

LOCAL RULES FOR
THE CHANCERY &
CIRCUIT COURTS
FOR THE
16TH JUDICIAL
DISTRICT

EFFECTIVE JULY 29, 2004

IN THE CHANCERY AND CIRCUIT
COURTS FOR THE SIXTEENTH
JUDICIAL DISTRICT, INCLUDING
RUTHERFORD AND CANNON
COUNTIES, TENNESSEE

LOCAL RULES

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IN THE CHANCERY AND CIRCUIT COURTS FOR THE SIXTEENTH JUDICIAL DISTRICT, INCLUDING RUTHERFORD AND CANNON COUNTIES, TENNESSEE

LOCAL RULES

2004

PREAMBLE

Pursuant to the provisions of *Tennessee Code Annotated*, Section 16-2-501 et seq., and Rule 18 of the Tennessee Supreme Court (2004), and the inherent power of the Courts, the following Rules are hereby adopted. These rules are adopted expressly for the purpose of furthering justice in the Sixteenth Judicial District. The District is very diverse, containing Rutherford County and Cannon County. The scope, type and number of cases arising in the two counties vary remarkably. Nonetheless, the two counties have a number of similarities in the community spirit of its people. It has been the intention of these Rules to fashion rules which will be equally applicable to all Courts in both counties.

Supreme Court Rule 18 was amended January 29, 2004. Within that amendment, the Court particularly addressed the need for Local Rules addressing the following areas: 1) setting cases for trial, 2) obtaining continuances, 3) disposition of pre-trial motions, 4) settlement or plea bargaining deadlines for criminal cases, and 5) preparation, submission and entry of orders and judgments. These issues are addressed in these rules as follows: 1) setting of cases for trial in civil cases is addressed in Rule 3 and particularly in Rule 3.02; and for criminal cases in Rule 36; 2) issues involving continuances are discussed in Rule 3.10; 3) disposition of pre-trial motions in civil cases is addressed in Rule 7 and particularly in Rule 7.09; and for criminal cases in Rule 35; 4) settlement or plea bargaining deadlines in criminal cases are addressed in Rule 33; and 5) preparation, submission, and entry of orders and judgments in civil cases is addressed in Rule 8.02; and in criminal cases in Rule 37.

Rules 1 and 2 of these Rules are applicable to all cases, whether civil or criminal. Part A of these Rules, containing Rules 3-24 apply only in the trials in Chancery Court and in the trials of civil actions in the Circuit Court. Rules 25-50 apply on in the trial of criminal cases in the Circuit Court.

These rules, which were ninety days in draft, were published for comment on April 29, 2004. These rules became effective on July 29, 2004, and are published and available for distribution through the four Clerk's offices in the District, and further are published on the online computer website hosted by the Administrative Office of our Supreme Court and on the Rutherford County information website. These Local Rules may be subsequently amended by order of the Presiding Judge.

RULE 1,
SCOPE, APPLICATION AND CONSTRUCTION OF THE RULES &
DEFINITION OF TERMS

1.01 SCOPE OF THE RULES

Subject to such exceptions as are stated in them, these rules shall supplement the *Tennessee Rules of Civil Procedure* and the *Tennessee Rules of Criminal Procedure* in the Circuit and Chancery Courts for the Sixteenth Judicial District of Tennessee. Where, in civil cases, these Rules are in conflict with the *Tennessee Rules of Civil Procedure* or, in criminal cases, these Rules are in conflict with the *Tennessee Rules of Criminal Procedure*, the State rules will prevail. All former *Rules of Local Practice* for the 16TH Judicial District, except as re-adopted herein, are abrogated. Any of these Rules may be suspended or varied in exceptional cases where the Judge determines that Justice so requires.

1.02 APPLICATION OF THE RULES

These Local Rules shall be applicable in all proceedings filed in Rutherford and Cannon Counties. Rules 1 and 2 have general application to all cases, whether filed in Chancery Court or Circuit Court, and whether criminal or civil in nature. Rules 3 through 24 have no application in cases, which are criminal in nature, but apply in all civil cases, whether filed in the Chancery Court or in the Circuit Court. Rules 25-50 have no application in cases, which are civil in nature, but apply in all criminal cases.

1.03 CONSTRUCTION & CITATION OF THE RULES

These Rules shall be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay. They shall be construed to secure the just, speedy, and inexpensive determination of every action. These Rules shall be cited as Rule _____ Local Rules of Practice, 16TH Judicial District.

1.04 DEFINITION OF TERMS

(A) Within these Rules, the term “Judge” shall also refer to the Chancellor. When the Chancellor hears cases, he shall properly be referred to as the Judge of the Circuit Court. Similarly, when a Circuit Judge hears a Chancery case, he shall be referred to as the Judge of the Chancery Court.

(B) Within these Rules, the term “Clerk” shall refer to the Clerk & Master and the Clerk of the Circuit Court.

(C) Within these Rules, the term “Judicial Days” in Rutherford County cases shall refer to days when the Judicial Building in Murfreesboro is open for business and the Clerk’s offices are open. Though Courts may periodically hear cases on Saturdays and occasionally on holidays, these days shall remain non-Judicial Days for purposes of calculations of deadlines for the filing of documents or pleadings required herein. Similarly, the term “Judicial Days” in Cannon County cases shall refer to days when the County Courthouse in Woodbury is open for business and the Clerk’s offices are open. Though Courts may periodically hear cases on Saturdays and occasionally on holidays, these days shall remain non-Judicial Days for purposes of calculations of deadlines for the filing of documents or pleadings required herein.

RULE 2.
THE PRESIDING JUDGE

2.01 DUTIES OF THE PRESIDING JUDGE

The Presiding Judge, selected in compliance with the provisions of *Tennessee Code Annotated*, Section 16-2-509 and Rule 11 of the *Tennessee Supreme Court Rules*, will supervise the administration of the respective Courts, including the assignment and docketing of all cases, assignment of Judges and courtrooms, and will coordinate interchange with other Judges, as set forth in Rules 2.02 and 2.03. He will serve on such committees and boards as the statutes require, and he may, where authorized to do so, appoint another Judge or representative to attend various meetings. At the direction of the Presiding Judge, the Chancellor and Circuit Judges will meet regularly to discuss the general disposition of cases and to propose improvements in the judicial processes of the 16th Judicial District.

2.02 REASSIGNMENT OF CASES WHERE JUDGES RECUSE

(A) Judges should endeavor to examine cases assigned to them and to promptly enter orders of recusal when it is immediately apparent to a Judge that he will be unable to hear a case assigned to him. Counsel who wish to file motions to recuse likewise should proceed to do so promptly upon learning of issues which merit the filing of such motions.

(B) When a Judge recuses, the Presiding Judge shall develop an organized system first to attempt to learn whether another Judge in this District is able to hear the case. Where another Judge in this District can hear a case, the Presiding Judge will direct the reassignment of the case to that Judge. The Presiding Judge shall further develop an organized system for reassigning cases in which no local Judge is able to hear the matters, through the use of interchange with Judges of surrounding Districts, nearby Districts, Senior Judges, or requests of the Supreme Court to designate a Judge.

2.03 ASSIGNMENT OF CASES TO BE HEARD BY INTERCHANGE

The Presiding Judge shall develop an organized system of assigning cases from other Judicial Districts where those Judges in the other District are unable to hear a case to Judges within this Judicial District so that a fair and balanced assignment of cases is made. Where appropriate, the Presiding Judge will use his discretion in reassigning cases among the Judges within the District.

2.04 SUPERVISION OF FACILITIES

It is the duty of the county governments in each county to provide adequate facilities for the holding of court. Where those governments fail to do so, the Presiding Judge shall enter such orders as may be necessary to facilitate the orderly disposition of cases.

PART A: RULES IN THE CHANCERY AND CIVIL COURTS

RULE 3 **SCHEDULING OF CIVIL CASES**

3.01 ASSIGNMENT OF CASES

(A) The Chancellor and Judges will all be available to accept and try any type of case upon assignment by the Presiding Judge. A Jurist will utilize the title “Chancellor” when trying a case in the Chancery Court and “Judge” when trying a case in the Circuit Court.

(B) The Presiding Judge will enter, periodically, such orders as may be necessary for the fair and efficient division of cases among the Chancellor and Circuit Judges.

3.02 SETTING CASES FOR TRIAL

(A) Cases may be set for trial in a number of ways. These include the entry of an agreed order signed by all counsel and parties, filing of a motion to set, notice in uncontested matters and cases disposed of upon motions for default, and the order of the Court upon its own motion.

(B) In most cases, counsel for the parties will be able to work together to conclude pre-trial discovery, evidentiary depositions, and pre-trial motions, and will further agree upon the length of time necessary for the trial of the case. Counsel generally will be able to agree upon dates convenient for them, their parties and witnesses, and the Court. In cases with comparatively few pre-trial issues, an Order may merely schedule the case for trial in accordance with Rules 3.05 and 3.06 below. In other cases, entry of a Scheduling Order, such as is provided in Appendix Q to these Rules, establishing deadlines for various aspects of discovery, evidentiary depositions, dispositive motions and other pre-trial issues may be proper.

(C) Entry by counsel of an agreed order setting a case represents that counsel sincerely feel the case will be ready to be tried on the dates scheduled and further represents the pledge of counsel that they will endeavor to properly prepare the case and have it ready as scheduled.

(D) Motions for continuance due to lack of diligence on the part of counsel will not be looked upon with favor, and, in some instances may constitute grounds for discipline of counsel.

(E) It is not necessary, however, that counsel certify that the case is immediately ready for trial, inasmuch as counsel and the Court recognize that well-planned conclusion of efforts to ready the case for trial is appropriate during times when busy counsel coordinate their calendars with the congested Court docket.

