

# IN THE CIRCUIT COURT FOR THE 25<sup>TH</sup> JUDICIAL DISTRICT OF TENNESSEE

## LOCAL RULES OF PRACTICE 2025



### PREAMBLE

Pursuant to the provisions of T.C.A. § 16-2-511 et. seq., and *Tennessee Supreme Court Rule 18* (2022), and the inherent power of the Courts, the following Rules are hereby adopted.

These Rules, which were thirty (30) days in draft, were published for comment on August 27, 2025. These rules became effective on September 29, 2025, and are published and available for distribution through the Clerks' offices in the district, as well as online through the Administrative Office of the Courts. Pursuant to *Tennessee Supreme Court Rule 18(b)* a true and correct copy of these Rules has been sent to the Administrative Director of the Courts.

## **RULE 1. SCOPE, APPLICATION, and CONSTRUCTION OF THE RULES DEFINITIONS OF TERMS**

### **1.01 SCOPE OF THE RULES**

Subject to such exceptions as are stated herein, these Rules shall supplement the *Tennessee Rules of Civil Procedure* and the *Tennessee Rules of Criminal Procedure* in the Circuit Courts for the 25th Judicial District of Tennessee. Where, in civil cases, these Rules conflict with the *Tennessee Rules of Civil Procedure* or, in criminal cases, conflict with the *Tennessee Rules of Criminal Procedure*, the State rules will prevail. All former *Rules of Local Practice* for the 25th Judicial District, except as readopted herein, are abrogated. Any of these Rules may be suspended or varied in exceptional cases where the Court deems that justice so requires or for good cause shown, in writing.

### **1.02 APPLICATION OF THE RULES**

These Local Rules shall be applicable in all proceedings filed in those counties which comprise the Twenty-Fifth Judicial District.

### **1.03 CONSTRUCTION and CITATION OF THE RULES**

These Rules shall be construed to secure simplicity in procedure, fairness in administration, and promote the efficient and cost-effective resolution and disposition of cases brought in the District. These Rules shall be cited as *Rule \_\_\_\_\_ Local Rules of Practice, 25th Judicial District*.

### **1.04 DEFINITION OF TERMS**

- (A) Within these Rules, the term "Clerk" shall refer to the Clerk of the Circuit Court.
- (B) Within these Rules, the term "Judicial Days" shall refer to days when the Judicial Building in each county is open for business and the Clerk's offices are open. The date of filing shall not be included in the calculation of days.

### **1.05 THE PRESIDING JUDGE**

The Presiding Judge selected pursuant to T.C.A. § 16-2-509 and Rule 11 of the Rules of the Supreme Court of Tennessee will supervise the administration of the trial courts.

## **1.06 INTERCHANGE OF JUDGES**

When necessary for the efficient administration of justice, a Judge may hear and determine any matter by interchange for another Judge without the necessity of transferring the case from one court to another. The designation on any Order signed by the Judge hearing the matter by interchange shall be the name of the Judge, followed by the words, "by interchange."

## **1.07 TRANSFER OF CASES**

The Presiding Judge may transfer a case from one court to another or from one division to another *sua sponte*. The Judges and Chancellors of the Twenty-Fifth Judicial District may transfer cases among themselves by mutual consent except in cases of recusal. It is not necessary for the parties or their counsel to consent to such transfer.

# **RULE 2. COURT SESSIONS AND PROCEDURE**

## **2.01 COURT SESSIONS**

Court will convene at 9:00 a.m. and will generally recess from 12:00 p.m. to 1:00 p.m., but in some instances, the Court may shorten or lengthen the recess. Other recesses will be taken periodically during the Court day. Court will close at the conclusion of the day's business. Court will convene at an earlier time if the necessity arises in order to conclude the Court's business at a reasonable hour.

## **2.02 COURTROOM PROCEDURE**

All persons in the courtroom will stand while Court is being opened.

## **2.03 SMOKING AND BEVERAGE RULE**

There shall be no smoking allowed in the courtroom at any time. No food or beverages will be allowed in the courtroom at any time except in the discretion of the Court.

