the court costs are paid.

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

Sec. 14.04. Non-Minute Entry Orders

Orders not affecting the legal course of an action, such as orders setting a case for trial, orders acting upon a request for a continuance may be designated by the Clerk as a non-minute entry order. Memorandum opinions unless otherwise designated by the Court shall be treated as non-minute entries. Such designated orders shall be marked filed and placed in the file of the case but not spread upon the minutes of the Court.

RULE 15. SPECIAL PROCEDURES FOR DIVORCES

Sec. 15.01. The Complaint or Petition

No complaint, petition or cross complaint for divorce shall be filed unless the same sets forth the grounds for divorce and vital statistics in substantially the language of the statute.

Sec. 15.02. Time for Hearing

(a) No divorce case where the parties have children under eighteen years of age not otherwise emancipated, shall be heard until the same shall have been filed at least sixty (60) days unless the Court finds some compelling reason why the same should be so heard.

(b) No divorce shall be heard in any case until thirty (30) days have expired from the date of service of process. When service is had by publication the thirty (30) days does not commence to run until the date of the last publication.

Sec. 15.03. Contested Divorce Cases

In contested divorce cases the Court will hear the parties

to the action before hearing other witnesses unless for good cause shown the Court finds it appropriate to waive this rule.

RULE 16. DORMANT CASES: DOCKET CALLS

Sec. 16.01. Dismissal of Dormant Cases

To expedite cases, the Court may take reasonable measures to purge the docket of old cases where the cases have been dormant without cause shown for an extended time.

Sec. 16.02. Dismissal for Want of Prosecution

Copies of the order dismissing a case for want of prosecution shall be mailed to all counsel of record or to any party in default without counsel of record, if his whereabouts can be ascertained upon reasonable inquiry by the Clerk.

RULE 17. GENERAL RULE

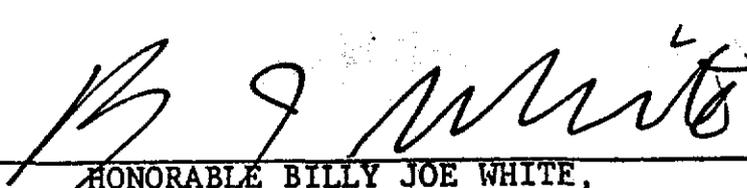
All other situations not specifically covered shall be determined by the Tennessee Rules of Civil Procedure.

These rules may be amended or changed in the discretion of the trial Judge.

These rules are all effective January 1, 1984 except concerning the ten (10) day terms and it shall commence July 1, 1984.

These local rules shall be placed of record in each Clerk and Master's Office and shall be made available to the Bar by the Clerk and Master.

This the 8 day of December, 1983.



 HONORABLE BILLY JOE WHITE,
 Chancellor

Filed	<u>Dec. 9</u> , 19 <u>83</u>
at	<u>9:00 A</u> .M.
Odie Phillips Clerk & Master	

LOCAL RULES OF THE EIGHTH JUDICIAL DISTRICT - CHANCERY DIVISION

The following rules are amended:

RULE 2. TERMS

The following terms will be set in the counties until change for good cause:

Campbell County -- First Mondays in May and November

Claiborne County -- First Mondays in March and September

Fentress County -- Third Mondays in January and June

Scott County -- Second Mondays in February and August

Union County -- Third Mondays in March and September

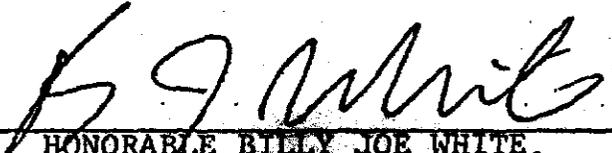
2.01 Presiding Judge

The three judges of the Eighth Judicial District have heretofore elected the Honorable Lee Asbury as the Presiding Judge for a term from September 1, 1984 until August 31, 1985; the Honorable Conrad Troutman was elected from September 1, 1985 until August 31, 1986; and the Honorable Billy Joe White will serve from September 1, 1986 until August 31, 1987.

RULE 10.02

The Court after September 1, 1984 will not hear any Motions or any other matters wherein counsel is cited in by notice in any other county other than the county in which the case is pending unless both attorneys agree and the Court agrees to hear the matter.

This the 30th day of July, 1984.


HONORABLE BILLY JOE WHITE,
Chancellor

Filed	<u>July 31, 1984</u>
at	<u>9:00 A.M.</u>
Odie Phillips Clerk & Master	

AMENDED LOCAL RULES OF CHANCERY COURT
EIGHTH JUDICIAL DISTRICT

The local rules of Chancery Court for the Eighth Judicial District shall be amended as follows:

RULE 5. APPEARANCES AND CONDUCT OF COUNSEL

Sec. 5.05. (a) If the Court becomes aware during the trial of any case that counsel for one or both parties is not properly prepared to conduct the trial, appropriate action will be taken by the Court, including but not limited to, mistrial and other appropriate action.

(b) Minimum preparedness by this Court is talking to all witnesses and clients prior to trial.

(c) If the Court becomes aware that the parties to litigation have not attempted in an appropriate case to settle or compromise, the Court will continue, declare a mistrial or take other appropriate action.