(F) In some cases, counsel may be unable to agree upon the length of time necessary for discovery or the time of the setting of the case for trial. In such cases, counsel for the party seeking to set the case may file a motion with the Court. Such motions will be scheduled for hearing in accordance with Rule 7.04. Orders entered by the Court scheduling cases upon motion cause counsel to engage in their best endeavors to ready the case for trial and present it as the Court has scheduled it. Failure of counsel to exercise best efforts subjects counsel to discipline.

(G) Agreed orders disposing of litigation will be entered without a hearing, and similarly, orders disposing of litigation which are unopposed will also be entered without hearing. Exceptions include minor settlements and settlements involving incompetents, and cases formerly heard in the

County Courts, including name changes and legitimations. Likewise, parties in domestic relations actions and worker’s compensation cases, though in agreement, may appear for hearing unless they seek to waive their appearance in accordance with Local Rule 3.07. In these cases, hearings will

be conducted upon notice to all parties.

(H) The Court may, on its own motion set a case for trial. Such is generally the case when an action has been pending for 9 months or more, in accordance with Local Rule 3.08. In other limited situations, the Court may set a matter upon its own motion when the matter involves a particularly sensitive issue, when it is a matter of public or widely acknowledged significance, or where time is particularly of the essence. Such matters will be set by order prepared by the Court or at the Court's direction.

(I) Motions for Default shall be set upon the Court's motion docket upon notice provided at the conclusion of the motion (at the bottom of the last page of the pleading).

(J) Appeals from the Court of General Sessions, the Juvenile Court, or from the various municipal courts in the District, will be set by Court order at the time the appeal is perfected. The Clerk will prepare such order for the signature of the Judge.

(K) Cases involving writs of certiorari involving records from lower Courts or various governmental bodies or administrative courts shall be set by Court order when the transcript of the proceedings below is filed. The Clerk will prepare such order for the signature of the Judge.

3.03 SETTLEMENT CONFERENCES IN JURY CASES

(A) Upon the filing of a civil action in which a jury is demanded, the Clerk shall designate a Settlement Judge whose duty it shall be to hold a settlement conference sufficiently prior to the scheduled trial date to foster the opportunity for settlement of the issues in the case without the necessity of a contested trial, and in no case later than 15 days prior to trial.

(B) The Settlement Judge may not serve as Trial Judge in the case.

(C) The Settlement Judge, so designated, may utilize principals provided in Rule 31 of the *Tennessee Supreme Court Rules*, and may conduct mediation, or, with the agreement of the parties, binding or non-binding arbitration, or Summary Trials.

(D) The Settlement Judge may, in his discretion, in rare cases, waive a Settlement Conference, where a mediation has been conducted before a Rule 31 Mediator and the parties agree that Judicial Settlement Conference will not be fruitful, or where the Settlement Judge otherwise determines that the Settlement Conference will not be fruitful.

(E) Generally, the party who has authority to settle an action must be present. All counsel and parties shall be present in person, except that a party may be excused in tort actions where the decisions for settlement may be made by agents or adjusters who have the full power to settle the case are present. Further, application may be made to the Settlement Judge to excuse parties or adjusters where those persons reside more than 250 miles away and where, at that parties' expense, conference calls can be established in order to allow the parties or representatives to participate in the Settlement Conference.

3.04 PRE-TRIAL CONFERENCES IN JURY CASES

(A) Unless waived by the Trial Judge, a Pre-trial Conference shall be set in every case in which a jury has been demanded.

(B) The purpose of the Pre-trial Conference shall be to simplify issues, to consider the possibility of obtaining admissions of fact and of documents, thereby avoiding unnecessary proof, and the limitation of the number of witnesses. At the pre-trial conference, counsel who will conduct the trial or co-counsel with full knowledge of the case and authority to bind such party by stipulation shall be present. Counsel shall produce for identification, examination, and discussion; all exhibits which will be offered at trial. Exhibits not so identified at the pre-trial conference shall not later be offered into evidence at the trial except upon good cause shown. Counsel shall provide to opposing counsel the names, addresses and nature of testimony of witnesses to be called at trial.

(C) Counsel for both parties shall prepare a concise pre-trial statement setting forth their claims or defenses, their witnesses and a list of exhibits. Counsel shall be prepared to discuss any problems, which may have developed with parties, witnesses, or other matters. Any objections to evidentiary depositions shall be voiced at the pre-trial conference, or they are waived. With respect to tort actions, parties should indicate whether liability is stipulated; the amount of medical bills, if any; the amount of property damage, if any; the amount of lost wages, if any; the percentage of anatomical impairment, if any; whether the Plaintiff claims an aggravation of a pre-existing condition; and any other special damages. With respect to other actions, the parties shall set forth concisely the damages which they seek, or in equity actions, the relief which is sought. Where Pattern Jury Instructions are applicable, parties shall set forth the instruction numbers. Where Special Instructions are sought, those may be provided at the pre-trial conference, or upon the morning of a one-day trial, or the evening before the last day of a multi-day trial.

3.05 ORDERS SETTING JURY TRIALS

(A) Orders setting jury trials will display the words “A JURY OF” in all capital letters immediately followed by the number of jurors, which have been requested, all of which will appear immediately under the docket number of the case. Where no number of jurors has been demanded, a panel of seven jurors (six jurors and an alternate) will be empanelled. The name of the trial judge shall appear in all capital letters immediately under the number of jurors. No jury trials will be scheduled to commence on the first Monday of each month. Orders establishing trial dates will also provide the following:

- a) The date and time of the Settlement Conference unless the settlement conference has already been conducted and the Settlement Judge has determined that no further settlement conference will be productive;
- b) The date and time of the Pre-trial Conference;
- c) The date of the commencement of the trial; and
- d) The number of days which have been requested for the trial of the case.

(B) When any case is set for trial, whether by agreement of counsel, upon decision of the Court following a Motion to Set, or upon Order of the Court on its own motion, it shall be incumbent upon the attorney seeking the setting to draw an order setting the case, serving a copy thereof upon opposing counsel, or, if there is no other attorney, upon the opposing party or parties. Where the case is set upon the Court’s own motion, counsel for the Plaintiff will draw the order.

3.06 ORDERS SETTING NON-JURY TRIALS

(A) Either by Agreement of all counsel or upon Order of the Court, trials not requiring juries shall be set. Orders setting non-jury trials will display the name of the trial judge in all capital letters immediately under the Docket Number. Orders establishing trial dates will also provide the following: a) The date of the commencement of the trial, and b) The length of time which has been requested for the trial of the case.

When any case is set for trial, whether by agreement or direction of the Court, it shall be incumbent upon the attorney seeking the setting to draw an order setting the case, serving a copy thereof upon opposing counsel, or, if there is no other attorney, upon the opposing party or parties.

Where the case is set upon the Court’s own motion, counsel for the Plaintiff will draw the order.

3.07 ENTRY OF AGREED ORDERS WHERE NO HEARING IS SCHEDULED OR WHERE PARTIES WAIVE THEIR PRESENCE AT A HEARING

(A) Each Judge will enter agreed orders which have been lodged with the Clerk each day. Alternatively, Counsel may appear in open Court before 9:00 a.m. on any Judicial Day requesting the Court to enter agreed orders which bear the signatures of counsel for all parties.

(B) Where a divorce is filed, and the parties have no minor children, the parties may both waive their

presence before the Court, provided both parties submit their affidavits in the form outlined in Appendix A to these rules and the parties have filed a signed Marital Dissolution Agreement.

(C) Similarly, where a worker has hired an attorney in a worker's compensation case and the worker and the employer have reached agreements, the worker may waive his presence at a hearing to approve the settlement, provided he filed an affidavit substantially in accordance with the provisions of Appendix C to these Local Rules, certifying that he understands his rights, agrees to the settlement, and finds the sum which his attorney seeks to charge him to be fair. The Court, upon review of the order and affidavit, may: 1) approve the same; 2) take the matter under advisement and set a further hearing at which parties and counsel must appear to further discuss the proposed settlement; or 3) he may deny it, in which case settlement will not be approved and the case will be set for trial. Affidavits in the form provided in Appendix C1 should be submitted where the worker retains the right to future medicals, and in the form provided in Appendix C2 where such rights are surrendered.

3.08 SHOWCAUSE ORDERS FOR FAILURE TO PROSECUTE AND DOCKET CALLS

When a case has been on file for a period of nine months (270 days) without conclusion, unless the case has been set for trial, the Court will issue a Show Cause order directing counsel to appear for a status conference to demonstrate why the case should not be set for trial within the next 90 days or dismissed. Where good cause is shown why the case should remain on the active docket but not set for trial, the Court will enter a Scheduling Order establishing deadlines for discovery and preparation for trial so that the case may be managed effectively.

3.09 PUBLICATION OF DOCKETS

The County website will provide a listing of all Court dockets. It will be the duty of the Clerks of the Court to enter the docket of each Judge at least 30 days in advance of the trial dates. Alternatively, should the website become unavailable, the Clerk will provide a printed docket to each Judge and each Court Clerk indicating all cases for consideration in the upcoming month. A copy of the dockets for all Judges not posted on the website shall be furnished to the Presiding Judge and to each Court Clerk.

3.10 CONTINUANCES

(A) Counsel should be cautious in the setting of cases not to secure a trial date that is unrealistic or which is inconvenient for parties or witnesses. Entry by counsel of an agreed order setting a case represents that counsel sincerely believe the case will be ready to be tried on the dates scheduled and further represents the pledge of counsel that they will endeavor properly to prepare the case and have it ready as scheduled. Orders entered by the Court scheduling cases upon motion shall cause counsel to engage in their best efforts to ready the case for trial and present it as the Court has scheduled it.