## **2.04 SPACE WITHIN THE BAR**

Space within the bar is reserved for attorneys, litigants, court officers, court reporters, and court clerks. No other person is allowed within this area without leave of Court. All paralegals, assistants, investigators, and other staff members of respective parties are only allowed within this area upon express leave of Court.

## **2.05 EXAMINING WITNESSES**

Counsel shall stand when examining or cross-examining a witness unless leave of Court is granted to remain seated.

## **2.06 APPEARANCE**

The personal appearance and conduct of attorneys in the courtroom is visible evidence of their respect for the rule of law and the administration of justice. All attorneys shall wear professional attire. No jeans or shorts are allowed. Jackets are required. All other persons attending court must conduct themselves with reserve and courtesy and must dress appropriately in a clean and neat appearance so as to preserve the dignity of the court. No shorts are permitted.

## **2.07 DOCUMENTS**

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

## **2.08 ENFORCEMENT**

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

# **RULE 3. APPEARANCE AND CONDUCT OF COUNSEL AND PARTIES**

## **3.01 COUNSEL OF RECORD; ENTRY OF APPEARANCE**

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

- (A) The filing of an initial pleading; or
- (B) The filing of a formal entry of appearance; or
- (C) The announcement by counsel on the record in a criminal matter.

## **3.02 WITHDRAWAL/SUBSTITUTION OF COUNSEL**

No attorney will be allowed to withdraw except for good cause. Motions to Withdraw shall state the reason the motion is made, except where such is excused under the Rules governing responsibility of counsel to their parties. Notice of the filing of the Motion shall be given to the party who is represented by the attorney seeking to withdraw and to opposing counsel and the parties to whom notice is given shall be reflected on the written certificate of service attached to the Motion. Agreed Orders allowing counsel to withdraw must have all counsel signatures and the signature of the party whose counsel is withdrawing. Upon withdrawal of counsel or upon order of substitution of counsel, the Clerk is directed to remove/add the appropriate attorney as attorney of record.

### **3.03 CONDUCT OF COUNSEL DURING TRIAL OR VOIR DIRE**

During the trial and voir dire, 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 ever be addressed individually by first name. Counsel may not ask questions during voir dire that are included on any juror questionnaire except for follow up questions regarding the juror's answer.

### **3.04 CONTACT WITH THE COURT**

During the pendency of actions, contact regarding the action ordinarily should be made with the Court only during hearings and conferences established by Court Order or appearances otherwise set by both parties. Counsel may email the Judge's judicial assistant to schedule matters, but when doing so shall include counsel for all parties and any unrepresented party on all communications.

## **RULE 4.**

### **4.01 FILING AND SERVICE OF PAPERS**

All pleadings and motions shall be filed with the Clerk. Judgments and Orders (including proposed Judgments and Orders) may be submitted to the Clerk of the Court or submitted directly to the Judge's judicial assistant via email or United States Mail.

### **4.02 FORM OF PLEADINGS**

- (A) All pleadings shall contain a caption and designation as provided by Rule 10.01 Tenn. R. Civ. P. In addition, all complaints, petitions and motions shall, in the designation thereof, contain a short statement of the relief sought or the nature of the matter contained therein.
- (B) All pleadings, addressed to the court, shall be in the following form, to wit: In the Circuit Court of Tennessee for the Twenty-Fifth Judicial District at (Ripley, Covington, Somerville, Bolivar, or Selmer).
- (D) All pleadings shall conform to the requirements of Rules 7, 8, 9, 10 and 11, Tenn. R. Civ. P. Any nonconforming pleading may, upon motion of an attorney, or by the court *sua sponte*, be stricken. Pleadings are requested to be on letter size paper (8 1/2 x 11). However, no pleading shall be refused because of the size of the paper.

### **4.03 CERTIFICATE OF SERVICE**

After suit is commenced, all papers required to be served on a party by any person except the Clerk shall contain an attached certificate of service that recites the name and address of each person served and the date and method of service.

