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RULES OF THE COURT

IN THE GENERAL SESSIONS CIVIL COURTS OF SHELBY COUNTY

RULES OF PRACTICE AND PROCEDURES

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- RULE 1** Copies of these rules shall be made available in the office of the Clerk of General Sessions Court, Room 106, Shelby County Courthouse. All amendments to these rules shall be filed with the clerk.
- RULE 2** All written pleadings, orders and judgments shall be on legal-size paper and backed with the style of the cause. Each attorney, whether for the plaintiff or defendant, shall place his/her name, telephone number and Tennessee Board of Professional Responsibility registration number on the jacket and on all pleadings of each case in which he/she is an attorney.
- RULE 3** All summons filed with the Clerk shall be in duplicate and the deputy sheriff serving the summons shall fix the date and hour the case will be set for trial and deliver a copy of the summons to the defendant when personal service of process is required.

RULE 4 All motions to set installment payments and to stay execution by garnishment will be heard no less than five (5) days following their filing. All such motions must be completed in duplicate by the defendant or defendant's attorney, signed by the defendant and notarized before filing with the clerk. The clerk will mail a copy of the motion to the other party, advising of the date of hearing.

RULE 5 All consent judgments must be in writing, bear the date of execution and be signed by the parties to be bound, unless:

(a) The party against whom the judgment is to be entered, or the party's attorney, if represented, is present in court.

Or

(b) The announcement is made in open court by the attorney for the plaintiff or defendant where both parties are represented by counsel.

RULE 6 At the first setting of a case, a continuance shall be granted as a matter of right to any party appearing and requesting same. After the first setting of a case, no case shall be continued except for legal cause shown or by consent of all parties. When a case is dismissed without a trial for want of prosecution, said dismissal shall be without prejudice to either party's right to bring it again.

RULE 7 A litigant, unless representing himself, must be represented by an attorney-at-law who holds a Tennessee law license. Out-of-state attorneys who are not licensed in this state, must associate local counsel in order to practice in this court. The name, address and Board of Professional Responsibility registration number of the local associated counsel must be shown on all pleadings filed in this court. Local associated counsel must actively participate in any litigation in which he is so associated.

RULE 8 Each division of this court shall have a deputy sheriff and a deputy clerk in attendance at all times while it is in session unless excused by the court.

RULE 9 Divisions I through VI of the Shelby County Court of General Sessions shall convene at 10:00 A.M., adjourn for lunch at 12:30 P.M., reconvene at 1:30 P.M. and adjourn at 4:30 P.M.

RULE 10 The clerk of this court shall post the entire daily calendar for all divisions in a prominent place in the clerk's office or adjacent thereto; and shall also post each division's daily calendar adjacent to the courtroom in which the cases are to be heard.

RULE 11 The following standards of courtroom decorum and procedure

shall be maintained:

- (a) All judges shall wear judicial robes during sessions of their courts, except when, in the discretion of a judge, a matter before a court is of such a nature as justifies an informal hearing.
- (b) All persons in a courtroom shall stand while the court is being opened and while the court is being adjourned.
- (c) All persons shall rise at all times when addressing the court.
- (d) All persons shall remove top coats, hats or raincoats upon entering a courtroom.
- (e) All orders, judgments and decrees shall be passed to the court through court attendants, and lawyers may not approach the bench from the bar except when directed by the judges.
- (f) Smoking will not be permitted in any courtroom.
- (g) All lawyers and court attendants must be appropriately dressed.
- (h) Upon a judge entering a courtroom preparatory to formal opening of court, the sheriff shall call the courtroom to order, directing all in attendance upon court to stand, and, upon being so instructed by the court, will open court in substantially the manner following:

"Hear Ye! Hear Ye! This honorable court is now open for the transaction of business pursuant to adjournment; all persons having business before this court draw near, give attention, and ye shall be heard. Be seated, please."

Thereupon, the judge will take his seat upon the bench and those in the courtroom will be seated.
- (i) Upon a judge instructing the sheriff to adjourn court for the day, the sheriff will direct all in attendance upon court to stand, as will the judge, and will adjourn court in substantially the manner following.

"This court will now stand adjourned until tomorrow morning at ____ o'clock (or until a day certain)."
- (j) Sheriffs in attendance upon courts will be charged with the responsibility of requiring compliance with these standards of courtroom decorum.

RULE 12

In an effort to facilitate the trial of contested matters in the General Sessions Civil Divisions, contested cases shall be referred to the General Sessions Civil Division Court Coordinator for trial in the next available division of court. The oldest cases, based on the filing date, shall be assigned for trial in the first available division of court.

RULE 13

Litigants seeking immediate possession of personal property under Tenn. Code Ann. Section 29-30-106(1)(B) in actions to recover property must include an affidavit setting out the

specific facts justifying extraordinary relief.

RULE 14

(a) Cases that have been dropped from the court's calendar may be placed back on the calendar at any time by

- (1)** consent of all the parties (evidenced in writing by any unrepresented parties) and approval by a judge

Or

- (2)** by filing with the General Sessions Clerk a "Notice of Case Setting" Said notice shall give the party(s) being notified of the setting a minimum of two(2) weeks notice. Said notice shall be signed by the party requesting the setting or by that party's attorney.

(b) The "Notice of Case Setting" shall be in the form as set out in Appendix.

RULE 15

(a) Actions filed pursuant to T.C.A. Section 20-12-127 and 20-12-130(a) must be filed with an accompanying "Affidavit of Indigency".

(b) The "Affidavit of Indigency" shall be in the form set out in Appendix

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