(B) Once docketed, a case will be heard as scheduled except for unusual and unforeseen circumstances. Continuances will be granted only upon approval by the Court, and approval will be granted only when a motion for continuance is filed setting forth in some detail the reasons that the continuance is necessary. Motions to Continue must thus list the date on which the case is set for trial and prior trial settings, if any.

(C) Second continuances should be extremely rare. Motions for a second continuance must clearly state that the motion is not the first motion for continuance, and must set forth the reasons in detail why a second continuance is necessary. Further, where a second continuance is sought by the same party which sought the first continuance, the motion should contain an affidavit of counsel as to diligence in pursuing the case as scheduled, and should contain an affidavit from one with personal knowledge of the circumstances necessitating the continuance. A motion for a second continuance by the same party who requested an earlier continuance must include the signature of the party as well as the signature of the attorney, except where the party is

physically unable to sign.

(D) Although all motions for continuance should state whether the other parties oppose the motion to continue, agreed orders to “reset” or agreed order for continuance will not be granted without good cause being shown. Motions for continuance due to lack of diligence on the part of counsel will not be looked upon with favor, and in some instances may constitute grounds for discipline of counsel.

(E) When an Order of Continuance is granted, the moving party should prepare an order setting forth the findings and order of the Court, the date on which the case was set, and the new trial date when the case will be heard (except in rare cases where the Court allows a continuance indefinitely due to unforeseen circumstances).

RULE 4. **PRE-TRIAL EXCHANGES AND TRIAL BRIEFS**

4.01 EXCHANGE OF WITNESSES

In trials in which a jury is demanded, lists of all witnesses will be exchanged at the Pre-trial Conference as discussed in Rule 3.04. In trials in which a jury has not been demanded, lists of all witnesses should be filed with the Clerk and exchanged between Counsel at least three full Judicial Days prior to trial. Witnesses not listed may not be called to testify except with permission of the Court. Names of Rebuttal witnesses need not be exchanged unless so ordered by the Court.

4.02 EXCHANGE OF EXHIBITS

In trials in which a Jury is demanded, exhibits will be exchanged at the Pre-Trial Conference as discussed in Rule 3.04. In trials in which a jury has not been demanded, lists of all exhibits should be filed with the Clerk and exchanged between Counsel at least three full Judicial Days prior to trial. Exhibits not listed may not be used except with permission of the Court. Parties are not required to exchange Rebuttal exhibits unless ordered by the Court.

4.03 BRIEFS

No trial briefs are required in trials in which a Jury is demanded, nor in Divorce trials. In any other trial in which the total presentation of the case consumes more than three hours, Trial Briefs should be filed by Counsel no less than three Judicial Days prior to trial. Trial briefs should address contested issues of fact and law which counsel anticipates. The brief should contain theories of law and case authority which counsel seeks the Court to consider. Responsive briefs are not required but may be filed no later than 24 hours prior to trial with a courtesy copy being sent directly to the Trial Judge.

RULE 5 **TEMPORARY RESTRAINING ORDERS & ORDERS OF PROTECTION**

5.01 JUDGE FOR ADMINISTRATION FOR THE WEEK

An orderly rotation will be established by the Presiding Judge for assignment of Administrative duties each week. The Administrative Judge shall have primary duty to consider Ex Parte Orders of Protection, and other emergency matters. The Administrative Judge shall be available to consider motions for the entry of Temporary Restraining Orders and emergency temporary injunctions in the absence of the trial judge. In the absence of the Administrative Judge, such matters will be presented to the Presiding Judge.

5.02 TEMPORARY RESTRAINING ORDERS

Persons seeking an order of the Court granting a Temporary Restraining Order should first file a complaint with the Clerk. The Clerk will then direct Counsel or the party to the office of the Judge to whom the that case is assigned, and should that judge be unavailable, then to the Judge for Administration for the Week, who will consider the sworn pleadings. The order when granted, or the unsigned order will be filed with the Clerk. Hearings on the Temporary Restraining Order will be scheduled before the trial judge. Hearings on all Temporary Restraining Orders, including those in domestic relations matters, will be scheduled before the Trial Judge within fifteen days of service upon the restrained party, or, upon agreement of parties, before a Special Master within fifteen days of service upon the party.

5.03 NOTICE TO OPPOSING COUNSEL

When the opposing party has counsel, and the name of that attorney is known to counsel for the party seeking a Temporary Restraining Order, counsel shall endeavor to give counsel notice that he or she will be seeking a Temporary Restraining Order. Exceptions to this rule include situations where time is strictly of the essence and the interest of the client will be compromised if notice is given. Such notice as the circumstances permit shall be given. Where no notice is given and counsel for the opposing party is known, counsel seeking a Temporary Restraining Order should present an affidavit showing why it was not possible to give notice.

5.04 ORDERS OF PROTECTION

Ex Parte Orders of Protection shall be presented to the Judge for Administration of the Week or, if unavailable, to the Presiding Judge in accordance with Rule 5.01. The Domestic Violence Program will assist parties in completing affidavits for consideration. Where the Domestic Violence Program is unable to assist because of a conflict of interest, the Clerk of the Court will assist the Petitioner or, if unable to do so, will refer the Petitioner to the Presiding Judge who will designate someone to assist the Petitioner. The Ex Parte Order will be considered only upon the completed affidavit and without testimony. The final hearing will be conducted by a Judge as set forth in Rule 3.01.

RULE 6

APPEARANCE AND CONDUCT OF COUNSEL AND PARTIES IN CIVIL CASES

6.01 COUNSEL OF RECORD; ENTRY OF APPEARANCE

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

- a) A written request by counsel to the Clerk that an appearance be entered;
- b) The filing of pleadings; or
- c) The filing of a formal entry of appearance.

6.02 WITHDRAWAL OF COUNSEL

No attorney will be allowed to withdraw except for good cause and by order of the Court upon motion after notice to the party. Motions to withdraw shall state the reason the motion is made except where such is excused under the Rules governing responsibility of counsel to their parties. Notice of the filing of the motion shall be given to the party who is represented by the attorney seeking to withdraw, and to opposing counsel. Orders granting motions to withdraw shall not relieve counsel who has signed as surety in a lawsuit. Withdrawing counsel will be relieved as surety only when another counsel is hired who becomes responsible as surety, or when the party posts a surety bond satisfactory to the Clerk.

6.03 PARTIES PRO SE

Where a party is Pro Se, copies of all pleadings shall be furnished to that party. Pro Se litigants will be held to the same standards as any other parties, including those represented by competent counsel. Pro Se litigants must satisfy the requirement of posting a cost bond in accordance with the provisions of *Tennessee Code Annotated Section 20-12-120*, unless indigent.

6.04 CONDUCT OF COUNSEL

(A) At trial, counsel shall not exhibit familiarity with witnesses, jurors, or opposing counsel. The use of first names for adults should be avoided. No attempt may be made especially to curry favor with jurors, and, during opening statements or arguments, no juror shall be addressed individually by name.

(B) Bench conferences should be requested only when necessary in aid of a fair trial. Counsel may never lean on the bench nor appear to engage the Court in conversation in a confidential manner. Arguments concerning evidentiary matters will be presented outside the presence of the jury and are an appropriate use of the bench conference.

(C) Counsel should refrain from interrupting the Court or opposing counsel until the statements being made are fully completed, except when absolutely necessary to protect the client. Counsel should respectfully await the completion of the Court's statements before undertaking to point out matters considered to be objectionable. During trials by jury, counsel should state grounds for objection without argument, but where argument is necessary, counsel should request to approach the bench.

(D) Counsel shall stand while examining witnesses or addressing the Court or the Jury. Counsel shall stand at the counsel table when voicing an objection, and at the podium while questioning a witness or addressing the Court. During trials by jury, with permission of the Trial Judge, counsel may depart from the podium during opening and closing arguments, but must be cautious not to invade the space of jurors. Argument of counsel in non-jury cases should be made from the podium.

(E) No counsel should approach the bench, the witness, or the jury without leave of the Court.

(F) No counsel, parties, or any other person having an interest in a case set for trial shall engage in any conversation with any juror currently serving in that Court, except by leave of the Court. When a case is concluded, counsel may not discuss the case with the jurors until after that juror's term of service is concluded.

(G) Congeniality among members of the bar is desired. Counsel should avoid making ill-considered accusations of unethical conduct toward an opponent. Lawyers should not engage in intentionally discourteous behavior for the purpose of attempting to obtain an advantage over an opponent. Lawyers should never intentionally embarrass other lawyers and should avoid personal criticism of him or her in the presence of his or her client or other counsel.

(H) Attorneys may, if they so choose, sign as sureties for the payment of costs for their clients. The Clerk, in the performance of his or her duties, shall require litigants to give security for Court costs, except on behalf of indigents. Attorneys who become sureties for costs must pay those costs promptly. Counsel who sign for surety may be relieved in these responsibilities only in accordance with Rule 6.02 of these Rules.

6.05 CONTACT WITH THE COURT

During the pendency of actions, contact regarding the litigation ordinarily should be made with the Court only during hearings and conferences established by Court order. Other communications with the Court should occur only under unusual circumstances. Except in the event of an emergency, neither counsel should contact the Court regarding a pending matter.

RULE 7.
MOTION PRACTICE

7.01 CONTENT OF MOTIONS

All motions shall cite the *Rule of Procedure* upon which counsel relies. Except where counsel does not seek a prompt hearing upon a motion filed, all motions shall contain the following language at the conclusion: THIS MOTION WILL BE HEARD ON THE _____ DAY OF _____, 20____ AT _____:00 __m.

7.02 RESPONSES TO MOTIONS

Where a response is filed, it should be served upon the other parties promptly. Responses shall be filed at least twenty-four hours prior to the hearing upon the motion to enable the response to be processed by the Clerk and delivered to the Judge so that it may be read and considered. Failure to file a response does not, however, prevent a party from being heard on a motion, nor does it entitle the movant to prevail without a hearing for the mere fact that no response was filed.