In *ex parte* matters, copies of motions and other papers shall be mailed to interested parties or otherwise served pursuant to Rule 5, Tenn. R. Civ. P. Such documents shall contain a certificate of service that includes the name and address of the interested parties served, the date of service and method of service.

#### **4.04 SIGNATURE OF COUNSEL**

All pleadings, briefs, orders and other papers submitted to the Court for consideration shall be personally signed by at least one attorney of record, in his/her individual name and will show the style and number of the case, the general nature of the pleading filed, the name, street address, the telephone number of the attorney filing the pleading, the attorney's Tennessee Supreme Court Registration Number and the email address of the attorney.

## **PART A: RULES FOR CIVIL CASES**

### **RULE 5. SCHEDULING OF CASES**

#### **5.01 SETTING CASES FOR TRIAL**

- (A) All cases shall be set for trial in one of the following ways:
  - 1. By obtaining dates from the Trial Judge's office and entering an agreed order which sets out the date, time, place, and duration of the trial;
  - 2. By motion and notice of hearing to set for trial; or
  - 3. By the Court with notice to all parties.
- (B) Generally, cases will not be given a trial date unless all discovery, including expert discovery, has been completed.
- (C) Appeals from the General Sessions Court, the Juvenile Court, or from various Municipal courts in the district will be set by the Clerk, upon consulting with the Judge presiding over the Court.

#### **5.02 PRE-TRIAL CONFERENCES IN JURY CASES**

- (A) The Court will conduct pre-trial conferences upon request of the parties or when good cause exists-. The purpose of such conferences will be to limit the issues if possible and resolve any matters pending that could cause a delay.

- (B) At the pre-trial conference, counsel who will conduct the trial or co-counsel with full knowledge of the case and authority to bind such party by stipulation shall be present.

## **RULE 6. PRE-TRIAL BRIEFS**

Trial briefs are required in every trial, unless excused by the Court, and shall be emailed to the Judge's Judicial Assistant and copied to adverse counsel, no later than forty-five (45) calendar days prior to trial. Trial briefs shall be filed with the Clerk. Trial briefs should contain the following:

1. A concise factual statement of his or her client's claim and/or defense(s), including specification of all damages claimed, if any;
2. A list of names and addresses of all non-expert witnesses who are expected to testify at the trial of the cause (commonly known as a "will or may call list of witnesses");
3. A list of names and addresses of all expert witnesses expected to testify at the trial of the cause and a summary of the testimony the expert is expected to provide;
4. A list of proposed exhibits;
5. A list of proposed pattern jury instructions and separate special instructions to be requested;
6. A list of all pre-trial motions and motions in limine that need to be ruled upon;
7. A proposed verdict form; and
8. Stipulations as to any matter of fact or law about which there is no issue.

## **RULE 7. TRIAL EXHIBITS**

In cases filed in Circuit Court, after the entry of the final order, the Clerk will retain exhibits for a period of one year. If at the expiration of one year no appellate action is pending, the Clerk may notify counsel that the Clerk plans to destroy the exhibits, and the attorney who introduced it may withdraw the exhibit. Exhibits which are not withdrawn are then held for a period of thirty (30) days after notice is given, and then may be destroyed by the Clerk. This rule shall also apply to depositions, which are not marked as Exhibits, but only made a part of the technical record.

## **RULE 8. MOTION PRACTICE**

### **8.01 SCHEDULE OF MOTION HEARINGS**

Counsel setting a motion shall first consult with the judge's judicial assistant and the opposing counsel, or opposing party, to determine a mutually agreeable day and time for hearing.

To schedule a hearing on a motion, the parties should contact the judge's judicial assistant. All motions where oral presentations are sought will be set on a designated motion day. Motions that cannot be concluded within forty-five (45) minutes should not be set on motion days, except upon direction of the Court. Except as otherwise provided herein and except as leave is granted by the Court, all motions shall be filed at least five (5) judicial days prior to the hearing.

