

**LOCAL RULES OF PRACTICE
GENERAL SESSIONS COURT
CIVIL & CRIMINAL
TIPTON COUNTY, TENNESSEE**

Effective September 1, 2024

FILED

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IN THE GENERAL SESSIONS COURT FOR TIPTON COUNTY, TENNESSEE

LOCAL RULES OF PRACTICE

2024

PREFACE

Pursuant to the provisions of the *Tennessee Code Annotated*, §§ 16-15-406 and 16-15-714 et seq., and inherent powers of the Courts, the following Rules are hereby adopted.

RULE 1

SCOPE and CONSTRUCTION OF THE RULES
DEFINITIONS OF TERMS

1.01 SCOPE OF THE RULES

Each rule is applicable to all General Sessions Court matters, whether civil or criminal, unless otherwise specified by the rule. The purpose of these rules is to facilitate the just determination of every proceeding in this Court by securing consistency, simplicity in procedure, impartiality and fairness in administration, while eliminating unjustifiable expense and delay.

Any of these rules enacted herein may be waived or modified by special order of the Court when in the Court's opinion such waiver or modification is necessary for the administration of justice.

1.02 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 General Sessions Court for Tipton County, Tennessee. These Rules shall be cited as *Rule* ____ *Local Rules of Practice, Tipton County General Sessions Court*.

1.03 DEFINITION OF TERMS

- A) Within these Rules, the term "Clerk" shall refer to the Clerk of the General Sessions Court.
- B) Within these Rules, the term "Judicial Days" in Tipton County cases shall refer to days when the Tipton County General Sessions Clerk's office in Covington is open for business. The date of filing shall not be included in the calculation of days.

RULE 2

GENERAL RULES APPLICABLE TO ALL CASES

2.01 RULES OF PROFESSIONAL CONDUCT

The ethical standards for the practice and the administration of law in General Sessions Court shall be governed by the *Tennessee Court Rules Annotated, Rules of the Supreme Court*, and Rule 8, “Rules of Professional Conduct.”

2.02 COURTROOM DECORUM AND TIMELINESS

A. Every person appearing in this Court is charged with knowledge of these rules. Failure of an attorney or pro se litigant to have knowledge of these rules will not constitute grounds for waiver of these rules.

B. Any negotiations regarding cases set on the Court’s Docket shall take place prior to the commencement of the Docket or outside the courtroom while Court is in session.

C. At the opening of each session of Court, everyone shall rise and remain standing until the court officer formally opens court. The area within the bar is reserved for attorneys, court personnel, officers, and participants in the case immediately before the Court. All other people shall be seated outside the bar. Although the gallery is open to the public, the Court may exclude any persons from the Court if they are found disruptive or as otherwise determined inappropriate for the safety of the Court.

D. The behavior of all participants, attorneys, witnesses, and spectators shall conform to strict standards of decency, dignity, etiquette, and propriety. Everyone shall remove hats and sunglasses before entering the courtroom. Demonstrations, acts of misconduct, loud talking, or any disruption shall not be permitted inside or outside the courtroom.

E. While in the courtroom, all electronic and/or cellular devices must be silenced and shall not be utilized by anyone except attorneys and court personnel, as necessary. No video recording is allowed without a prior order of the Court, which shall be obtained prior to any video recording. Upon notice to the presiding judge, audio recordings are permitted by attorneys, as authorized by T.C.A. § 20-9-104.

Any such devices that disrupt Court proceedings are subject to seizure and confiscation, and any person who is in possession of such a device that disrupts Court proceedings may be held in contempt of Court and sanctioned accordingly.

F. There will be no tobacco products, use of electronic vapor products, chewing gum, eating, or drinking in the courtroom.

G. Attorneys, court attendants, and all persons in the courtroom will be appropriately dressed while in Court attendance. The Court’s Dress Code is attached hereto as Appendix A.

H. The Court Officer or Court Security in attendance in Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct.

I. The General Sessions Court shall have at least two (2) court officers, and one (1) deputy clerk in attendance at all times while Court is in session.

J. All persons entering the Justice Center must proceed through security, are subject to search, and must discard any items that security deems necessary. Attorneys may have to present identification, bar cards, or other information as requested by the security officer. Any such request is in the discretion of the officer.

2.03 OFFICE HOURS AND CONTACT

The Office of the General Sessions Court Clerk shall be open for the regular transaction of business Monday through Friday from 8:00 a.m. until 5:00 p.m., except on non-judicial days which are Saturdays, Sundays, and Tipton County holidays.

All contact with the Court regarding scheduling or other official business shall go through the Court Administrator (Contact Information is attached hereto as Appendix D). Any direct contact with the Judge may be made through his County issued cell phone, which number may be obtained through the Court Administrator at the Court Administrator's discretion. No ex parte communications are allowed unless a specific Rule or statute permits same.