7.03 HEARINGS AND ORAL ARGUMENTS; WAIVER OF ORAL PRESENTATIONS

(A) When a motion is filed, the Court will contemplate that oral argument is requested, except where the motion contains the following language at its conclusion: NO ORAL ARGUMENT REQUESTED. When such a motion is filed, the Clerk will immediately transport that motion and file to the Court, and the Court will hold the motion for five Judicial Days (eight Judicial Days if the motion has been served on the opposing party by mail) to await a response from the opposing parties. Where no response is filed, the Court will then immediately decide the motion. Where a response is filed, the party filing the response may, if he or she seeks oral argument, include the following language at the conclusion of his response; ORAL ARGUMENT REQUESTED. Where such language is included, the Court will entertain oral argument from both parties. Where no oral presentation is requested in the response, the Court will then wait three additional Judicial Days (six Judicial Days if the Response was set by mail), and will then decide issue upon the pleadings.

(B) Where oral argument is not requested in the initial motion, but oral argument is requested in the response, counsel for the respondent shall first attempt to contact the Plaintiff, or counsel, so that an agreed date can be selected for oral arguments, and then the Respondent shall place the notice at the conclusion of the motion setting the motion in the form contained in Rule 7.01 above. Where counsel for the Respondent is unable to coordinate a date for oral argument after reasonable attempts, counsel for the Respondent may select a motion date and provide notice to Movant of the date of the hearing.

7.04 SCHEDULING OF MOTION HEARINGS

Unless otherwise docketed, all motions where oral presentations are sought, will be set on a designated motion day. Each side is allowed a maximum of fifteen minutes to present all motions. Upon consent of the trial judge, short motions may also be set on trial days before 9:00 a.m. Motions which cannot be concluded within thirty minutes should not be set on motion days except upon direction of the Court.

Counsel who are representing pro bono clients shall so notify the Clerk. The Clerk will docket those cases first on the motion docket.

7.05 STRIKING OR POSTPONING MOTIONS

(A) After a motion has been docketed, it may be stricken upon the agreement of all parties, or the moving party may strike the motion. When the motion is stricken without agreement, the party opposing the

motion may move the Court for fees and costs. The moving party must prepare an order, except that when fees and costs are granted, the party receiving those costs will prepare the order. Counsel for the moving party must notify the Clerk of the Court prior to the time set for oral hearing that the motion has been stricken.

(B) After a motion has been docketed, it may be continued or postponed upon the agreement of all counsel or parties without the consent of the Court. Neither party may unilaterally continue a motion hearing; however, where there is no agreement, the parties may seek leave of Court. Parties shall endeavor to accommodate other counsel and parties in the setting of motions, however. Notwithstanding any of the above, motions to dismiss or motions for Summary Judgment may not be continued absent order of the Court.

(C) Counsel for the moving party must notify the Clerk of the Court prior to the time set for oral hearing that the motion has been continued, and, where possible, at least 24 hours prior to the time of hearing.

7.06 MOTIONS FOR SUMMARY JUDGMENT & MOTIONS TO DISMISS

Motions for Summary Judgment and Motions to dismiss must be filed so that they can be scheduled as provided in the *Tennessee Rules of Civil Procedure*. Once set, such motions may not be continued absent order of the Court.

7.07 MOTIONS FOR DEFAULT

Motions for Default shall be filed in accordance with the *Tennessee Rules of Civil Procedure* and shall be scheduled to be heard on the Court's motion docket. Where the opposing party files no response, counsel for the moving party may file a proposed order and an affidavit from the party proving that the party is entitled to the relief sought, setting forth the elements of the party's damages, and the amounts thereof. Where attorney's fees are sought, the party's affidavit shall set forth the basis upon which the party is entitled to attorney's fees, and counsel shall submit an affidavit justifying the amount of attorney's fees sought. The Court may enter the proposed order granting the default. The Court further may enter an order establishing the amount of damages and attorney's fees when proper, or the Court may set a subsequent date for the hearing of the damage issue ex parte. Where the opposing party files a response or appears in Court without filing a response, the Court has the option of granting the Motion for Default, or denying the motion, allowing the party a brief period of time for the filing of an answer, and setting the case for trial. Where a party defendant has not been diligent, but the Court declines to grant the Motion for Default, the moving party may be entitled to an award of attorney's fees.

7.08 MOTIONS REGARDING DISCOVERY ISSUES

(A) Discovery motions are very difficult for parties and for the Court. Parties are strongly encouraged to agree upon such issues without a hearing. Nonetheless, parties are freely entitled to file such motions in accordance with the *Tennessee Rules of Procedure*.

(B) When a Motion to Compel Answers to Interrogatories or Motion to Compel Production of Documents or other Exhibits is filed, counsel shall file the Interrogatories for which answers are sought or the Request for Production as an exhibit to the motion. Where the opposing party has not been diligent in submitting responses, counsel fees may be awarded. On occasion, the Court may find that a party has been overly demanding or overly zealous in seeking orders compelling more detailed responses than is justified, which finding may also justify an award of attorney's fees. Where parties have been diligent in attempting to answer interrogatories, counsel fees are rarely appropriate. Further, the Court may reference any portion of the discovery issues to a Master for determination.

7.09 PRE-TRIAL MOTIONS

(A) Pre-trial motions not otherwise addressed within Rule 7 herein shall be filed with the Clerk and

scheduled and heard promptly. In cases wherein a jury trial is demanded, all motions that have not been heard shall be presented at the pre-trial conference. Matters which were unforeseen and are raised for the first time at the pre-trial conference shall be filed in writing and scheduled to be heard on a day before the trial setting, or at the direction of the Court, may be presented upon the written motion and responsive pleading. In rare cases, a pre-trial motion may be heard on the morning of trial before jury selection begins. In cases in which a jury is not demanded, pre-trial motions shall be heard when scheduled. When the decision of the Court will affect the presentation of evidence or witnesses needed, such motions shall be filed sufficiently in advance of the trial date that they can be heard timely and counsel can prepare in light of the decision. In other cases, pretrial motions in non-jury matters may be argued immediately prior to opening statements.

(B) Pre-trial motions shall be filed and heard so as not to cause the filing of motions to continue the scheduled trial date.

(C) Pre-trial motions, which are not disposed of prior to commencement of trial, are deemed to have been waived.

(D) Motions to Ascertain State of Case may be filed. After a case has been under advisement for more than 60 days or at any time counsel deems necessary, an attorney for any party to a proceeding may file a written motion inquiring of the Court as to the status of the case or pending motions, and may include in said motion a statement of reasons why an expedited disposition of the case or motion is deemed necessary or desirable.

RULE 8. **COURT FILES**

8.01 FILES AND RECORDS

All records of the Court shall be in the custody of the Clerk. Files may not be withdrawn except upon permission of the Clerk for a specified period of time. All pleadings, motions, and briefs shall be filed with the Clerk. Proposed orders shall be lodged with the Clerk. The Clerk shall deliver files to the trial Judges no later than 2:00 pm on the day before the trial is scheduled.

8.02 ORDERS

(A) In all civil cases, unless otherwise directed, within ten days after the Judge announces a decision, the attorney for the prevailing litigant (or the pro se litigant) shall submit to the Clerk an order containing the ruling of the Court. Prevailing counsel (or pro se party) shall serve a copy on opposing counsel (or pro se litigant). Such orders shall be lodged with the Clerk for five judicial days to afford opposing counsel an opportunity to object. Absent an objection, upon presentation by the Clerk to the Judge, the order will be entered. Civil orders submitted must be entered in accordance with the provisions of Rule 58 of the *Tennessee Rules of Civil Procedure*. Where an order is lodged which is signed by all parties or their counsel, the Court will enter such order upon presentation, without the necessity for holding such order for five Judicial days.

(B) All orders shall contain the name of the Judge presiding over that case immediately under the docket number.

8.03 ORDERS IN DOMESTIC RELATIONS AND WORKER'S COMPENSATION CASES

(A) In Domestic Relations cases, the order shall contain the current addresses of all parties to the final decree. Further, a certificate of divorce properly completed must be filed with the original Final Decree, and where there are minor children, a proper statistical sheet must be filed.

(B) In Worker's compensation actions, no orders may be filed until a properly completed Form SD-1 is also filed with the Clerk.

RULE 9 JURY TRIALS

9.01 JURY PANELS

(A) In Rutherford County monthly panels will be selected and will be assembled on the first Monday of each month. These panels will serve both the Circuit and Chancery Courts, and will hear both civil and criminal cases. To the extent that their calendars allow, the Chancellor and all Circuit Judges will meet briefly with the new jurors on the first Monday of each month to orient them so they will understand their duties. When the first Monday in a month falls on a holiday, the new juries will be empanelled on the first Judicial day thereafter. Jurors selected will serve each month and then will also serve during the first part of the next month until a new jury is empanelled on the first Monday of the next month.

(b) In Cannon County, the jury will be selected three times each year, in January, May, and September, and each juror will serve for four months. These panels will serve both the Circuit and the Chancery Courts.

9.02 JUROR QUESTIONNAIRES

At the beginning of their service, each prospective juror will complete a Questionnaire which will be filed with the Clerk of the Circuit Court, and which shall be available to counsel at all times in the Clerk's office. During voir dire, counsel may not ask prospective jurors questions which are covered by the questionnaire absent a showing that the repetition is necessary in the determination of the prospective juror's competency.