Where counsel setting a motion seeks to confer on a date and time and receives no response from opposing counsel or opposing party within two (2) Judicial Days, counsel may file the motion with a notice of hearing on any date provided by the Judge's Judicial Assistant.

#### **8.02 CONTENT OF MOTIONS AND SUBMITTING TO THE COURT**

All motions shall cite the Tennessee Rules of Civil Procedure and any relevant statute or case law upon which counsel relies. Copies of motions, memoranda, notices of hearing, and any responsive pleadings filed with the Court that require a hearing shall also be emailed to the Judge's judicial assistant at the time the motion is set for hearing.

#### **8.03 STRIKING OR POSTPONING MOTIONS**

- (A) After a motion has been docketed, it may be stricken upon the agreement of all parties, or the moving party may strike the motion. When the motion is stricken without agreement, the party opposing the motion may move the Court for fees and costs. Counsel for the moving party shall immediately contact the Judge's office/judicial assistant to advise the motion is stricken and file a notice of same with the Clerk prior to the date the motion is set for hearing.
- (B) After a motion has been docketed, it may be continued or postponed upon the agreement of all counsel or parties without consent of the Court. Neither party may unilaterally continue a motion hearing; however, where there is no agreement, the parties may seek leave of Court.

#### **8.05 MOTIONS FOR SUMMARY JUDGMENT and MOTIONS TO DISMISS**

- (A) Motions for Summary Judgment and Motions to Dismiss must be scheduled to be heard at least sixty (60) days prior to the scheduled trial date, unless the Court orders otherwise.
- (B) Any responses, replies, statement of undisputed facts, replies to statements of undisputed facts, or other additional filings pertaining to a Motion for Summary Judgment or a Motion to Dismiss shall be filed at least five (5) Judicial Days prior to the scheduled hearing on



the motion. However, if the non-moving party has asserted additional facts in accordance with Tennessee Rules of Civil Procedure Rule 56.03, the moving party shall be allowed to respond to these additional facts by filing a reply statement in the manner and form as specified in TCRP 56.03 at least three (3) Judicial Days prior to the scheduled hearing on the motion.

#### **8.06 PRE-TRIAL MOTIONS**

- (A) Pursuant to Rules 7.02 and 11 of the Tennessee Rules of Civil Procedure, all pretrial motions shall be in writing and signed by the attorney or pro se litigant with a certificate of service to all other parties or their counsel. Motions shall also conform with Rule 6.04 and Rule 6.05 of the Tennessee Rules of Civil Procedure and any other applicable rule and must state specifically the authority relied on for said motion.
- (B) In cases where a Jury has been demanded, all Pre-Trial Motions shall be heard at a Pre-Trial Conference, unless otherwise allowed by the Court.
- (C) All motions, other than a Motion for Summary Judgment or a Motion to Dismiss, shall be heard at least ten (10) days prior to trial of the cause.

#### **RULE 9. ORDERS/COMPETING ORDERS**

In all civil cases, within ten (10) judicial days after the Court announces a decision, the attorney for the prevailing litigant shall submit to the Clerk an Order containing the ruling of the Court. Prevailing counsel shall also simultaneously serve a copy on opposing counsel (or pro se litigant). Such orders shall be lodged with the Clerk for ten (10) Judicial Days to afford opposing counsel an opportunity to object. Absent an objection, upon presentation by the Clerk to the Court, the order will be entered. Civil orders submitted must be entered in accordance with provision of Rule 58 of the *Tennessee Rules of Civil Procedure*. Where an order is lodged and signed by all parties and/or their counsel, the Court will enter such order upon presentation, without the necessity for holding such order for ten (10) Judicial Days. In the event all parties are unrepresented by counsel, the trial Court shall direct the Clerk to prepare an Order or the Court shall prepare the Order.

Objections to Orders must be filed with ten (10) Judicial Days. A party objecting to an order shall submit an alternative (competing) order to the Court for consideration and identify specific objections to the original proposed order. Upon receipt of an objection and alternative order, the Court shall either enter the original proposed order, the alternative proposed order, the Court's own order, or set the matter for hearing.