(d) No para-legal, secretary, or any other person, except members of the Court and Court officers, may appear within the bar, or make any appearance whatsoever while Court is in session or before the Court for any reason in the future.

These amended local rules shall be placed of record in each Clerk and Master's Office and shall be made available to the Bar by the Clerk and Master, and shall be effective December 1, 1985.

This the 14 day of November, 1985.

B. J. White
HONORABLE BILLY JOE WHITE,
Chancellor

Filed	<u>Nov 31, 1985</u>
at	<u>9:00 A</u>
Sue Phillips Clerk & Master	

EIGHTH JUDICIAL DISTRICT

LOCAL RULE NO. _____:

Filed November 14 1995

at 11:00 A.M.

Betty Phillips
Clerk & Master

Due to recent problems with clients coming to my home with TRO's and other legal documents and the Court feels that it is inappropriate for a judge to meet privately with clients without lawyers present, it is hereafter a local rule that the Court will not entertain any documents carried by clients to me.

If attorneys insist on sending their clients with documents to be signed, the Court will take appropriate action at the time of the incident.

This the 13th day of November, 1995.



HONORABLE BILLY JOE WHITE,
Chancellor

AMENDED RULES OF COURT
EIGHTH JUDICIAL DISTRICT-CHANCERY DIVISION

5.02 (Amendment)

No attorney shall be allowed to withdraw after a case has been set for trial if the withdrawal shall result in a continuance.

10.03

Due to recent problems with clients coming to my home with TRO's and other legal documents and the Court feels that it is inappropriate for a judge to meet privately with clients without lawyers present, it is therefore a local rule that the Court will not entertain any documents carried by clients to me.

If attorneys insist on sending their clients with documents to be signed, the Court will take appropriate action at the time of the incident.

10.04

Counsel may file a motion to strike any set of interrogatories or motion for the production of documents which consists of over twenty-five (25) questions. Each sub-part shall constitute a new question. The Court in its discretion may strike all interrogatories or motion for production of documents which consists of

Filed <u>May 13</u> 19 <u>96</u> .
at <u>9:00</u> A.M.
Betty Phillips Clerk & Master

over twenty-five (25) questions.

This the 26th day of April, 1996.



HONORABLE BILLY JOE WHITE,
Chancellor, Eighth Judicial District

IN THE CHANCERY AND CIRCUIT COURTS
FOR
THE EIGHTH JUDICIAL DISTRICT

November 14, 1996
at 8:55 A.M.
Betsy Phillips
Clerk & Master

IN RE: LOCAL RULE 13.06 WORKERS' COMPENSATION CASES

ORDER

The Chancery and Circuit Courts for the Eighth Judicial District including Campbell, Claiborne, Fentress, Scott, and Union Counties, adopt the following Local Rule for workers' compensation cases.

1. **CASES.**
 - a. All workers' compensation cases shall be referred for mediation of all issues related to permanent disability upon the employee attaining maximum medical improvement.
 - b. This rule is effective immediately and shall apply to all pending workers' compensation cases.
2. **MEDIATORS.** Mediation shall be conducted by the following:
 - a. A Workers' Compensation Specialist with the Tennessee Department of Labor, or
 - b. By agreement of the parties, a mediator certified under Rule 31 of the Tennessee Supreme Court Rules.
3. **LOCATION.** Mediation shall be held in the district, unless an alternate location is agreed upon by the parties.
4. **INFORMATION TO MEDIATOR.**
 - a. Counsel for the parties shall cooperate with the mediator and provide all information requested within a reasonable time before the date set for mediation.
 - b. Any information, except for medical records allowed by statute, may be marked "*Confidential*" by a party and shall be returned by the mediator to such party without disclosure.
 - c. Evidentiary issues shall remain within the discretion of the Courts, not the mediator.
 - d. Disclosure of such marked documents by a mediator without consent of the party shall be grounds for disqualification, at a hearing by the Court, to act as a Mediator in the Eighth Judicial District.
5. **OUTSTANDING DISCOVERY.** All discovery due as of the date mediation is scheduled shall be filed and provided at least seven (7) days before the date set for mediation.
6. **CONTINUANCES OF MEDIATION.** Continuances of scheduled mediation shall be granted by and at the discretion of the mediator.
7. **MANDATORY ATTENDANCE.** All parties shall provide in attendance a representative authorized with authority sufficient to settle. In the alternative, permission for participation by telephone of an authorized representative may be granted by and within the discretion of the mediator.

8. **SUFFICIENT AUTHORITY.** If a representative of a party is not authorized with authority sufficient to settle within the opinion of the mediator, the mediator may require the attendance of a representative with authority of the "maximum total benefit" as defined in the Tennessee Workers' Compensation statute.
9. **COMPLIANCE.** If a party fails to comply with this Local Rule or interferes with effective mediation, the mediator may file a report with the Court and file a motion requesting a hearing for attorneys fees and costs under the provision added in Tenn. Code Ann. § 50-6-225 of the Workers' Compensation Reform Act of 1996.
10. **PURPOSE.** Any and all matters set on the docket shall proceed in the usual and customary manner. Mediation scheduled after a docket date shall be tentative upon the case being bumped. All counsel shall be available and ready on the docket date even if mediation has not been held, the primary purpose of this Local Rule being a more efficient manner of docket control.
11. **CONSTRUCTION.** This Rule shall be construed in conjunction with, and not as a substitute for, any and all legal rights provided under the Tennessee Workers' Compensation Law and Tennessee Supreme Court Rule 31.