2.04 COURT SESSIONS

There shall be a session of Court daily, except on non-judicial days. Unless otherwise noted, Court hours are 9:00 a.m. until 5:00 p.m. The "Morning Docket" shall take place between 9:00 a.m. and 12:00 p.m. The "Afternoon Docket" shall take place between 1:00 p.m. and 5:00 p.m. Attendees, including attorneys, are expected to be timely. Failure to arrive timely to Court sessions may result in a unilateral resetting of the hearing, or dismissal, in the discretion of the Court.

Effective **September 1, 2024**, Court Sessions shall take place as provided in Appendix B attached hereto.

Effective **January 1, 2025**, Court Sessions shall take place as provided in Appendix C attached hereto.

2.05 SCHEDULING

All special settings shall be scheduled specifically by emailing the Court Administrator (Contact Information is attached hereto as Appendix D).

The requesting party shall include with their request the style of the case, copying any attorneys or third parties on the case, and an estimate of the time required for the setting. The Court Administrator will then confirm the setting with the requesting party via email. Should Counsel discover the case will not be ready for hearing, the Court shall be alerted immediately and a Motion to Continue shall be timely filed, unless all parties confirm they are agreeable to a continuance and the Court approves the same.

2.06 CONFLICTS

Any apparent conflict that may exist between the Judge and a party shall be brought to the Court's attention by oral or written Motion to Recuse pursuant to the requirements set forth in Tenn. Sup. Ct. R. 10B as soon as possible and heard as soon as practicable.

If the Judge agrees a conflict exists and the conflict is not waived, he will not participate in selecting his successor, absent the agreement of all parties, but will request the designation of a judge by the Chief Justice, pursuant to Tenn. Sup. Ct. R. 11, § VII(c)(4), using the designation request form. The Court may seek a substitute judge sua sponte should a conflict be discovered during an ongoing proceeding.

2.07 ATTORNEYS

Attorneys representing litigants must be licensed to practice law in the State of Tennessee pursuant to the Tennessee Court Rules Annotated, Rules of the Supreme Court, Rules 7 & 9, and in good standing with the State Board of Professional Responsibility. Appearances Pro Hac Vice shall be governed by Rule 19 and related rules and regulations.

All attorneys shall note their representation on civil warrants and criminal warrants, and shall appear at the client's designated court time, unless the attorney notifies the Court of his/her whereabouts in writing through the Clerk's office.

Attorneys shall rise and remain standing, if able, when addressing the Court, making a statement, argument, or objection to the Court, or questioning a witness. Attorneys will refrain from addressing opposing counsel directly, but rather direct their statements to the Court or witness. At the commencement of a trial of any matter or hearing on any Motion, counsel shall introduce him/herself to the Court.

Failure of an attorney to timely appear for Court on a case in which the attorney has not been properly relieved may result in a show cause being issued, as well as other remedies available to the Court.

During trial, counsel shall not exhibit familiarity with witnesses or opposing counsel and the use of first names for adults shall be avoided.

Attorneys are subject to the Dress Code found in Appendix A hereto.

Attorneys are expected to be on time for all court matters. Failure to be on time for pending Court matters may result in a unilateral resetting or dismissal. Should the attorney have multiple Courts to appear in during the same block of time, the attorney should check in with the deputy clerk and make arrangements as to timely appearing, prior to Court beginning on the day of Court.

The deputy clerk shall apprise the Court Administrator of the attorney's request. If the Court Administrator determines that the attorney's unavailability will result in undue delay of the

Court's docket, the Court Administrator will notify the attorney and the matter may be reset at the discretion of the Court Administrator.

2.08 FEE DETERMINATION

Any attorney requesting attorney fees must provide a detailed affidavit of the work performed which is to include the factors listed in Rule 8 of the Tennessee Supreme Court Rules of Professional Responsibility. Sec. Rule 1.5: Fees.

2.09 PRO SE REPRESENTATION

Individuals may represent themselves and/or a business that he/she owns, as long as said business is not incorporated. Incorporated businesses and partnerships, including LLCs and LLPs, must be represented by a Tennessee licensed attorney at all court appearances unless the Rules of Civil Procedure or Tennessee law otherwise permit.

2.10 FORM OF PLEADINGS

All pleadings filed or presented to the Court shall be on letter-sized (8½" x 11") paper double spaced with paragraph text fully justified, and otherwise compliant with TN R S CT Rule 36. An original pleading shall be filed in all causes and shall be accompanied by sufficient copies necessary for service upon the parties. Signatures and writing on court documents shall be in blue or black ink.