## **RULE 10. JURY TRIALS**

### **10.01 JUROR QUESTIONNAIRES**

At the beginning of his or her service, each prospective juror will complete a questionnaire that will be available to counsel at all times in the respective Clerk's offices.

### **10.02 ALTERNATE JURORS**

Alternate jurors shall be determined prior to commencing deliberations and shall be selected at random.

### **10.03 CONTINUANCE ON MOTIONS AND CONTINUANCE OF JURY TRIALS**

Jury Trials shall only be continued by leave of the Court after a hearing on a written Motion to Continue. Jury Trials shall not be continued by an Agreed Order.

### **10.04 JUROR QUESTIONS**

The Court has the discretion to allow jurors to ask questions pursuant to Rule 43A of the Rules of Civil Procedure.

## **RULE 11. DISCOVERY IN CIVIL CASES**

### **11.01 FILING REQUIRED ONLY FOR USE BY COURT**

Interrogatories, Requests for Admissions or Production of Documents or other discovery material need not be filed with the Clerk unless and until it is to be considered by the Court for some specific purpose. A party shall, however, file a Notice of Service of Written Discovery and a Notice of Service of Responses to Written Discovery with the Clerk upon service to opposing counsel of the discovery or responses.

### **11.02 NUMBER OF INTERROGATORIES**

No party shall serve any other party more than (30) single question interrogatories, including subparts, without leave of Court. Parties seeking to serve a greater number of interrogatories may do so with leave of Court. Any motion seeking permission to serve additional interrogatories shall contain the proposed interrogatories and shall be accompanied by a memorandum establishing good cause for such service. If a party is served with more than thirty (30) interrogatories without an order of the Court, he or she shall respond only to the first thirty (30) in the manner provided by the *Tennessee Rules of Civil Procedure*.

### **11.03 MOTIONS REGARDING DISCOVERY ISSUES**

- (A) The Court shall refuse to rule on any motion related to discovery, including a motion to compel for failure to timely respond, unless the motion contains a statement which certifies the lawyer for the moving party, or the moving party when said party is *pro se*, has, prior to the motion being filed, conferred with opposing counsel, or party, in writing, in a good faith effort to resolve the matters alleged in the motion and that the effort has not been successful. Such a good faith effort shall be evidenced by a writing from the moving party to the non-moving party describing the alleged deficiencies in discovery and shall include the date for delivery of discovery responses requested.
- (B) When a Motion to Compel Answers to Interrogatories or Motion to Compel Production of Documents or other Exhibits is filed, counsel shall file the Interrogatories or Requests for Production of Documents for which answers are sought as an exhibit to the motion. Evidence of the good faith effort to resolve the motion should also be attached as an Exhibit. Where the opposing party has not been diligent in submitting responses, attorney fees may be awarded.

## **RULE 12. MISCELLANEOUS**

### **12.01 MEDIATION**

Upon agreement of the parties, a successful motion, or upon order of the Court, any matter may be referred to a Mediator for a potential resolution of the issues in that cause. Either party may request a Tenn. S. Ct. Rule 31 mediator to conduct the mediation, or the Court may *sua sponte* require it, but ordinarily a Rule 31 certified mediator is not required.

### **12.02 DISMISSAL FOR FAILURE TO PROSECUTE**

Whenever a cause has remained on the docket for twelve (12) months or more without steps being taken by the plaintiff to dispose of the cause, the opposing parties shall be entitled, upon motion with service to all parties, to request the court for a dismissal of the cause with prejudice at plaintiff's costs. Also, the Court may dismiss any dormant case on its own motion. Should the Court dismiss any dormant case upon its own motion, the dismissal is without prejudice unless otherwise specified.

### **12.03 MEDIA**

The photographing, recording, broadcasting, or televising of any judicial proceeding is controlled by the media guidelines and rules set forth in Tennessee Supreme Court Rule 30. This rule is hereby incorporated by reference.

