

IN THE CHANCERY COURT FOR THE TWENTY-FIFTH JUDICIAL DISTRICT,
INCLUDING TIPTON, LAUDERDALE, FAYETTE, HARDEMAN AND MCNAIRY

LOCAL RULES
REVISED 2014

PREAMBLE

Pursuant to the provisions of Tennessee Code Annotated, section 16-2-501 et. seq., Rule 18 of the Tennessee Supreme Court (2004), and the inherent authority of the Courts, the following Rules are hereby adopted.

RULE 1: APPLICABILITY

Section 1.01 Applicable Courts

These rules apply to the Chancery Court of Tipton, Lauderdale, Fayette, Hardeman and McNairy Counties. Subject to such exception as are stated herein, these rules shall supplement the Tennessee Rules of Civil Procedure in the Chancery Court for the Twenty-Fifth Judicial District of Tennessee. Where these Rules are in conflict with the Rules of Civil Procedure those rules will prevail. All former Rules of Local Practice, except as re-adopted herein, are repealed.

Section 1.02 Construction, Suspension of Rules

These Rules shall be construed to secure simplicity in Procedure, fairness in administration, and elimination of unjustifiable expense and delay. They shall be construed to secure the just, speedy, and inexpensive determination of every action.

Any of these Rules may be suspended or varied in exceptional cases when the Court determines that equity and justice so require.

RULE 2: TIMES AND SESSIONS OF COURT

Section 2.01 Sessions of Court

All Courts: The Court shall be considered available for regular sessions continuously.

Tipton County Chancery: The Chancery Court of Tipton County shall have regular sessions on Monday and Thursday of each week, respectively.

Lauderdale County Chancery: The Chancery Court of Lauderdale County shall have regular sessions on Tuesday of each week.

Fayette County Chancery: The Chancery Court of Fayette County shall have regular sessions on Thursday of each week.

Hardeman County Chancery: The Chancery Court of Hardeman County shall have regular sessions on Wednesday of each week.

McNairy County Chancery: The Chancery Court of McNairy County shall have regular sessions on Monday as the caseload dictates.

Section 2.02 Times of Sessions

Court shall convene at 9:00 a.m. or at such times as the Court directs. Because of the Court's docket at Western State Mental Institute, Court times in Hardeman County are subject to change when the Court is hearing its docket at Western Mental Health Institute.

Section 2.03 Prohibited Practices

Smoking, chewing tobacco, drinking beverages, eating and using profanity in the courtroom are prohibited.

Section 2.04 Courtroom Attire

Counsel, witnesses and litigants shall be appropriately dressed and male counsel shall wear jacket and tie. Inappropriately dressed persons may, at the discretion of the Court and/or Court personnel, be excluded from the proceedings.

Section 2.05 Conduct of Counseling

During trial, counsel shall avoid the use of first names of witnesses, jurors and opposing counsel. In the absence of a bailiff, as an officer of the Court, counsel shall advise all present in the courtroom to rise when the Judge enters. Counsel shall stand while examining witnesses, making objections, and presenting arguments to the Court.

Section 2.06 Contacting the Judge

Neither counsel nor any party to a pending action shall contact the Judge except in open court or by letter, a copy of which shall be sent to opposing counsel. The following shall be considered exceptions to this rule: (1) emergency situations, (2) applications for injunctive relief or ex parte orders, or (3) setting a date for hearing.

RULE 3: DISCOVERY – CIVIL CASES

Section 3.01 Elimination of Filing Requirements

Depositions, interrogatories, request for documents, request for admissions and answers and responses thereto shall not be filed unless ordered by the Court or required for actual use in a proceeding. Attorneys instead shall file a notice of service of the submission of discovery requests or responses thereto with the Court.

Section 3.02 Interrogatories

Written interrogatories, including sub-questions, shall not exceed fifty (50) in number without the express written permission of the Court.

Section 3.03 Discovery Disputes

To curtail undue delay, the Court will refuse to rule on any motion for discovery unless moving counsel shall first file with the Court at the time of filing of the motion, a statement certifying that he/she has conferred with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised and that counsel have not been able to do so. If counsel for any party advises the Court in writing that any opposing counsel has refused or delayed a discussion of the problems covered in this subsection, the Court may take such action as is appropriate to avoid delay.

