LOCAL RULES OF PRACTICE

SHELBY COUNTY, TENNESSEE

Thirtieth Judicial District at Memphis

Effective December 15, 2009 and
revised 6/25/2012

INTRODUCTION 4

RULE ONE. COURTROOM PROCEDURE 4

RULE THREE. FILING OF PLEADINGS 6

RULE FOUR. CALENDARS AND ASSIGNMENTS OF CASES 6

RULE FIVE. NON-DISPOSITIVE MOTIONS 8

RULE SIX. DISPOSITIVE MOTIONS 9

RULE SEVEN. MOTIONS FOR NEW TRIAL 9

RULE EIGHT. COURT RECORDS 10

RULE NINE. STIPULATIONS 10

RULE TEN. ORDERS AND DECREES 10

RULE ELEVEN. CONSENT ORDERS 11

RULE TWELVE. DISCOVERY 11

RULE THIRTEEN. DOMESTIC RELATIONS MOTIONS 12

RULE FOURTEEN. DOMESTIC RELATIONS CASES 14

RULE FIFTEEN. APPEARANCE AND CONDUCT OF COUNSEL 18

RULE SIXTEEN. NOTICE OF TRIAL DATES 18

RULE SEVENTEEN. KEEPING THE CLERK ADVISED 19

RULE EIGHTEEN. INVESTMENT OF FUNDS 19

RULE NINETEEN. COURTROOM SECURITY 19

RULE TWENTY. SETTING ATTORNEY FEES 20

RULE TWENTY-ONE. ATTORNEYS AS PARTIES 20

RULE TWENTY-TWO. CONSOLIDATION 20

RULE TWENTY-THREE. TRANSFERS 20

RULE TWENTY-FOUR. NOTICE OF COMPLEX CASES 21

RULE TWENTY-FIVE. PRIVATE PROCESS SERVERS 21

RULE TWENTY-SIX. PERSONS WITH DISABILITIES 21

RULE TWENTY-FIVE. PRIVATE PROCESS SERVERS 21

RULE TWENTY-SIX. PERSONS WITH DISABILITIES 21

RULE TWENTY-SEVEN. COURT INTERPRETERS 22

RULE TWENTY-EIGHT. USE OF COORDINATING JUDGE TO HANDLE PRE-TRIAL PROCEDURES IN MASS TORT OR SIMILAR LITIGATION 22

APPENDIX 1. MEMPHIS BAR ASSOCIATION GUIDELINES FOR PROFESSIONAL COURTESY AND CONDUCT 24

APPENDIX 2. AGREEMENT RELATIVE TO CHILD SUPPORT ENFORCEMENT BETWEEN THE JUDGES AND CHANCELLORS OF THE 30TH JUDICIAL DISTRICT AND THE JUDGE OF THE JUVENILE COURT OF MEMPHIS AND SHELBY COUNTY, TENNESSEE 29

APPENDIX 3. SHELBY COUNTY CIRCUIT COURT ELECTRONIC FILING 34

TENNESSEE RULES OF COURT
SHELBY COURT

LOCAL RULES OF PRACTICE

RULES OF THE CIRCUIT COURT OF TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

INTRODUCTION

For the purpose of complying with Supreme Court Rule 18, the Tennessee Rules of Civil Procedure and to establish workable guidelines consistent with fairness and simplicity in procedure, and to eliminate unnecessary expense and delay, it is ordered that the following rules be, and the same hereby are adopted, by the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis.

RULE ONE. COURTROOM PROCEDURE

(A) All Judges will wear judicial robes during all sessions of court except when the nature of the matter justifies an informal hearing.

(B) All persons in the courtroom will stand while court is being opened and while court is being adjourned or recessed.

(C) All orders, judgments and decrees will be handed to the Court through the Sheriff. Lawyers and litigants will not approach the Bench or the witness stand from the Bar except when directed by the Judge.

(D) There will be no smoking, eating, chewing gum or reading of non-legal writings in the courtroom. All electronic devices, including cellular telephones, pagers, and wrist watch alarms must be turned off before entering the courtroom. No cameras, video or audio recording equipment will be allowed in the courtroom without prior Court approval.

(E) The personal appearance and conduct of attorneys in the courtroom is visible evidence of their respect for the rule of law and the administration of justice. All attorneys shall wear professional attire.
All other persons attending court must conduct themselves with reserve and courtesy and must dress appropriately in a clean and neat appearance so as to preserve the dignity of the court.

(F) On matters concerning courtesy and conduct, Rule 9 of the Supreme Court of Tennessee and the Guidelines for Professional Courtesy and Conduct adopted by the Memphis Bar Association shall be followed. Attorneys and persons attending court shall be treated with courtesy and shall be addressed by their courtesy title (as "Mr.", "Ms.", "Mrs.", "Dr." etc.), and not by their first names.

(G) When the Judge enters the courtroom, before the opening of court, the Sheriff will call the courtroom to order, direct everyone to stand, and when instructed by the Judge, will open court in substantially the following manner:

> *"Hear Ye! Hear Ye! This Honorable Division_____ of the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis is now open for the transaction of business pursuant to adjournment; all persons having business with this court draw near, give attention, and ye shall be heard. The Honorable Judge_____ presiding. Be seated please."*

(H) Only attorneys at law (or law students certified by the Supreme Court of the State of Tennessee and the Circuit Judge before whom they appear), and litigants who are representing themselves, will be allowed to appear in matters coming before the court. Counsel or *pro se* litigants shall rise and remain standing while making an objection, argument or statement to the Court, including such time as the Court may be interrogating or making observations to counsel or *pro se* litigants. Counsel may either stand or sit while interrogating witnesses.

(I) When the Judge instructs the Sheriff to adjourn court for the day, the Sheriff will direct everyone in the courtroom to stand and will adjourn court in substantially the following manner:

> *"This court now stands adjourned until tomorrow morning at_____ o'clock (or until a day certain)."*

(J) Sheriffs in attendance upon courts will be charged with the responsibility for requiring compliance with these standards of courtroom conduct and deportment.

RULE TWO. SESSIONS OF COURT

The trial docket will be called at 10:00 a.m. Mondays through Thursdays. The Court may specially set matters, at 9:00 a.m. on Mondays, Tuesdays and Thursdays, or at any other time determined by the Court to meet the needs of a particular case. Each division of court will set its own adjournment time. Uncontested divorces will be heard at 9:00 a.m. on Wednesdays, or at such other times as determined by the Court. Legal motions will be heard at 9:00 a.m. on Fridays, or at such other times as determined by the Court. Other matters will be heard following legal motions, or at such other times as determined by the Court.

RULE THREE. FILING OF PLEADINGS

(A) Pursuant to Rule 5B of the Tennessee Rules of Civil Procedure, courts may, by local rule, adopt electronic systems and allow papers to be filed or verified by electronic means that comply with technological standards promulgated by the Supreme Court. In accordance with Rule 5B, the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis adopts electronic filing. Pleadings and other papers filed electronically in the Circuit Court shall be considered the same as written papers. Counsel and pro se litigants filing by electronic means are required to agree to terms and conditions set forth in the Terms of Use found at https://efile.shelbycountytn.gov and are subject to E-Filing Rules set forth in Appendix 3. For the convenience of E-Filers, and E-File User's Guide is available on the same website.

(B) All pleadings, orders, decrees, memoranda, and other papers submitted for consideration or action by the Court must be captioned "IN THE CIRCUIT COURT OF TENNESSEE FOR THE THIRTIETH JUDICIAL DISTRICT AT MEMPHIS." All such documents must be in the English language.

