

LOCAL RULES OF PRACTICE
FOR THE
23RD JUDICIAL DISTRICT

Applicable in the Circuit and Chancery
Courts

of

Cheatham, Dickson, Houston,
Humphreys and Stewart Counties

During the Term of
2022-2030

23rd Judicial District Local Rules of Practice

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INTRODUCTION

The 23rd Judicial District as presently established embraces the counties of Cheatham, Dickson, Houston, Humphreys and Stewart. All Judges of the 23rd Judicial District have full civil and criminal jurisdiction therein and are assigned areas of responsibility by the Presiding Judge. The Presiding Judge is elected yearly within the four Divisions.

The local rules of the 23rd Judicial District are established to set out local procedures which are not inconsistent with, and not adequately covered by, statutes, cases, Tennessee Rules of Civil Procedure, Tennessee Rules of Criminal Procedure, Tennessee Rules of Evidence, and the Code of Professional Responsibility. All former rules of local practice are abrogated except as re-adopted herein.

Courts:

Each county within the District has courts of Chancery that include Civil and Probate matters, and Circuit including Civil and Criminal matters.

Clerks:

Each county within the District has a Circuit Court Clerk and a Clerk and Master with powers and duties prescribed by statute for such offices generally. The Clerks are expected to perform all of the acts, including the issuance of writs of attachment and fixing the bonds therefore, which the Clerks are authorized to perform under the applicable statutes. As used in these Rules, "CLERK" includes the Circuit Court Clerk and/or the Chancery Clerk and Master.

The Clerk and Masters of Cheatham, Dickson, Houston, Humphreys and Stewart counties have the authority to exercise the powers set forth in Tenn. Code Ann. § 16-16-201(b). Any action taken by the Clerk and Master shall be subject to review by the Chancellor by simple motion, petition or the filing of exceptions as may be appropriate.

Judges:

The 23rd Judicial District has four Divisions of Circuit Court Judges. The Circuit Court Judge serves as Chancellor in Chancery Court.

Division I:	The Honorable David Wolfe
Division II:	The Honorable Larry Wallace
Division III:	The Honorable Suzanne Lockert-Mash
Division IV:	The Honorable Joshua C. Turnbow

Recognized Holidays:

The 23rd Judicial District recognizes the following years Holidays:

- January 1st - New Years' Day Observance
- Martin Luther King, Jr. Day
- Presidents' Day
- Good Friday
- Memorial Day
- July 4th - Fourth of July
- Labor Day

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- Columbus Day
- Veterans' Day
- Thanksgiving Day and Friday Following
- December 24th and 25th - Christmas Eve and Christmas Day

In the event that a scheduled court day falls on a Holiday, the day shall be passed to either the day after or in some cases, the day before. Please check with the Clerk for verification.

Grand Juries:

Cheatham County: Impaneled in January, May and September. Meets the first Monday of January, March, May, July, September, and November.

Dickson County: Grand Jury meets the first Tuesday of each month. The Grand Jury Panel serves three months. One panel serves January, February, and March. Next panel serves April, May, and June. Next panel serves July, August, and September. The last panel serves October, November, and December. Judge Lockert-Mash will pick the Grand Jury Panel for April, May, and June. Judge Wallace will pick the Grand Jury Panel for July, August, and September. Judge Wolfe will pick the panel for October, November, and December. Judge Turnbow picks the Grand Jury Panel for January, February, and March.

Houston County: Impaneled the third Monday in April, August and December. Meets February, April, June, August, October and December.

Humphreys County: Impaneled the first Monday in April, August and December and meets the first Monday in February, April, June, August, October and December.

Stewart County: Impaneled the first Monday in January, May and September and meets the first Monday in January, March, May, July, September, and November.

Sessions of Court/Court Scheduling:

The 23RD Judicial District has a circuit of counties. Each county has a session of court and is assigned given months out of the year to cover Criminal and Chancery Courts. The current sessions rotate as follows:

23rd Judicial District Term of Court Rotation 2025-2030

	Division I – Wolfe	Division II – Wallace	Division III – Lockert-Mash	Division IV - Turnbow
January	Dickson	Stewart/Houston	Cheatham	Humphreys
February	Humphreys	Dickson	Stewart/Houston	Cheatham
March	Cheatham	Humphreys	Dickson	Stewart/Houston
April	Stewart/Houston	Cheatham	Humphreys	Dickson
May	Dickson	Stewart/Houston	Cheatham	Humphreys
June	Humphreys	Dickson	Stewart/Houston	Cheatham
July	Cheatham	Humphreys	Dickson	Stewart/Houston
August	Stewart/Houston	Cheatham	Humphreys	Dickson
September	Dickson	Stewart/Houston	Cheatham	Humphreys

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October	Humphreys	Dickson	Stewart/Houston	Cheatham
November	Cheatham	Humphreys	Dickson	Stewart/Houston
December	Stewart/Houston	Cheatham	Humphreys	Dickson

Houston County Session will be the third and fourth weeks of the month.

Criminal/Circuit Days:

Each county has a designated docket call/arraignment day, criminal motion day, plea day, violation of probation/community corrections day, and a civil motion day. Each Division has designated docket days that may be obtained through the Circuit Court Clerk's office. Trials will be scheduled upon compliance with these Local Rules.

Chancery Days:

Each county will be given the approximate number of Chancery days every term:

Cheatham - three (3) to five (5)

Dickson - three (3) to five (5)

Houston - one (1) to two (2)

Humphreys – three (3) to four (4)

Stewart – one (1) to two (2)

However, based on the Judge's schedule the number of days may vary. During the off months a county may have scheduled Chancery to cover various emergency motions, petitions, and other cases.