2.11 MOTIONS

Generally. Motions shall be in writing and cite the rule, statute, or other authority for the relief sought and will be set for hearing on the docket designated by the Clerk. Legal arguments may be heard, and agreements announced when the Court is in session and the motion is set on the docket. If testimony is required, the case may be re-docketed. Briefs and responses may be required at the discretion of the Court.

Schedule and Call. Motions may be heard by special setting by specifically emailing the Court Administrator (Contact Information is attached hereto as Appendix D). Motions may be heard at other times with the consent of the Judge. At the discretion of the Judge, Motions shall be required in writing and must be filed with the Court and served by 4:00 pm at least five (5) business days before the hearing in the matter, or longer as rules may require. Responses to Motions shall be in writing, and shall be filed with the Court at least two (2) business days before the hearing in the matter, or longer as rules may require.

Filing of Briefs or Memoranda of Law. All post-hearing briefs or Memoranda of Law shall be filed with the Judge via the Court Administrator and a copy contemporaneously mailed to the opposing counsel or party. The opposing counsel shall have fifteen (15) calendar days to file a response.

A copy of all motions filed with the Clerk shall be emailed to the Court Administrator (Contact Information is attached hereto as Appendix D), at the time of filing.

2.12 CONTINUANCES

All motions for continuance shall be made as soon as practicable before the trial date and must be approved by the Court. Agreed upon continuances, if approved by the Court, shall be by Order signed by counsel for all parties and/or by all the parties if not represented by counsel and shall specify a new trial date. It is the requesting party's responsibility to notify all parties and witnesses subpoenaed of the continuance and the reset court date. If an agreement cannot be reached to continue the matter, a Motion to Continue shall be filed and a phone conference be scheduled with the Court as soon as practicable.

2.13 SERVICE OF PROCESS, SUBPOENAS, NOTICE

Service of Process. If service of process is effectuated by personal service for an initial setting and the party has represented him/herself to the Court, subsequent notice may be made by mail or in open court. All parties shall appear at all proceedings unless excused by the Court. All service of process shall comply with T.C.A. § 16-15-901, et. seq. or the Tennessee Rules of Civil Procedure, as applicable.

Subpoenas. All subpoenas shall be typed or printed on forms provided by the Court and submitted to the Clerk of the Court and shall otherwise comply with T.C.A. § 16-15-708 or the Tennessee Rules of Civil Procedure, as applicable.

Notice. Notice for all proceedings shall comply with the T.C.A. § 16-15-101, et. seq. or the Tennessee Rules of Civil Procedure, as applicable. Hearings may be scheduled in an expedited fashion for emergency matters by contacting the Court Administrator, but no ex parte order shall be signed that is not set for hearing before the Court within the statutory timeframe.

2.14 CONDUCT OF TRIALS AND HEARINGS

Proceedings in the General Sessions Court shall not be closed hearings, except in those cases where a private hearing may be required by statute or as Ordered by the Court. The Rule of Sequestration may be requested by any party.

Attorneys shall provide copies of all exhibits for the Court and all parties. Failure to present sufficient copies at the time of the hearing may result in a resetting of the hearing or trial.

Attorneys are expected to be on time for all trials and hearings, and to have the requisite witnesses present at the time the hearing or trial begins. Failure of the attorney to arrive timely may result in a unilateral resetting or dismissal.

2.15 ORDERS AND DECREES

Orders shall be prepared by the prevailing party, or another attorney as designated by the Judge. If the parties are pro se, the Judge shall prepare the order.

The order shall be signed by all parties or their counsel or certified pursuant to Rule 58 of the Tennessee Rules of Civil Procedure.

Orders shall be submitted to the Judge's office for review and entry no later than 10 calendar days from the date of the hearing.

If requested by the Court, proposed Orders shall be submitted to the Judge's Office in .PDF format with all required signatures.

2.16 DORMANT CASES

In order to expedite cases, the Court may take reasonable measures to dismiss cases that have not been disposed of or scheduled for hearing within six (6) months of the date of filing, last summons issued or service, whichever is later, unless the petitioner files for relief from this Rule prior to the dismissal. The General Sessions Court Clerk shall notify the parties to a dormant case or their counsel, in writing, of its intent to dismiss the case at issue, and the parties or their counsel shall then have thirty (30) days to file for relief from this Rule prior to the dismissal. This does not preclude the Court from dismissing all other cases for failure to prosecute if Petitioners fail to appear.

2.17 MEDIATION

Parties shall be made aware that Mediation services are available and may be encouraged or ordered by the Court in contested cases.

2.18 ZOOM OR TELEPHONIC PARTICIPATION

Parties shall be made aware that the Court may allow testimony by Zoom, telephonic, or other electronic means upon approval of the Court.

