

LOCAL COURT RULES
OF THE
TWELFTH JUDICIAL DISTRICT

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

These rules have been revised and amended as of January 21, 2019 by the Circuit Judges and Chancellor of the 12th Judicial District of the State of Tennessee.

TWELFTH JUDICIAL DISTRICT JUDGES

Honorable Justin C. Angel, Presiding Circuit Judge, Part III
Honorable Thomas W. Graham, Circuit Judge, Part I
Honorable J. Curtis Smith, Circuit Judge, Part II
Honorable Melissa Thomas Blevins-Willis, Chancellor

2018-2019 LOCAL RULES COMMITTEE

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RULE ONE (1) FORMER RULES ABROGATED

1.01. Former Rules Abrogated.

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

1.02. Suspension of Rules.

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

RULE TWO (2)

COURT SESSIONS AND CALENDAR

2.01. Applicability.

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

2.02. Terms Abolished.

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

2.03. Court Sessions.

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

2.04. Scheduling Calendar.

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

2.05. Court Docket.

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

RULE THREE (3) APPEARANCE AND CONDUCT OF COUNSEL

3.01. Counsel of Record; Entry of Appearance.

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

3.02. Withdrawal of Counsel.

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

3.03. Contacting Judge.

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

RULE FOUR (4) COURTROOM DECORUM

4.01. Space Within Bar

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

4.02. Side Remarks

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

4.03. Examining Witnesses

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

4.04. Forbidden Conduct

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

4.05. Approaching the Bench

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

4.06. Familiarity with Participants

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

4.07. Conversing with Jurors

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

4.08. Spectators' and Litigants' Conduct

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

4.09. Interruptions by Counsel

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

4.10. Addressing the Court

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

4.11. Conduct Toward Witnesses

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

4.12. Attendance

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

4.13. Objections

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

4.14. Distractions

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

4.15. Portable Electronic Communication Devices

Parties, witnesses and/or spectators shall at all times have portable electronic devices silenced when in the courtroom so as not to disrupt the proceedings or business of the Court. If use of such device is necessary, it is to be done only outside the courtroom. Communication between witnesses or spectators about the case at hand or testimony elicited therein is EXPRESSLY PROHIBITED until the conclusion of the proceeding nor shall any video or audio recording(s) be made by parties, witnesses and/or spectators without leave of the Court, including but not limited to live streaming or broadcasting on all media platforms or real time communication.

4.16. Plaques, Pictures, etc. in Courtroom

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

RULE FIVE (5)

FILING AND SERVICE OF PAPERS

5.01 Filing with the Clerk.

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

5.02. Certificate of Service.

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

5.03. Proof of Indigency / Civil Cases.

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

5.04 Request for Alias Summons.

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

5.05 Custody of Files

The Clerk shall have custody of all papers and records of the Court. Files may not be withdrawn without an approved Order of the Court. Provided that for the purpose of copying or reviewing materials, an attorney or staff person of an

attorney may, with the permission of the Clerk, check out a file for no more than one working day by signing a receipt book. The Clerk shall always be responsible for the file being present at any Court hearing.

5.06 Papers, Documents or Files under Seal

All papers, documents and files shall be available for public inspection except as specifically exempted by Court Order or Statute. A request for such an Order shall be by Motion and must contain specific facts sufficient to overcome the presumption in favor of disclosure. [See *Ballard v. Herzke* 924 SW2nd 652 for standards relating to sealing of documents.]

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

6.01. Initial Assignment of All Circuit Court Cases.

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

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

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

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

6.03. Divorce Cases.

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

6.04. Motions to Transfer.

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

6.05. Consolidation of Cases.

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

6.06. Termination Other Than on the Merits.

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

6.07. Interchange of Judges.

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

6.08. Docket Books.

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

RULE SEVEN (7)

SETTING CIVIL MATTERS FOR TRIAL, CONTINUANCES, DORMANT CASES

7.01. Civil Docket Calls.

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

7.02. Method of Setting Jury Cases.

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

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

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

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

conference call with the assigned Judge to set the case by agreement.

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

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

7.05. Trial Certification.

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

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

7.06. General Sessions Appeals.

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

7.07. Dormant Cases.

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

7.08. Continuances.

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

RULE EIGHT (8)

JURY DEMAND IN CIVIL CASES

8.01. Jury Demand.

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

8.02. Session Appeals.

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

RULE NINE (9)

COURT REPORTERS IN CIVIL CASES

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

RULE TEN (10)

STATUS CONFERENCE IN CIVIL CASES

10.01. Status Conference.

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

10.02. Scheduling Order.

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

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

RULE ELEVEN (11)

PRE-TRIAL PROCEDURE, BRIEFS, AND EXHIBITS IN CIVIL CASES

11.01. Pre-trial Conference.

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

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

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

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

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

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

11.02. Depositions as Exhibits.

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

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

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

11.03. Trial Exhibits.

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

11.04. Disposal of Exhibits.

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

RULE TWELVE (12) MOTIONS IN CIVIL CASES

The following provisions shall apply to motions filed in civil cases with the exception of motions for summary judgment, default judgment, new trial, alter or amend judgment, additur/remittitur, publication, dismiss, admission, pro hac vice, sever, in limine, permission to file third party action, intervene, findings of fact and conclusions of law, to extend order of protection, and in domestic relations cases. (All motions in domestic relations cases shall be controlled by T.R.C.P. and specific orders or rules of the courts hearing the cases.)

12.01. Time for Filing Dispositive Pre-Trial Motions.

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

12.02. Time of Hearing.

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

12.03. Motions, Responses, Replies and Briefs.

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

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

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

12.04. Failure to Appear at a Motion Hearing.

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

12.05. Agreed Orders.

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

12.06. Certificate of Attempt to Reach Agreement.

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

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

This ___ day of _____, 20____.

Counsel for _____

RULE THIRTEEN (13) DISCOVERY IN CIVIL CASES

13.01. Filing Required Only for Use by Court.

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

13.02. Extension of Time for Responses to Discovery.

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

13.03. Form and Length of Interrogatories.

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

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

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

13.04. Requests for Admissions.

a) Following each request for admissions, a blank space shall be provided reasonably calculated to enable the responding party to enter the appropriate response. The responses may be typed in the blank spaces provided or submitted on separate sheets with corresponding numbers.

b) If an objection to a request is made in lieu of some response thereto, the reason for the objection must be fully stated.

c) The party to whom the requests for admissions are directed or their attorney may sign the responses and serve the original response on the propounding party or their attorney with copies being served on all other parties or attorneys of record.

13.05. Objection to Requests for Production.

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

13.06. Motions to Compel Discovery.

Motions to compel discovery shall at least include the following:

a) Either a verbatim quote of the interrogatory, request, question from deposition, and the objection or response thereto; or a copy of the interrogatory, request, excerpt of deposition and any response or objection shall be attached; and

b) Statements of reasons supporting the motion; and

c) A certificate of the attempt to reach an agreement between the parties or their attorneys as provided in Local Rule 12.06.