RULE 4: MOTIONS IN CIVIL CASES

Section 4.01: Motion and Responses

Every motion which may require the resolution of an issue of law and every motion or response in which legal authority is relied upon shall be accompanied by a memorandum of law and facts in support thereof. In all cases involving motions under TRCP 12 or 56, a copy of the motion, memorandum, 56.03 statement of material facts (if applicable), the appropriate excerpts from depositions or hearing transcripts, and any other pleadings and documents (or excerpts from such documents) relief upon or necessary or useful to the Court in ruling on the motion shall be provided directly to the Judge who will hear the motion, sufficiently in advance of the hearing to permit the Judge a reasonable opportunity to appropriately review them. Counsel providing documents to the Judge shall copy all opposing counsel or unrepresented parties with such documents.

Section 4.02: Setting Civil Motions for Hearings

(A) It is the responsibility of counsel upon filing a motion to first confer with opposing counsel and the Clerk and Master of each respective county to secure a mutually agreeable time for hearing. Upon failure to agree, moving counsel shall give formal notice of a hearing date secured from the Clerk and Master. Any date must be confirmed with the Clerk and Master.

(B) Motions may also be set upon the Court's own motion by notice to counsel.

Section 4.03: Motions for New Trial or to Alter or Amend Judgments

All motions for a new trial or to alter or amend a judgment must be heard within thirty (30) days of filing. It is the responsibility of counsel filing the motion to secure a timely court date pursuant to Rule 4.02.

RULE 5: SETTLEMENTS

Section 5.01: Notifications

Whenever a case is settled or dismissed, it is the duty of counsel to notify the Clerk and Master, court secretary, Chancellor and all witnesses immediately.

Section 5.02: Presentation of Settlements

Proposed worker's compensation and minors' settlements shall be heard during any regular session of Court.

RULE 6: SETTING CIVIL CASES FOR TRIAL

Section 6.01:

Except as otherwise provided in Section 6.04 below, Civil cases shall be set for trial in one of the following ways:

1. Uncontested matters and motions can be set during any regular session of the Court.
2. For matters reasonably expected to take three (3) hours or less :
 - a) by agreement of counsel with a date secured from the Clerk and Master and confirmed by the Clerk and Master; or
 - b) by motion of counsel; or
 - c) by the Court with notice to counsel.
3. For matters reasonably expected to take four (4) or more hours, counsel shall set the case for a status conference during the Court's regular session.

Section 6.02: Motion to Set

If at any time counsel for any party feels that a certain case is ready for trial and if counsel is not able to reach an agreement on a trial date with other counsel of record, counsel may file a Motion to Set. Said motion shall contain a notice of the time and place for hearing the Motion to Set.

Section 6.03: 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;
3. settlement has been attempted, or mediation has been completed;
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.

Section 6.04: Setting of Contested Divorce Cases

Should mediation be unsuccessful in resolving the parties' disputes, counsel shall set the matter for review by the Court at a status conference prior to scheduling a trial date. Counsel shall certify that the following proposals have been submitted to opposing counsel at least ten (10) days before the date set for the status conference and ***shall file a copy with the Court for review at the status conference:***

1. Whether the client wishes a divorce, a legal separation, to remain married or to allow the other spouse to obtain one of the foregoing;
2. Whether the grounds can be stipulated to avoid proof (Tenn. Code Ann. §36-4-129).
3. Additionally, the following information shall be provided:
 - a) The names and ages of any children of the parties.
 - b) The name of the children whose custody is sought.
 - c) The nature of the visitation sought: (e.g. "reasonable" or specific). If specific, the details thereof.
 - d) The amount of child support sought.
 - e) Proposed disposition of the home.
 - f) Fair market value of home and amount of mortgage.
 - g) Proposed disposition of any other real property and their values.
 - h) Proposed division of debts.
 - i) Specific items of personalty sought, and their values.
 - j) The amount and type of alimony sought (*in solido*, etc.)
 - k) The amount of attorney's fees sought.
 - l) A list of all exhibits sought to be introduced at trial.

Section 6.05 Parenting Certificate

No hearing for divorce, contested or uncontested, shall be set until the parties have attended the required parenting class as evidenced by a filed certificate of completion.