RULE FOUR. CALENDARS AND ASSIGNMENTS OF CASES

(A) All new cases filed, including proposed settlements and requests for writs, shall be assigned immediately by the Clerk by a computerized random assignment (calculated to distribute cases evenly) to a division of the court. The Clerk will assign new divorce cases in the same manner to both Circuit and Chancery Courts, according to the agreement between the courts.

If a divorce complaint has already been filed, any petition or motion for a protective order or an injunction involving the same parties shall be heard in the division of court to which the divorce case is assigned.

(B) Non-Jury cases will be set for trial either by the courtroom clerk in consultation with the judge, or by the calendar clerk. A Non-Jury calendar shall be published by the Clerk giving the dates upon which cases are set.

(C) Jury cases will be set for trial by the Judge in each division of court with the assistance of the courtroom clerk as follows:

(1) In Divisions I, II, III, V, VI and VIII, a list of the cases to be set for Trial during the jury trial period shall be published for each of these divisions at least one week before the calendar is called for setting those cases, and upon the calling of the calendar, the cases will be set for trial upon a day certain.

(2) In Divisions IV, VII, IX, cases will be set for trial by the use of a Readiness Certificate. When the case is ready for trial either counsel may file a Readiness Certificate with the courtroom clerk. Any counsel or party may file an objection to a trial setting within ten (10) days of the filing of the Readiness Certificate. Either party may file a motion to dispose of the objection to setting the case for trial. After ten (10) days, if no objection has been filed, the courtroom clerk will set the case for trial and notify all counsel of the trial date. When a Readiness Certificate is filed, counsel is certifying that the case will be ready for trial in all respects and that counsel will be available for trial.

(3) In addition to the above, counsel or pro se litigants may approach the Court to request a trial date.

(D) All cases set for trial will be tried or dismissed on the day upon which they are set for trial, or upon proper showing of legal cause by either party, a case may be continued. A dismissal docket will be set periodically in each division of court containing all cases that have had no activity for at least six (6) months.

(E) Whenever any case has been dismissed on some ground not going to the merits (e.g., non-suit, mistrial, reversal, setting aside a verdict, etc.), if the case is refiled, it shall be assigned for any subsequent trial to the division of court in which the case was assigned when it was initially filed.

The attorney filing any cause covered by this rule shall inform the Clerk of such filing and the Clerk shall assign the cause to the division of court in which the prior cause was filed.

(F) Settlements may be presented to the Court for approval at the opening of court on any day of the week or at such other times as the Court may direct.

RULE FIVE. NON-DISPOSITIVE MOTIONS

(A) The Circuit Court Clerk will have a "Motion Docket" for each division of court. Attorneys must enter motions setting forth the case number, style of the case, attorney(s) for the motion, attorney(s) against the motion, the date of entry of the motion and the nature of the motion. If the entry of the motion does not contain all of the foregoing information the motion will not be heard, except by leave of court.

(B) All motions except those made during the actual trial of the case must be entered on the motion docket. Only those motions placed on the motion docket by the close of business on the preceding Friday will be heard. Before setting the motion the attorney for the moving party shall consult with counsel for the other party or parties to select a convenient date for all counsel.

(C) A written motion (other than one which may be heard *ex parte*), and notice of the hearing thereof, shall be served not later than five (5) days before the time specified for the hearing, unless a specific period is fixed by these rules or by order of the Court. If no opposition is filed and delivered in response to the motion at least two (2) days before the hearing, the Court may grant the motion. Such notice shall be mailed to all adversary counsel or unrepresented party's last known address. This rule shall apply in cases of judgments by default.

(D) Motions will be heard in each division of court on Fridays at 9:00 a.m., or at such other times as determined by the Court. Appropriate notice will be posted when a court will not have a motion docket on Friday. If a lawyer is aware that an argument will be prolonged, the lawyer should advise the Court in advance and the Court may set the motion specially.

(E) After a motion has been docketed, no party may strike or postpone a motion without the agreement of all parties. If a motion is to be stricken or postponed by agreement, counsel must notify the courtroom clerk as soon as practicable. If the parties do not agree to postpone a motion, the Court may hear a motion to postpone prior to the hearing of the scheduled motion. If any party strikes or postpones a motion without agreement of all parties of record or without leave of Court, the Court may tax, as costs, reasonable fees and expenses in favor of any party who appeared at the scheduled hearing.

(F) Counsel must file all memorandum briefs and supporting documents with the Clerk. Counsel for the proponent of the motion must deliver a copy of all briefs and memoranda to the Judge or the courtroom clerk at least five (5) days before the motion is argued, and counsel for the responding party or parties must deliver a copy of all responsive briefs and memoranda to the Judge or the courtroom clerk at least two (2) days before the motion is argued, to give the Judge a reasonable opportunity to read the briefs before the hearing. Failure to follow the above requirements may result in

the motion not being heard.

(G) The Court may, in its discretion, hear motions submitted on briefs and not grant oral argument.

(H) On all motions, the movant must certify that all counsel have participated in a conference to attempt to resolve the matters at issue in the motion before filing the motion.

RULE SIX. DISPOSITIVE MOTIONS

(A) All motions for summary judgment and to dismiss shall be filed with the Clerk at least thirty (30) days before the motion is heard, along with the proponent's memorandum brief and any affidavits and supporting documents. The proponent must also deliver a copy of the memorandum brief to the Judge or the courtroom clerk (with a copy of any affidavits and supporting documents). Counsel for the respondent must file a memorandum brief with the Clerk and deliver a copy to the Judge or the courtroom clerk (with a copy of any affidavits and supporting documents) at least ten (10) days before the motion is heard. Service copies to all adverse parties must meet the same deadlines.

(B) No motions will be heard unless all parties have complied with this rule. The Court, however, may extend or shorten these time limits and assess any resulting expenses to the party causing the delay, or the Court may rule upon the motion without waiting for the required documents to be filed. The Court may, in its discretion, hear motions submitted on briefs and not grant oral argument.

RULE SEVEN. MOTIONS FOR NEW TRIAL

(A) All motions for a new trial or to alter or amend must be set for hearing within thirty (30) days after filing the motion.

(B) The written motion for a new trial or to alter or amend judgment shall conform to the following requisites:

(1) When the basis for the motion for new trial is error in the Court's charge, the specific error must be pointed out by quoting the particular language of that charge in the written motion. No general reference to the charge as erroneous as a whole will be deemed sufficient.

(2) When the basis for the motion for new trial is that the Court erred in the rejection or admission of evidence, it is not sufficient to merely state that the Court erred in the rejection or admission of evidence. The party seeking a new trial on this basis is required to point out in the motion the particular testimony admitted or rejected, either by quoting the specific testimony or giving the

substance of the testimony in such a manner that the exact part of the evidence can be identified with sufficient clarity and specificity.

(C) This rule must be copied in every transcript of every case appealed from this court in which a new trial was sought on the grounds of error in the charge of the court or in the admission or rejection of evidence.

RULE EIGHT. COURT RECORDS

No court records, including exhibits, may be taken from the clerk's office except by a Judge or a clerk or by written Court order.

RULE NINE. STIPULATIONS

The Court encourages stipulations, however, no agreement, understanding or stipulation of parties or of their attorneys in any pending cause will be recognized or enforced by the Court unless made in open court or in writing and filed in the cause.