#### **12.04 AUDIO-VISUAL RECORDINGS**

- (A) Audio-Visual Recordings. The Clerk may record court proceedings (using any audio or audio-visual recording medium) for purposes of a court's judicial and/or administrative deliberation process. Unless otherwise ordered by the affected court, no court will utilize such recordings as the official record on appeal, nor shall any court be required to maintain an exhibit list and trial log with respect to such recordings. The Clerk shall not file or certify such recordings as part of the record on appeal unless directed to do so by the court from which appeal is taken.
- (B) Access to Audio-Visual Recordings. No one except Judges and full-time court staff shall have access to audio or audio-visual recordings made pursuant to the above subsection (a), absent written authorization from the affected Judge. Pursuant to Tennessee Supreme Court rule 34(2)(C), such recordings are not public records and shall not be open for inspection by members of the public.

#### **12.05 APPOINTMENT OF A SPECIAL MASTER**

The Circuit Courts of the Twenty-Fifth Judicial District hereby authorize the use of Special Master's pursuant to T.C.A. § 17-2-123.

## **PART B: RULES FOR CRIMINAL CASES**

### **RULE 13. PETIT AND GRAND JURIES AND CRIMINAL PROCEDURE**

#### **13.01 SELECTION OF GRAND AND PETIT JURIES**

Unless otherwise determined by the Presiding Judge, Grand Juries are to be empaneled as follows:

- Fayette County – March, July, and November
- Hardeman County -- January, May, and September
- Lauderdale County –February, June, and October
- McNairy County –February, June, and October
- Tipton County - March, July, and November

The Grand Jury shall consist of twelve qualified jurors, the Grand Jury Foreperson, and enough qualified alternates to serve in this capacity for the period of that Grand Jury.

### **13.02 PROCEDURE AFTER INDICTMENT**

- (A) All felony and misdemeanor cases having been the subject of indictment will be arraigned pursuant to the docket schedule of the judicial division that is assigned the case. The Court will be available for settlements, criminal motions, sentencing hearings, and other necessary criminal matters as time may permit.
- (B) All criminal cases will be set for trial pursuant to a Pre-Trial Order, which will be filed when the defendant is arraigned. The Pre-Trial Order will contain a trial setting, as well as other pertinent dates to effectuate the timely resolution of issues. The Pre-Trial Order will also contain a date by which the parties may negotiate a settlement of the matter. The Court, for good cause shown, or *sua sponte* of its own accord, may extend the period in which to file motions or to reach a negotiated settlement.

### **13.03 PLEA DAYS**

Plea days for both felonies and misdemeanors may take place on or before the Mandatory Appearance Date set by the Court in the Pre-Trial Order, or at a date scheduled after the Mandatory Appearance Date but before the trial date. No plea shall be accepted that is not announced on the Mandatory Appearance Date other than to the indicted charge(s) unless good cause can be shown otherwise and at the discretion of the Judge. Furthermore, if a plea is scheduled and the case is removed from the trial calendar and the defendant refuses to accept the plea on the plea date, the Court may revoke the defendant's bond unless the State has altered the plea deal.

### **RULE 14. PROCEDURE IN CRIMINAL CASES BOUND OVER OR APPEALED FROM COURTS HAVING GENERAL SESSIONS JURISDICTION**

Felony cases and misdemeanor cases that are not resolved in General Sessions Court will be bound over to the Grand Jury following either a preliminary hearing or by written waiver. If the Grand Jury fails to act on the case of a defendant in custody that has been bound over to the Circuit Court at its next regular session, the District Attorney General's Office shall notify the Court that the individual is being held unindicted, and the Court may appoint counsel to represent the individual. All special requests for extraordinary interlocutory relief in unindicted and unassigned cases awaiting Grand Jury action shall be presented to the Judge where the case will eventually be assigned. The District Attorney must be given at least five (5) judicial days' notice regarding any motions filed concerning any unindicted individual who is being held.