13.07. Motions for Protective Orders and to Quash Subpoenas.

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

a) Either a verbatim quote of the interrogatory, request, questions, or subpoena, or be accompanied by a copy of said interrogatory, request, question, or subpoena; and

b) Statement of specific grounds supporting said motion; and

c) Be accompanied by a certificate that the parties or their attorneys have attempted to reach an agreement as provided by Local Rule 12.06.

13.08. Exhibits to Depositions.

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

RULE FOURTEEN (14)

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

14.01. Requests for Special Instructions.

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

14.02. Requests for Special Verdicts.

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

14.03. Written Findings and Conclusions.

Requests for written findings of fact and conclusions of law should be accompanied by proposed finding of fact and conclusions of law and submitted in writing before the entry of judgment. The Court may decline to make written findings of fact and conclusions of law if findings and conclusions have been

stated from the bench or if no transcript is available.

RULE FIFTEEN (15) PREPARATION AND SUBMISSION OF ORDERS AND JUDGMENTS

15.01. Preparation.

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

15.02. Five Day Rule.

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

15.03. Order Prepared by the Court.

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

RULE SIXTEEN (16) NEGOTIATIONS AND SETTLEMENTS IN CIVIL CASES

16.01. Award of Expenses.

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

16.02. Court Approval of Settlements.

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

16.03. Presentment of Settlements.

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

16.04. Notice Immediately Upon Settlement.

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

RULE SEVENTEEN (17) DOMESTIC CASES

17.01. Income and Expense Statements.

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

17.02. Asset Stipulations/Statements.

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

17.03. Parties' Proposed Asset Distributions.

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

17.04. Divorce by Affidavit.

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

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

18.01. Deposition Testimony.

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

18.02. Objections to Admissibility of Evidence.

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

18.03. Using Audio/Visual Recordings.

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

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

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

RULE TWENTY (20) ASSIGNMENT OF CRIMINAL CASES

20.01. Apportioning Indictments.

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

20.02. Criminal Appeal Cases.

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

20.03. Rejected Pleas.

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

20.04. Affidavits of Indigency.

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

RULE TWENTY-ONE (21) DISPOSITION OF CRIMINAL MATTERS

21.01. Non-Jury Criminal Matters.

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

21.02. Discussion Days.

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

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

21.03. Pre-Trial Motions.

a) Non-dispositive pre-trial criminal motions which are not otherwise covered by Local Rule 22 may be filed at any time up to forty-eight (48) hours prior to trial unless otherwise directed by these rules.

b) Dispositive motions must be filed and docketed for hearing no later than thirty (30) days prior to trial, absent a showing of good cause.

21.04. Revocation of Probation.

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

21.05. Post Conviction Matters.

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

RULE TWENTY-TWO (22) DISCOVERY IN CRIMINAL CASES

22.01. Request for Discovery.

a) Within twenty (20) days after arraignment, a Defendant shall file a Request for Discovery;

b) The State shall respond within thirty (30) days to the Defendant's request for discovery set forth above;

c) The Defendant shall provide any reciprocal discovery required within thirty (30) days from the proper request by the State.

Both parties shall have an affirmative duty to make a good faith effort to ascertain and supply all discoverable material and there shall be the continuing duty for

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

both sides to immediately reveal to opposing counsel all newly discovered information or other material within the scope of this rule.

22.02. Motions to Compel.

a) Motions to compel discovery pursuant to Tenn.R.Crim.P.16 must be filed within twenty (20) days of opposing party's failure to comply with Local Rule 22.01.)

b) Motions to compel discovery must recite that the state has failed to comply with Local Rule 22.01 and be accompanied by certificate of attempt to reach agreement as provided by Local Rule 12.06.

22.03. Pre-Trial Diversion.

a) Applications for pre-trial diversion should be filed as soon as possible, but in no event shall the application be filed more than ninety (90) days after arraignment.

b) The State shall have thirty (30) days after the filing of the pre-trial diversion application within which to respond.

c) A Defendant shall file a writ of certiorari or petition for review of a denial of pre-trial diversion within ten (10) days after the denial.

RULE TWENTY-THREE (23) GRAND AND PETIT JURY SELECTION

AND SERVICE, REGULAR DAYS OF COURT

23.01. Impaneling Grand Jury.

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

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

In Grundy County grand juries shall be impaneled and charged on the second

Monday in March, July, and November.

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

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

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

23.02. Grand Jury Selection.

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

23.03. Regular Days of Court³

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

RULE TWENTY-FOUR (24) POST-CONVICTION MATTERS

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

dismiss.

RULE TWENTY-FIVE (25) PROFESSIONAL BONDSMEN

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

25.01. Petitions.

- A. Petitions for approval of a bonding company or its agents shall be on a form consistent with that provided by the Circuit Court Clerk of Franklin County. All petitions for approval of a bonding company and/or an agent thereof must be filed in the Office of the Circuit Court Clerk of Franklin County regardless of which county or counties of the Twelfth Judicial District approval is sought.
- B. Petitions for approval of a bonding company or of an agent thereof shall be heard by the Circuit Court Judges of the 12th Judicial District of Tennessee sitting en banc.
- C. A petition shall list a business address within the Twelfth Judicial District where the bonding company will conduct business. Bonding companies previously qualified to do business in the Twelfth Judicial District shall provide such information to the Circuit Court Clerk of Franklin County.

25.02. Collateral.

- A. All petitions for the approval of a bonding company shall designate the security and method and manner of pledging the security which the bonding company proposes to secure its bonds with the Court. The Court will approve as security, cash, certificates of deposit, and an investment certificate including a certificate of deposit as provided in T.C.A. 40-11-302(h). Any bonding company petition pledging security pursuant to T.C.A. 40-11-302(h) shall provide with the application all documents required by said statute. Any existing bonding company presently qualified to do business in the Twelfth Judicial District shall provide all documents required by T.C.A. 40-11-302(h) when applying to the Court for approval of security under said statute. The minimum amount of security for a bonding company shall be \$20,000.00.
- B. In the event the proposed security is in the form of a certificate of deposit,

each such certificate shall be in the joint names of the Franklin County Circuit Court Clerk and the bonding applicant.

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

25.03. Semi-Annual Reports.

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

25.04. Limits.

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

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

- B. The Circuit Court Clerk of each County shall keep a file in each county for each bonding company. The respective Clerks shall make copies of all bonds in duplicate and shall file one in the bond file and one to the individual case file.
- C. The District Attorney General shall review all bonding companies' outstanding bonds, forfeitures, and final judgments on a monthly basis. The District Attorney General shall notify the Circuit Court Judges, the Sessions Court Judges, the Clerks' offices, and the jails of those bonding companies that have exceeded their allowed limits or have

uncollected final forfeitures.