9.03 JURY SELECTION

At trial, the Judge will seat twenty-four prospective jurors in and around the jury box. Counsel will proceed, at the appropriate time, to voir dire all twenty-four prospective jurors. Questions should initially be directed by counsel to the entire panel, although follow-up questions may be asked of specific jurors as a result of their answers to general questions. Although counsel may also follow up on answers provided by prospective jurors in the jury questionnaires, it is presumed that counsel will consider questions and answers provided on the questionnaires and will not specifically re-ask those questions. Should issues arise as to challenges for cause, the Court may excuse a juror on his own motion, or counsel may seek to approach the bench to discuss challenges for cause. *Batson* challenges similarly should be exercised by argument at the bench outside the presence of the jury. When peremptory challenges are exercised, these challenges will be limited to the first thirteen prospective jurors. The Court will then move prospective jurors from seats 14 through 24 into the first thirteen seats in order as challenges are exercised. Further challenges will be exercised without the opportunity for further voir dire, until all twenty-four prospective jurors are seated or dismissed. When additional prospective jurors are called forward, attorneys may voir dire those persons, and jury selection will then continue in the same manner as above.

9.04 ALTERNATE JURORS IN CIVIL CASES

The *Tennessee Rules of Civil Procedure* allow Courts to empanel a number of jurors and then, after the case is concluded but before deliberations begin, to select one member of the panel who will not deliberate and effectively becomes the alternate juror. Alternatively, the Rules allow the Court to empanel a number of jurors and an alternate juror, in what may be considered the more traditional manner of selecting juries. Absent agreement or request from counsel, juries in this district will be selected so that the alternate is not determined until immediately prior to the commencement of deliberations. Thus, we typically will empanel a jury of thirteen persons, then immediately prior to the jury being excused to commence their deliberations, one of that

number will be selected by the Court to be the alternate, who will then be excused.

9.05 ORDER OF CLOSING ARGUMENTS AND CHARGE TO THE JURY IN CIVIL CASES

The *Tennessee Rules of Civil Procedure* allows Courts to charge the jury prior to arguments by counsel, or to allow counsel to argue first and then charge the jury. Absent agreement or request from counsel, the procedure followed in this district will be that the Court will present a substantial portion of the charge before counsel argue. The attorneys will present their closing arguments, after which the Court will deliver the concluding charges, typically Pattern Instructions numbered 15.11 through 15.20.

RULE 10. **DISCOVERY IN CIVIL CASES**

10.01 FILING REQUIRED ONLY FOR USE BY COURT

Interrogatories or Requests for Admissions or Production or other discovery material need not be filed with the Clerk unless and until it is to be considered by the Court for some purpose. Interrogatories and Depositions must be filed before they may be used for any purpose during the trial of the case, including impeachment of a witness or introduction for substantive proof.

10.02 NUMBER OF INTERROGATORIES

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

10.03 MOTIONS TO COMPEL DISCOVERY

Motions to Compel Discovery shall either quote verbatim the interrogatory, request or question and any objection or response thereto, or be accompanied by a copy of the interrogatory request or excerpt of a deposition which shows the question and objection or response. This requirement shall not apply when a party has failed to answer or object to an entire set of discovery requests. Nonetheless, a Motion to Compel shall be accompanied by a statement certifying that counsel has conferred with opposing counsel in good faith, in an effort to resolve by agreement the issues raised and that counsel have not been able so to agree.

10.04 MOTIONS FOR PROTECTIVE ORDERS AND MOTIONS TO QUASH SUBPOENAS

Motions for Protection Orders and Motions to Quash Subpoenas shall:

- (a) Either quote verbatim the interrogatory, request or subpoena, or be accompanied by a copy of the interrogatory, request, or excerpt which shows the question; and
- (b) State with particularity the ground for the motion; and
- (c) Be accompanied by an affidavit or other evidence showing the need for the order; and
- (d) Be accompanied by a proposed protective order.

RULE 11.
TRIAL EXHIBITS

11.01 TRIAL EXHIBITS IN JURY TRIALS

In any case in which a Jury is demanded, counsel must exchange all exhibits at or prior to the Pre-trial Conference, in accordance with Rule 4.02. At trial, exhibits will be received into evidence only after the foundation for introduction of the exhibit is laid, and after counsel for the party specifically moves the exhibit into evidence. No exhibit will be published to the jury unless counsel specifically moves the Court to have the exhibit published. Other than photographs, no exhibit may be published unless counsel furnishes a copy for the alternate and each juror.

11.02 TRIAL EXHIBITS IN NON-JURY TRIALS

In any non-jury case, counsel must exchange all exhibits at least seventy-two hours prior to trial, in accordance with Rule 4.02. At trial, exhibits will be received into evidence only after the foundation for introduction of the exhibit is laid, and after counsel for the party specifically moves the exhibit into evidence.

11.03 EXHIBITS AND DEPOSITIONS FILED AND THEN DESTROYED

(A) At the conclusion of all cases, all exhibits filed shall be accounted for and assembled by the parties or their counsel, and filed with the Clerk. Exhibits larger than 8 ½ x 11 inches shall be retained by the counsel for the party who introduced the exhibit, and, in the event the case is appealed, counsel shall reduce the exhibit to a size which the Clerk of the Appellate Court will receive.

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

RULE 12.
DIVORCE, PENDENTE LITE HEARINGS, AND POST-DIVORCE MATTERS

12.01 PENDENTE LITE HEARINGS

(A) When a divorce action is filed and Pendente Lite hearings are sought, counsel initially shall endeavor to utilize their best efforts to resolve issues pending a final hearing. When such is not possible, counsel shall file with the Court a motion requesting the Court to conduct a Pendente Lite hearing. Where it appears a hearing is necessary, the Court will appoint a Special Master for the purpose of conducting the Pendente Lite hearing, or, at the option of the Court, the Court may schedule the hearing without appointing a Special Master. When Pendente Lite hearings are scheduled, counsel shall endeavor to present his or her entire case within two hours or less, such that each side will be allowed a maximum of sixty minutes for opening, presentation of witnesses, cross-examination of adverse witnesses, and closing arguments. As stated below, counsel shall present written statements in accordance with Appendix D to these Rules.

(B) Appeals from the decision of the Master will be conducted upon the record of the testimony

presented before the Special Master and upon arguments of counsel.

12.02 RULE 12 STATEMENTS

Statements in Compliance with this Rule shall be filed with the Court as follows:

a) No less than 2 judicial days prior to a scheduled Pendente Lite hearing, each party shall file a completed "Statement in Compliance with Rule 12.01" in the form set forth as Appendix D to these Rules. The statements must be signed by the litigants and properly notarized. The Statements shall be marked as the first two exhibits to the Pendente Lite hearing and shall be considered to be the testimony of the parties as to the issues contained therein.

b) No less than eight Judicial Days prior to the Final Hearing of any contested divorce action, the Plaintiff shall file a "Statement in Compliance with Rule 12.02" in the form set forth as Appendix E to these Rules, properly signed by the Plaintiff under oath. Similarly, no less than four Judicial Days prior to the Final Hearing of any contested divorce action, the Defendant shall file a "Statement in Compliance with Rule 12.02" in the form set forth as Appendix E to these Rules, properly signed by the Defendant under oath, and setting forth assets and debts in the order set forth by the Plaintiff. These two statements shall be marked Exhibits 1 and 2 to the contested trial and shall be considered to be the testimony of the parties as to the issues contained therein.

12.03 IRRECONCILABLE DIVORCES

(A) When a divorce has been on file for sixty days, and the parties have no minor children, and have reached agreements as to all issues, and have entered into a Marital Dissolution Agreement, and seek to have a divorce granted upon Irreconcilable Differences, the parties may follow any of the following procedures. First, counsel for the parties, or counsel for either party can schedule a hearing either at 8:30 a.m. or on the motion docket of the Judge before whom the case is scheduled, and the parties and their counsel, if any, shall appear on that date for presentation of the case. Second, the parties and their counsel, if any, may appear unannounced at 8:30 a.m. on any Judicial Day before the Presiding Judge who may consider the Petition. When either of these first two procedures are followed, a divorce may be granted upon the testimony of either party, and the case may be presented by counsel for either party, or, if none, by a party *pro se*. Third, the parties may file affidavits in accordance with the provisions of Appendix A to these Rules, waiving their appearances at a hearing, in which case the Judge to whom the case is assigned will consider the entire file including the affidavits, the Marital Dissolution Agreement, and the proposed order, and if appropriate, will consider the matter at the time of his choosing either on an 8:30 or 9:00 a.m. docket or on a motion docket, without notice to the parties, and if proper, grant the divorce.

(B) When a divorce has been on file for ninety days, and the parties have minor children, and have reached agreements as to all issues, and have entered a Marital Dissolution Agreement, and seek to have a divorce granted upon Irreconcilable Differences, Counsel for the parties can schedule a hearing at 8:30 a.m. on any Judicial Day, or on the motion docket of the Judge before whom the case is scheduled, and the parties, or either of them and his or her counsel, if any, shall appear on that date for presentation of the case. Divorces presented where there are minor children may not be heard until such matters are first considered by the Divorce Coordinator as discussed below in Rule 12.04. All documents for consideration by the Court must be filed with the Clerk at least two full Judicial Days before any scheduled hearing.

12.04 ATTENDANCE AT MEDIATION AND PARENTING CLASSES

(A) Except when a divorce is granted on the basis of Irreconcilable Differences or upon Default, no divorce shall be heard unless the parties have first attempted to resolve their contested issues before a Rule 31 mediator, who shall report to the Court the result of the mediation in accordance with the Tennessee Supreme

Court Rule 31. Mediation may be waived by the Court in appropriate cases, and when the Court finds mediation should be waived pursuant to §36-4-131.

(B) Before a divorce may be granted to parties who have minor children which children are a product of the marriage at issue, both parties must attend parenting classes in accordance with orders of the Court, or, where a party has not so attended, the final decree must provide that the party shall attend the parenting classes within a reasonable period of time, generally ninety days or less, except that for good cause the Trial Judge may waive the duty of a party to attend the parenting classes in very unusual circumstances. A decree of divorce will not be denied based on failure to attend parenting classes.