### **RULE 15. REQUESTS TO WITHDRAW AS COUNSEL**

Any attorney making an appearance in a Circuit Court criminal matter will not be relieved, absent a conflict or other good cause shown. A defendant's failure to maintain

contact with defense counsel and/or failure to pay any negotiated fee to the attorney shall not be grounds to be relieved from representation of a defendant.

## **RULE 16. DISCOVERY IN CRIMINAL CASES**

In all criminal matters, the parties are required to follow the provisions of Rule 16 of the Tennessee Rules of Criminal Procedure, the same being incorporated by reference as if included here verbatim.

## **RULE 17. MOTIONS PRIOR TO TRIAL**

### **17.01 PRE-TRIAL MOTIONS**

All pre-trial motions, except motions regarding discovery under Tenn. R. Crim. P. Rule 16, shall be filed pursuant to the scheduling order that the Court sets out. All pre-trial motions shall be accompanied by a memorandum and shall include the certification required by Tenn. R. Crim. P. Rule 49. Copies of motions filed with the Court that require a hearing shall also be emailed to the Judge's office/judicial assistant at the time the motion is set for hearing, along with any memoranda and notices of hearing.

### **17.02 MOTIONS IN LIMINE**

Motions *in limine* shall be filed at least ten (10) Judicial Days prior to the trial unless otherwise ordered by the Court and must be heard before the trial date, absent a showing of good cause or by Order of the Court.

### **17.03 MOTIONS FOR MENTAL EVALUATION**

If counsel discovers a reasonable basis to believe his or her client was incompetent at the time of the offense or is incompetent to assist in his or her defense, this fact is to be made known immediately to the Court by written motion seeking a mental evaluation. A certificate of service to opposing counsel is required with the filing of this Motion.

### **17.04 MOTIONS FOR JUROR QUESTIONS**

The Court has the discretion to allow jurors to ask questions pursuant to Rule 24.1 of the Rules of Criminal Procedure, but counsel should file any request for juror questions at least ten (10) Judicial Days prior to trial.

## **RULE 18. BAIL BONDS**

### **18.01 GENERAL**

These Rules shall be applicable in all Courts in the 25th Judicial District of Tennessee exercising criminal jurisdiction. Bail bonds may be made in any of the following ways:

- (A) a qualified approved professional bondsman;
- (B) a cash bond;
- (C) a property bond.

#### **18.02 PETITIONS FOR APPROVAL OF NEW COMPANY**

(A) Petitions for initial approval as a bonding company shall be made and filed only on a semi-annual basis and shall be filed on or before January 15 and July 15 of each year with the Fayette County Circuit Court. FAILURE TO COMPLY WITH THESE REQUIREMENTS WILL PREVENT APPROVAL. PETITIONS FILED AFTER THE CUTOFF DATE WILL NOT BE CONSIDERED or heard until the next approval date.

(B) Petitions containing errors are deemed to not have been timely filed, and will be considered only on the next approval date, including errors discovered after acceptance by the Clerk.

(C) Any changes, modifications or additions to a Bonding Company's name, ownership, corporate status, or agents as submitted in the original petition must be submitted in writing and approved by the Court, with such MODIFICATIONS only being allowed to be made in January and July of each year.

(D) New agents for Bonding Companies shall only be added upon written motion filed on a semi-annual basis and will only be added in January and July each year before the Fayette County Circuit Court.

(E) Agents to be removed from a Bonding Company may be removed at any regularly scheduled Court date, upon written motion filed in Fayette County Circuit Court, only.

#### **18.03 COLLATERAL AND BOND LIMITATIONS**

(A) All bonding companies APPROVED must deposit a minimum of \$75,000.000 cash with the Clerk's Office for the Clerk to hold in an interest-bearing account. This applies to all bonding companies whether insurance or money backed. All insurance-backed bonding companies must also supply insurance verification, which consists of proof of insurance and that the company is in compliance with all insurance requirements.

(B) All bonding companies must deposit \$5,000.00 cash or use pledged collateral with the Clerk's Office for the Clerk to hold in an interest-bearing account for each bonding agent that writes bonds, other than the owner(s), for their company.