Any party, witness, or third party wishing to appear by Zoom shall request permission from the Court to appear by Zoom by emailing the Court Administrator (Contact Information is attached hereto as Appendix D), as well as any other party/Counsel for another party.

The Court will take these requests into consideration, depending on the type of case, witness, information sought and evidence that may be offered through the witness.

Any evidence that a party intends to introduce via Zoom must be available in digital format so that it may be shared digitally via Zoom. The Court will not find acceptable any exhibits offered to the Court by way of holding them up to the camera.

In the event that a hearing is expected to be contested, or exceed thirty (30) minutes in length, parties are required to attend the hearing in person unless an exception is granted by the Court well in advance of the hearing.

2.19 DETAINDER WARRANTS AND WRITS

All detainer warrants shall include with the filing a copy of the Notice to Vacate that was served on the Respondent unless a waiver of notice of non-payment of rent was included in the parties' lease agreement.

Plaintiffs must bring a copy of the written signed lease agreement, a copy of the Notice provided to the tenant/lessee, and any other evidence they wish the Court to consider to Court on the day of the hearing of the matter, with the requisite copies. Failure to do so may result in the matter being reset or dismissed.

Service of all detainer warrants shall comply with T.C.A. § 29-18-115.

All Writs shall be issued within ten (10) days of a judgment of possession. In the event that a Writ is issued after ten (10) days from a judgment of possession, the issuer of said Writ shall accompany the Writ with a sworn affidavit that no rent has been collected from the tenants since the entry of the judgment or possession OR shall accompany the Writ with a tenant-signed waiver/reservation of rights.

RULE 3

LOCAL RULES REGARDING CIVIL MATTERS

3.01 CALL OF DOCKET AND ENTRY OF JUDGMENTS IN CIVIL CASES

DOCKET CALL

A. Plaintiff represented by attorney: When the Court begins calling the attorney's docket, the attorney is to come forward.

B. Pro Se Plaintiffs will be called after the attorney docket is completed.

SETTLEMENT DISCUSSIONS

All parties and attorneys shall be allowed a brief opportunity and are encouraged to discuss possible settlement of their case prior to their hearing or trial. The Court shall advise those present that a trial will be granted if the parties or the attorneys are not able to agree on a settlement.

POST JUDGMENT INTEREST ABOVE STATUTORY RATE

In all matters when the Plaintiff is requesting post-judgment interest above the statutory rate of ten and one-half percent (10.5%), the Plaintiff shall provide the Court with a copy of the contract prior to entry of judgment which sets out the rate of interest being requested.

3.02 CIVIL CASE DOCKETS

A. Civil cases shall be docketed not less than five (5) days from the date of service of the civil warrant, unless an earlier date is agreed upon by all participants or mandated by law.

B. Civil warrants filed on a pauper's oath shall be accompanied by a completed Affidavit of Indigency, which is available at the Court Clerk's office. The Court may require the affiant to appear and answer questions before ruling on the application.

C. Motions to set installment payments, i.e., slow pay motions on judgments and motions to stay executions of garnishments shall be filed in duplicate by the defendant or defense counsel, signed by the defendant and sworn to before a notary or the Court Clerk.

The hearing will be set not less than five (5) days after the filing date, and a copy of the motion immediately mailed to the adversarial party by the defendant or defense counsel. It is the burden of the defendant to show income and all expenses for the Court to determine a payment plan, if any, which may be paid within a reasonable period of time.

D. Service of process shall be accomplished as soon as possible after receipt of the civil warrant by the serving officer and return made not less than five (5) days before the trial date to the Court Clerk, unless otherwise provided for by law.

3.03 SERVICE OF PROCESS

A. A civil warrant, or any leading process used to initiate an action in General Sessions Court, and subpoenas or summons may be served by any person designated by the party, or the party's attorney, if represented by counsel, who is not a party to the action and is not less than eighteen (18) years of age. Service of other process, post judgment writs, levies, garnishment and executions shall be by the Sheriff, or the Sheriff's designee, as provided by law, or any other service permitted under the Rules of Civil Procedure.

B. The General Sessions Court Clerk shall issue process as provided by law; however, the Clerk shall not knowingly issue process to a process server who has had a felony conviction. The Clerk issuing the process shall note the issue date upon the process. The Clerk shall keep information, to be designated by the Court, for the purpose of contacting all private process servers in the event there is a question about the service.

C. Return shall be made to the Court Clerk not less than five (5) days before the trial date unless otherwise provided by law. Return made less than five (5) days before the trial date will result in the trial date being reset on the civil docket. All signatures shall be accompanied by the printed name. The return shall have as a minimum the following legible annotations:

1. The printed name of the person served. (If possible, the served party should sign the process);
2. Printed names of the persons(s) the server was not able to serve;
3. Date of service;
4. If all required parties were not served, a brief reason for non-service;
5. Court date and time.