(C) A Divorce Coordinator, funded by the county government, shall assist in insuring compliance with these requirements and further shall examine proposed Parenting Plans to insure compliance with statutes including payment of child support in accordance with the guidelines.

12.05 HEARINGS IN CONTESTED DIVORCES

At the option of the Trial Judge, the Court may elect to hear the testimony of parties first before any additional witnesses are called, or the Court may hear the proof for the Plaintiff before considering any defense proof, as in other litigation. No contested trial will be conducted before parties have exercised their best efforts to mediate their issues as stated above in Rule 12.04. Further, the Court may reference the determinations on such issues as property values, amount of child support, and facts bearing upon the issue of custody to a Special Master for determination.

12.06 PROPOSED PARENTING PLANS

When a contested divorce involving parties who have minor children is scheduled, the Plaintiff shall file a proposed Parenting Plan at least 8 Judicial Days before trial. At least 4 Judicial Days before trial, the Defendant shall file a proposed Parenting Plan highlighting disputed areas.

12.07 FINAL DECREE OF DIVORCE

The final decree of divorce shall provide the full names, social security numbers (except where parties for privacy reasons object to providing their numbers), places of employment and addresses of the parties. Where parties have minor children, the parties must provide a statistical information sheet to the Clerk, which shall comply with the provisions of Appendix F to these Rules.

12.08 TERMINATION OF CHILD SUPPORT

It shall be the duty of the divorced parent who is under an order to pay child support to petition the Court for an order terminating wage assignments or other deductions for payment of support when child support should no longer be required. Such petitions can be filed pro se and should conform with the provisions of Appendix G to these Rules. Before support may be terminated, it must be determined that the child is eighteen years of age, that the child has graduated high school, or his or her class has graduated from high school, or the child is no longer attending high school, and that the child is competent and not disabled, and that no past due child support is owed.

RULE 13. **FACSIMILE FILING**

13.01 PLEADINGS WHICH MAY BE FILED BY FACSIMILE

Facsimile filing is allowed to every extent allowed by the Tennessee Rules of Civil Procedure. New cases may not be filed by facsimile. Once a case is filed, however, answers, motions, briefs, and other documents may be filed by facsimile. Once submitted by facsimile, copies of signatures submitted by facsimile shall be deemed by the Court to be original signatures, and documents submitted by facsimile shall be deemed to be original documents. It is not required that original documents which are duplicative of documents submitted by facsimile be filed.

13.02 TRANSMISSION INFORMATION

(A) Each of the respective Clerk’s offices shall maintain a facsimile machine. These machines may be contacted as follows:

- Cannon Chancery Court: 615-563-5696
- Cannon Circuit Court: 615-563-6391
- Rutherford Chancery Court: 615-849-9553
- Rutherford Circuit Court: 615-217-7118

(B) Facsimile machines will be operational during regular office hours on Judicial Days. Machines may be operational before and after business hours. Facsimile transmissions received after 4:15 p.m. will be considered to be filed the following business day.

13.03 COVER SHEETS AND USER FEES

Each facsimile transmission must be preceded by a cover page bearing the signature or counsel guaranteeing prompt payment of the user fees. For each facsimile transmitted to the Court, there is a charge which is established by Supreme Court Rule. Counsel shall create their own bills for such services where they require such for their record keeping, and shall transmit payment within five Judicial Days, or such other time which may be provided by Supreme Court Rule.

RULE 14
ADDITIONAL FORMS

14.01 WORKER’S COMPENSATION

No less than two Judicial Days before a contested worker’s compensation trial, parties shall file a completed Form in accordance with Appendix P setting forth stipulation and certifying that all depositions, which will be introduced, have been filed. Except where counsel are unable to do so, depositions of medical professionals which testimony will be presented at trial should be filed two Judicial Days before scheduled commencement of the trial to enable the Court to read the testimony before trial.

14.02 AFFIDAVIT OF INDIGENCY

No case may be filed without payment of fees (except Petitions for Orders of Protection which are exempt from such fees) unless a Uniform Civil Affidavit of Indigency in accordance with Appendix I is filed.

RULES 15-24
RESERVED

PART B: RULES IN THE CRIMINAL COURT

RULE 25. **PETIT AND GRAND JURIES AND CRIMINAL PROCEDURE**

25.01 SELECTION OF GRAND AND PETIT JURIES

a) Unless otherwise determined by the Presiding Judge, Grand Juries in Rutherford County are to be empaneled on the first Monday of each quarter in February, May, August and November. The Grand Jury is to consist of twelve qualified jurors and a sufficient number of qualified alternates to serve in this capacity for a period of one month. After being empaneled, sworn and qualified, the grand jury will commence its duties. The Grand Jury will meet on the first Monday of the month and such subsequent days as needed. If the first Monday of the month falls on a holiday, the Grand Jury will meet on the first Tuesday and continue until their duties are completed. The Court will select from the remaining prospective jurors petit panels to serve for one-month intervals. All Petit Jurors will be required to fill out a prescribed juror information sheet and will be assigned a month of service in accordance with the needs of the Court.

b) The Grand Jury will meet as directed by the Presiding Judge to hear criminal cases in Cannon County in January, May and September. The Grand Jury in Cannon County will be selected in the same manner and fashion as that in Rutherford County, however, they will serve for a four month period of time, and will serve commencing on the day of their service and empanelment until the completion of the business of cases to be presented before them. Thereafter, they remain subject to special call at the direction of the criminal judge during the period of their continuous service as the grand jurors. Other potential jurors not selected for Grand Jury service will comprise the Petit Jury panel for the ensuing four-month period. A sufficient number of Petit Jurors will be selected, and at the discretion of the Court, may be divided into panels, which will serve for intervals of time. The Petit Jury members will be given direction by the Circuit Court Clerk of Cannon County as to the date and telephone number which they are to call for further instructions as to their jury service.

25.02 EXTRAORDINARY INTERLOCUTORY RELIEF

All special requests for extraordinary interlocutory relief in unindicted and unassigned cases awaiting Grand Jury action shall be presented to the Judge where the case will eventually be assigned, according to the policy and procedure of the office of the Criminal Court Clerk.

25.03 PROCEDURE AFTER INDICTMENT

(A) All Rutherford County felony and misdemeanor cases having been the subject of indictment will be arraigned on the third Monday of each month commencing at 9:00 a.m. Should the third Monday of the month fall on a holiday, arraignment will be the next Judicial Day after the holiday. The Court will be available for settlements, criminal motions, sentencing hearings, and other necessary criminal matters as time may permit.

(B) Arraignment and plea days for Cannon County will take place at the direction of the Judge holding the criminal court. Arraignment should generally occur the fourth Thursday or Friday of the month depending on the direction of the Judge, with plea day being set the first available date in the month following arraignment.

25.04 DISCUSSION DAYS

Discussion days for both felonies and misdemeanors are to occur monthly as directed by the Judges

holding criminal court.

25.05 PLEA DAYS

Plea days for both felonies and misdemeanors are to occur monthly as directed by the Judges holding criminal court. Cases which have not settled by their plea days shall be assigned a trial date and no pleas shall be accepted on the date of trial other than to the indicted charge unless good cause can be shown otherwise.

RULE 26.

PROCEDURE IN CRIMINAL CASES BOUND OVER OR APPEALED FROM COURTS HAVING GENERAL SESSIONS JURISDICTION IN RUTHERFORD COUNTY

All cases in which prosecution was initiated by a criminal warrant shall be set, pursuant to Rule 5 of the *Tennessee Rules of Criminal Procedure*, in the General Sessions Court. Misdemeanor cases may be resolved by plea, nolle, dismissal, or bench trial. Felony cases and misdemeanor cases that are not resolved in General Sessions Court will be bound over to the Grand Jury following either a preliminary hearing or by written waiver. If the Grand Jury fails to act on the case of a defendant in custody that has been bound over to the Circuit Court at its next regular session, the Clerk shall notify the Court that the individual is being held unindicted, and the Court may appoint counsel to represent the individual. The District Attorney must be given at least five (5) days notice regarding any motions filed concerning any unindicted individual who is being held.

RULE 27.

BONDING COMPANIES

27.01 QUALIFICATIONS AND OPERATIONS

All matters involving the qualifications and operation of bond persons and bonding companies shall be addressed to the Presiding Judge who, after consulting with the Judges who are hearing the Criminal Docket, shall hear and dispose of such petitions and applications, as he shall determine proper.

27.02 LOCATION OF SUPPLEMENTAL LOCAL RULES OF PRACTICE

The Local Rules of Practice related to bail bond companies and bond persons as adopted by the Chancellor and Judges are filed with the Criminal Court Clerk and will be available for inspection and/or copying by all interested persons.

RULE 28.

COUNSEL AND DEFENDANT'S PRESENCE AT ARRAIGNMENT AND SUBSEQUENT ARRAIGNMENT - ARRAIGNMENT MOTION AND ORDER

An unrepresented Defendant's presence is required at arraignment unless he has hired an attorney and that attorney has filed an Arraignment Motion and Order (Appendix R) waiving formal arraignment and setting a discussion and plea day for the Defendant as set by the Judge's calendar. The Defendant and his counsel shall appear for formal arraignment held on the third Monday of each month and for the setting of a discussion and

plea day if no motion for and order of arraignment is filed. No counsel will be relieved except where substitute counsel has been obtained or unless the Court relieves for some other good cause.