THIS the 7 day of November, 1996.


BILLY JOE WHITE
Chancellor


CONRAD E. TROUTMAN, JR.
Circuit Court Judge

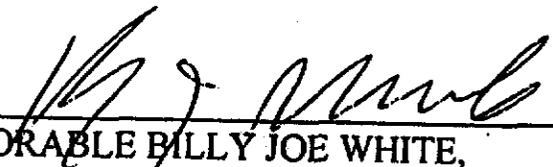
AMENDED LOCAL RULES OF CHANCERY COURT
EIGHTH JUDICIAL DISTRICT

The local rules of Chancery Court for the Eighth Judicial District shall be amended as follows:

RULE 13.06. DOMESTIC RELATIONS AND PROBATE CASES
IN CLAIBORNE COUNTY

Effective July 6, 1999 all domestic relations and probate cases not presently set for trial are transferred to the General Sessions Judge of Claiborne County for disposition. The Chancellor will hear domestic relations and probate cases only when just cause is shown.

This the 6 day of July, 1999.



HONORABLE BILLY JOE WHITE,
Chancellor

Filed July 12 1999
at 9:15 A.M.
Betty Phillips
Clerk & Master

IN THE CHANCERY COURT FOR SCOTT COUNTY, TENNESSEE

AT HUNTSVILLE

IN RE: LEGAL OPTIONS of
Knoxville, Tennessee

)
)

Filed Sept. 7 1999

at 11:00 A.M.

Betty Phillips
Clerk & Master

NO. _____

ORDER

It appears that the Tennessee State Attorney General has filed suit alleging Legal Options of Knoxville, Tennessee, is illegally practicing law and violating the Consumer Protection Act. Until these matters are worked out in the Courts, this Court is of the opinion that the Clerk and Master shall accept no further documents from any individual prepared by Legal Options.

IT IS THEREFORE ACCORDINGLY, ORDERED, ADJUDGED AND DECREED that the Clerk and Master accept no legal documents prepared by Legal Options for filing until further orders of this Court.

ENTER this the 7th day of Sept, 1999.


HONORABLE BILLY JOE WHITE,
Chancellor

**AMENDED RULES OF COURT
EIGHTH JUDICIAL DISTRICT - CHANCERY DIVISION**

14.03a BILLING OF COURT COSTS (Amendment)

Beginning on September 1, 2000, any order, decree or pleading filed with the clerk taxing costs shall include the responsible party's name and current mailing address.

RULE 18 GUARDIAN AD LITEM APPOINTMENT (Amendment)

18.01 Appointment

(a) Guardian ad litem shall be appointed by the clerk and master or by the Court. The clerk and master of the respective counties shall maintain a roster of the active practicing attorneys from which guardian ad litem shall be appointed and shall make a notation of the date as to when a particular attorney has been appointed as guardian ad litem in a cause.

(b) It shall not be permissible for the plaintiff or other parties to the action or their representative to nominate a guardian ad litem; provided, however, if there are peculiar reasons why a particular attorney should be appointed as guardian ad litem in a particular case, it shall not be improper for such reasons to be made known to and considered by the clerk and master or Court in making such appointment.

18.02 Disqualification as Guardian ad Litem

No attorney shall be appointed as guardian ad litem if he or she has a pecuniary interest in the outcome of the cause; if he or she is a member of the firm of, partner or associate of any of

Filed July 27 2000
at 9:10 A.M.
Cathy Phillips

the other attorneys involved in the cause or if any other facts exists which would in any way interfere with said guardian ad litem fully representing the best interest of the person for which such appointment is made.

18.03 Compensation of Guardian ad Litem

At the conclusion of the matter the guardian ad litem shall file with the clerk and master a statement detailing the name and extent of his/her services including the amount of time spent, what he/she considers to be a reasonable fee for services and any other facts which might assist the court in fixing the fee for such services.

18.04 Fee of Guardian ad Litem

Fees for guardian ad litem shall be treated and taxed as costs.

ADOPTED this the 26th day of July, 2000.



HONORABLE BILLY JOE WHITE,
Chancellor of the Eighth Judicial District

RULE 19 COURT SALES

All partition and other sales shall be conducted in one of two ways:

1. The Clerk and Master as Special Commissioner with usual Chancery terms and conditions.

2. If a realtor is deemed necessary or expedient, the Court shall select the realtor and then set all terms of sale after consulting with counsel on the terms. In realtor conducted sales, the sale shall be supervised by the Clerk and Master and the Clerk and Master shall handle all money.

No other method or manner will be approved by the Court.

This the 5 day of June, 2009.


HONORABLE BILLY JOE WHITE,
Chancellor of the Eighth Judicial
District