D. Return of all Civil Summons or Warrants shall comply with Rule 4.03(1) of the Tennessee Rules of Civil Procedure. Cases that have improper service or an improper return of service may be dismissed sua sponte by the Court.

3.04 CIVIL CASE CONTINUANCES

A. If the plaintiff appears and the defendant fails to appear at the scheduled appearance at the 9:00 a.m. docket or other trial date, the plaintiff's proof will be heard, or submitted by affidavit, and a default judgment entered by the Court.

B. If the defendant appears and the plaintiff fails to appear at the 9:00 a.m. docket or scheduled trial, the case will be dismissed without prejudice, and costs taxed to the plaintiff.

C. If both parties fail to appear for the first setting on the 9:00 a.m. docket, the case shall be continued until the following civil court date; if neither party appears at the second hearing, the case shall be dismissed without prejudice with costs taxed to the plaintiff.

D. When both parties fail to appear for a trial and the Clerk of Court of General Sessions does not receive a request for a continuance from either party, the case shall be dismissed without prejudice, and costs taxed to the plaintiff.

E. Either party may file for the disposition to be set aside, if filed within ten (10) days; however, it is within the discretion of the Court whether to grant said motion.

F. 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 case 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.

3.05 PRETRIAL SETTLEMENT DISCUSSIONS

All attorneys in contested cases are expected to discuss their case with opposing counsel in an amicable and professional manner, and have good faith settlement discussions, in advance of trial. Mediation may be encouraged or ordered when the Court deems it a prudent alternative to a hearing.

3.06 LANGUAGE INTERPRETERS

Pursuant to Supreme Court Rule 42, the appointment of a language interpreter is a matter of judicial discretion. If the Court determines that justice requires an interpreter to be appointed, said appointment and scheduling of the interpreter shall be coordinated with the General Sessions Court Administration Office (Contact Information is attached hereto as Appendix D).

Pursuant to Supreme Court Rule 42, Section 7(a), the costs for the interpreter shall be taxed as a court cost to whichever party the Court deems appropriate. In the event an indigent party is taxed with the court costs, the Court may exercise its discretion to waive said costs.

Cases involving an interpreter will be heard at the beginning of the docket provided the interpreter is prepared for trial.

Foreign language interpreters will be provided for parties involved during criminal in-court proceedings if sufficient notification is made to the Court Administration Office. The Court does not pay for post-adjudication interpretation.

Foreign language interpreters are paid by the Administration Office of the Courts if the defendant is declared indigent by the Court. In the event the defendant is not declared indigent, interpretation is taxed with the court costs. The Court may exercise its discretion to waive said court costs due to indigency.

Interpreters will be present thirty (30) minutes prior to the scheduled court appearance.

3.07 GARNISHMENTS

A. An execution may be issued only on the written garnishment application by the plaintiff, the plaintiff's attorney, or agent of record. Application must:

- (1) Be completed, in full, to be accepted by the Court Clerk;
- (2) Show the amount of the unpaid judgment for each case; and
- (3) Show the interest to be claimed.

B. Garnishments shall be released upon authorization of the Judge.

C. First or subsequent Petitions to Pay by Installments ("slow pay") shall be set for a court hearing to determine good cause. The Court Clerk shall not issue any Stay of Garnishment until the Court determines good cause and approves the Petition to Pay by Installments.

D. Motions to stay executions of garnishments shall be:

- (1) Filled out in duplicate by the defendant or defense counsel;
- (2) Signed by the defendant;
- (3) Sworn before a notary or the Court Clerk before filing;
- (4) May be set for hearing not less than five (5) days after the filing date. The defendant or defense counsel must immediately mail a copy of the motion with the hearing date to the adversary;
- (5) All monies received through garnishments shall be paid to the Clerk of the Court.
- (6) The Clerk of this Court may issue a writ of possession at any time up to sixty (60) days from the date of judgment in an unlawful detainer case. No writ shall issue after sixty (60) days unless ordered by the Court.

RULE 4

LOCAL RULES REGARDING CRIMINAL MATTERS

4.01 DOCKET CALL- Docket call will begin promptly at 9:00 AM.

A. The Court will take up Initial Appearances first. Plea Agreements are to be placed on the bench no later than 10:30 AM and completed as set forth in Rule 4.10. Negotiations

between the District Attorney's Office and defense counsel shall take place outside of the courtroom while Court is in session, and preferably before Court begins.

Plea Agreements will be taken up at 10:30 AM or soon thereafter. Any Plea Agreements not on the bench by 10:30 AM will be taken up during the afternoon docket, if necessary. All Plea Agreements for the afternoon docket shall be placed on the bench no later than 1:00 PM and will be taken up when the Court reconvenes after lunch.