RULE TEN. ORDERS AND DECREES

(A) Orders and decrees shall be presented for entry on the minutes within SEVEN (7) DAYS after the decision is rendered, the date of which must be stated in the body of the order or decree. Orders or decrees shall be prepared by counsel for the prevailing party and submitted to adversary counsel for approval. When an order is presented to opposing counsel, it is counsel's duty, if it correctly states the Court's ruling, to approve it "as to form" and signing and returning it. In the event of disagreement about the order, the party disagreeing must note all objections in writing, and must also prepare an alternative order or decree. All differences must be highlighted and must reference the page and line numbers from the transcript if available. The alternative order or decree should adhere as nearly as practicable to the wording adopted by counsel for the prevailing party. Both proposed orders or decrees must be submitted to the Court together with any transcript of the ruling.

(B) If the adversary counsel fails or refuses to sign and promptly return the order or decree, the party preparing the order or decree must give notice of the time and place when the order will be presented to the Court, and be prepared to enter the order at that time, with a certificate of service to opposing counsel. If counsel for the prevailing party complies with this rule by serving the proposed order upon all other counsel, and receives written permission from other counsel to sign their names to the order, counsel for the prevailing party may sign the order for other counsel and present the written authority to the Court. In cases involving multiple parties, counsel for the non-prevailing parties may submit their signatures by facsimile.

(C) All orders and decrees shall be presented in open court (except for consent orders presented pursuant to Local Rule 11) when called for by the Court, immediately after the opening of court each morning.

(D) If the opposing party has no counsel of record, the attorney or party preparing the order must send a copy of the order to the opposing party along with a notice of the time and place when the order will be presented to the Court, to give the opposing party an opportunity to appear and object to the wording of the order, or to present the party's own order.

RULE ELEVEN. CONSENT ORDERS

(A) Consent orders are not required to be submitted in open court, provided that the following requirements are met:

(1) Counsel must physically deliver the order to the courtroom clerk personally or by mail. However, if the consent order is mailed, counsel are responsible for following up with the courtroom clerk to ensure that the order is placed upon the court's minutes.

(2) Self-addressed return envelopes must be included with the order, so that the attested copies can be mailed back to the submitting lawyers.

(3) All consent orders filed must be signed by the attorneys of record, to foreclose any question of real consent. Such consent orders must have the word "consent" in the caption and body of the order.

(B) The following consent orders must be submitted in open court:

(1) Orders relating to child support or custody, either temporary or permanently.
(2) Orders relating to the settlement of minors' cases.
(3) Orders relating to the settlement of Worker's Compensation cases.
(4) Orders that involve the Court's discretion.

RULE TWELVE. DISCOVERY

(A) When answering Interrogatories, Requests for Admissions, and Requests for Production of Documents, the interrogatory or request shall be numbered and the replying party must, as a part of the answer, set forth immediately preceding the answer, the interrogatory or the request made, in the same numerical sequence.

(B) In responding to Requests for Production of Documents, the respondent must specifically list each document that is being produced, by reference

to the title of the document, or by reference to a numbering system, such as "Bate" numbers.

(C) Documents or things produced for inspection, pursuant to T.R.C.P. Rule 34, are not to be filed with the clerk. The parties may agree in writing upon a repository of the documents or things produced, and the presence or absence of the document or thing in the repository shall be determinative of the question of whether the document or thing was produced. The burden of establishing that the matter sought to be produced was not in fact produced will be on the person asserting that it has been produced.

(D) No party shall serve on any other party more than thirty (30) interrogatories without leave of Court. For purposes of this Rule a sub-part of an interrogatory shall count as an additional interrogatory.

Any motion seeking permission to serve more than thirty (30) interrogatories shall set out the additional interrogatories the party wishes to serve, together with the reasons establishing good cause for the service of additional interrogatories. If a party is served with more than thirty (30) interrogatories, without order of the Court, he shall respond only to the first thirty (30).

(E) The Court will not hear any motion related to discovery unless counsel for the movant files with the motion, a statement which certifies that movant's counsel has conferred with opposing counsel in a good faith effort to resolve the discovery dispute and that the effort has not been successful. If the certification asserts that opposing counsel has refused or delayed discussion of the discovery issues raised in the motion, the Court will take appropriate action when resolving the motion so as to prevent further delay.

(F) Motions to compel must state a summary of the information sought, the response given, and the reason why the response is inadequate.

(G) The Court may refer discovery disputes to a master.

RULE THIRTEEN. DOMESTIC RELATIONS MOTIONS BEFORE DIVORCE REFEREE

(A) Motions for allowance of temporary alimony or child support, or both, will be referred to the Divorce Referee. Motions for modification of awards previously made must be referred to the Divorce Referee by the entry of an order of reference or, in the Judge's discretion, may be heard by the Court. Whether heard by the Court or Divorce Referee, a sworn statement required in Rule Fourteen (C) must be filed not less than three (3) days before the hearing date. A Divorce Referee's Motion Docket for such

motions will be maintained in the Clerk's office. Motions will be on a form provided by the Clerk and kept in a loose leaf binder.

(1) Motions for allowance of temporary alimony or child support will be heard by the Divorce Referee eight (8) days after notice in accordance with T.R.C.P. Rules 6.01, 6.04, and 6.05, and will be heard each week as set forth in this rule. When a motion is stricken, it must be refiled; however, upon application, motions may be reset for a date not later than the Thursday of the succeeding week. Motions for temporary alimony or child support cannot be placed on the Divorce Referee Motion Docket until the defendant has been served with original process. Such motions cannot be mailed to the Clerk.

(2) The Divorce Proctor is the primary Proctor and Referee and is assisted by those part-time Deputy Divorce Referees appointed and authorized by Chapter 161, Public Acts of 1973 (and any acts amendatory and supplemental thereto). All matters, including but not limited to, proctoring complaints for divorce and orders of reference, properly brought before the Divorce Referee may be heard by the Divorce Referee Mondays through Thursdays at morning and afternoon sessions. The Divorce Referee shall have a publicly available calendar for attorneys and unrepresented litigants to schedule hearings in one-hour intervals from 9:00 a.m. to 12:00 p.m. and from 1:00 p.m. to 4:00 p.m. at the discretion of the Divorce Referee. These hearings shall be held by the Divorce Referee except for a summer vacation period and State and Federal Holidays. Fridays shall be reserved for administrative matters. At least two Deputy Divorce Referees shall preside Tuesdays, Wednesdays and Thursdays of each week, convening at 1:00 p.m.

(3) Each party must provide the Divorce Referee with an affidavit of income and expenses, as required by Rule Fourteen (C) at the hearing for temporary support. Failure to comply with this requirement may result in sanctions pursuant to T.R.C.P. Rule 37. The ruling of the Divorce Referee or Deputy Referee will be noted on a blotter to be maintained by the Divorce Referee.

(4) The party petitioning for child support must include a statement in the petition or by affidavit whether application for assistance with child support enforcement has been made pursuant to Title IV-D Services Act.

(B) Orders confirming the Divorce Referee's ruling must be submitted to the Court in which the case is assigned within seven (7) days of the Referee's ruling as provided by Rule Ten of these rules.

(C) The finding of the Divorce Referee will become final unless an appeal from said finding is made within (10) days as provided by these rules. Appeals from the Divorce Referee's ruling must be made by written motion within ten (10) days of the Referee's written ruling, and must be placed on the Friday 10:00 a.m. Docket in the Division to which the case is assigned, or specially set by *fiat*. The motion shall specifically set forth what the movant seeks and specifically how the Divorce Referee was in error. Appeals will be heard based on the record of the proceedings before the Divorce Referee. There will be no additional proof introduced unless otherwise directed by the Court. The Divorce Referee's written ruling will be in effect and enforceable pending any hearing on the appeal.