LOCAL RULES

GENERAL - RULE 1

RULE 1: PURPOSE AND APPLICABILITY

- 1.01. **Purpose-** It is the intent of these rules to establish local procedures for the Twenty-Third Judicial District which are not inconsistent with, and not adequately covered by statutes, cases, Rules of Civil Procedure, Rules of Criminal Procedure, and Rules of Evidence.
- 1.02. **General Rules Not Abrogated** -The Tennessee Rules of Civil, Criminal and Appellate Procedure, of Evidence, and the Codes of Professional Responsibility and Judicial Conduct, will be given full faith and credit.
- 1.03. **Former Rules Abrogated** -All former rules of local practice are abrogated except as re-adopted herein.

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- 1.04. **Suspension of Rules** - Whenever the Court determines that justice requires it, the Court may suspend any of the foregoing local rules.

LOCAL CIVIL RULES - RULES 2 THROUGH 15

RULE 2: FILING AND SERVING OF PAPERS

- 2.01. **Filing with the Clerk**-All pleadings, motions, proposed judgments and orders shall be filed with or submitted to the Clerk. Briefs, as set out under Local Rule 7.03, shall be filed with the Clerk with a copy to the Judge scheduled to hear the motion or trial ten (10) days prior to the date of the motion or trial.
- 2.02. **Certificate of Service** -All papers must contain a certificate of service to opposing parties/counsel which must contain the date of service, the name of the person or person served, address where served, and the method of service. The Clerk may refuse to file papers not having a certificate which complies with these rules and all applicable rules of Civil, Criminal or Appellate Procedure.

RULE 3: SETTING, CONTINUANCES, AND MEDIATION OF CIVIL CASES

- 3.01. **Setting of Non-Jury Trials** - Except for Chancery days which may be set by the Clerk & Master, cases shall be set for bench trial in one of the following ways:
- (a) By agreement of counsel;
 - (b) By motion; or
 - (c) By the Court with subsequent notice to counsel.
- Non-jury trials which are anticipated to require two (2) hours or less may be set by agreed order on the regularly scheduled non-jury days. Cases requiring longer than two (2) hours may be set by agreement after consultation with the Judge's Office. All motions to set and orders setting a case for trial will include a statement of how long the attorney anticipates the case will take for trial.
- 3.02. **Certifying Cases To Set for Non-Jury Trial**-When a case is set by agreement or by motion without objection, all counsel are certifying that they, their clients, and their necessary witnesses will be available for trial on that trial date, and all discovery has been completed prior to the selected trial date.
- 3.03. **Setting of Jury Trials**- Chancery and Circuit civil trials requiring a jury shall be scheduled with the secretary of the judge.
- 3.04. **Certifying Cases To Set for Jury Trial** - Chancery and Circuit civil jury trials will require a filing of a Certificate of Readiness certifying completion of mediation and all pre-trial matters, including but not limited to the completion of discovery, depositions, motions for summary judgment, etc., prior to being scheduled on the trial calendar.
- 3.05. **Deadline for Trial Preparation** - Where a case is set by the Court or by motion over the objection of one or more of the parties, the Court will specify a reasonable time with which discovery is to be completed and specify a trial date which falls at least fifteen (15) days thereafter. The failure to have completed discovery, inability to take a deposition, or failure to have completed any other trial preparation will not be grounds for a continuance.
- 3.06. **Mediation** - All civil cases, except for General Sessions Appeals, to be set for trial will require proof of mediation before a case is set, proof of payment of any and all Court ordered mediation services shall be filed with the Clerk. The Court may, upon its discretion, order mediation on a

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General Sessions appeal. Waiver of mediation may be requested by motion.

- 3.07. **Special Master** - Before a case is set for trial, proof of payment of any and all Court ordered special master services shall be filed with the Clerk. If a party refuses to pay their Court ordered share of the expenses, the case may be set for trial and the Court reserves the right to assess any unpaid fees in the final judgment.
- 3.08. **Continuances**
- (a) Cases may be continued only by leave of the Court.
 - (b) Motions for continuance must be supported by sworn affidavit, unless waived by the Court.
 - (c) An agreement to continue may be allowed without an affidavit with leave of the Court.
 - (d) Absence of a witness will not be grounds for a continuance unless a subpoena has been issued for that witness, as provided for by the Rules of Procedure affecting the case, more than ten (10) days prior to the date of trial.
 - (e) Motions set for hearing may be continued only by agreed order between parties with notice to the Clerk.
 - (f) Trials set for hearing may be continued only by agreed order between parties by resetting the trial and by leave of the Court.
- 3.09. **Setting Out of County**- Venue may be waived by agreement of all parties to have a case heard out of county, but within the district, pending approval of the Judge. Out of county cases will be scheduled after the regularly scheduled docket or may be specially set. Civil jury trials may not be set out of county.

RULE 4: GENERAL SESSIONS APPEALS IN CIVIL CASES

- 4.01. **General Sessions Appeals** - Will be placed upon the docket for the following Civil Motion day for the purpose of obtaining a trial date by the judge.

RULE 5: MOTIONS IN CIVIL CASES

- 5.01. **Motions**- Motions will be set on scheduled motion days by notice as provided in the Tennessee Rules of Civil Procedure, a minimum of five (5) court days before the scheduled hearing for said motions.
- 5.02. **Motion for New Trial, Judgment N.O.V., Alter or Amend** - Such motions should be accompanied by a citation of authority and written argument which the moving party wishes the Judge to consider. No such motion will be sustained by the Judge without affording the adverse parties an opportunity either to file responsive briefs and written argument or to be heard in oral argument. If one party requests oral argument, both parties shall be given an opportunity to be heard.
- 5.03. **Motion to Compel**-The Court will refuse to rule on any motion related to discovery unless moving counsel files with the Motion a statement which certifies that the lawyer has conferred with opposing counsel in a good faith effort to resolve the discovery dispute and that the effort has not been successful.