- B. Original warrants shall not be removed from the courtroom while Court is in session. The State and defense counsel are encouraged to obtain a copy of the warrant prior to the court date.
- C. Specific times for all preliminary hearings shall be scheduled with the Court Administrator (Contact Information is attached hereto as Appendix D), prior to Court resuming after the 10:30 AM recess. The District Attorney's representative and the defense attorney or Public Defender's representative shall schedule an approximate time for every preliminary hearing to begin. All attorneys shall notify the Court Administrator of the number of witnesses they intend to call in the matter before the Court, and those witnesses are expected to be timely present for the preliminary hearing.

4.02 SETTING AND CONTINUANCES OF CRIMINAL CASES

General Continuances of a Criminal Case

The District Attorney's representative and the defense attorney or the Public Defender's representative must agree upon a continuance date and notify the Court of this agreement and the reason of the continuance, if the Court so requests. If the attorneys for all parties cannot agree to a continuance, the Court shall be notified of the impasse.

Defense counsel shall not represent to the Court or the District Attorney that their client is present in the courthouse when they are, in fact, not present; or seek a continuance of their client's matter in an effort to conceal their client's failure to appear from the Court. Counsel is encouraged to familiarize themselves with Rule 3.3 of the Rules of Professional Conduct. TN R S CT Rule 8.

Officers Obligation for Docket Call of Criminal Cases

Where an officer is appearing in Court for their regularly scheduled court date, the officer is to remain in the courtroom until all his/her cases are disposed of or officer is granted leave of Court to be excused. At the discretion of the Chief Law Enforcement Officer of an Agency, an agency representative may remain in Court in lieu of the officer if the officer can appear in the courtroom within fifteen (15) minutes of notice.

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

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

Agency to Contact General Sessions Court Administrator as To Scheduling Change

It is the responsibility of each law enforcement agency operating in Tipton County to contact the Court Administrator (Contact Information is attached hereto as Appendix D), when requesting a change as to an officer's regularly scheduled court date.

Agency to Notify General Sessions Court Administrator of Newly Employed Officers

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

4.03 ISSUANCE OF SUBPOENAS IN CRIMINAL CASES

Subpoenas 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 specifically set for a 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 Tipton County other than the Tennessee Highway Patrol.

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

4.04 REQUIREMENTS BEFORE PRETRIAL DIVERSION WILL BE GRANTED

- A. Application for Certification of Eligibility for Diversion;
- B. Certification of Eligibility for Diversion approved by TBI to be provided to the Court for review;
- C. Cost to be paid in advance;
 - 1. All court cost for court appointed attorney; and
 - 2. All restitution.

D. Program Verification

Written proof that any required program(s) has/have been completed.

E. Public Service

Written proof that any required public service work has been completed.

4.05 EXPUNGEMENT OF CRIMINAL CASES

Expungement of Dismissed Criminal Cases

All Orders for the Expungement of Criminal Offenses 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.

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.

Certification of Compliance and/or Payment

All Orders for the Expungement of Criminal Offense are to have attached a CERTIFICATION OF COMPLIANCE AND/OR PAYMENT confirming that Defendant has complied with conditions 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.

4.06 CRIMINAL CASE DOCKETS

A. All defendants have the duty to:

(1) Know when they are scheduled to appear in court and appear no later than 9:00 AM;

(2) Appear at each hearing, trial setting, subsequent settings, report back dates or as otherwise ordered by the Court;

(3) Be physically present during each hearing or trial unless:

a. Waived in advance by the defendant in writing;

b. Ordered by the Court.

B. Failure to appear as set forth above may constitute Failure to Appear and/or contempt of court and may constitute a separate criminal offense.

C. All defendants shall behave in an orderly, dignified manner. Failure to do so may result in the removal of the defendant from the courtroom pursuant to the *Tennessee Court Rules Annotated, Rules of Criminal Procedure*, Rule 43.

4.07 CRIMINAL CASE CONTINUANCES

- A. The first time a case is set for hearing it may be continued for good cause within the sound discretion of the Judge, upon defendant's request in open court, unless excepted by the Judge for good cause. The second or subsequent time it is set for hearing it will be continued only for compelling reasons. The following are NOT deemed compelling reasons, but may be considered within the discretion of the judge:
 - (1) The client has not paid the fee;
 - (2) The client has not been to see the attorney;
 - (3) Lack of preparation;
- B. Only the Judge may grant continuances. It is the responsibility of the requesting party to notify opposing counsel of said continuance in advance so that witnesses may be notified as soon as possible.
- C. Unless good cause is shown, all cases shall be disposed of within 120 days.

