

GENERAL SESSIONS COURT FOR ROBERTSON COUNTY, TENNESSEE

LOCAL RULES OF PRACTICE

RULE 1. APPLICABILITY AND SUSPENSION OF RULES

1.01 Applicability

Each rule is applicable in the General Sessions Court for Robertson County, Tennessee.

Each rule is applicable in all types of cases unless otherwise indicated by a particular rule.

1.02 Suspension of Rules

Whenever the Court determines that justice requires it, it may suspend any of these rules.

RULE 2. APPEARANCE OF COUNSEL

2.01 Counsel of Record; Entry of Appearance

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

- (a) A request by counsel, in writing, to the clerk that an appearance be entered.
- (b) A phone call to the clerk stating that attorney is to be listed as “attorney of record” with a follow-up letter to clerk within five (5) days confirming same.
- (c) The filing of pleadings.
- (d) The filing of a formal notice of appearance; or
- (e) Appearance as counsel at any court hearing.

2.02 Withdrawal of Counsel

- (a) Criminal Cases. No attorney may be allowed to withdraw except for good cause and by leave of Court upon Motion after Notice to the parties.
- (b) Civil Cases. Prior to entry of a Judgment or Disposition in General Sessions Court, no attorney may be allowed to withdraw except for good cause and by leave of Court upon Motion after Notice to the parties.

2.03 Conduct and Appearance of Counsel

- (a) During trial, counsel shall not exhibit familiarity with witnesses or opposing counsel and the use of first names for adults shall be avoided.
- (b) At the commencement of a trial of any matter or hearing on any Motion, counsel shall introduce him/herself to the Court.
- (c) Counsel shall stand while examining witnesses, addressing the Court or making objections.
- (d) Counsel who anticipate being late for Court shall promptly notify the appropriate clerk and the opposing party or counsel.
- (e) Counsel to be properly attired with coat and tie.

RULE 3. FILING AND SERVICE OF PAPERS

3.01 Filing Companion or Third Party Civil Cases

Upon the filing of any Civil action which is related to a pending action in General Sessions Court (e.g. cross warrant to third party complaint), the party filing such companion case shall note that the new warrant is a companion case to a pending General Sessions case. All companion or third party cases shall be consolidated for trial with the original action.

3.02 Filing of Briefs of Memoranda of Law

All post hearing briefs or memoranda of law shall be filed with the Judge and a copy contemporaneously mailed to the opposing counsel or party. The opposing counsel shall have fifteen (15) days to file a response.

RULE 4. SETTING AND CONTINUANCES OF CASES

4.01 Setting of Civil Cases

Cases shall be tried on the date they are set on the Court's docket unless, for good cause shown or upon agreement of the parties, the Court resets them for trial at a later date or continues them indefinitely. In civil actions the Court may liberally grant a continuance on the first setting

or on the first setting after an indefinite continuance.

4.02 Receipt of Civil Summons or Warrant by General Sessions Court Clerk

For all civil cases where the Plaintiff is represented by an attorney and service is by a private process server, the original of the Summons or Warrant shall be received in the General Sessions Court Clerk's office ten (10) calendar days prior to the scheduled court date. The Warrant shall show date of service and name of process server. The name, address and phone number of the process server is to be printed or typed below the signature of process server.

4.03 Civil Summons or Warrants-Return

Return of all Civil Summons or Warrants shall comply with Rule 4.03 (1) of the Tennessee Rules of Civil Procedure.

4.04 Resetting of Civil Cases

Cases which have been continued indefinitely shall only be reset for trial and placed on the Court's docket by the Clerk upon the Clerk giving parties a court date and upon agreement of the parties or after notice to the opposing party ten (10) days in advance. When resetting such cases by agreement, a letter shall be sent to the Clerk which specifically states that the case is being set by agreement and a copy of the letter shall be forwarded to opposing counsel or the opposing party.

4.05 Multiple Continuances of Civil Cases

After a civil case has been set on the Court's docket three times and has been continued, whether by agreement or for good cause, the cases shall be tried or continued indefinitely and taken off the Court's docket and shall be reset on the docket only upon Motion or agreement of the parties in writing.

4.06 Specially Set Cases Civil or Criminal

When an attorney or party request that a case be set on a docket which is not a regular docket or time for type case attorney or party shall file, Motion To Set, set on court docket and

upon approval by court to prepare an Order to be entered by the Court specially setting case.

Clerk of Court is to provide Judge's secretary a copy Order setting case.

4.07 Setting of Criminal Cases by Officers

Each officer of the Tennessee Highway Patrol, Tennessee Wildlife Resource Agency and each officer of a local law enforcement agency is to have one (1) regularly scheduled monthly court date for which the officer is to be present. Officers are to set their cases per this schedule as approved by Court. Exception to this rule are those cases to be set by Robertson County Sheriff Department officers and Springfield Police Department officers per Memo dated September 29, 2006.

4.08 Criminal Cases Set in Error By Officer

When an officer sets an incorrect court date or incorrect court time the Clerk of the Court shall forward a copy of the Citation/Warrant to the Judge's Office. A letter shall be sent by the Judge to the Department Head of the law enforcement agency explaining error. Should the error not be corrected in the time allowed in the letter the charge shall be dismissed.

4.09 Officers Obligation For Docket Call of Criminal Cases

Where an officer is appearing in Court for their regularly scheduled Court date officer is to remain at courtroom until all her/his cases are disposed of or officer is granted leave of Court to be excused.

4.10 Officer to Notify General Sessions Criminal Clerk of Training and/or Vacation

It is the responsibility of each officer to notify a General Sessions Criminal Clerk of scheduled training and/or vacation date which conflicts with a regular scheduled court date a minimum of thirty (30) days prior to training and/or vacation date.