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

25.05. Forfeitures.

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

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

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

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

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

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

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

regarding reimbursement to the bonding company and/or its agent

In the event of forfeiture, or a sworn statement that no such agreement exists; and

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

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

25.06. Surrenders.

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

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

- B. The following procedures are to be followed for the surrender of a defendant when no *capias* has been issued for the defendant's arrest:
1. During normal business hours any bondsman wishing to surrender a defendant may get a certified copy of the original bond undertaking from the Circuit Court Clerk's office along with a Notice informing the defendant about the right to a surrender hearing.
 2. The defendant must be given a copy of the Notice and sign the Notice indicating its receipt. In the event that a defendant refuses to sign the Notice, the Sheriff or his/her representative may sign the Notice as a witness that the Notice was given to the surrendered

defendant.

3. The defendant may then be surrendered to the custody of the Sheriff who shall sign the certified bond and then return the signed certified bond to the surrendering bondsman.
- C. The surrender hearing shall be held on the next available Criminal Court date.

The surrendering bondsman shall take the certified bond form signed by the Sheriff and the Notice signed by the defendant to the Court having jurisdiction over the matter. At that time the surrendering bondsman must be present and a sworn affidavit must be presented to the Court setting forth in detail:

1. The reason(s) for surrender; and
 2. Any indemnity or guarantee received by the bonding company and/or its agent; and
 3. Any collateral or payment received by the bonding company and/or its agent, along with a copy of the receipt verifying the amount of payment.
- D. The Court shall then determine whether the surrender was for good cause. If the Court finds that the surrender was for good cause, the Court shall approve the surrender by endorsement upon the certified bail bond or by other writing. If the Court finds that the surrender was not for good cause, it may order the defendant released upon the same undertaking, and/or impose any other conditions within its discretion as provided by law. The Court shall also make a finding of the amount, if any, of the premium to be refunded and to whom.

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

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

25.07. Final Judgments.

Any final forfeiture judgment must be paid within thirty (30) days of the date of judgment. A company having an unpaid final forfeiture judgment at the end of

thirty (30) days shall be removed from the approved list and not allowed to write

bail bonds in the 12th Judicial District until the judgment is paid and/or the Bonding Company is reinstated by Court Order.

1. In the event that a bonding company fails or refuses to pay a Final Forfeiture Judgment within the allowed thirty (30) days, the District Attorney General shall request a Court order requiring an amount necessary to satisfy the judgment to be deducted from that company's collateral.
 - a. In the event that it becomes necessary for the Clerk to deduct the amount of judgment from the collateral, the bonding company must file a Petition with the Court requesting to be reinstated. The company must post with the Clerk such collateral as is then required as a minimum for a new company under the local rules before being reinstated as an approved company.
 - b. The Clerk must keep any remaining collateral until the bonding company has no outstanding bonds or forfeitures in the 12th Judicial District. When the company has no further liabilities with any Court, the District Attorney General shall notify the company by certified mail of the amount of funds remaining and of the company's right to a return of such funds. If, after one hundred eighty (180) days, the company has not requested in writing a return of the balance of funds remaining on deposit, said funds shall be considered abandoned and shall become the property of the Clerk of the County of forfeiture.
2. In the event that the collateral on deposit with the Franklin County Circuit Court Clerk is insufficient to satisfy a judgment, the Clerk shall proceed with other legal means of collection in order to fully satisfy the judgment. This may include attaching other property of the bonding company, its trustee, and/or its owner.
3. The Clerk shall first apply payments of a final forfeiture to any costs incurred, including but not limited to reasonable attorneys' fees and publication expenses. Thereafter, the Clerk shall apply the payment to court costs and then to the final judgment.

25.08. Company Changes.

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

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

- B. Requests for changes to a bonding company's name, ownership, or agent(s) must be submitted to and approved by the Court in writing, before any change becomes effective.

Changes to a bonding company's name, ownership, or agents, shall be heard by the Circuit Court Judges sitting en banc.

1. Requests for ownership changes or the addition of an agent shall be filed with the Circuit Court Clerk no later than four o'clock (4:00) p.m. two weeks prior to the hearing.
2. Requests to delete an agent must be in writing and may be presented to the Court for its approval at any time by the Circuit Court Clerk.

25.09. Correspondence.

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

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

25.10. Receipts.

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

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

25.11. Business License.

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

25.12. Complaints Against Bonding Companies.

- A. Any person may file a complaint against a bonding company and/or its agent.
1. Complaints must be in writing, must be legible, and include:
 - a. The printed name of the person making the complaint; and
 - b. The printed full address and telephone number of the person making the complaint, and
 - c. The printed name of the defendant and the docket number involved, and
 - d. The name and address of the bonding company and agent involved; and
 - e. A summary of the circumstances or action being complained of, including when and where the alleged action took place; and
 - f. The signature of the person making the complaint.
 2. Upon receipt of any written complaint the Circuit Court Clerk shall
 - a. First forward a copy of the complaint to the bonding company requesting a written response within ten (10) days; and
 - b. After ten (10) days, provide a copy of the complaint and the response, if any, to the Court.
 - c. The Clerk will then notify all parties in writing of the date and time scheduled for a hearing.
- B. Upon a hearing of all parties present, the Court shall make a finding of fact as to whether or not the allegations contained in the complaint violate any rules of the Circuit or Sessions Courts, and whether or not the allega-

tions support any ethical violations. The Court may in its sole discretion make any finding and order it deems necessary, including;

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

25.13. Continuing Education.

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

25.14. Clerk Fees.

- A. There shall be a filing fee, payable in advance, of \$15.00 for the filing of any document except the Semi-Annual Reports and proof of continuing education. Any document includes but is not limited to the following:
 1. Any change in a company's name, address, telephone number;
 2. The addition or deletion of any agent;
 3. A response to any complaint; or
 4. The notification of an arrest of a bonding company agent.
- B. There shall be a \$6.00 fee, payable in advance, for the surrender of any defendant, including those done in open court. In the event of multiple charges or cases for one defendant, the fee must be paid for each charge or case for which the surrendering bonding company has liability. **No order exonerating a bondsman shall be filed unless accompanied by payment of all costs arising from the defendant's failure to appear.**

25.15. Miscellaneous.

- A. It shall be the responsibility of the bonding company that all bonds shall be fully completed. Bail bonds shall

1. Have the name, address and zip code number of the defendant legibly printed thereon;
 2. Be signed by the agent making said bond; and
 3. Have the name of the bonding company boldly and legibly
- B. A bonding company, or its agent, must be given a copy of each bail bond at the time the bonding company, or its agent, accepts responsibility for the defendant. The bonding company must retain a copy of each bail bond for which it is liable.
- C. Upon the failure of any company to file the semi-annual report, or any other record or document required by statute or local rules, the District Attorney General shall notify the Circuit and Sessions Court Judges and Clerks who shall remove the company from the approved list. In such event, the company shall not be allowed to write any bonds until such time as all requirements are met.
- D. All persons having financial or managerial interests in a bonding company must be revealed on the initial petition and on the semiannual report.