RULE 6: PRETRIAL PROCEDURE IN CIVIL CASES

- 6.01. **Pretrial Motions** - Must be filed or scheduled for hearing not later than the Court's last regular motion day before the scheduled trial date. Except for good cause shown, no motions, including motions to exclude testimony, will be heard on the day of trial.

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- 6.02. **Pretrial Requirements-** In all civil actions set for trial on the merits, the following must be submitted no later than then (10) days prior to the trial date:
- (a) The names and addresses of all witnesses shall be furnished to opposing counsel (not applicable to rebuttal witnesses);
 - (b) Copies of all exhibits which are proposed to be offered shall be furnished to opposing counsel. When it is impractical to copy exhibits, the proposed exhibits shall be made available for inspection upon reasonable notice. Exhibits to be used solely in rebuttal are excluded.
- 6.03. **Pretrial Briefs** - In all civil non-jury cases (domestic cases excluded) and all motions for summary judgment, a pre-trial brief along with courtesy copies of any depositions expecting to be entered shall be provided to the Judge no later than ten (10) days prior to trial or date of hearing. Responsive briefs shall be filed within five (5) days. The Judge's copy may be sent by any electronic means available but preferably by email or hand delivery. (This Rule does not alter the requirements of T.R.C.P. 56. It is only intended to provide the judge a copy prior to the hearing and/or trial). The purpose is to reduce the number of cases requiring matters to be taken under advisement by providing the trial judge with all relevant information prior to the trial.
- 6.04. **Interrogatories, Request for Production of Documents or Request for Admissions,** responses, depositions or any other discovery material shall not be filed with the clerk unless and until it is to be used in court or considered by the court for any other purposes. Interrogatories to Parties and Request for Production of Documents shall be limited to fifty (50) each in any given set. Sub-parts of a question shall be counted as additional questions for the purpose of determining the overall number, except that the following types of subparts are not separately counted.
- (1) Identifying and locating persons named.
 - (2) Identifying, valuing and explaining the acquisition of property,
 - (3) Dates, charges and other details of medical services
 - (4) Dates, times, places and witnesses of alleged wrongdoing, misconduct.
 - (5) Sub-parts that are easily and would normally be included within a single interrogatory or request for production merely because numbered or lettered.

Leave of the Court must be obtained to submit additional set(s) of interrogatories and/or request for production of documents beyond the first set. Such requests shall include a statement of counsel as to the necessity of such additional information sought, its necessity, relevance, or its likelihood to lead to relevant information and the fact that it cannot be readily obtained from other sources.

Request for Admissions shall be so arranged so that after each separate request a blank space is provided so that the responding party may insert their response.

If requested by the responding party, submitting party shall provided a copy of the

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Interrogatories, Request for Production of Documents, and/or Request for Admission via a computer generated means. However, formal responses with attachments to any form of discovery must be made in writing and signed in accordance with the Tennessee Rule of Civil Procedure with the original to be provided to the submitting party. Documents provided as responses to discovery may be provided to the submitting party in the form of a computer diskette, jump drive or other tangible mode of providing copies. If documents are provided via computer generated means, each response shall clearly denote the question/inquiry the document is responsive to and shall be categorized, labeled and other wise clearly distinguished as to what the document is responsive to.

- 6.05. **Jury Instructions-** Shall be provided to the Judge fourteen (14) days prior to the scheduled trial. Requests shall be made by reference to T.P.I. (Civil) number. Modification to T.P.I. shall be identified. Special jury instructions not found in T.P.I must be requested in fact. Jury instructions shall be furnished to opposing counsel.

RULE 7: ORDERS AND JUDGMENTS IN CIVIL CASES

- 7.01. **Preparation and Submission** - Unless the court directs otherwise, attorneys for prevailing parties will prepare orders for entry by the court. Orders approved for entry by counsel for all affected parties must be received not more than twenty (20) days following the day on which the ruling is made by the court. If, with ten (10) days following receipt of such an order there has been no proposed order submitted by opposing counsel, the Judge will assume that opposing counsel waives any objection with respect to accuracy and form. If the Clerk has not received an order in a case within thirty (30) days, a show cause shall issue for the next civil motion day. If the order is filed prior to the next civil day, the show cause will be stricken.
- 7.02. **Non-Minute Entry Orders-** Orders not affecting the legal course of an action, such as orders setting a case for trial or acting upon a request for a continuance, may be designated by the Clerk as a non-minute entry order. Such designated order shall be placed in the file of the case but not spread upon the minutes of the Court.
- 7.03. **Court Costs**
- (a) All final judgments shall provide for the taxing of court costs;
 - (b) Whenever it appears to the Clerk that a judgment has been satisfied but court costs have not been paid, the Clerk may apply to the Court for a re-taxing of court costs. The Clerk shall notify the parties of the application and the date and time to be considered by the Court.

RULE 8: PROCEDURES FOR DIVORCES AND CHILD PARENTING HEARINGS

- 8.01. **Filing-All** divorces shall be filed in Chancery Court.
- 8.02. **Temporary Parenting and Support Hearings and Orders**
- (a) **Agreement of Parties-**where the parties with minor children can agree upon temporary parenting and of support arrangements, a Temporary Parenting Plan substantially in the form available at the Administrative Office of the Court's website at www.tncourts.gov, shall be prepared and submitted to the Court. If approved by the Court, the plan will govern the parenting and support arrangements between the parties during the pendency of the divorce action.
 - (b) **Failure of Parties to Reach an Agreement-** if the parties cannot agree upon a Temporary Parenting Plan, the issue may be mediated or brought before the Court on

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motion. At the hearing of this issue, each of the parties to the divorce action shall submit a proposed Temporary Parenting Plan and shall submit an affidavit of income and expenses in the form available at the Administrative Office of the Courts' website at www.tncourts.gov. The Court will either adopt one of the plans submitted, appropriately alter and adopt one of them or may, in the court's discretion, hear additional testimony before determining a Temporary Parenting Plan.