RULE FOURTEEN. DOMESTIC RELATIONS CASES

(A) Irreconcilable Differences Procedure.

(1) Sworn testimony is required at the hearing of irreconcilable differences cases to satisfy jurisdictional requirements and to establish that the marital dissolution agreement provides for the "equitable settlement of the property rights between the parties." The above language of the statute must be used in the decree.

(2) The marital dissolution agreement must be incorporated in the final decree verbatim or by reference in the discretion of the Court. The final decree must state that the marital dissolution agreement provides for the equitable settlement of the property rights between the parties.

(3) Divorces based on irreconcilable differences cannot be heard until sixty (60) days (no children) or ninety (90) days (with children) have elapsed since filing of the complaint in accordance with T.C.A. § 36-4-103.

(4) If the parties have children, a separate permanent parenting plan with a child support worksheet attached must also be presented to the Court at the time of the hearing. The final decree must state that the permanent parenting plan makes adequate and sufficient provision for the custody and maintenance of any children of the marriage. If Juvenile Court has assumed jurisdiction over child support the parties must attach a copy of the Juvenile Court order setting child support to the permanent parenting plan. Appendix 2 provides the Agreement relative to child support enforcement between Judges and Chancellors of the 30th Judicial District and the Judge of the Juvenile Court of Memphis and Shelby County, Tennessee.

(B) Uncontested Divorces.

(1) All suits for divorce in which the parties agree that the case is ready and will be tried uncontested, or in which the time for answer has expired and the defendant has not appeared or answered, must be set and heard in accordance with this Rule.

(2) In all divorce cases in which no responsive pleading has been filed, after service of process has been completed, a judgment by default under T.R.C.P. Rule 55 must be obtained before the case can be heard further.

(3) Unless otherwise required by law, default judgment before trial is not required in irreconcilable differences divorces, but the opposing party must be given five (5) days written notice of the hearing. Divorces on other grounds will not be heard until thirty (30) days after the default judgment order has been entered. Settings on uncontested cases may be obtained from the Circuit Court Clerk. Uncontested divorce cases will be set at 9:00 a.m. on Wednesday mornings or at such other time as the Court directs. The attorney setting the case for a hearing must give the opposing party or attorney five (5) days written notice of the date and time of the hearing.

(C) Sworn Statement Pertaining to Child Custody, Child Support or Alimony.

(1) In all contested divorces, suits for separate maintenance, or for legal separation, each party must file with the clerk, no later than ninety (90) days before trial, a sworn statement setting forth the party's income, a list of expenses, and a description and valuation (or estimate) of real and/or personal property possessed in any form, the state of its title, and the party's claimed interest in such property. The sworn statement must also include, if known, or if the information is reasonably procurable, the income and property interest of the opposing party, both real and personal, and the valuation thereof. Any changes in the statement while the case is pending must be disclosed as soon as possible, and not later than ten (10) days before the trial.

(2) The sworn statement must also set forth separately the amount deducted from salary for social security and income tax. Self-employed persons must estimate these sums, using governmental guidelines or other reliable sources that are available.

(3) In all custody proceedings, the sworn statements required by T.C.A. § 36-4-106(b) (1) must also be contained within the pleadings or in an affidavit attached to the pleading.

(D) Contested Divorces.

(1) At least twenty-four (24) hours before trial of any contested divorce is scheduled, counsel shall deliver to the Judge a memorandum that includes:

(a) Certification that the party's Rule Fourteen (C) affidavit of income and expenses has been filed.

(b) Whether the client seeks a divorce, legal separation, separate maintenance or to remain married.

(c) Whether grounds can be stipulated to avoid proof. (T.C.A. § 36-4-129)

(d) The names and ages of any children of the parties.

(e) Whether the party seeks primary residential parent status of the child or children.

(f) The amount and specific times of parenting time.

(g) The amount of child support sought. (Child Support Guidelines Worksheet must be attached.)

(h) Proposed disposition of the marital residence.

(i) Fair market value of the marital residence and amount of mortgage.

(j) Proposed disposition of any other real property and its fair market values.

(k) Proposed division of debts.

(l) Specific items of personalty sought, and its values.

(m) The amount and type of alimony sought.

(n) The amount of attorney's fee sought.

(o) Certification that the above written proposals were submitted to opposing counsel at least 24 hours before the trial.

(E) Divorces with Children.

(1) Before any hearing by the Court, other than the final hearing, each party shall file a proposed temporary parenting plan, in conformity with T.C.A. § 36-6-401 *et seq.*, along with a verified statement of income as defined under existing law and local rules.

(2) The parties must submit to the court (either jointly or separately) a proposed permanent parenting plan on the day of the uncontested divorce hearing. The Child Support Guidelines Worksheet must be attached to the Permanent Parenting Plan.

(3) Forms for a parenting plan are available from the Clerk, the Divorce Referee, or from the Administrative Office of the Courts at *www.tncourts.gov*. Forms for the Child Support Guidelines Worksheets can be found at *www.state.tn.us/humanserv/is/incomeshares.htm*

(4) In conformity with T.C.A. § 36-4-408, in every case in which the Court will be called upon to order parenting responsibilities, each parent shall attend (either separately or together) a court-approved parent educational seminar as soon as possible, but no later than sixty (60) days after the initial filing of the complaint, unless otherwise ordered by leave of the Court. The seminar shall be designed to educate parents, to protect and enhance the child's emotional development, in a divorce context, and to inform parents regarding the legal process of divorce. These seminars shall also include a discussion of alternative dispute resolution, perpetrator attitudes and conduct involving domestic violence. The program may be divided into sessions, which in the aggregate shall not be less than four hours in duration and shall be educational in nature, and not designed for individual therapy. The minor children shall be excluded from attending these sessions. This requirement may be waived only upon motion by either party and permission of the Court, upon a showing of good cause.

The fees or costs of the educational sessions under this section, which shall be reasonable, shall be borne by each party and may be assessed by the court, if necessary. Such fees may be waived, upon motion, by Court order.

The parties shall file, under the case docket number, certificates, evidencing their attendance at the aforesaid seminar, at least five days before any court hearing, provided that the Referee may conduct a hearing for temporary support without such certificate, but only upon a finding that immediate need justifies such hearing without a certificate. Any parent living outside the state may submit a certificate from a comparable education seminar in the jurisdiction where he or she lives.

(F) Modification of Decrees.

Counsel for any party seeking a modification of any divorce decree must present to the Judge a sworn petition setting forth the grounds relied upon for the modification. Upon presentation of a *Fiat* signed by the Judge, the courtroom clerk will then set a hearing date, status conference, or order of reference for the petition. Petitions to modify alimony and/or child support will be first heard by the Divorce Referee as provided in Rule Thirteen.

RULE FIFTEEN. APPEARANCE AND CONDUCT OF COUNSEL

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

(1) A written request by counsel to the Clerk that an appearance be entered;

(2) the filing of pleadings;

(3) the filing of a formal notice of appearance;

(4) appointment by the Court.

(B) Attorneys are required to file a notice of appearance or have the Clerk place the attorney's name on the case file immediately upon being employed in any case. Attorneys will remain as counsel of record until excused by the Court or until the judgment becomes final.

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

(D) No attorney or party to a pending action is permitted to communicate *ex parte* with the Judge hearing the case except consistent with the Rules for Professional Conduct and the Code of Judicial Conduct.