RULE 29.
PUBLIC DEFENDER AND INDIGENT CRIMINAL DEFENDANTS

The Public Defender for the Sixteenth Judicial District is charged with the responsibility for representing indigent defendants charged with crimes and criminal contempt and shall assist the Court in making available legal representation to such indigents. To meet these responsibilities, the Public Defender shall:

1. Assist the Court and supervise those who seek to have appointed Public Defender representation in the completion of the indigency affidavits justifying their assertion of indigence.
2. Evaluate and recommend whether the applicant meets indigency status.
3. Meet with the Attorney General and visit the jail reviewing all prisoners held in local jails awaiting court action to determine whether these individuals are indigent and entitled to representation. If they are qualified to receive Public Defender representation and are unable to make bond, the Public Defender is to notify the Court so the appropriate orders may be prepared and representation commenced.
4. When the Public Defender is appointed in the General Sessions Court and the indigent is in custody, this appointment is to continue through to the Circuit Court should the case be bound over. The Public Defender, once appointed, is to follow the progress of these cases to ensure that they promptly proceed through the criminal court system.

RULE 30.
DISCOVERY

30.01 RESERVED.

30.02 STANDING DISCOVERY RULE

On or fourteen (14) days from the date of the arraignment of a Defendant, the parties shall confer and the following shall be accomplished:

a) The State shall permit the Defendant to inspect and copy, or shall apply copies of all items listed below that are within the possession, custody, or control of the government, or the existence of which is known or by the exercise of due diligence may become known to the government:

- 1) Written recorded statements made by the defendant;
- 2) The substance of any oral statement the government intends to offer into evidence at trial made by the defendant before or after his arrest in response to interrogatories by a then known to be government agent;
- 3) Recorded grand jury testimony of the defendant relating to the offenses charged;
- 4) The Defendant's arrest and conviction record;
- 5) Books, papers, documents, photographs, tangible objects, buildings, or places which the government intends to use as evidence at trial to prove its case in chief, or which were obtained from or belong to the defendant; and
- 6) Results or reports of physical or mental examinations, and of scientific tests or experiments, or copies thereof, which are within the possession, custody, or control of the government, the existence of which is known, or by the exercise of due diligence may become known to the attorney for the government, and which are material to the preparation of the defense or are

intended for use by the government as evidence in chief at the trial. Notwithstanding the foregoing the State is not required to disclose confidential information protected by state or federal rules or regulations or statute.

30.03 DISCOVERY BY DEFENDANT

When the Defendant is entitled to discovery and so requests, the procedure shall be as set forth in Rule 30.02 of these Rules.

30.04 DISCOVERY BY STATE

Notice of intent to use audio/recording is required. When a party intends to offer an audio and/or visual recording as evidence in a jury trial, counsel must provide to all adverse counsel on or at least fourteen (14) days from the date of arraignment. Adverse counsel shall be permitted to review the recording in the form to be offered at trial and shall be allowed to copy the recording at his or her expense. Adverse counsel shall promptly advise the other attorney of each objection to the recording. The lawyers shall then attempt in good faith to resolve objections. If no resolution is reached, a motion in limine shall be filed and set sufficiently before trial so that the objections may be ruled on it time to allow any necessary editing. This does not void requirements of *Tenn. R. Crim. P* 12(d). When a party intends to use an audio or visual recording as evidence, such recording will be provided in pre-trial discovery, pursuant to Rule 30.02 of these Rules. Adverse counsel shall promptly advise the other attorney of each objection to the audio or visual recording, and the lawyers will attempt in good faith to resolve the objections. If no resolution is reached, a motion in limine shall be filed and set sufficiently editing. Failure to object pursuant to this rule and prior to trial shall constitute a waiver.

RULE 31.
WITNESSES
RESERVED.

RULE 32.
DISCUSSION DAY

It shall be the responsibility of the prosecuting District Attorney to evaluate each case and provide a written settlement offer to Defense Counsel. Settlement can be accepted on the defendant's discussion day or continued to the plea day.

RULE 33.
PLEA DAY

33.01 RESERVED

33.02 RESERVED

33.03 RESERVED

33.04 CONTINUANCE OF PLEA DAYS

Adjournment Plea Days may be granted when made in writing and upon a showing of good cause to the

Court. Good cause is not shown by the attorney's failure to discuss the case with the Attorney General.

RULE 34.
NEGOTIATED PLEA AGREEMENTS

34.01 PLEA AGREEMENT PROCEDURES

Rule 11 of the Tennessee Rules of Criminal Procedure shall govern negotiated plea agreements. In all felony cases, the defendant must file a written negotiated plea agreement signed by the District Attorney or his representative, the Defendant, and defense counsel if the Defendant is represented.

34.02 RESERVED

34.03 NOTICE TO VICTIMS

In cases where T.C.A. §40-38-101 applies, the court may refuse to accept the plea unless the prosecuting attorney states on the record that he or she has, before the plea, communicated with the victim regarding the plea or made a good faith effort to communicate with the victim.

34.04 COURT RESPONSIBILITIES

In accordance with the *Tennessee Rules of Criminal Procedure*, no plea agreement will be binding on the Court. In the event a plea agreement is rejected by the Court, the Court will so advise the parties, and that rejection shall be binding on the other parts of the Circuit Court, and no other Judge shall accept such plea agreement without the knowledge and consent of the rejecting Judge.

RULE 35.
MOTIONS PRIOR TO TRIAL

35.01 RESERVED

35.02 SCHEDULING PROCEDURES

All pre-trial motions, except motions regarding discovery under *Tenn. R. Crim. P. Rule 16*, shall be filed within twenty-eight (28) days of arraignment, absent leave of Court. Each such pretrial motion shall be accompanied by a memorandum and shall include the certification required by *Tenn. R. Crim. P. Rule 49*. A memorandum in response shall be filed within ten (10) days after the motion is filed and served, unless the Court orders otherwise.

35.03 RESERVED

35.04 MOTIONS IN LIMINE

Motions in limine shall be filed at least ten (10) Judicial Days prior to the trial and must be heard before the trial date, absent a showing of good cause.

35.05 RESPONSIBILITIES OF JUDGES AND CLERKS

The Judges presiding in the Criminal Court for Rutherford and Cannon Counties will designate motion

days. Counsel for any party may request the Clerk to set any motion, and any criminal matter requiring a brief period of time for a hearing on motion day. Persons interested in being heard on the criminal docket will set their matter with the Circuit Court Clerk by agreement with the Attorney General's office or upon the notice required by these rules for civil motions.

Any criminal motions not pursued and set for disposition, are considered waived when the case is set for trial before a jury.

35.06 MOTIONS TO ASCERTAIN STATUS OF CASE

At any time, an attorney for any party to a proceeding may file a written motion inquiring of the Court as to the status of the case or to pending motions, and may include in said motion a statement of reasons why an expedited disposition of the case or motion is deemed necessary or desirable.

35.07 MOTIONS FOR MENTAL EVALUATION

If Counsel discovers a reasonable basis to believe his or her client was incompetent at the time of the offense or is incompetent to assist in his or her defense, this fact is to be made known immediately to the Court by written motion seeking a mental evaluation. A motion for mental evaluation shall be filed no later than ten (10) Judicial days following arraignment.

RULE 36. **CRIMINAL DOCKET SETTING**

Cases shall be set for trial by the Court on the plea day. Setting of the docket for criminal cases not set in the above-styled manner will be made at the discretion of the Court. Any case which is crowded off the Docket by a trial shall be immediately assigned a new trial date by the Clerk's office so that all criminal cases are assigned a day certain for their disposition at all times.

RULE 37. **ORDERS AND JUDGMENTS IN CRIMINAL CASES**

37.01 PREPARATION AND SUBMISSION OF ORDERS AND JUDGMENTS

Unless the Court directs otherwise, the District Attorney shall prepare judgment orders. The attorney or the District Attorney shall prepare motion orders as directed by the Court. The Clerk shall prepare all other orders as directed by the Court.

37.02 RESERVED

37.03 RESERVED

37.04 ORDERS FOR MENTAL HEALTH EVALUATIONS

In all mental health evaluations under the provisions of *T.C.A.* § 33-7-301, a separate form shall accompany the order. This form, to be filled out by counsel, shall at least include the reason for the request, observed behavior, nature of changes, social history (including a history of prior treatment), a prior criminal record, copy of arrest warrant or indictment and, if available, the arrest report. The Clerk shall provide the

completed form to the individual or agency doing the evaluation. Where the evaluation is requested by the Defendant, orders will be prepared by counsel for the Defendant, and where the evaluation is requested by the State, the District Attorney will prepare the order. The Clerk will then send a copy of the orders to the agency to perform the evaluation.

RULE 38.
DEFERRED PAYMENT OF FINES AND COSTS

An application for deferred payment of fines and costs on an installment basis shall be made by the defendant to the Clerk, which application should present a detailed plan of the amount of payment to be made and the date thereof, with no payment being less than \$30.00. The payment should be large enough to extinguish the debt over the term of the probation.

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

PLAINTIFF,

vs.

CASE NO. _____

DEFENDANT.

AFFIDAVIT

Comes _____, the _____ in this cause,

having been duly sworn, who would state to the Court as follows:

1. My name is _____. I reside at _____

2. I am a party to a divorce action filed in this cause. I have signed a Marital Dissolution Agreement on the _____ day of _____.

3. It is my sworn testimony that I have read the Marital Dissolution Agreement, and that I believe the agreement to be fair to me and to my spouse.

4. I further solemnly swear or affirm that the Marital Dissolution Agreement, which has been signed, disposes of all of our marital assets and all of our marital debts, which I further swear or affirm that all divisions of property and debts have already been accomplished. Any sales of property contemplated by the Marital Dissolution Agreement have been accomplished, and the assets have been divided, except where expressly stated with the Marital Dissolution Agreement. I have signed all Deeds, Titles, Bills of Sale, and other documents necessary for the transfers of my interests contemplated in the Marital Dissolution Agreement.

5. I further solemnly swear or affirm that I have, to the best of my ability, attempted to reconcile the marital differences, which my spouse and I have developed, and I have been unable to do so. It is my belief that our marriage is irretrievably broken.