- (c) Parenting plans and income and expense forms will be available in each Clerk's office.
- (d) The first temporary hearing should only be set upon failure of the parties to reach an agreement on temporary matters that must be resolved prior to the Final hearing. Additional temporary hearings will only be set in emergencies.

8.03. **Contested Divorce and Parenting Actions**

- (a) Within ten (10) days of the date of the final hearing of a contested divorce action and/or a parenting plan action, each of the parties shall file and serve upon the adverse party:
 - (1) Their agreed or proposed Permanent Parenting Plan (available at the Administrative Office of the Courts' website at www.tncourts.gov);
 - (2) An Asset and Liability Statement (available at the Administrative Office of the Courts' website at www.tncourts.gov);
 - (3) Their request for relief;
 - (4) Whether they have attempted mediation and, if not, a statement justifying their refusal to mediate;
 - (5) Their certificate of attendance from the parent education seminar.
- (b) Prior to setting a case for trial on divorce and parenting actions, on Motions to Set the Court or Clerk & Master will review and determine:
 - (1) Whether parties have attended the parenting seminar as required by Rule 9.03(a)(S), above;
 - (2) Whether the parties have attempted mediation and, if not, whether a statement has been filed justifying reasons statutory requirements of mediation have not been met;
 - (3) Whether the Court should appoint a special master or Court's expert for the purpose of assisting the Court in determining the value of the assets of the parties; and
 - (4) Whether other orders of the Court might facilitate the proceedings.
- (c) If the Court is satisfied the case is ready for trial the action will be set for a date certain.

8.04. **Non-Contested Divorces and Parenting Actions**

- (a) Non-Contested divorce hearings where the divorce is grounded on irreconcilable differences or is submitted on stipulated grounds, it is not necessary to move for a default judgment provided the facts giving the Court jurisdiction of the parties and the subject matter are recited under oath either in the complaint or by separate affidavit.
 - (1) A defendant who has not filed an answer in a non-contested divorce must specifically waive service of process and the filing of an answer in the marital dissolution agreement or by separate affidavit. The waiver of service must appear on page one (1) of the Marital Dissolution Agreement.
 - (2) Pro Se non-contested divorces will be set on the docket for final entry with a thirty (30) day notice by an agreed order to set by both parties.
- (b) Non-Contested divorces with children must have reached an agreement of parenting

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and submit to the Court a Permanent Parenting Plan in the form available on the Administrative Office of the Courts' website at www.tncourts.gov. Parties to a non-contested divorce action who have minor children may incorporate a permanent parenting plan in the same form into their marital dissolution agreement. A plaintiff with minor children who seeks a divorce after a judgment for default shall submit to the Court a proposed permanent parenting plan in the same form at the final hearing for divorce.

8.05. **Sworn Statement in Divorce Action**

- (a) In all contested divorce actions, both parties shall file a sworn statement of assets, liabilities and sources and amounts of income at least ten (10) days prior to the hearing of the action. A copy of the sworn statement shall be served upon opposing counsel. Sworn financial statements shall include but not be limited to the following:
- (1) A statement of current earnings;
 - (2) A list of specific present assets accumulated during the marriage;
 - (3) Assets owned by each spouse but not accumulated during the marriage; and
 - (4) A list of present liabilities accumulated during the marriage.
- (b) Complaints which include requests for pendent lite relief which are set for hearing shall include a statement of facts justifying the relief sought.
- (c) In divorce hearings, either final or temporary, involving alimony and/or child support issues shall have a property and income and expense statement in the form available at the Administrative Office of the Courts' website at www.tncourts.gov, and as appropriate, shall be filed with the Clerk with copy furnished to opposing counsel. The parties may also include a proposed division of property and indebtednesses.
- (d) A violation of the above may be grounds for a continuance but shall not be grounds for exclusion of the evidence. The party not in compliance may expect sanctions including but not limited to taxing of attorney fees.

8.06. **Effective Date** - The provisions of Rule 9 shall apply to all actions filed after the filing of these Rules.

RULE 9: ADOPTIONS

9.01. **Filing** - All adoption petitions shall be filed in Chancery Court.

9.02. **Adoption by Step-Parents and Relatives** - Cases where the adopting parents are the grandparents, the aunt or uncle or the step-parent of the child or children to be adopted, shall not be set for adjudication by the Clerk until the following documents have been filed:

- (a) The birth certificate or certificates of the child or children;
- (b) A certified copy of the marriage license of the adopting petitioners;
- (c) A certified copy of the final judgment of divorce in the event either of the adopting petitioners have previously thereto been married to another spouse;
- (d) A death certificate if either natural parent be deceased;
- (e) A death certificate if either petitioner's former spouse if said spouse is deceased.

9.03. **Presentation of Testimony** - The testimony of adopting petitioners may be presented in person or, in the event the adopting petitioners are not within the State of Tennessee at the date of adjudication, by interrogatory or deposition.

9.04. **Attendance of Adoptive Child** - The child or children involved in said adoption shall attend the adjudication.

RULE 10: ACCOUNTINGS - RETURN OF SUPPORTING DOCUMENTATION TO FIDUCIARY

10.01. **Accounting**- In connection with any accounting where the fiduciary is required to produce supporting documentation, such as, but not limited to, canceled checks, bank statements, receipts, etc., the Clerk shall have the right, as set forth to return the supporting documentation to the custody of the fiduciary for safekeeping. Such a return of documentation shall not occur until the Clerk has reviewed and approved the accounting and at least thirty (30) days have elapsed from the date the Court approves the accounting and it is recorded.