RULE SIXTEEN. NOTICE OF TRIAL DATES

The official notification of the setting of cases for trial is by the posting of court calendars on the bulletin board of the Clerk's offices and/or the Clerk's official website: *www.circuitcourt.co.shelby.tn.us.* Failure to receive a courtesy notice from the Clerk's office will not be recognized as a ground for continuance.

RULE SEVENTEEN. KEEPING THE CLERK ADVISED

Attorneys and unrepresented parties are responsible for keeping the clerk advised of their correct mailing addresses and telephone numbers at all times. Written notice must be given to the Clerk. Failure to do so may result in lack of notice to a party or attorney of important court proceedings. It is not the responsibility of the court or the clerk to investigate the whereabouts of a party or attorney.

RULE EIGHTEEN. INVESTMENT OF FUNDS

(A) Any order, judgment or decree that provides for the investment of funds by the clerk must be brought to the attention of the Clerk, Deputy Administrator or Office Manager. The Clerk shall have ten (10) business days to determine the sufficiency of the funds deposited if paid by check.

(B) The attorney for the party involved in the investment of said funds is responsible for obtaining proof from the clerk of such investment no sooner than ten (10) business days from entry of the order, judgment or decree.

(C) Proof of the investment must be a copy of the receipt from the financial institution where the funds are invested, and must reflect the date and account number.

RULE NINETEEN. COURTROOM SECURITY

(A) In order to insure and maintain proper security for the protection of government property and the safety of the Court, court personnel, attorneys and all persons in attending the court proceedings, whether as a litigant, witness, or spectator, the Sheriff of Shelby County is authorized and directed to employ all lawful and constitutional means necessary to insure the security of the courthouse, courtrooms and all passages, corridors, rooms, and points of ingress and egress thereto. The Sheriff may establish and promulgate reasonable regulations not inconsistent with this Rule to carry out the Court's directive including, but not limited to, the search of all persons seeking to enter the courthouse or courtrooms of the Shelby County Circuit Court Divisions. Any person who does not consent to a personal search, when requested by one lawfully authorized to conduct searches, will not be admitted. Strip body searches are not authorized.

(B) Only authorized personnel serving the court are permitted to wear sidearms in the courtroom while court is in session. In the discretion of the Judge of each division all persons who are legally authorized to carry a firearm because of their status as law enforcement officials may wear said firearms in the courtroom, if they are present only as disinterested witnesses. All other persons legally authorized to carry firearms must

check all firearms with the court bailiff or with the nearest office of the Sheriff, while the person is in the courtroom.

RULE TWENTY. SETTING ATTORNEY FEES

Whenever it is necessary for the Court to determine fees of attorneys, the attorney must file an affidavit setting forth an itemized statement of the services rendered, the time spent, a suggestion of the fee to be awarded, along with a statement of other pertinent facts, and such other information as the Judge may request.

RULE TWENTY-ONE. ATTORNEYS AS PARTIES

In any action in which a Shelby County attorney is a real, rather than a nominal party, the parties must file a written notice of that fact with the Court within thirty (30) days after the first responsive pleading in Circuit Court, or the docketing of the case in Circuit Court (whichever is sooner). The written notice must include: a description of the nature of the case, whether a jury has been demanded, and whether or not the attorney-party intends to testify. The Court will then forthwith decide whether or not to request that a Judge from outside Shelby County be designated to hear the case, and will notify counsel for the parties of the decision. Nothing herein shall prevent counsel for either party from requesting that the Court obtain designation of an extra-county judge.

RULE TWENTY-TWO. CONSOLIDATION OF CASES

In instances in which consolidation of cases for trial is appropriate, and the cases have been assigned to different divisions of the court by the Clerk, in the absence of important reasons to the contrary, the case with the higher docket number should be transferred into the division of court which has the case with the lower docket number.

Counsel must first obtain permission from the Judge where the case with the lower docket number is pending to determine whether that Judge will accept the transfer of the case with the higher docket number. If the Judge agrees to accept the transfer, counsel must then request the Judge with the higher docket number to transfer that case to the Court with the lower docket number for consolidation. If that Judge agrees then counsel should prepare an order transferring the case with the higher docket number to be signed by the transferring Judge and an order of consolidation to be signed by the receiving Judge.

RULE TWENTY-THREE. TRANSFERS

(A) Cases set for trial in any division of Circuit Court may be transferred on the trial date to any other division that will accept the transfer. Attorneys waiting for trial are required to remain in the immediate area of the courtroom, unless the Judge gives the attorneys permission to leave the area. At the time of transfer, no dispositive motion should be pending before the transferring judge. After the case has been transferred, the case will remain in the new division for all subsequent proceedings.

(B) In the event a judge deems recusal necessary, and there is no common conflict with the other circuit judges, the transferring judge will send a memorandum to the Clerk requesting that another division be chosen at random. If there is a conflict common to the other circuit judges, a memorandum will be circulated to the other circuit judges and chancellors asking if they are willing to accept the case. If no circuit judge or chancellor can accept the case, the transferring judge will request that an out-of-county judge be appointed to hear the case.

RULE TWENTY-FOUR. NOTICE OF COMPLEX CASES

All Counsel are required to inform the Court, well in advance of trial, of any case that is:

(1) expected to be over five (5) days in length, or

(2) involves over four (4) separately represented parties, or

(3) involves complex questions of fact or law, or

(4) in which there is anticipated a number of questions which should be resolved before jury selection, or

(5) in which, for any other reason, reasonably requires advance notice to the Court to avoid delay, confusion, or error at trial.

All motions *in limine* that can be reasonably anticipated should be filed and presented to the Court well before the day of the trial. Failure to abide by this rule may result in continuance of the trial, or such other action as the Court deems proper. Any party may request a pre-trial conference with the Court.

RULE TWENTY-FIVE. PRIVATE PROCESS SERVERS

If process is to be served by persons other than the Sheriff or his deputies, the return shall state clearly and legibly the name and residence address and telephone number of the process server, the business name and its address; the process server's age, the date and place where process was served, and the manner of service. It shall be signed by the server, and the signature shall constitute a solemn representation to the court that the process was served as stated.

All returns must be made upon the process paper itself, unless there is not sufficient room on the process paper itself, in which case, the return shall be made upon a separate paper, referring specifically to the process served, and shall be physically attached to the process.

RULE TWENTY-SIX. PERSONS WITH DISABILITIES

Counsel with knowledge of a litigant or witness involved in the trial or hearing with a disability requiring special accommodation must notify the courtroom clerk of the division of court in which the matter is to be heard, with a copy of said the notice to the

Judge. The written notice must be given at least ten (10) days before the hearing, in order to allow the Court to comply with the letter and spirit of the Americans with Disabilities Act. Failure to comply with this requirement may result in the matter being continued.

RULE TWENTY-SEVEN. COURT INTERPRETERS

(A) In accordance with Rule 42 of the Rules of the Supreme Court, it shall be the duty and responsibility of counsel of record to notify the Court, not less than fifteen (15) days prior to any legal proceeding, of the expected participation by a party, witness, or other person who is a Limited English Proficient person.

(B) It shall be the duty of the parties to secure the services of a State Certified Court Interpreter prior to any trial or hearing and present an Order of Appointment to the Court not less than fifteen (15) days prior to the proceeding. Such order shall include the name(s), business address(es), and telephone number(s) of the Interpreter(s) and their certification number(s).

(C) In the event a party seeks appointment of an Interpreter of lesser preference, the party shall submit to the Court, not less than thirty (30) days prior to the proceeding a petition setting forth the basis for such appointment addressing the criteria set forth in Rule 42(d)(e) and (f) of the Rules of the Supreme Court.