There is no prohibition against one person or entity owning, having any ownership or financial or managerial interest more than one bonding company if:

- a. Such interest is revealed to the Court, and
 - b. Each company is qualified with its own deposited security and the corresponding limits, and
 - c. Each company has its own business license and telephone number, and
 - d. Each company has its own separate agents who write bonds only for that one company.
- E. There is no prohibition against a person or entity owning a bonding company from also owning or having an interest in any other business. Such other interest must be revealed to the Court at the time of the original petition and on the semiannual reports.

The Court may, in its discretion, impose any limits or conditions it feels necessary to ensure the professional standing or appearance of the bonding company.

Such measures, if any, shall be in the public interest to avoid a conflict of

interest or an appearance of impropriety on the part of the bonding company.

- F. An agent may be qualified for, and write bonds for, only one bonding company.

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

- G. Pursuant to T.C.A. 40-11-125 and 40-11-126, the Court may take appropriate disciplinary action including the withholding, suspension, or termination of approval to do business if it appears to the Court that a bonds- man:

1. Has been guilty of violating any of the laws of the State of Tennessee relating to bail bonds; or
2. Has been arrested and convicted for violating any of the laws of any state; or
3. Has a final judgment of forfeiture entered against him/her that remains unsatisfied; or
4. Has failed to comply with any local rules; or
5. Fails to satisfy any court order or judgment; or
6. Is guilty of unprofessional conduct that includes but is not limited to:
 - a. Loitering about any jail or court premises for the purpose of soliciting business;
 - b. Suggesting or advising the employment of, or otherwise making referrals to, any particular attorney to represent the defendant;
 - c. Paying a fee or giving or promising anything of value to any attorney, to acquire a bond, or receiving a fee or anything of value from any attorney;
 - d. Paying a fee or giving or promising anything of value to any clerk of court, jailer, police officer, peace officer, committing magistrate or any other person who has power to arrest or hold in custody, or to any public official or public employee to secure a bond and/or a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof;
 - e. Paying a fee or rebate or giving anything of value to an attorney in bail bond matters, except in the defense of any action on a bond;
 - f. Participating in the capacity of an attorney at a trial or hearing of one on whose bond he/she is surety;
 - g. Surrendering a principal or asking any court to be relieved from a bail bond arbitrarily, or without good cause;

- h. Accepting anything of value from a principal except the premium; however, the bondsman shall be allowed to accept collateral security or other indemnity from the principal with the provision that such shall be returned upon final termination of liability on the bond. Such collateral security or other indemnity required by the bondsman must be reasonable in relation to the amount of the bond. When a bail bondsman accepts collateral, he/she shall give a written receipt for same, and this receipt shall be given in detail a full description of the collateral received and the terms of redemption;
- i. Making or posting a bail bond for himself/herself, or for another agent of the same bonding company.
- j. It shall be the responsibility of any bonding company and/or bonding company owner to immediately notify the Court, in writing, of any misdemeanor and/or felony arrest of any of its agents, including an owner/agent. Failure to do so may result in any disciplinary action against the agent and/or company the Court, in its sole discretion, find necessary.
- k. It shall be the responsibility of the bonding company to have its agent in attendance on all plea and assign and boundover days.

25.16. Enforcement.

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

RULE TWENTY-SIX (26) PRIVATE SUPERVISORY SERVICES

26.01. Petition Filed.

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

26.02. Minimum Qualifications.

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

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

(2) An employee responsible for providing probation supervision and employed by a private agency shall have had at least four (4) years of experience in criminal justice or social services supervision or counseling agencies or a Bachelor's Degree from an accredited university. No employee of a private probation supervisory service shall have a record of criminal convictions.

26.03. Insurance.

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

26.04. Monthly Reports.

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

26.05. State Probation Officers.

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

26.06. Public Service.

All public service shall be supervised solely by the Public Works Coordinator

employed by the Tennessee Department of Corrections or such other probation officer as may be assigned by the State Department of Corrections.

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

27.01. Child Support Magistrate's Authority.

The Child Support Magistrate shall hear only Title IV-D matters, and they shall proceed promptly in accord with statutory requirements. All non-Title-IV-D child support matters will be set before the Circuit/ Chancery Court. All Child Support Magistrate recommended orders shall be approved by the Court, and unless otherwise ordered by the Court they shall be effective pending rehearing, approval by the Court, or appeal.

27.02. Initiation of Magistrate Proceedings.

Title IV-D proceedings before the Child Support Magistrate may only be initiated by the filing of a motion or petition for child support, and by completing an application for Title IV-D services through the offices of the Title IV-D Child Support Division of the District Attorney General's Office. The motion or petition shall be filed with the appropriate Court Clerk. Upon such filings, the motion or petition will be set for a hearing before the Child Support Magistrate by the Title IV-D Child Support Office, and notice shall be given to the parties by the Title IV-D Child Support Office.

27.03. Attorneys in Magistrate Proceedings.

A person initiating a hearing before the Child Support Magistrate may have a private attorney, who will be paid at private expense, or a Title IV-D attorney provided by the State of Tennessee. Private attorney representation will be with attorney- client privilege, and thus confidential. Title IV-D attorney representation will be without attorney-client privilege.

27.04. Hearings and Orders in Magistrate Proceedings.

The Child Support Magistrate may hear paternity cases and set child and spousal support in Title IV-D hearings as appropriate and proper under the circumstances. Upon completing a hearing, the Child Support Magistrate shall make a recommendation and order, which shall be transmitted to the Circuit Judge for approval and confirmation. If the Circuit/Chancery Judge does not approve the recommended order, it may order the matter returned to the Child Support

Magistrate with directions for a further hearing and recommendations. At the hearing, the Child Support Magistrate may hear and enter recommendations in pendent lite matters, and hear uncontested visitation and custody plans, and make a custody and visitation order in cases where custody and visitation arrangements are agreed to by the parties. In URESA paternity actions, the Child Support Magistrate shall make recommendations and orders for custody in accordance with statutory requirements.

27.05. Civil Contempt Proceedings Before the Magistrate.

Notwithstanding the provisions of T.C.A. 36-5-403, the Child Support Magistrate shall have the power to recommend punishment for willful contempt by incarceration, subject to review and confirmation by the Court.