RULE 11: EXTRAORDINARY INTERLOCUTORY RELIEF

11.01. **Restraining Orders** - Proposed restraining orders shall be prepared by counsel prior to submitting the request for relief to the Court. Except in domestic relations cases, the restraining order shall provide for the setting of a bond as a condition to the entry of the restraining order. The restraining order shall further provide for the setting of a hearing for temporary injunction and shall provide a place thereon for the Court to set a date, time and location for such a hearing. Requests for extraordinary relief must comply in all respects with T.R.C.P. Rule 65, Section 15.02 Hearings. Except for domestic relations cases, all applications for temporary injunctions and other forms of extraordinary interlocutory relief shall be heard upon sworn pleadings or affidavit and/or deposition unless a party, prior to the time of the hearing, requests and obtains permission of the Court for the introduction of oral testimony and so notifies all other counsel of record.

RULE 12: DISMISSAL FOR LACK OF PROSECUTION

12.01. **Dismissal** - Whenever a cause has remained on the rule docket for twelve (12) months or more without activity, either party or the Clerk may move the Court to dismiss the cause for lack of prosecution. After notice is given to all parties, the motion shall be heard by the Court and the Court shall either set the case for hearing or dismiss the case.

RULE 13: INVESTING FUNDS PER COURT ORDER

13.01. **Funds** -The Clerk's office shall invest litigant funds paid into court only if there is a court order directing them to do so. The order should state the name of the financial institution in which the funds are to be invested and the specific type of account to be utilized. At the time of payment or when the order is entered, if later, it shall be the DUTY OF THE ATTORNEY seeking investment of funds to specifically notify the Clerk receiving payment that the funds are to be invested and to provide an IRS form W-9 to the Clerk's bookkeeping department for the party responsible for tax liability.

RULE 14: WORKER'S COMPENSTION CASES

14.01. **Worker's Compensation Cases**- Shall be filed in the Chancery Court.

LOCAL CRIMINAL RULES - RULES 15 THROUGH 24

RULE 15: SETTING CRIMINAL CASES FOR TRIAL

15.01. **Setting Criminal Cases** - Criminal cases will be set for trial:

- (a) On the arraignment date or on the status date;
- (b) On the date set for trial when crowded off the docket by agreement between the District Attorney or Assistant District Attorney and the Defendant and his/her attorney;

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or

- (c) By the court upon motion of either party or on its own motion with a minimum of a five (5) day notice to the respective parties or attorneys.

It is expected that a case where the defendant is charged with a crime of violence involving death or serious bodily injury shall be given priority in scheduling and selection of cases for trial over cases not involving such a charge.

RULE 16: CONTINUANCES

16.01. **Criminal Case Continuances-** Criminal cases will be continued:

- (a) Only with approval of the Court;
- (b) Filed in writing, shall state the reason the continuance is being sought, and unless waived by the court, shall either be sworn to or be supported by sworn affidavit,;
- (c) No agreements to continue a case will be approved unless a date has been agreed upon for resetting the hearing or trial being continued;
- (d) Granted by the court absent an agreement, upon written motion after notice to opposing counsel specifying the time and place a continuance will be sought;
- (e) Absence of a witness will not be grounds for a continuance unless a subpoena has been issued for that witness more than ten (10) days prior to the date of trial;
- (f) Any request for a continuance in a case where the defendant is charged with the crime of violence involving death or serious bodily injury that will cause the trial of the case to be delayed beyond 180 days from the date of the indictment shall be accompanied by a proposed certificate in compliance with Tenn. Code Ann. § 40-38-105 setting forth the reasons the case is still pending before the court.

RULE 17: APPEALS FROM GENERAL SESSIONS AND MUNICIPAL COURTS

17.01. **Lower Court Appeals-All** criminal cases appealed from general sessions and municipal courts shall be set on the circuit court's next docket day for setting a trial date. Jury demand must be stated on or before that first circuit court docket day. If the defendant fails to appear, after proper notice and without good cause, the appeal shall be dismissed at the defendant's cost and the case remanded to the lower court for enforcement of judgment.

RULE 18: ARRAIGNMENT

18.01. **Arraignment-** At the time of arraignment, the Court shall designate a plea date and trial date. On the arraignment date, the Court will:

- (a) Consider any plea bargain agreements between the District Attorney General and the Defendant and his/her attorney;
- (b) Hear or set for date certain pretrial motions filed by either party; and
- (c) Determine whether there are pretrial motions which cannot be heard either in accordance with these Rules or for reasons of fairness to the respective parties and, if so, set those motions for appropriate disposition.

RULE 19: MOTIONS AND DISCOVERY

19.01. **Discovery-** From the time of arraignment, each defendant shall have a period of twenty (20) days within which to file.

19.02. **Motions -** From the time of arraignment, each defendant shall have a period of thirty (30) days with which to file pretrial motions, scheduled on a criminal motion day or a day approved by the

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court prior to the plea date.

- 19.03. **Motions to Suppress**- Motions to suppress evidence must be filed with twenty (20) days of the date the state has complied with a request for discovery.
- 19.04. **Extension** -The court at arraignment or thereafter upon motion may extend the period for filing pretrial motions upon good cause shown.
- 19.05. **Notice** - Motions require a five (5) business day notice to all parties before being placed on the criminal docket.

RULE 20: PRETRIAL DIVERSION

- 20.01. **Pretrial Filing Deadline** - Applications for pretrial diversion shall be filed with the Office of the District Attorney General within thirty (30) days from the receipt of discovery unless otherwise extended by the Court.