4.08 COMPLIANCE DOCKET

- A. The Court may place criminal cases on a Compliance Review Docket after pronouncing judgment, if:
 - (1) The defendant does not immediately pay into the Court Clerk's Office all fines levied and court costs accessed and due in full;
 - (2) The defendant has been ordered into treatment, to make restitution, or must complete a program or school as a condition of probation;
 - (3) The defendant has been placed on supervised probation; or
 - (4) At the Court's discretion.
- B. If the defendant has been found by the Court to have a present financial inability to pay, in full, all fines and costs due, the Court may order the defendant to set up a payment plan with the Clerk's Office with full payment by a date certain. Defendants who fail to pay fines will have driving privileges revoked as provided by law. Additionally, the failure of a defendant to make monthly payments or complete any other condition of probation as ordered may result in the defendant's probation being revoked and/or continued.
- C. If a defendant fails to appear at a compliance review, the Court may issue a probation violation warrant and the defendant may be criminally charged for Failure to Appear.

4.09 SUBPOENAS

- A. Unless otherwise ordered by the Court, subpoenas shall be issued not less than seven (7) days prior to the trial date in all civil cases and criminal cases.
- B. Unless otherwise ordered by the Court, it is the duty of the respective parties to subpoena their witnesses. Failure of subpoenaed witnesses to appear may be grounds for a

continuance and a Show Cause may be issued ordering said witnesses to appear on the next court appearance and/or face contempt of court.

4.10 PLEA AGREEMENTS

All plea agreements shall be accompanied by a written plea agreement which may consist of the original warrant with the appropriate language reflecting the disposition of the case. All plea agreements shall be signed by the Defendant. This rule shall not apply to C misdemeanors.

Defense counsel or the assistant District Attorney, if the defendant has waived counsel, is responsible for announcing the plea agreement to the Court prior to the Court taking the plea.

All defendants entering a plea are required to make said plea under oath and demonstrate to the Court that they are competent to enter a plea; are not under the influence of alcohol or other substance; and are entering the plea knowingly and voluntarily.

4.11 BAIL BOND

A. All bail issues shall be in conformity with the “Release from Custody and Bail Reform Act of 1978” and all amendments thereto.

B. Any *capias* issued pursuant to a forfeiture, whether conditional or final, shall remain in effect until the defendant is apprehended and returned to custody and a disposition is made of the case.

C. Bondsmen shall be released from their obligation under the Bail Bond Reform Act pursuant to T.C.A. §40-11-138 and T.C.A. §40-11-130.

D. Bondsmen shall be released if the defendant has fled to a state that will not extradite or if it is a case in which Tennessee will not proceed with extradition.

E. Bonding companies which are incorporated must be represented by an attorney, except as provided by T.C.A. §40-11-137(b)(3).

F. Any surrender of a defendant by a bonding company shall be in compliance with T.C.A. §40-11-130 through T.C.A. §40-11-138.

4.12 BOND HEARINGS

The Court will make every effort to have the Public Defender or a member of the defense bar present at the time of an inmate’s arraignment and initial bond hearing before the Judge for inmates who do not make bond upon arrest. This limited appointment will be for the purposes of representing the Defendant for bond only unless the Court subsequently appoints the Public Defender or private attorney for indigent representation.

Bond hearings will be set Monday through Friday when General Sessions Court is in session. The hearings may occur in the morning or afternoon depending on the Court’s docket. The Court Administrator will make every effort to notify the Public Defender’s Office one hour

prior to Arraignments and Bond hearings to allow an attorney from the Public Defender's Office to be present.

4.13 FORFEITURE/PROPERTY SEIZURE WARRANTS

Pursuant to T.C.A. §40-33-204, Probable Cause Hearings for the issuance of Forfeiture Property Seizure Warrant will be heard in General Sessions Court and will be recorded. Said recording will be filed and maintained by the General Sessions Court Clerk. A certified copy of the recording shall be made available upon request of any party and shall be admissible as evidence.

4.14 RESTRICTED DRIVER'S LICENSE

All requests for issuance of a restricted driver's license shall be heard by the Judge. All paperwork and files relating to restricted driver's licenses shall be maintained in the General Sessions Court Clerk's office.

RULE 5

GENERAL MISCELLANEOUS RULES

5.01 MEDIA COVERAGE

Pursuant to Tennessee Supreme Court Rule 30, the following procedures have been adopted by the General Sessions Court for Tipton County in order to facilitate the media coverage contemplated by the rules.

A. Requests for Media Coverage

Media requests for coverage of a particular proceeding (other than print media) shall be made in writing to the Judge and Clerk of Court not later than 3:30 PM on the third business day before the event to be covered. The Clerk shall immediately notify all counsel of record of the request for coverage. The Judge shall determine, what, if any, media coverage is allowed.