In civil contempt proceedings where the Child Support Magistrate determines that the obligor is in jeopardy of incarceration for willful contempt, the Child Support Magistrate shall advise the obligor that the obligor has a right to be represented by counsel throughout the contempt proceedings, and that counsel will be appointed to represent to obligor in the contempt proceedings if the obligor is financially unable to obtain counsel. Whenever the obligor states that the obligor is financially unable to obtain counsel and desires the appointment of counsel, it shall be the duty of the Child Support Magistrate to conduct an inquiry and to make a proper finding as to the indigency of the obligor. Upon a finding of indigency, the Child Support Magistrate shall appoint a member of the private bar to represent the indigent obligor. All statements made by the obligor in such an inquiry shall be by affidavit sworn before the Child Support Magistrate or the Clerk of the Court. The obligor shall not have the right to select his appointed counsel from members of the private bar. Counsel appointed shall, unless excused by order of the Court or the Child Support Magistrate, continue to act for the party throughout the contempt proceedings, including any appeal to the Circuit/Chancery Judge.

If, after being advised of his right to have an attorney appointed to represent him, the obligor refuses to accept the services of counsel, such refusal shall also be in writing and signed by the obligor in the presence of the Child Support Magistrate who shall acknowledge thereon the signature of the obligor. Such refusal shall be made a part of the record in the case.

The Child Support Magistrate shall have the power and authority in civil contempt proceedings to make a finding of willful contempt and to enter an order for the incarceration of the obligor for willful contempt for a period not to exceed one hundred eighty (180) days. Said order shall designate a date certain not less than twenty-one (21) calendar days from the date of entry of the Child Support Magistrate's Findings and Recommendations and Order for the obligor's

incarceration to begin. The Child Support Magistrate in his Findings and Recommendations and Order shall specify a purge amount that if paid by the obligor prior to the obligor's sentence commencement date will purge the obligor of contempt and suspend the obligor's sentence of incarceration. If the obligor pays the purge amount subsequent to beginning the period of incarceration the obligor shall be released from custody.

Prior to commencement of the period of incarceration, the Findings and Recommendations and Order of the Child Support Magistrate shall be reviewed by the Circuit/ Chancery Judge, and confirmed by Order of Confirmation as the final decree of the Court if there is no request for hearing by the Circuit/Chancery Judge filed within five (5) days as set forth in T.C.A. 36-5-405(h).

27.06. Appeals.

All appeals of decisions of the Child Support Magistrate are governed by T.C.A. 36-

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

If a request for a hearing before the Circuit/ Chancery Judge is filed within five (5) days of the date of the filing of the Child Support Magistrate's Findings and Recommendations and Order as required by T.C.A. 36-5-504(h), the Circuit/Chancery Judge may grant a hearing before the appropriate Court, or order a rehearing of the case before the Child Support Magistrate, or deny the request for hearing de novo upon review of the record and confirm the order of the Magistrate. In the event that a hearing before the Circuit/Chancery Court is granted, or a rehearing before the Child Support Magistrate is ordered, the provisions of the Child Support Magistrate's order providing for incarceration shall be temporarily stayed pending said hearing or rehearing with all other provisions of the Child Support Magistrate's order remaining in effect pending the rehearing or decision by the Judge, unless otherwise modified or stayed.

RULE TWENTY-EIGHT (28) RESPONSIBILITIES OF COURT OFFICER

28.01.

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

28.02.

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

28.03.

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

28.04.

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

28.05.

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

28.06.

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

28.07.

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

28.08.

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

RULE TWENTY-NINE (29) PARENTING PLANS

29.01. General Provisions.

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

29.02. Duties of Clerks:

- A. When a complaint for divorce or petition for modification in a post-divorce case is filed with the Clerk's office, the Clerk shall assure that the parenting plan package has been attached to the summons and has been made available to the filing party. If the filing party is represented by an attorney, the package shall be attached to the summons by the filing attorney. If the filing party is not represented by an attorney, the clerk shall give the filing party a package. The same package will be included in the summons to the Defendant / Respondent. Counsel shall use the most recent available Parenting Plan provided by the Administrative Office of

the Court. The most recent Parenting Plan version may be found at the following link: www.tncourts.gov/node/253

- B. The following documents will be made available by the clerks to attorneys and parents upon request:
 - o Temporary Parenting Plan;
 - o Permanent Parenting Plan.

- C. Check List: A check list will be attached by the Clerk to each case file involving divorce proceedings with minor children. The check list will be completed by the clerk as items are furnished to parties, or filed by parties, attorneys, providers, or the court. The Clerk shall maintain a monthly status report of all pending divorce actions under this Rule.

29.03. Duties of Attorneys.

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

- A. Secure from the Clerk's office or otherwise all approved forms utilized under this rule;

- B. Monitor their clients timely attendance at a parent education seminar;

- C. Assist client in selecting / reaching agreement as to an appropriate mediator if a parenting plan has not been timely agreed to by the parties;

- D. File with the complaint or answer to hearing an agreed to or proposed parenting plan. If a temporary parenting plan is sought, a proposed temporary parenting plan will be submitted to be acted on by the Court, if appropriate, ex-parte or at an early hearing. It is strongly suggested that the blanks in the form be filled out by hand and/or highlighted for easier review by the court.

- E. Follow the Attorneys' Guide to Mediation.

- F. Attach the agreed or ordered parenting plan to the Marital Dissolution Agreement or Decree as an exhibit and which will not be duplicated in the MDA or decree.

- G. Counsel shall comply with all statutes regarding mediation in divorce cases including, but not limited to, those involving assets, liabilities, alimony, and parenting plans. Both parties shall make a good faith effort to

ex- change at least one day prior to mediation, and no later than the date of mediation, asset and liability statements, income and expense statements, proposed division of assets and liabilities, and proposed parenting plans with supporting documentation. Pursuant to the applicable mediation statutes, these documents shall not be admissible in Court and shall be used for settlement negotiation purposes only. These documents shall contain a statement to that effect. (See Attached Forms Two (2) and Four (4)).

29.04. Duties of Providers:

Educational Providers:

1. The Education Committee consisting of the 3 Circuit Court Judges, the Chancellor, the Rhea County Family Court Judge and the Bledsoe County General Sessions Court Judge will receive and act upon applications from providers who seek approval to provide parent education seminars. A list of approved providers will be furnished to the clerks to be included in the package.
2. The Educational Providers will make all arrangements for time, place and fees for seminars to be conducted in no less than two hour blocks. Seminar schedule for each provider will be provided to the clerk to be made available to parents and attorneys.
3. Educational Providers will notify the courts by filing with the appropriate clerk a copy of a certificate of attendance given to parents attending the classes. Certificates shall include the following: Name; Docket number; name of educational provider; date class was attended; and be signed by a representative from the seminar facilitator.
4. Fees: The fee or costs of the parenting seminars shall be borne by the parties. Fees may be reduced or waived for indigent persons. The Educational Provider will be expected to provide an appropriate number of pro bono slots for indigent persons.

B. Mediators:

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

court pursuant to Supreme Court Rule 31.