RULE 21: PLEAS

- 21.01. **Waiver** -The Defendant's attorney may ask the Court to waive appearance on this day if a trial date has been set and no plea will be entered. Waivers of appearance will not be accepted for Violations of Probation/Community Corrections.
- 21.02. **Defense** - Prior to the plea date for each particular case, it shall be the responsibility of the Defendant or his/her attorney to file a motion for review to be scheduled on a criminal motion day to advise the court of the following:
- (a) That the State has failed to respond to a request for discovery filed;
 - (b) That a pretrial motion is pending or that the time for filing pretrial motions in accordance with these Rules has not expired;
 - (c) That an application for pretrial diversion is pending;
 - (d) That an application for pretrial diversion has been denied and the Defendant intends to seek review of that denial; or
 - (e) That there has been an adverse determination upon a review of the denial of pretrial diversion and the defendant intends to appeal that determination.
- 21.03. **District Attorney General** Prior to the plea date for each particular case, it shall be the responsibility of the District Attorney General, or his/her assistant to advise the Court that the Defendant has failed to respond to a reciprocal request for discovery to be scheduled on a criminal motion day.
- 21.04. **Notice**
- (a) A two(2) day notice to the Clerk in writing by fax, email or traditional filing will be required for a case to be placed on the docket for disposition prior to the scheduled plea or revocation date. No cases will be added to the docket on the day of court.
 - (b) A fifteen (15) day notice to the Clerk is required if the Defendant is incarcerated in an out of county jail for proper transport.
- 21.05. **Passing Plea Date** - These provisions not only apply to defendants out on bond but also incarcerated defendants.
- (a) All pleas should be entered by the last criminal non jury day before trial. If a jury is called in and the case is continued or pried out, the court reserves the right to assess jury costs to the appropriate party. In order for a case to be placed on a criminal non jury docket day, the Defendant's attorney is to set said case with the Clerk of the Court at

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- least two (2) days prior to said criminal non jury day unless otherwise waived by the Court for good cause.
- (b) The deadline for acceptance of a negotiated disposition will be the scheduled plea date, the Court may refuse to accept a negotiated disposition on the trial date unless the interests of justice otherwise dictate.
 - (c) The Court may consider it sufficient grounds to revoke bond for non-compliance should the Defendant pass his/her plea date and appear on the scheduled trial date requesting the Court to grant additional time.
- 21.06. **Form** -All plea agreements must be accompanied by a plea form provided by the Court Clerk or District Attorney General requiring the Defendant's signature as to awareness of his/her right to a trial and details of the plea agreement. (See Appendix A)
- 21.07. Upon the determination of the existence of any of the circumstances set forth in this section, the trial Court may continue the plea and trial date and may make such further orders as may be appropriate for the timely disposition of pretrial proceedings. Any circumstance not called to the attention of the Court in accordance with this section shall not be considered as a ground for continuance of the trial of the case.

RULE 22: SEQUESTRATION OF JURY

- 22.01. **Request for Sequestration** - Except in capital cases, both the Defendant and the State shall be deemed to have waived any right they may have to a sequestered jury unless a written request has been filed with the Clerk of the Court at least ten (10) days prior to the trial date.

RULE 23: ORDERS AND JUDGMENTS

- 23.01. **Judgment** - Preparation of judgments shall be as follows:
- (a) Upon plea agreement, the District Attorney General shall prepare the judgment document and present for signature on the day of plea;
 - (b) Upon completion of sentencing, a proposed judgment document shall be prepared by the District Attorney General for approval;
- 23.02. **Credits on Judgments**- All judgments and revocation orders shall indicate any pre-trial jail, program, and/or jail credits owed to the Defendant. It is the responsibility of the Defendant's attorney to obtain said dates prior to entry of the plea agreement or revocation agreement and must be included on all judgments if applicable. Disposition of the case will not relieve this responsibility of the Defendant's attorney.
- 23.03. **Orders**- When directed by the Court, counsel will prepare orders for entry.
- (a) All orders prepared by counsel, except for judgment documents, shall be filed with the Clerk and served on opposing counsel;
 - (b) Counsel who has been served with a proposed order prepared by counsel at the direction of the Court shall immediately notify the Judge of any disagreement with the contents of the proposed order;
 - (c) Objecting counsel of an order shall, within ten (10) days submit a revised order and serve a copy on opposing counsel and opposing counsel shall immediately notify the Judge of any objection to the contents of the revised order.
 - (d) The Court will either approve one of the competing orders submitted with notice to counsel, schedule a conference in chambers, or set the matter for hearing;
 - (e) If the Court does not receive notice of any objection to any proposed order or to any revised order submitted in accordance with this Rule, the order will be presumed

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correct and will be entered unless amended by the Judge.

RULE 24: PROFESSIONAL BAIL BONDSMEN

24.01. **Eligibility**- Approval to write bonds within the 23rd Judicial District is a privilege and not a right.

The Court retains sole discretion to approve, deny, suspend, or revoke any bonding entity. The Court may consider the character, reputation, financial responsibility, and overall fitness of any owner, interest holder, or agent, including but not limited to prior bankruptcies, litigation history, or failure to comply with statutory or local rule requirements.

- (a) Single Entity Operation, Ownership Restriction - no individual or entity shall act as a principal or agent for more than one bonding entity, operate under multiple bonding company names, "do business as" under multiple names, or own, or control more than one bonding company in the State of Tennessee or in any other state.
- (b) Physical Office Requirement (Mandatory) - each bonding entity shall maintain a continuously operating physical office for business records, service of process, and inspection within the 23rd Judicial District, as a condition of eligibility to write bonds.
- (c) Ownership or interest holders shall not change without prior Court approval.
- (d) All interest holders shall have two (2) years' experience writing bail in Tennessee pursuant to Tenn. Code Ann. § 40-11-317(b).
- (e) Financial Responsibility and Disclosure - all bonding entities, owners, and interest holders must demonstrate financial responsibility and transparency consistent with Tenn. Code Ann. Title 40, Chapter 11. The Court may consider prior bankruptcies, financial instability, or failure to disclose financial history in determining eligibility, continued approval, or bonding limits.
- (f) State Licensing Requirement - all bonding entities and agents must be properly licensed with the Tennessee Bonding Regulatory Board and shall provide proof of current authorization. Failure to maintain proper licensure shall result in immediate suspension or revocation of bonding privileges.