RULE TWENTY-EIGHT. USE OF COORDINATING JUDGE TO HANDLE PRE-TRIAL PROCEDURES IN MASS TORT OR SIMILAR LITIGATION

(A) In mass tort litigation matters, if one or more of the parties deem that the use of a coordinating judge is required to handle pre-trial procedures, or consider consolidation, the party may make application to the Judge in whose division the cases lie. The Judge will decide whether such matters should be referred to all the Circuit Court Judges for consideration. Also, any Judge on his or her own motion may submit the matter for consideration. The Judges will meet to determine the necessity of a coordinating judge, the method of choosing the coordinating judge, and other relevant and appropriate details. The coordinating judge will handle all preliminary and pretrial matters in the referred matters. After the preliminary matters and pretrial matters, including all relevant discovery matters, are concluded, any remaining matters will be sent back to the various divisions to which the cases are assigned. Any Judge may recall matters referred from his or her division at any time.

(B) Factors to be considered in determining whether or not to choose a coordinating judge may include, but are not limited to, whether or not the matter involves one or more common questions of law and fact and

whether the use of a coordinating judge will promote the just, efficient and fair conduct of the pre-trial procedures, and/or any consolidated trial.

(1) Factors to be considered in deciding whether the standard set forth above is met include:

(a) the extent to which coordination will reduce duplicative motion practice, the relative costs of individual and consolidated pre-trial procedures, the likelihood of inconsistent rulings, and the comparative burdens on the judiciary; and

(b) whether coordination can be accomplished in such a way that is fair to the parties and does not result in undue inconvenience to them and the witnesses. In considering these factors, account may be taken of matters such as:

(i) the number of parties and actions involved;
(ii) the existence and significance of local concerns;
(iii) the subject matter of the dispute;
(iv) the amount in controversy;
(v) the significance and number of common issues involved;
(vi) the likelihood of additional related matters being commenced in the future; (vii) the wishes of the parties; and
(viii) the stages to which the actions have progressed.

(C) The coordinating judge may be chosen by the Circuit Court Judges in a manner agreeable to all of the judges. The name of the Circuit Court Judge chosen to handle the pre-trial procedures will be promptly reported by the Senior Circuit Judge to the attorneys involved. Thereafter, all the referred matters will be handled by the chosen Judge.

(D) Nothing contained herein shall in any way be considered as giving any Circuit Court Judge the authority over any other judge or the cases which have been, or are to be, assigned to him or her by the Clerk in accordance with state law and the existing local rules.

APPENDIX 1. MEMPHIS BAR ASSOCIATION GUIDELINES FOR PROFESSIONAL COURTESY AND CONDUCT

PREAMBLE

A lawyer's duty to each client is to represent that client zealously within the bounds of the law. In striving to fulfill that duty, a lawyer must ever be conscious of the broader duty owed to the legal system which is designed to resolve human and societal problems in a rational and logical manner.

A lawyer owes to the judiciary a duty of candor, honesty, diligence and utmost respect.

A lawyer owes to opposing counsel a duty of courtesy, fairness and cooperation.

A lawyer should strive to achieve higher standards of conduct that those called for by the Code of Professional Responsibility.

A lawyer owes to the administration of justice a duty of personal dignity and professional integrity.

In furtherance of these fundamental concepts, the following Guidelines for Professional Courtesy and Conduct are hereby adopted. These Guidelines are not intended nor should they be construed as establishing any minimum standards of professional care or competence. The sole purpose of adopting these Guidelines is to promote and foster the ideals of professional courtesy, conduct and cooperation set out above.

I. COURTESY, CIVILITY AND PROFESSIONALISM

1. A lawyer should treat the opponent, the opposing party, the court and the members of the court staff with courtesy and civility, conducting business in a professional manner at all times.

2. A lawyer has no right, even when called upon by a client to do so, to abuse or to indulge in offensive conduct towards the opposite party. A lawyer should always treat adverse witnesses and parties with fairness and due consideration.

3. While in adversary proceedings, clients are litigants, and while ill feelings may exist between them, such ill feeling(s) should not influence a lawyer's conduct, attitude, or demeanor towards opposing lawyers.

4. A lawyer should do all that is necessary to ensure that clients, the public, and other lawyers respect the judicial system. To this end, a lawyer should:

   a) Never knowingly misstate fact or law, regardless of any pressure to do so.
   b) Not engage in tactics that complicate or delay matters unnecessarily.
   c) Avoid creating unrealistic expectations of a client or the public.
   d) Avoid denigrating the legal profession, the court system or adversary counsel.

5. A lawyer should encourage methods and practices which simplify and make less expensive the rendering of legal services.

6. A lawyer should never institute or pursue a legal procedure solely for the lawyer's own profit where there is no reasonable expectation that it will advance or contribute to the best interest of the client.

7. A lawyer should preserve and respect the law by observing all duties to the community and to the Profession. To this end, a lawyer should:

   a) Contribute time and expertise to those unable to otherwise afford representation of their interests.
   b) Participate in public service and public education activities through personal involvement and financial contributions, and encourage fellow lawyers to do the same.
   c) Work to develop among lawyers a strong commitment to the ideals of integrity, honesty, competence, fairness, independence, courage, and dedication to the public interest.

8. A lawyer should recognize the importance of communication with both clients and adversaries. A lawyer should return all telephone calls and respond to all correspondence promptly.

9. A lawyer should never deceive the court or another lawyer.

10. A lawyer should honor promises or commitments made to another lawyer.

11. A lawyer should make every reasonable effort to cooperate with opposing counsel.

12. A lawyer should maintain a cordial and respectful relationship with opposing counsel.

13. A lawyer should seek sanctions against opposing counsel only where required for the protection of the client or of the legal system and not for mere tactical advantage.

14. A lawyer should not make unfounded accusations of unethical conduct about opposing counsel.

15. A lawyer should never intentionally embarrass another lawyer and should avoid personal criticism of another lawyer.

16. A lawyer should always be punctual.

II. PROFESSIONAL CONDUCT IN LITIGATION

1. A lawyer should respect the schedule and commitments of opposing counsel, clients and the courts, thereby promoting the efficient administration of justice and public confidence in our profession. To this end, a lawyer should:

   a) Consult opposing counsel, when practical, before scheduling hearings and depositions.
   b) Avoid unnecessary continuances of trials, hearings or depositions.
   c) Immediately notify opposing counsel and the court of scheduling conflicts.

2. A lawyer should consult opposing counsel in an effort to resolve matters by agreement before filing motions or requesting hearings.

3. A lawyer should refrain from engaging in unnecessary, excessive or abusive discovery. Requests for production of documents should not be excessive or designed solely to place a burden on the opposing party.

4. A lawyer should comply fully with reasonable discovery requests and should not countenance obstructive or evasive tactics. To this end, a lawyer should:

   a) Exchange information voluntarily, when practical, without formal discovery requests.
   b) Upon request produce all responsive documents, and produce them as they are kept in the ordinary course of business or organize and label them to correspond with the categories in the request.

5. A lawyer should stipulate to matters where they are undisputed or where no genuine basis for objection exists.

6. A lawyer should always contact opposing counsel in an effort to resolve litigation. Since most cases are ultimately settled, initiating such discussions at the outset is recognition of reality, not a sign of weakness.

7. A lawyer should make reasonable efforts to conduct all discovery by agreement.

8. A lawyer should not use any form of discovery, or the scheduling of discovery, as a means of harassing opposing counsel or an opposing party.