B. Operation of Equipment

All equipment shall be operated in a manner suited to best afford the Court to administer justice absent interruption. If media is employed which hampers the administration of justice in a meaningful way, it shall be required to be removed. All equipment requiring installation shall be installed before the Court commences the proceeding to be covered. All photographic equipment shall be situated so as to produce the point of view of the audience. Under no circumstances, unless expressly permitted by the Judge, are any cameras, still or otherwise, to be taken beyond the Bar of the Court.

C. Courtroom Decorum

All media personnel will conduct themselves quietly and respectfully in the courtroom. In the event the Judge orders that a particular witness or other not be photographed, or that one or more cameras be turned off, said order will be followed without debate. Arguing with the Judge, as well as disobeying the Judge, will constitute grounds for terminating any or all photography of the proceeding.

D. Incorporation of Tennessee Supreme Court Rule 30

In all remaining aspects, media coverage of courtroom proceedings shall be governed by the letter and intent of Tennessee Supreme Court Rule 30.

5.02 EX PARTE DISCUSSIONS

Excepting emergency removals in juvenile cases, and scheduling issues in all types of cases, there shall be no ex parte discussions with the Judge regarding any cases pending before the Court. Attorneys are free, at any time, to schedule a conference with the Judge to discuss personal or any other matters and are invited to do so.

5.03 MARRIAGE CEREMONIES

As of January 2, 2024, and it lying firmly within the discretion of the General Sessions Judge whether to officiate marriage ceremonies, Judge M.O. Eckel, III has chosen not to officiate marriage ceremonies.

These Local Rules of Practice of the General Sessions Court of Tipton County, Tennessee, are hereby adopted and entered on the minutes of the Court on this the 25th day of July 2024.



M.O. Eckel, III
Tipton County
General Sessions Court Judge

APPENDIX A

Dress Code Notice

All persons appearing before the Court shall be appropriately dressed and are required to show deference to the Court in both appearance and demeanor.

Appropriate dress includes but is not limited to the following:

Business casual attire similar to what one would wear to a job interview, which necessitates the following:

- No shorts;
- Pants shall be pulled up to the waist;
- No underwear shall be visible;
- No mesh shirts;
- No bare midriffs; no skin shall be visible between the shirt and the pants or skirt;
- No low-cut tops; no sleeveless tops or dresses, unless worn with jacket;
- No Spandex;
- No lounge wear;
- No slogans on the seat of the pants;
- No sandals, flipflops, house shoes, or overly casual footwear;
- No sunglasses;
- No head coverings (except for religious head coverings);
- No gang-related or gang-inspired clothing, coloring, accessories, or hairstyles;
- No clothing depicting profanity, alcohol, or illicit drugs.

APPENDIX B

IN THE GENERAL SESSIONS AND JUVENILE COURTS
OF TIPTON COUNTY, TENNESSEE

Effective **September 1, 2024**, the Court Schedule will be as follows:

ALL COURTS BEGIN AT 9 A.M. UNLESS UPON SPECIAL SETTING

Court Schedule

MONDAY

Juvenile
Recovery Court*
Special Settings^

TUESDAY

Criminal
Traffic**

WEDNESDAY

Juvenile

THURSDAY

Civil

FRIDAY

Criminal

Juvenile and Recovery Courts will be in session on the first and third Mondays of each month, unless changed due to holidays or other pertinent circumstances. See the Court's calendar for specific dates.

*Recovery Court will begin at **2:30 pm**.

Traffic Court – Tuesday evenings **5:30 pm – 8:30 pm.

^ All special settings must be calendared through the office of the Judge.

APPENDIX C

Effective **January 1, 2025**, the Court Schedule will be as follows:

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Juvenile D&N/Custody Recovery Court* (1st&3rd)	Night Traffic Court [†] Criminal	Civil Special Settings [^]	Criminal	Juvenile Justice [±] (1st&3rd)

* Recovery Court will begin at 3:00 pm and will be in session on the first and third Mondays of each month, unless changed due to holidays or other pertinent circumstances. See the Court’s calendar for specific dates.

[†] Night Traffic Court – Tuesday evenings 5:30 pm – 8:30 pm.

[^] All special settings must be calendared through the office of the Judge.

[±] Juvenile Justice Court will be in session on the first and third Fridays of each month, unless changed due to holidays or other pertinent circumstances. See the Court’s calendar for specific dates.

Unless otherwise noted above or upon special setting, all Courts begin promptly at 9:00 A.M.

APPENDIX D

Contact Information

Court Administrator

Mr. Scottie Delashmit

(901) 634-0217

scdelashmit@tiptonco.com

General Sessions Court Clerk

(901) 475-3310

Fax (901) 475-3318