24.02. **Verified Petitions for Approval** - Any bonding entity wishing to make bail bonds in the 23rd Judicial District must file a **verified petition** with the Dickson County Circuit Court and serve a copy upon the 23rd Judicial District Attorney's Office. **Petitions undergo a pre-approval process before posting collateral and will be investigated. Final approvals are docketed semi-annually during the Dickson County term of court.** All information contained in the verified petition shall be submitted under oath. Any material misrepresented or omitted shall constitute grounds for denial, suspension, or removal and must include:

- (a) Business name;
- (b) Physical address, mailing address, and business telephone;
- (c) Copy of valid county business license;
- (d) Proof company is properly licensed by the Tennessee Bonding Regulatory Board;
- (e) A statement of whether the company or any of its owners, shareholders, or partners have ever or currently write bonds in other jurisdictions, if so, identify district, approval date, bonding limit and collateral, suspension, termination dates if applicable.
- (f) Identify all owners and interest holders, including:
 - (1). Organizational documents;
 - (2). Criminal history obtained through the Dickson County Circuit Court;
 - (3). Full name and aliases of the owner/interest holder;
 - (4). Residential address and phone number;
 - (5). List all states the owner/interest holder has resided;
 - (6). Current continuing education Certificate of Compliance;
 - (7). Current license issued by the Tennessee Bonding Regulatory Board;
 - (8). Proof of two (2) years' experience writing bail in Tennessee;

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- (9). Proof of prior and current bonding affiliations or statement of none;
 - (10). Disclosure of pending civil litigation, including details if applicable or statement no pending or final civil litigation seeking or resulting in monetary damages or injunctive relief against owner or interest holder;
 - (11). Each owner and interest holder shall submit a mandatory sworn statement disclosing any personal or business-related bankruptcy, including type, dates, and court information or statement of none, failure to fully disclose shall be grounds for denial, suspension, or revocation;
 - (12). Copy of driver's license (filed under seal);
 - (13). Date of birth and social security number (filed under seal);
 - (g) Source of all funds used to establish the company;
 - (h) Identification of collateral and source; collateral must be posted for final approval;
 - (i) Names and signatures of persons accepting personal liability for forfeiture;
 - (j) Financial statement including all assets and liabilities, including forfeitures and liabilities of the bonding entity in other judicial districts; accounts payable, debts, obligations and balances owing of the bonding entity;
 - (k) List of proposed agents including:
 - (1). Full name and aliases of the agent;
 - (2). Residential address and phone number;
 - (3). List of all states the agent has resided;
 - (4). Criminal background obtained from the Dickson County Circuit Court Clerk;
 - (5). Current continuing education Certificate of Compliance;
 - (6). Current license issued by the Tennessee Bonding Regulatory Board;
 - (7). Date of birth and social security number (filed under seal);
 - (8). Copy of driver's license for each agent (filed under seal).
- 24.03. **Collateral** All security lodged with the Court shall be unencumbered, shall not be pledged, cancelled or released while the entity remains liable on any bail bond with the 23rd Judicial District.
- (a) Certified check for minimum amount of Fifty Thousand Dollars (\$50,000.00), payable to Dickson Circuit Court Clerk. The Clerk shall obtain a Certificate of Deposit in joint names, naming the Clerk as the Custodian of Certificate of Deposit, at a federally insured financial institution of the Clerk's choice in the district; or
 - (b) Deed of Trust on unencumbered real property with minimum appraised value of Fifty Thousand Dollars (\$50,000.00) together with title opinion letter prepared by a licensed attorney, and appraisal of market value of the property (may be a certified copy of the county tax appraisal for said unencumbered real property). The Deed of Trust must be made to the Circuit Court Clerk of the county in which the application has been filed, as trustee, to secure bail bonds made in the Twenty-Third Judicial District and must be filed with the local Register of Deeds office; or
 - (c) A minimum cash deposit of Fifty Thousand Dollars (\$50,000.00) with the Dickson Circuit Court Clerk; or
 - (d) An irrevocable letter of credit in the minimum amount of Fifty Thousand Dollars (\$50,000.00) from any financial institution located within the 23rd Judicial District; or
 - (e) Qualification as an insurance company pursuant the statutory scheme provided by the insurance laws pursuant to Title 56 of the Tenn. Code Ann., with proof of Surety certification in Tennessee and copies of power of attorney for each agent and owner.

24.04. **Bonding Limits**

- (a) Bonding capacity shall not exceed fifteen (15) times amount of posted collateral;
- (b) Exceeding approved limits may result in restriction, suspension, or removal.

24.05. **Forfeitures**

- (a) Final forfeitures shall not exceed fifty percent (50%) of posted collateral.

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- (b) Final forfeitures shall be paid within thirty (30) days, unless extended by the Court.
- (c) Failure to satisfy forfeitures shall result in suspension.

24.06. Premiums

- (a) All premiums and fees shall comply with Tenn. Code Ann. §§ 40-11-126 and 40-11-316.
- (b) Detailed receipts shall be maintained and provided for all transactions.
- (c) Funds shall be returned if bond not posted.

24.07. Posting Bonds

- (a) Any bond, or aggregate bond, in the amount of Fifty Thousand Dollars (\$50,000.00) or more may be subject to Tenn. Code Ann. § 39-11-715 pertaining to the source of said bond by request of the District Attorney General;
- (b) No bond, or aggregate bond, in the amount of Seventy-Five Thousand Dollars (\$75,000.00) and above shall be made without a hearing before the Court pursuant to Tenn. Code Ann. § 39-11-715 pertaining to the source of said bond;
- (c) The Court will accept waiver of a bond source hearing upon the lodging of an agreed order with the District Attorney's Office.
- (d) All bonds shall be fully completed upon release from custody of the defendant/principal on bond. The bail contract shall include:
 - (1). Name, address and phone number of the defendant, **legibly printed**;
 - (2). **Court and date defendant is to appear, legibly printed**;
 - (3). Be signed by the agent posting bond;
 - (4). **Name of bonding company and agent boldly and legibly printed**;
 - (5). Identify property used to pay the premium and initiation fee as well as any other property received as collateral;
 - (6). Copy of photo identification of all persons (except the defendant/principal) delivering premiums, fees or collateral to the agent if the bond is Fifty Thousand Dollars (\$50,000.00) or above.