9. A lawyer should, when practical, consult with opposing counsel before scheduling hearings and depositions in a good faith attempt to avoid scheduling conflicts.

10. A lawyer should avoid unnecessary delays. To this end, a lawyer should:

    a) Give notice of cancellation of depositions and hearings to the court and opposing counsel at the earliest possible time.
    b) Submit any proposed order promptly to opposing counsel and attempt to reconcile any differences before presenting it to the court.
    c) Respond promptly to any proposed order submitted by opposing counsel.

11. A lawyer drafting a proposed order should reflect in it clearly and accurately the ruling of the court and nothing more.

12. A lawyer should serve copies of all briefs upon opposing counsel at the time that they are filed with the court.

13. A lawyer should not take a default judgment without first giving reasonable notice to opposing counsel or to the opposing party if not represented by counsel of his intention to do so, and should agree to set aside such a default judgment when reasonable cause exists and his client upon his recommendation consents.

14. A lawyer should grant reasonable extensions of time to opposing counsel where such extensions will not have a material adverse effect on the rights of the client.

15. A lawyer should not attempt to obtain an advantage by informal communication with the court.

III. PROFESSIONAL CONDUCT IN BUSINESS AND COMMERCIAL PRACTICE

1. A lawyer should determine the sophistication, goals, and demands of the client before representing the client in a transaction.

2. A lawyer should ascertain and respect the scope of the negotiating authority granted by the client.

3. A lawyer should be guided by the client's goal in completing a transaction. To this end, a lawyer should:

   a) Utilize terms which are clear, concise and practical in drafting documents.

   b) Not make an issue of matters of form when revising documents. Pride of authorship, when matters of substance are not involved, only contributes to delay and cost in a transaction.

4. A lawyer should not seek tactical advantage by delaying negotiations until the last minute. To promote efficiency and fairness a lawyer should, whenever possible, treat the negotiation of a transaction and the closing thereof as mutually exclusive activities.

5. A lawyer should not use the threat of legal proceedings or of the possible effect thereof as a means of obtaining an unjustified advantage for a client.

6. When a lawyer requires as part of a transaction an opinion letter from another lawyer, it should deal only with the matters requested, any reservation being clearly stated.

APPENDIX 2. Agreement Relative to Child Support Enforcement Between the Judges and Chancellors of the 30th Judicial District and the Judge of the Juvenile Court of Memphis and Shelby County, Tennessee

The Judges and Chancellors of the Circuit and Chancery Courts of the 30m Judicial District and Tenth Chancery Division of the State of Tennessee, and the Judge of the Juvenile Court of Memphis and Shelby County entered into an Agreement dated October 1, 1985, pursuant to Title IV-D of the Social Security Act to set, enforce, and modify child support orders. Said courts find it necessary to enter into a new agreement. The Judges and Chancellors hereby agree and enter this agreement as follows, TO WIT:

1. The Judges and Chancellors of the Circuit and Chancery Courts of the 30th Judicial District may enter into an agreement with Juvenile Court to set, enforce, and modify child support orders and that, as contemplated in Tennessee Code Annotated § 36-5-401 et seq., the Juvenile Court of Memphis and Shelby County has jurisdiction to provide child support enforcement in the 30th Judicial District, consisting of Shelby County, Tennessee, pursuant to Title IV-D of the Social Security Act.
2. Referees of the Circuit and Chancery Courts in Shelby County have the authority to conduct hearings pursuant to the setting of support as prescribed in Tennessee Code Annotated § 36-5-405, subject to review by a judge. Juvenile Magistrates of the Juvenile Court have, subject to confirmation by the Juvenile Court Judge, all of the

powers of trial judges in conducting child support and other proceedings. Child Support Magistrates of the Juvenile Court have, subject to confirmation by the Juvenile Court Judge, all powers of trial judges in conducting child support proceedings.

3. To fully satisfy the requirements of State and Federal law relative to child support enforcement, there should be an agreement, as prescribed in Tennessee Code Annotated § 36-5-402 (b) (2), between judges having child support jurisdiction in Shelby County, Tennessee whereby the juvenile court shall have jurisdiction in said county over all child support actions pursuant to Title IV-D of the Social Security Act.

WHEREFORE, it is hereby agreed that the judges of the Circuit and Chancery Courts and the judge of the Juvenile Court of the 30th Judicial District, which consists entirely of Shelby County, Tennessee, having concurrent jurisdiction in child support matters as provided by law, shall exercise such jurisdiction in their respective courts in furtherance of the purpose and intent of the Child Support Enforcement Act of 1985 in accordance with the terms and conditions agreed upon, which are as follows:

1. The Juvenile Court shall exercise jurisdiction in all cases pursuant to Title IV-D of the Social Security Act cases.
2. The Juvenile Court shall also exercise child support jurisdiction in which the Circuit or Chancery Court had prior jurisdiction, and one of the parties makes application for Title IV-D services.

3. Upon evidence being presented to the Circuit or Chancery Court that an order of support has been entered in Juvenile Court, or that an application for child support assistance has been made to Juvenile Court, such Circuit Judge or Chancellor will leave such cause for purposes of support in the Juvenile Court. The Circuit and Chancery Courts shall not act upon any original petition for support in a matter in which Juvenile Court has assumed jurisdiction pursuant to this agreement. The Circuit and Chancery Courts shall require parties petitioning for child support to include in said petition or by affidavit whether application for assistance with child support enforcement has been made pursuant to Title IV-D Services Act prior to entering an order of child support.

4. In any child support case in which the Circuit or Chancery Court has exercised prior jurisdiction and one of the parties executes an assignment for Title IV-D services, the IV-D agency shall file the Notice to Redirect Payments required by Tennessee Code Annotated § 36-5-803, and a notice to transfer the case to the Juvenile Court. The notice shall be filed with the Clerk of the Circuit or Chancery Court, and an original copy shall be stamped "FILED" by the respective clerk.

The Title IV-D agency shall file the original stamped copy with

the Juvenile Court Clerk. Such notice shall contain the names of the parties, TCSES Number, the docket number and the address of record of the parties.

5. It is the intent and purpose of this agreement that all child support matters in which the custodian of a child makes application for assistance in obtaining child support pursuant to Title IV-D of the Social Security Act, and those cases in which support rights have been assigned to the State by recipients of public assistance be dealt with in Juvenile Court, and that as to all other matters pertaining to child support, jurisdiction shall continue to be exercised by the Circuit or Chancery Court that had original jurisdiction.

6. In the event that the Circuit or Chancery Court modifies parenting time or primary residential parent status, the Circuit or Chancery Court will notify the Juvenile Court of the modification by sending a copy of the order to the Juvenile Court Clerk. Such order shall contain the names of the parties, the Circuit or Chancery Court docket number and the TCSES number, if available.

7. A case that has been transferred to the Juvenile Court shall remain in the court to be heard as a Title IV-D case for so long as it shall remain a Title IV-D case. In the event Title IV-D services are discontinued, the Juvenile Court, at its

discretion, may retain jurisdiction or the court may direct the Title IV-D agency to file notice in the appropriate court to return the case to said court.

8. The Chancery and Circuit Courts and Juvenile Court shall adopt such rules of court as they deem necessary to assure compliance with the terms of this agreement.

This agreement may be modified in writing at any time.

DATED: December 4, 2009

WITNESS our hands below:

Judge Curtis S. Person, Jr.

Judge Lorrie K. Ridder

Chancellor Walter L. Evans

Judge Kay Spalding Robilio

Chancellor Arnold B. Goldin

Judge Jerry Stokes

Chancellor Kenny W. Armstrong

Judge Donna M. Fields

Judge John R. McCarroll, Jr.