4.11 Agency To Contact General Sessions Judge's Secretary As To Scheduling Change

It is the responsibility of each law enforcement agency operating in Robertson County to contact the Judge's Secretary when requesting a change as to an officer's regularly scheduled

Court date. Phone 384-4684

4.12 Agency To Notify General Sessions Judge's Secretary of Newly Employed Officers

It is the responsibility of each law enforcement agency operating in Robertson County to contact the Judge's secretary regarding each newly employed officer. The Judge's secretary will provide a schedule of court dates for the officer to utilize. A newly employed officer **shall not** set any cases until the Judge's secretary has provided a schedule.

RULE 5. SUBPOENAS

5.01 Subpoena of Law Enforcement Officer

Law enforcement officers who have a regularly scheduled monthly Court date will not be subpoenaed for cases set on this date.

Where a case is specially set for date other than for regularly scheduled monthly Court date a subpoena is to be issued to officer.

Subpoenas shall not be faxed to law enforcement agencies operating in Robertson County other than the Tennessee Highway Patrol.

The officer to whom the subpoena is addressed shall personally enter his/her signature acknowledging service.

RULE 6. WRITS OF POSSESSION

6.01 Immediate Writs Of Possession

Litigants seeking immediate possession of personal property under T.C.A. §29-30-106 in actions to recover property must:

- (a) comply with the five (5) day notice provision as set out in Section (1) (A)
- (b) include an affidavit setting out the specific facts justifying extraordinary relief as described in Section (B) (I) or (B) (ii)
- (c) state in affidavit the value of the property

- (d) post a bond in an amount fixed by the court which shall not be less than the value of the property

RULE 7. SLOW PAY MOTIONS

7.01 Income and Expense Statement

The moving party on a Slow Pay Motion is to provide to the Court a sworn income and expense statement on forms provided by the Clerk.

RULE 8. DISMISSALS OF SLOW PAY MOTIONS

8.01 Slow Pay Motions

When the moving party on a slow pay motion fails to answer at the first call of the docket, such motion shall be subject to dismissal at the expiration of twenty minutes after the commencement of the docket call.

RULE 9. EXPUNGEMENT

9.01 Expungement of Dismissed Criminal Cases

All Orders For The Expungement of Criminal Offense must be accompanied by a copy of the Order of Dismissal or with the Warrant or Citation showing dismissal of the charges when submitting the Order For The Expungement Of Criminal Offense to the Judge for approval.

9.02 Expungement of Retired Criminal Cases

It is the responsibility of the Defendant or attorney for Defendant to have a Retired case Dismissed prior to the filing of an Order For The Expungement of Criminal Offense.

9.03 Certification of Compliance and/or Payment

All Order For The Expungement Of Criminal Offense is to have attached a CERTIFICATION OF COMPLIANCE AND/OR PAYMENT confirming that Defendant has complied with condition required by the court. The CERTIFICATION is to set out by item the amount paid as to costs, fines, restitution, contributions and all other requirements placed upon Defendant.

RULE 10. CALL OF DOCKET AND ENTRY OF JUDGEMENTS IN CIVIL CASES

10.01 Docket Call

- (a) Plaintiff represented by attorney: As the clerk calls the docket the Plaintiff's attorney is to come forward. The Plaintiff's attorney will be handed all of their warrants by the court officer. After the clerk completes the call of all cases the attorney for Plaintiff is to write up the Agreed Judgments and Default Judgements then return the warrants to the clerk.
- (b) The warrants of Pro Se Plaintiffs shall be retained by the clerk. At the end of the call of the docket the clerk will assist Pro Se Plaintiffs in writing up their Judgements.
- (c) Warrants for trial are to be returned to clerk.

10.02 Settlement Discussions

As the clerk calls the docket the Plaintiff or attorney for the Plaintiff is to come forward and retrieve warrants from court officer. At the end of the docket call, all parties and attorneys shall be allowed a brief opportunity to discuss possible settlement of their case before trial. The Court shall advise those present that a trial will be granted to them if the parties or the attorneys are not able to agree on a settlement.

10.03 Agreed Judgments

All parties or their attorneys shall sign all Agreed Orders or Judgments which are presented to the Court, or the party presenting the Order or Judgements shall sign the Judgment thereby certifying that the opposing party has agreed to the entry of the Judgment and the terms.

10.04 Post Judgment Interest Above Statutory Rate

In all matters when the Plaintiff is requesting post judgment interest above the statutory rate of ten percent (10%), the Plaintiff shall provide the Court a copy of the contract prior to

entry of judgment which sets out the rate of interest being requested.

RULE 11. CONDUCT AND APPEARANCE OF OFFICERS

11.01 Familiarity Not To Be Shown

During trial, officers shall not exhibit familiarity with witnesses, attorneys, or defendant's and the use of first names for adults shall be avoided.

11.02 Proper Attire

Officers are to be properly attired in uniform, coat and tie, dress, or blouse & slacks upon entry into courtroom on scheduled court day. This dress attire is not required where officer is entering courtroom to have a citation or warrant executed.

11.03 Use Of Tobacco Or Gum

Officers are not to use tobacco or gum while present in courtroom.

11.04 Possession Of Weapon in Court Building

(a) While on duty or serving in an official capacity, Officers are to enter Court building with weapon only if in uniform or with visible identification on upper exterior of coat, blouse or dress. Identification on belt is not acceptable.

(b) While off duty and/or not serving in an official capacity, Officers shall not enter Court building with a weapon on their person when appearing in Court as a Defendant, Witness for a Defendant or Victim, and/or friend of Defendant or Victim