(C) The deposited cash or pledged collateral shall not be withdrawn or applied to satisfy a Final Forfeiture of Judgment without proper notice to the Professional Bondsman and opportunity to be heard. Withdrawal will be permitted upon the termination of business and all bail bonds paid or exonerated.

(D) A company operating on posted security may write total bail bonds up to fifteen (15) times the amount of the security. Security is defined as the total amount of cash on deposit with the Circuit Court Clerk. Any company utilizing insurance companies and having posted the minimum cash deposit may be entitled to write total bail bonds up to twenty (20) times the amount of the security posted with the Circuit Court Clerk's Office.

(E) When a bonding company has active written bail bonds in excess of the approved limits, the Clerk shall notify the bonding company by certified mail. The bonding company shall have thirty (30) days from date of notice to make additional security with the Clerk. If the bonding company fails to comply by making the additional security with the Clerk, the Clerk shall notify the Court, and an Order will be entered suspending bonding privileges.

(F) No bonding company shall make a single bond of more than \$200,000.000 on any defendant for any single crime/warrant/indictment/presentment without prior approval of the Court that set the bond. If a bonding company has set limits on their agent to amounts less than \$200,000.00, then that is a matter solely resolved between the bonding company and the agent.

#### **18.04 FORFEITURES**

(A) A bonding company shall not be allowed total forfeitures evidenced by Conditional and/or Final Judgments that exceed more than 100% of the cash or pledged collateral posted with the Clerk. If this amount is exceeded by the bonding company, then the Clerk shall notify the bonding company, allowing the bonding company thirty (30) days to rectify this violation.

(B) Upon any bonding company receiving an ORDER OF FINAL FORFEITURE, all bonding privileges of that bonding company shall be suspended until such Order of Final Forfeiture is satisfied by payment in full to the Clerk. The bonding company has thirty (30) days from the date of the Final Forfeiture to satisfy payment in full.

#### **18.05 REQUIREMENTS OF QUALIFIED COMPANIES AND BAIL AGENTS**

(A) All bondsmen or agents must comply with all statutory requirements regarding professional bondsmen within the state of Tennessee. This includes compliance with T.C.A. 40-11-317, and completed criminal background checks, prior to being approved by the Court.



(B) All new bonding companies and agents must have a letter of good standing from all the surrounding counties in which they are approved to write bonds. The letter should also inform our Clerk's Office if they have any outstanding Conditional or Final Forfeitures and if their bonding privileges have been suspended.

(C) All bondsmen or agents must submit to random drug screens as requested by the Court, and cost of screens shall be paid by the bonding company.

(D) A bondsman or agent may only have a financial interest in one bonding company.

#### **18.06 REPORTS AND REQUIRED RECORDS**

Pursuant to T.C.A. 40-11-303, all bonding companies shall supply a semi-annual report to the Clerk's Office with proof of insurance with a current date and a certificate of compliance attached to the report. An educational certificate for that calendar year shall be attached for each agent, pursuant to T.C.A. § 40-11-401.


#### **18.07 COMPLAINTS AGAINST BONDING COMPANIES OR AGENTS**


Any complaints filed against bonding companies and/or agents must be in writing, signed and notarized, and filed with the Fayette County Circuit Court Clerk. Said complaint must include address and phone numbers of complainant. The Judge presiding over that term of Court will review said complaint and determine whether there exists just cause for a hearing. If a hearing is held, all parties will be notified in writing by the Clerk of the Court regarding the hearing date.

#### **18.08 AMENDMENTS**

These rules may be amended from time to time. The Clerk will notify all approved bonding companies as to any amendments. Upon receipt of notice, all bonding companies will comply with said amendments.

#### **THESE RULES HAVE BEEN ADOPTED AND APPROVED BY THE FOLLOWING:**

  
\_\_\_\_\_  
JUDGE J. WEBER MCCRAW

  
\_\_\_\_\_  
JUDGE A. BLAKE NEILL

September 29, 2025  
Date

September 29, 2025  
Date