24.08. **Bond Release** - No bonding entity shall be released or allowed to withdraw from a bond without first filing a motion in writing with the Court and being approved to withdraw.

24.09. **Bonding Company Changes** - Any material change in ownership, address, financial condition, litigation status, or bankruptcy shall be reported to the Court within ten (10) days. Failure to timely report as required by this section shall constitute grounds for sanctions, including suspension or removal from the approved list.

- (a) Approval in other districts shall be noticed to the Court in writing within ten (10) days of approval, including order of approval showing posted collateral.
- (b) **Suspension, revocation, termination, or restriction in any other jurisdiction shall be reported within ten (10) days.**

24.10. **Semi-Annual Reports** - All bonding entities shall file semi-annual reports with the Dickson Circuit Court in compliance with Tenn. Code Ann. § 40-11-303 **using the standardized reporting form approved by the Court.**

24.11. **Bonding Agents** - Approved bonding agents required. No person shall act as a bonding agent unless approved by the Court.

- (a) **Dismissal of an approved agent** must be reported to the Circuit Judge and every court and county within seventy-two (72) hours of dismissal. Failure to timely report as required by this section shall constitute grounds for sanctions, including suspension or removal from the approved list.

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- (b) Addition of Bonding Agents (semi-annual limitation) may be requested only at the time of filing its semi-annual report. **Final approvals are docketed semi-annually during the Dickson County term of court.**
 - (c) **Arrest of a bonding agent**, owner, or interest holder, whether misdemeanor or felony, must be reported within seventy-two (72) hours in writing to the Dickson County Circuit Court and the Judge's office in compliance with Tenn. Code Ann. § 40-11-319.
 - (1) No bonding agent may post bond on their own behalf or for any co-defendants, if any.
 - (2) Agent may be suspended from bonding in the district until disposition of charges in accordance with Local Rule 24.12.
- 24.12. **Conduct of Bonding Entity and Agents** - All bonding entities and agents shall conduct themselves in a manner consistent with Tennessee law and the integrity of the judicial process. Any violation of this section shall constitute grounds for sanctions, including suspension or removal. Such measure, if any, shall be made in the public interest to avoid conflict of interest or an appearance of impropriety of the bonding entity. Every bonding entity acts as an agent of the Court, and the conduct of the bonding company constitutes an integral part of the operation of the Court. For good cause, the Court may issue a restraining order or any other process without notice to the company if deemed necessary in the public interest. Any such action will be reviewed at a hearing, after a request by the bonding entity, within ten (10) days after notice to the bonding entity.
- (a) No bonding entity or agent shall engage in fraudulent, dishonest, or misleading practices.
 - (b) No bonding entity or agent shall provide false, incomplete, or misleading information to the Court, Clerk, or District Attorney.
 - (c) No bonding entity or agent shall attempt to circumvent these Rules or Tennessee statutes.
 - (d) All records, reports, and filings shall be accurate and complete on standardized forms approved by the Court, if applicable.
 - (e) Bonding entities and agents shall comply with all orders of the Court and all applicable statutes.
 - (f) No bonding entity or agent shall engage in conduct that reflects adversely on their fitness to write bonds.
- 24.13. **Enforcement** – The Court retains continuing jurisdiction over all bonding entities and violations of these Rules or Tennessee statutes may result in sanctions including a warning; limitation of bonding capacity; suspension; revocation or removal from the approved list. The Court may act upon motion or sua sponte.
- (a) Approved professional bondsmen lists shall be provided to the clerks, sheriffs and inferior courts.
 - (b) Local Rules for professional bail bondsmen shall be applicable in any inferior court within the district.
 - (c) The clerk of any inferior court shall have the duty and responsibility to enforce these rules.
 - (d) Professional Bail Bondsmen Rules may be amended from time to time by the Circuit Judge. Upon amendment, all approved professional bondsmen, the District Attorney General, Sheriffs, inferior courts, and court clerks will be notified in writing.
- 24.14. **Effective Dates**
- (a) Professional Bail Bondsmen Rules shall become effective in the 23rd Judicial District on April 1, 2026 and apply to all approved bonding companies.
 - (b) All pending petitions for approval must comply with these Local Rules as of April 1, 2026.
 - (c) Full compliance of 24.01(b), (f) and 24.03(d) shall be mandatory for all bonding companies beginning May 1, 2026.

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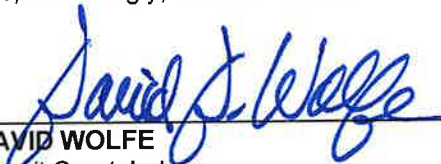
RULE 25: RECORDINGS BY NON-MEDIA

25.01 Only an Attorney or a party can record the courtroom proceedings of the case in which they are participating. Recordings may be effected through use of a Court Reporter or an audio recording device. If using an audio recording device, the attorney or party must notify the court of the use of the audio recording device.

The foregoing Local Rules of Practice are applicable in the Circuit, Chancery and Criminal Courts of the Twenty-Third Judicial District. All standing orders not incorporated in these Rules are declared invalid and shall have not effect.

Adopted and effective as of the 9 day of April 2026.


It is, accordingly, so **ORDERED**.




DAVID WOLFE
Circuit Court Judge
Division I
23rd Judicial District



LARRY WALLACE
Circuit Court Judge
Division II
23rd Judicial District



SUZANNE LOCKERT-MASH
Circuit Court Judge
Division III
23rd Judicial District



JOSHUA TURNBOW
Circuit Court Judge
Division IV
23rd Judicial District

Appendix A - Plea Agreement