2. Mediation Assignment:

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

A Rule 31 Family Mediator will be appointed by court order

OR

a referral to mediation is ordered by the court

OR,

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

3. Mediation Fees and Agreement to Mediate

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

OR,

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

4. Invoicing Procedures

(a) If the Court has ordered that mediator fees are to be taxed as court cost, the invoice must be submitted with the original final report to the Clerk's office;

(b) It is the mediator's responsibility to notify the Clerk's office that an invoice is included in the final report;

(c) The invoice should include a docket number to ensure correct filing and payment.

5. Mediator Reports

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

C. **Judicial Settlement Conferences:**

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

TABLE ONE (1)

CIRCUIT COURT CIVIL NON-JURY DAYS*

BLEDSOE COUNTY

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

SEOUATCHIE COUNTY

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

GRUNDY COUNTY

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

FRANKLIN COUNTY

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

MARION COUNTY

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

RHEA COUNTY

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

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

TABLE TWO (2) TWELFTH JUDICIAL DISTRICT

CRIMINAL NON-JURY DAYS

BLEDSOE COUNTY

Grand Jury:

Fourth Monday in March, July & November

Boundover:

Friday following Grand Jury in March, July & November

Discussion Day:

Friday before Fourth Monday in January, May & September

Criminal Pleas/ Assignments/Motions

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

Third Monday in December

Wednesday following Fourth Monday in January, May & September

SEQUATCHIE COUNTY

Grand Jury:

Fourth Monday in January, May & September

Boundover:

Friday following Grand Jury in January, May & September

Discussion Day:

Friday Before Fourth Monday in March, July & November

Criminal Pleas / Assignments / Motions

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

Wednesday following the Fourth Monday in March, July & November

MARION COUNTY

Grand Jury:

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

Boundover:

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

Discussion Day:

First Thursday Each Month

Criminal Pleas / Assignments

Fourth Monday in March, July & November

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

Third Tuesday in May

First Tuesday in January

Fourth Tuesday in September

Motions / Revocations / Sentencings

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

Third Tuesday in January, April, July & October

RHEA COUNTY

Grand Jury:

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

Boundover/ Motions, Revocations & Sentencings*:**

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

Discussion Day:

Second Thursday each month

Criminal Pleas / Assignments

First Friday in January, May & September

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

Third Thursday in July & November

First Thursday in March

Motions/Revocations/ Sentencings***

Boundover Days as shown above

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

Second Thursday in November

GRUNDY COUNTY

Grand Jury:

Second Monday in March, July & November

Boundover:

Second Friday following Grand Jury in March, July & November

Discussion Day:

Second Monday in January, May & September

Criminal Pleas / Assignments / Motions

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

Second Friday in October

Wednesday following second Monday in January, May & September

FRANKLIN COUNTY

Grand Jury:

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

Boundover:

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

Discussion Day:

Third Tuesday of each month

Criminal Pleas / Assignments / Motions

Second Tuesday each month

Thursday following the fourth Tuesday each month except December

Thursday following Second Tuesday in December

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

* * Judge will not be present.

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

TABLE THREE (3) CHANCERY COURT DOCKET CALL*

Docket call will be held twice per year, per county as follows:

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

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

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

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

FORM ONE (1)
REQUEST TO DOCKET

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE

_____ COURT OF _____ COUNTY
PART _____

_____)
_____)
_____) No. _____
v. _____)
_____)
_____)

REQUEST TO DOCKET

TO: THE COURT CLERK

Please place the above styled case on the non-jury docket for the _____ day of _____, 20____, which date complies with Local Rule 7.03.

_____ This case is contested and will take approximately _____hr(s). trial time.

_____ This case is uncontested.

The attorneys in this case are:

I understand this notice must be received seven (7) days prior to the date requested. I certify that this matter is ready.

(Attorney for Moving Party)

CERTIFICATE OF SERVICE

FORM TWO (2)

INCOME & EXPENSE STATEMENT*

*Excel version may be accessed at <https://www.tncourts.gov>

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE
IN THE COURT OF COUNTY

Plaintiff, *
*
*
*
vs. * Case No.
*
*
Defendant, *

INCOME AND EXPENSE STATEMENT

MONTHLY INCOME:

1.	Gross monthly wages and commissions	\$0.00
2.	Other monthly income	\$0.00
3.	Total Gross Monthly Income (add lines 1 and 2)	\$0.00

MONTHLY DEDUCTIONS:

4.	Federal Income Tax	\$0.00
5.	FICA	\$0.00
	Other Deductions (Describe):	\$0.00
6.	Child Support	\$0.00
7.	Medicare	\$0.00
8.	Social Security	\$0.00
9.	Medial Insurance	\$0.00
10	Total Monthly Deductions (Add Lines 4 thru 9)	\$0.00

NET MONTHLY
11. INCOME **\$0.00**

MONTHLY EXPENSES:

Household Expenses:

12.	Monthly Rent/Mortgage	\$0.00
13.	Water Bill	\$0.00
14.	Gas Bill	\$0.00
15.	Electric Bill	\$0.00
16.	Telephone Bill	\$0.00
17.	Car Operation (<i>Gas, Oil, tires, etc.</i>)	\$0.00
18.	Insurance (<i>Auto</i>)	\$0.00
19.	Insurance (<i>Other</i>)	\$0.00
20.	Auto Payment	\$0.00
21.	Other Installment Debt	\$0.00
22.	Other Payments:	\$0.00
23	Total Monthly Household Expenses	\$0.00

(Add lines 12 thru 22):

PERSONAL MONTHLY EXPENSES:

MYSELF CHILDREN

24	Food	\$0.00	\$0.00
25	Clothing	\$0.00	\$0.00
26	Medical, Dental, Drugs	\$0.00	\$0.00
27	Laundry & Cleaning	\$0.00	\$0.00
28	Recreation	\$0.00	\$0.00
29	School Expenses	\$0.00	\$0.00
30	Babysitting/child care	\$0.00	\$0.00
31	Beauty/Barber	\$0.00	\$0.00
32	Other (Specify):	\$0.00	\$0.00
33	Other (Specify):	\$0.00	\$0.00
34	Total Monthly Personal Expense:		\$0.00

(Add Lines 24 thru 33)

35 TOTAL MONTHLY EXPENSES: **\$0.00**
(Add Lines 23 and 34)

36 NET INCOME less EXPENSES: **\$0.00**
(Subtract Line 35 from Line 11)

My Employer:

Employer's Name:

Employer's Phone Number:

Employer's Mailing Address:

NAME

Sworn to and subscribed before me
this the ____ day of _____, 20_____.

NOTARY
PUBLIC
My Commissions Expires: _____

FORM THREE (3)

ASSET STIPULATION

_____ v. _____

ASSET STIPULATION (Plaintiff's / Defendant's) PURSUANT TO LOCAL RULE 17.03

No.	Description of Asset / Liability	Fair Market Value	Separate Property*	Marital Portion	Balance of Debt	Marital Equity
1.						
2.						
3.						
4.						
5.						
6.						
7.						
8.						
9.						