Judge Charles O. McPherson

Judge James F. Russell

Judge Robert L. Childers

Judge Karen R. Williams

Appendix 3. Shelby County Circuit Court Electronic Filing (E-Filing Rules)

Part

1. General Provisions and Authority
2. Short Title
3. E-Filing Definitions
4. Effect on Existing Local Rules
5. Electronic Filing Encouraged Unless Ordered by Court
6. Scope of Rules
7. Electronic Case File
8. Registration Requirements
9. Time and Effect of E-Filing
10. Form of Documents Electronically Filed
11. Payment of Filing Fees
12. Signatures
13. Privacy Issues
14. System or User Filing Errors
15. Effective Date

Part 1 - General Provisions and Authority

The E-Filing Rules set forth in this Appendix govern the electronic filing of pleadings and other papers in the Circuit Court of Tennessee for the Thirtieth Judicial District. Courts may, by local rule, adopt electronic systems and allow papers to be filed or verified by electronic means that comply with technological standards promulgated by the Tennessee Supreme Court. In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, the Circuit Court of Tennessee for the Thirtieth Judicial District adopts electronic filing. Pleadings and other papers filed electronically in the Circuit Court shall be considered the same as written papers.

Part 2 - Short Title

These rules may be cited as "Shelby County Circuit Court E-Filing Rules".

Part 3 - E-Filing 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, may E-File Documents:

a. Attorneys licensed to practice law in Tennessee;
b. Pro hac vice attorneys;
c. All court judges and their staff; and
d. The Clerk and all deputy clerks of the Clerk's Office;

"**Clerk**" means the Clerk of the Shelby County Circuit Clerk Court.

"**Clerk's Office**" means the office of the Clerk in the Shelby County Courthouse building in Memphis as designated by the Clerk.

"**Convenience Fee**" is a fee charged in connection with electronic filing that is in addition to regular filing fees. A Convenience Fee will be considered a court cost.

"**Court**" means the Shelby County Circuit Court and all Judges thereof.

"**Document**" means a pleading, plea, 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 owned and in the custody of 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 the Court, and from the Court, for the purposes of E-Filing. For purposes of these rules, the process does not include the filing of faxed documents.

"**E-Filer**" is an attorney or *pro se litigant* who has a court-issued login and password allowing E-Filing of documents into the DMS.

"**E-Filing Rules**" means the Shelby County Circuit Court E-Filing Rules.

"**E-Filing Website**" means a website maintained by the Clerk for the purpose of providing a means for E-Filers to access the DMS and file Documents with the Clerk and Court.

"**Local Rules**" mean the Rules of the Circuit Court of Shelby County, Tennessee for the Thirtieth Judicial District.

"**Party**" or "**Parties**" means any person, including an individual, executor, administrator or other personal representative, or a corporation, partnership, association or any other legal, governmental or commercial entity, whether or not a citizen or domiciliary of this state and whether or not 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. To be filed electronically, a Document must be converted to a PDF. 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 viewing of public electronic court records. The public access terminal shall be located 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.

"**System Administrator**" means the Shelby County employee designated by the Clerk to administer the DMS and the registration of Authorized Users.

"**Terms of Use Agreement**" means that agreement established by the Clerk that sets forth the parameters for use of the E-Filing Website by all Authorized Users.

"**Traditional Filing**" is a process by which a Party files a paper document with the Clerk.

"**Transaction Receipt**" means an e-mail confirmation that is transmitted to an E-Filer after an E-Filer has submitted a Document to the Clerk to be filed through the E-Filing Website. The Transaction Receipt displays the date and time the Document was submitted by the E-Filer. The Transaction Receipt may serve as the E-Filer's proof of filing.

"**TRCP**" means the Tennessee Rules of Civil Procedure.

"**User Guide**" means the Court's user guide. All E-Filers should periodically check the Circuit Court website (http://circuitcourt.shelbycountytn.gov/) for updates to the User Guide.

Part 4 - 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.

Part 5 - Electronic Filing Encouraged Unless Ordered by Court.

(a) E-Filing of Documents is strongly 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 will be provided on the Court's E-Filing Website.

Part 6 - 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.

(b) The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically, subject to the provision of these E-Filing Rules.

(c) E-Filers may obtain access to the E-Filing Website either through an internet access point or by using the Clerk's Public Access Terminal located in the Clerk's Office.

Part 7 - Electronic Case File

The Clerk shall maintain the original and official case file in electronic format for those cases filed on or after the effective date.

Part 8 - Registration Requirements

(a) Persons who are Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the E-Filing website. Upon receipt of a properly executed Terms of Use Agreement, the System Administrator shall assign to the Authorized User a confidential login and password to the E-Filing Website. Additional E-Filers may be added at any time.

(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) The Clerk will provide all Authorized Users with access to a User Guide to assist them in E-Filing.

Part 9 - Time and Effect of E-Filing

Any E-Filed Document shall be considered as filed with the Clerk when the transmission of the entire Document is received 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 receipt by the Clerk of an E-Filed Document, the Clerk shall electronically transmit a Transaction Receipt indicating that the E-Filing has been received. The Transaction Receipt shall serve as proof of filing. In the event the Clerk rejects the submitted Document following review, the rejected Document shall not become part of the official Court record and the E-Filer will receive notification of the rejection. E-Filers may be required to re-file the Document to meet necessary filing requirements.

Part 10 - Form of Documents Electronically Filed

(a) Each E-Filed Document shall be uploaded in a PDF. 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.

(b) 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 include an e-mail address, unless the Party or attorney does not maintain an e-mail address and relies on the Public Access Terminal.

Part 11 - Payment of Filing Fees

(a) All E-Filed Documents subject to statutory filing fees 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 at the time of E-Filing. Use of the E-Filing Website constitutes E-Filer's consent to process or charge the credit card supplied.

(b) The Clerk may charge E-Filers a Convenience Fee to E-File Documents. This Convenience Fee will be in addition to regular filing fees or other fees.

(c) Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. Refunds will not be made in cash.

Part 12 - Signatures

A Document that is required to be signed, verified, notarized, acknowledged, sworn to, or made under oath may be E-Filed only as a scanned image. 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.

Part 13 - Privacy Issues

E-Filers must be sensitive to confidential and personal information filed publicly, 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:

(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.

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

(1) Personal identifying number, such as a driver's license number
(2) Medical Records, treatment and diagnosis
(3) Employment History
(4) Individual Financial Information
(5) Proprietary or Trade Secret Information

It is the sole 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.

Part 14 - System or User Filing Errors

If the E-Filing does not occur 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, (3) rejection by the Court or Clerk, or (4) 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.

Part 15 - Effective Date

These rules shall become effective on the 25th day of June, 2012

ADOPTION OF AMENDMENTS TO LOCAL RULES OF PRACTICE

The foregoing Amendments to Local Rules of Practice, Rules of the Circuit Court of Tennessee for the Thirtieth Judicial District at Memphis are hereby adopted by the undersigned Judges on this the 25th day of JUNE, 2012 and submitted to the Administrative Director of the Courts.

John R. McCarroll, Jr.
Judge of Division I

Jerry Stokes
Judge of Division VI

James F. Russell
Judge of Division II

Donna M. Fields
Judge of Division VII

Karen R. Williams
Judge of Division III

Robert S. Weiss
Judge of Division VIII

Gina C. Higgins
Judge of Division IV

Robert L. Childers
Judge of Division IX

Kay Spalding Robilio
Judge of Division V