Section 6.06 Out-of-District Divorces

The Court will hear out-of-district divorces on the grounds of irreconcilable differences as long as the parties have no minor children. Out-of-district contested divorces or uncontested divorces involving minor children shall not be filed except in exceptional circumstances and only with prior Court approval.

RULE 7: CONTINUANCES

Section 7.01 General Rules

Continuances are looked upon with disfavor by the Court. Notwithstanding, the Court understands that the need for a continuance may arise through unforeseen circumstances. However, lack of preparation shall NOT be grounds for a continuance. The Court desires to hear from all counsel simultaneously regarding requests for continuance.

Section 7.02: Absence of Material Witness

The absence of a witness shall not be grounds for a continuance unless a subpoena was issued at least seven (7) days prior to trial for a witness within the county and fourteen (14) days for out-of-county witnesses.

RULE 8: PRE-TRIAL/STATUS CONFERENCE

Section 8.01: A pre-trial/status conference shall be held for each case in which the Court determines a conference would be beneficial.

Section 8.02: Each party appearing in the action shall be represented at the pre-trial/status conference by counsel who will conduct the trial, or by co-counsel with full knowledge of the case and with the authority to bind such party by stipulation. Unrepresented parties shall appear at the pre-trial/status conference.

Section 8.03: In the event of the failure of a party or parties to appear pursuant to the pre-trial order of the Court, the Court shall take appropriate action, which may include proceeding with either the entry of an order of dismissal, or in the alternative, allowing a party to proceed by default in accordance with Rule 55 of the Tennessee Rules of Civil Procedure.

RULE 9: DORMANT CASES

To expedite cases, the Court may take reasonable measures to purge the docket of all cases where the cases have been dormant for an extended time without cause shown. Cases pending for more than twelve (12) months 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 dormant 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. Such dismissal shall be without prejudice to refiling.

RULE 10: WITHDRAWAL OF EXHIBITS

After the final determination of any action, counsel shall have thirty (30) days within which to withdraw exhibits filed. In the event the exhibits are not so withdrawn, the Clerk may destroy or otherwise dispose of such exhibits without further notice to the parties or counsel.

**RULE 11: PREPARATION AND SUBMISSION OF ORDERS
AND JUDGMENTS IN CIVIL CASES**

Unless the Court directs otherwise, attorneys for prevailing parties will prepare orders for entry by the Court. All proposed orders must be submitted to the Chancellor within fifteen (15) days following the day on which the ruling is made by the Court. Unless the order is approved by all counsel, the order shall contain an appropriate certificate of service to either opposing counsel or party, if not represented, with notice stating that the order is being filed pursuant to this Rule 11.

In the instance where the approval of all attorneys of record is not obtained, orders that are presented to the Chancellor containing only the signature of the attorney preparing same will not be entered immediately, but will be held by the Court for **seven (7) days**. If the Chancellor receives no objection within the **seven (7) day period**, the judgment or decree will be entered. When attorneys disagree as to the terms of an order, each should prepare a proposed order and submit same to the Chancellor, either for his or her action thereon, or for the setting of a hearing to resolve the disagreement.

RULE 12: CASES/ISSUES TAKEN UNDER ADVISEMENT

It is the practice of the Chancellors to rule as quickly as possible on pending matters and avoid taking cases under advisement. There are instances, however; when this occurs: If the court takes a matter under advisement and no decision is issued within sixty (60) days from the hearing date, the attorneys are authorized to contact the court in accordance with these rules to inquire as to the status.

RULE 13: REQUESTS FOR ATTORNEY FEES

When the amount of an attorney fee or the award thereof is an issue, an attorney shall file an affidavit setting forth or incorporating a detailed statement itemizing the services rendered, the amount of time expended, and a suggested fee. Counsel should familiarize him/herself with the applicable Rules of Professional Conduct provisions in order to respond to any questions the Court may have regarding the award of a fee. Percentage fees, unless compliant with applicable Supreme Court rules, will not be allowed.

RULE 14: COURT FILES

Court files shall not be checked out or removed from the Clerk's office without permission of the Chancellors.

These Local Rules of Court for the Twenty-Fifth Judicial District are hereby adopted and shall take effect on November 1, 2014.

MARTHA B. BRASFIELD
CHANCELLOR

WILLIAM C. COLE
CHANCELLOR