* See attached footnotes to all separate property entries

FORM FIVE (5)

NOTICE OF STATUS CONFERENCE

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE
_____ COURT OF _____ COUNTY
PART _____

_____)
Plaintiff)
)
v.) No. _____
)
_____)
Defendant)

NOTICE OF STATUS CONFERENCE

This case is set for status conference on the _____ day of _____, 2____, at _____, _____. m. The conference will be held by Judge _____. The location of the conference will be _____.

All attorneys must attend the status conference. It is not necessary for represented parties to attend. You should contact the Judge’s assistant, _____ if you have a scheduling conflict.

The following matters will be discussed at the conference:

- 1. Deadline for production of documents;
2. Deadline for completing depositions, answering interrogatories and answering requests for admissions;
3. Deadline for filing pre-trial motions; and

4. The setting of the next date for a status conference or trial.

If all attorneys and unrepresented parties agree to the entry of the enclosed Scheduling Order with insertion of the agreed dates, you need not appear for this initial status conference. In the event the maximum deadlines set forth in the attached Scheduling Order are not adequate, then it will be necessary for you to appear at the status conference rather than entering the agreed order.

ENTERED this _____ day of _____, 20____.

JUDGE

CERTIFICATE OF SERVICE

I certify that on _____, 20____, a copy of this document was mailed to: _____.

Deputy Clerk

FORM SIX (6)

SCHEDULING ORDER

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE
_____ COURT OF _____ COUNTY
PART _____

_____)
Plaintiff)
)
v.) No. _____
)
_____)
Defendant)

SCHEDULING ORDER

The following schedule shall govern this case:

- (1) DEADLINE FOR FILING INTERROGATORIES, REQUESTS FOR PRODUCTION OF DOCUMENTS AND REQUESTS FOR ADMISSIONS:

(Should be no longer than 5 months from date complaint was filed)

- (2) DEADLINE FOR ANSWERING INTERROGATORIES, PRODUCTION OF DOCUMENTS, AND ANSWERING REQUESTS FOR ADMISSIONS:

(Should be no longer than 7 months from date complaint was filed)

- (3) DEADLINE FOR COMPLETING DISCOVERY DEPOSITIONS:

(Should be no longer than 8 months from date complaint was filed)

- (4) DEADLINE FOR COMPLETING EXPERT DEPOSITIONS:

(Should be no longer than 10 months from date complaint was filed)

(5) DEADLINE FOR FILING PRE-TRIAL MOTIONS:

(Should be no longer than 10 months from date complaint was filed)

This Scheduling Order shall not be modified except by leave of the Court and only for good cause. Failure to abide by the Order may result in the sanctions set forth in T.R.C.P. 16.

ENTERED: This ____ day of _____, _____.

JUDGE

APPROVED FOR ENTRY:

In the event the suggested deadlines set forth above are not adequate and the parties cannot agree on other deadlines, it will be necessary for you to appear at a status conference.

Form Seven (7)

PETITION FOR RELIEF OR EXONERATION FROM A FORFEITURE

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE

CIRCUIT COURT OF _____ COUNTY

STATE OF TENNESSEE)
VS.)
NO. _____)
_____)
DEFENDANT.)

PETITION FOR RELIEF OR EXONERATION FROM A FORFEITURE

Comes the undersigned surety and petitions the Court for relief or exoneration from the hereinafter described bond and states under oath as follows:

- 1. Petitioner is surety on a bail bond executed on behalf of the defendant the particulars of which are:

DATE OF BOND: _____

BOND AMOUNT: \$_____

PREMIUM PAID: \$_____

PREMIUM DUE: \$_____

DESCRIPTION OF ANY COLLATERAL TAKEN:_____

2. A duplicate copy of the receipt required by T.C.A. 40-11-304 is attached as Exhibit 1.

3. The Defendant is in the custody of the Sheriff of this county by capias, or other process, issued on the ____ day of ____, 20____ , and served on the ____ day of ____ 20____.

4. Petitioner has incurred the following expenses in bringing the defendant into custody:

5. Law enforcement officials have incurred the following expenses in bringing the defendant into custody:

6. Petitioner requests this matter be heard on the ____ day of _____, 20____, and has served a copy on the district attorney's office in _____, Tennessee.

Wherefore, petitioner asks this court for the following relief:

Bonding Company

Agent

Sworn to and subscribed before me this
___ day of _____, 20__.

NOTARY PUBLIC

My Commission Expires:_____

CERTIFICATE OF SERVICE

I, _____ (Bondsman), hereby certify that a copy of the foregoing Petition has
been served on the District Attorney's office by:

() personal service at least five (5) days before the date requested for hearing;
or

() U.S. Mail, posted at least seven (7) days before the date requested for
hearing.

This __ day of _____, 20__.

Bondsman

(c:\mydocs\courts\local Rule 25.05 Bondsman Pet for Relief or Exoneration)

FORM EIGHT (8)

NOTICE OF RIGHT TO A SURRENDER HEARING

STATE OF TENNESSEE)
vs.) NO. _____
Defendant.)

NOTICE OF RIGHT TO A SURRENDER HEARING

1. ___ Bonding Company is surety on a bail bond executed on your behalf, the particulars of which are:

DATE OF BOND: _____
BOND AMOUNT: \$ _____
PREMIUM PAID: \$ _____
PREMIUM DUE: \$ _____

2. Your bonding company claims you may lawfully be surrendered for good cause, due to the following (check all applicable):

- () The defendant has violated the contractual provision between defendant and bondsman;
() The bondsman or surety has good cause to believe the defendant will not appear as ordered by the court having jurisdiction;
() A forfeit, conditional or final, has been rendered against the defendant;
() The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process;
() The defendant has been arrested while on bond;
() Other _____

3. A circuit judge will conduct a hearing on the ___ day of ___, 20___, at ___, and determine whether or not the surrender was for good cause. If the court finds the surrender was not for good cause, you may be re-released on the same bond, or other conditions may be imposed as a condition for release.

4. As defendant in this action, I hereby (check one):

- () request to attend the hearing
- () decline to attend the hearing.

Date
signature

Defendant's

The undersigned certifies the defendant refused to sign the foregoing notice, but that a copy was provided to the defendant.

Date

(Name)

(Position with
Sheriffs
Department)

CERTIFICATE OF SERVICE

I, _____ (Bondsman), hereby certify that a copy of the foregoing Notice was served on the defendant on the _____ day of _____, 20____, at _____ o'clock ____M.

Bondsman

(c:\mydocs\courts\Local Rule 25.05 Notice of Right to a Surrender Hearing)

FORM NINE (9)

PETITION TO APPROVE SURRENDER

STATE OF TENNESSEE)
VS.) NO. _____
DEFENDANT.)

PETITION TO APPROVE SURRENDER

Comes the undersigned surety and petitions the Court to confirm defendant's surrender and states under oath as follows:

- 1. Petitioner is surety on a bail bond executed on behalf of the defendant the particulars of which are:
DATE OF BOND: _____
BOND AMOUNT: _____
PREMIUM PAID: _____
PREMIUM DUE: _____

DESCRIPTION OF ANY COLLATERAL TAKEN:

- 2. The defendant is in the custody of the Sheriff of this county by surrender on the ___ day of ____, 20___.
3. Petitioner has incurred the following expenses in bringing defendant into custody:

4. Law enforcement officials have incurred the following expenses in bringing the defendant into custody:

5. Petitioner requests defendant be surrendered because (check all applicable):
() The defendant has violated the contractual provision between defendant

and bondsman;

- () The bondsman or surety has good cause to believe the defendant will not appear as ordered by the court having jurisdiction;
- () A forfeit, conditional or final, has been rendered against the defendant;
- () The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process;
- () The defendant has been arrested while on bond;
- () Other _____

6. Petitioner requests this matter be heard on the _____ day of _____, 20____, and has served a copy on the district attorney’s office in _____, Tennessee.

Wherefore, petitioner asks this court for the following relief:

Bonding Company

Agent

Sworn to and subscribed before me this
_____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

CERTIFICATE OF SERVICE

I, _____ (Bondsman), hereby certify that a copy of the foregoing Petition has been served on the District Attorney’s Office by personal service.

This _____ day of _____, 20____.

Bondsman

5. Law enforcement officials have incurred the following expenses in bringing the defendant into custody:

6. Petitioner requests defendant be surrendered because (check all applicable):

- The defendant has violated the contractual provision between defendant and bondsman:
 - The bondsman or surety had good cause to believe the defendant will not appear as ordered by the court having jurisdiction:
 - A forfeit, conditional or final, has been rendered against the defendant:
 - The defendant has failed to appear in court either as ordered by the court or as commanded by any legal process;
 - The defendant has been arrested while on bond;
 - Other
-
-

7. Petitioner requests this matter be heard on the _____ day of _____, 20____, and has served a copy on the district attorney's office in _____, Tennessee.

Wherefore petitioner asks this court for the following relief:

Bonding Company

Sworn to and subscribed before me this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

CERTIFICATE OF SERVICE

I, _____ (Bondsman), hereby certify that a copy of the foregoing Petition has been served on the District Attorney's Office by personal service.

This _____ day of _____, 20____.

Bondsman

FORM ELEVEN (11)

SEMI-ANNUAL BONDING REPORT

IN THE TWELFTH JUDICIAL DISTRICT OF TENNESSEE

SEMI-ANNUAL BONDING REPORT

1. Name of Bonding Company: _____
 Business Office Address (within the 12th Judicial District): _____

 Business Telephone Number (within the 12th Judicial District): _____
 Business Fax Number (within the 12th Judicial District): _____
 Business Email Address: _____
2. Check the box indicating the collateral pledged by your bonding company. Specify the amount of the collateral pledged. If your company is secured by an insurance company, indicate and specify the liability limit.

SECURITY PLEDGED	PLEDGED AMOUNT	SURETY INSURANCE Pursuant to T.C.A. 40-11-302(h)
<input type="checkbox"/> Cash Deposit	\$ _____	Company Name: _____
<input type="checkbox"/> Surety Insurance (Pursuant to T.C.A. 40-11-302(h))	\$ _____	Phone No: _____ Total Capacity Limit: \$ _____

3. For each county in the Twelfth Judicial district in which your company is authorized to do business, attach a list of each outstanding bond. Include the defendant's name and dollar amount of each bond. List also the total dollar amount of outstanding bonds for each county.
4. If the security pledged is surety insurance pursuant to T.C.A. 40-11-302(h) and said surety insurance is pledged as collateral in one or more counties outside the Twelfth Judicial District, account for bonds in each county outside the Twelfth Judicial District as required in #3 of this semi-annual report.
5. Attach a list of all agents authorized to make bonds in the twelfth Judicial District. List the full name of each agent and the county(ies) of the Twelfth Judicial District in which each agent is authorized to make bonds.
6. Attach copies of each agent's most recent certificate of compliance with continuing education requirements. (Pursuant to T.C.A. 40-11-401)
7. If your bonding company is secured by an insurance company pursuant to T.C.A.

40-11-302(h), submit a copy of the current state insurance producer license for each authorized agent.

This report shall be filed in the Franklin County Circuit Court Clerk's office. I certify that the information contained therein is true and accurate.

Date

Bonding Company Owner

APPENDIX A

IN THE CIRCUIT COURT OF _____ COUNTY,
TENNESSEE AT ____

_____,)
Plaintiff,)
)
v.) No.)
)
_____,) Date of)
Defendant.) _____

AFFIDAVIT

Comes now (Name of Party), the (Plaintiff/Defendant), having been sworn, who would show to the Court as follows:

1. My name is _____. I reside at _____.

2. I am a party to a divorce action filed in this cause. I signed a Marital Dissolution Agreement on the ____ day of _____, _____.

3. It is my sworn testimony that I have read the Marital Dissolution Agreement, and that

I believe the agreement to be fair to my spouse and me.

4. I further solemnly swear or affirm that the Marital Dissolution Agreement which I have signed disposed of all our marital assets and all of our marital debts, and I further swear or affirm that all divisions of property and debts have already been accomplished. Any sales of property contemplated by the Marital Dissolution Agreement have been accomplished, and the assets divided, except where expressly stated within the Marital Dissolution Agreement. I have signed all deeds, titles, bills of sale, and other documents necessary for the transfers of my interest contemplated in the Marital Dissolution Agreement.

5. I further solemnly swear or affirm that I have to the best of my ability attempted to reconcile the marital differences my spouse and I have developed, and I have been

un- able to do so. It is my belief that our marriage is irretrievably broken.

6. I further solemnly swear or affirm either that there have been no children born to this marriage, and none are expected, or alternatively that all children born to my spouse and me are mentally and physically competent and they have reached the age of eighteen years, and either have previously graduated from high school, or they have dropped out of school and would have graduated had they remained in school.

7. To the extent that the Marital Dissolution Agreement requires any further actions on my part, I solemnly swear or affirm that I will abide by the terms of the Marital Dissolution Agreement into which I have entered.

8. I therefore ask the Court to consider the Marital Dissolution Agreement my spouse and I have signed. I ask the Court to approve the Marital Dissolution Agreement and to incorporate it into a Final Decree of Divorce.

9. I therefore ask the Court to conduct a hearing in my absence, and I further ask that my attorney be excused from participation at that hearing. I ask the Court to consider this affidavit, the Marital Dissolution Agreement, and the entire file in this cause, and enter an order divorcing my spouse and me.

This the ____ day of _____, _____.

Plaintiff/Defendant

STATE OF TENNESSEE COUNTY OF _____
Subscribed and sworn to before me on this the ____
_____.

Notary Public:
Commission Expires _____