6. I further solemnly swear or affirm either that there have been no children born to this marriage, and none are expected, or alternatively that all children borne to my spouse and me are mentally and physically competent and they have reached the age of eighteen years, and either have previously graduated from high school, or they have ceased to attend school and the members of the child's class at school have graduated.

7. To the extent that the Marital Dissolution Agreement requires any further actions on my part, I solemnly swear or affirm that I will abide by the terms of the Marital Dissolution Agreement, which I have entered. I am able to bear all financial responsibilities, which I have agreed to accept.

8. I therefore ask the Court to consider the Marital Dissolution Agreement, which my spouse and I have signed. I ask the Court to approve the Marital Dissolution Agreement, and to incorporate it into a Final Decree of Divorce.

9. I therefore ask the Court to conduct a hearing in my absence, and I further ask that my attorney be excused from participation at that hearing. I ask the Court to consider this Affidavit, the Marital Dissolution Agreement, and the entire file in this cause, and enter an order divorcing my spouse and me.

This the _____ day of _____, _____.

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

APPENDIX B

RESERVED

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

PLAINTIFF,

vs. CASE NO. _____

DEFENDANT.

A F F I D A V I T

Comes _____, the _____ in this cause,

having been duly sworn, who would state to the Court as follows:

1. My name is _____ . I reside at _____

_____.

2. I have entered into a worker's compensation settlement, settling all claims, which I have pending in this cause under the Worker's Compensation Act.

3. As a part of that agreement, I have knowingly, willingly, and intelligently surrendered all of my rights, other than my right to retain my future medical bills. I recognize that all future medical bills directly related to this claim will be paid by my employer or its insurance company, for the rest of my life, so long as I continue to be treated by a doctor approved by my employer or insurance company. I recognize that neither my employer or its insurance company or its insurance company will be required to pay future medical bills not related to the claims which I have made in this cause, will be required to pay future medical bills not related to the claims which I have made in this cause, or occasioned by further injuries or aggravations which may be determined by a Court subsequently to be unrelated to the claims which I have made herein.

4. I have agreed to compromise all of the claims which I have in this cause for the sum of \$_____. This equates to a _____percent vocational disability, apportioned to

the _____.

5. I was treated by the following doctors who assigned the following anatomical impairment ratings to me:

DOCTOR

ANATOMICAL RATING

6. I understand that it is the duty of the Court to establish attorney's fees for my lawyer. I would request that my attorney be compensated \$ _____, which equates to _____ percent of my total recovery. I am satisfied with the work of my attorney in this case.

7. I recognize my right to have my case tried by a Judge, and I know that worker's compensation cases are tried quickly. I waive my right to a trial. I know that a Judge might decide that I am entitled to receive more money than I am receiving in this settlement, and I also recognize that a Judge might determine that I am entitled to receive less money than I am receiving in this settlement.

8. I am satisfied with the terms of the settlement. I feel that I understand the settlement. I also feel that I understand the worker's compensation law as it applies to me. My attorney and I have discussed all of these matters at some length.

9. I ask the Court to conduct a hearing, considering this affidavit and the entire file in this cause. I further ask that my attorney and I be excused from participation in that hearing. I ask the Court to approve the settlement, which I have reached in this cause.

10. I know I am not required to settle this cause, but I also understand that if this settlement is approved, I will be entitled to no further compensation from my employer except future medical bills as stated above. I also understand that the fees paid to my attorney will be deducted from the settlement which I have agreed to accept.

Enter, this the _____ day of _____, _____.

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

PLAINTIFF,

vs. CASE NO. _____

DEFENDANT.

AFFIDAVIT

Comes _____, the _____ in this cause,

having been duly sworn, who would state to the Court as follows:

1. My name is _____. I reside at _____

2. I have entered into a worker's compensation settlement, settling all claims, which I have pending in this cause under the Worker's Compensation Act.

3. As a part of that agreement, I have knowingly, willingly, and intelligently surrendered all of my right to have future medical expenses relating to this injury paid by my employer or its insurance company. I have made this decision without force or coercion.

4. Further, I understand that under the terms of the worker's compensation law, I would almost certainly be entitled to retain these future medical benefits for the remainder of my life.

5. I recognize and understand that the only reason my future medical benefits will be terminated is because of my agreement with my employer in this case.

6. I have agreed to receive \$ _____ in exchange for surrendering my future medical benefits.

7. In addition to the above sum, I have further agreed to compromise all claims which I have in this cause for the sum of \$_____. This equates to a _____ percent vocational disability, apportioned to the _____.

8 I was treated by the following doctors who assigned the following anatomical impairment ratings to me:

<u>DOCTOR</u>	<u>ANATOMICAL RATING</u>

9. I understand that it is the duty of the Court to establish attorney’s fees for my lawyer. I would request that my attorney be compensated \$_____, which equates to _____ percent of my total recovery. I am satisfied with the work of my attorney in this cause.

10. I recognize my right to have my case tried by a Judge, and I know that worker’s compensation cases are tried quickly. I waive my right to a trial. I know that a Judge might decide that I am entitled to receive more money than I am receiving in this settlement, and I also recognize that a Judge might determine that I am entitled to receive less money that I am receiving in this settlement.

11. I am satisfied with the terms of the settlement. I feel that I understand the settlement. I also feel that I understand the worker’s compensation law as it applies to me. My attorney and I have discussed all of these matters at some length.

12. I ask the Court to conduct a hearing, considering this Affidavit and the entire file in this cause. I further ask that my attorney and I be excused from participation in that hearing. I ask the Court to approve the settlement which I have reached in this cause.

13. I know I am not required to settle this cause, but I also understand that if this settlement is approved,

I will be entitled to no further compensation from my employer or insurance company whatsoever. I also understand that the fees paid to my attorney will be deducted from the settlement which I have agreed to accept.

Enter this the _____ day of _____, _____.

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

PLAINTIFF,

vs.

CASE NO. _____

DEFENDANT.

STATEMENT IN COMPLIANCE WITH RULE 12.01

Comes, now (Name of Party), the (Plaintiff/Defendant), who would show to the Court as follows:

1. He/she is employed at _____

located at _____.

His/her weekly gross income is \$_____ and his/her net income per week is \$_____.

If wages are paid hourly, the hourly wage is \$_____ per hour. Sources of additional income: _____.

1a. His/her spouse is employed at _____

located at _____.

The spouse has weekly gross income of \$_____ and net income per week of

\$_____. If wages are paid hourly, the hourly wage is \$_____ per hour.

Sources of additional income: _____

2. He/she owns the following interests in real property:

<u>Interest</u>	<u>Acreage</u>	<u>Location</u>	<u>Improvements</u>	<u>Fair Market Value</u>	<u>Amount of Secured Debt</u>
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____
_____	_____	_____	_____	_____	_____

3. He/she owns the following interest in personal property:

a. Motor vehicles: Number owned _____

<u>Year</u>	<u>Make/Model</u>	<u>Market Value</u>	<u>Total of Liens</u>	<u>Lienholder</u>
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b. Household Furnishings:

<u>Fair Market Value</u>	<u>Lienholders</u>	<u>Balance Owed</u>	<u>Monthly Payments</u>
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c. Bank Accounts:

<u>Bank</u>	<u>Balance</u>	<u>Type of Account</u>
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d. Stocks, Bonds & Other Intangibles:

<u>Shares</u>	<u>Company</u>	<u>Total Value</u>

e. Other property of significant value, e.g., riding mower, tools, equipment, insurance, boat, motorcycle, retirement plans:

<u>Item</u>	<u>Fair Market Value</u>	<u>Lienholder</u>	<u>Balance</u>	<u>Payments</u>

f. Personal items owned by the spouse other than as listed above:

<u>Item</u>	<u>Fair Market Value</u>	<u>Lienholder</u>	<u>Balance</u>	<u>Payments</u>

4. He/she owes the following debts:

<u>Creditor</u>	<u>Balance Owed</u>	<u>Monthly Payments</u>	<u>Security</u>

4a. The spouse owes the following debts:

<u>Creditor</u>	<u>Balance Owed</u>	<u>Monthly Payments</u>	<u>Security</u>

5. He/she submits the following as an estimate of the necessary weekly or monthly expenses, as indicated, for support of him/herself (and children where applicable):

ITEM	MONTHLY EXPENSE
Rent/House Payment	\$
Utilities (gas, electricity, water)	\$
Telephone	\$
School Lunches (Child(ren))	\$
Work Lunches	\$
Automobile Payments	\$
Tranportation to & from work	\$
Clothing Replacement (self)	\$
Clothing Replacement (Child(ren))	\$
Laundry & Dry Cleaning	\$
Child Care While Working	\$
Haircuts and Beauty Shop	\$
Insurance	\$

Medical & Dental Expense	\$
Drug & Medicines	\$
Furniture Payments	\$
Cigarettes	\$
Groceries	\$
Miscellaneous Expenses	\$
TOTAL EXPENSES	\$

Under penalty of perjury, I make oath that the information set forth above is true and correct to the best of my knowledge.

This the _____ day of _____, _____.

Plaintiff/Defendant

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing has been furnished to _____, (attorney for the Plaintiff/Defendant) by first class mail on this the _____ day of _____,

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

PLAINTIFF,

vs.

CASE NO. _____

DEFENDANT.

STATEMENT IN COMPLIANCE WITH RULE 12.02

This statement is submitted by the _____ (Plaintiff or Defendant).

I. The contested issues in this case are:

_____ Party to whom the Divorce should be granted

_____ Division of Co-Parenting Time with Children

_____ Payment of Child Support

_____ Division of Property

_____ Payment of Debts

_____ Payment of Alimony

_____ Division of Retirements or Other Assets Requiring Entry of a QDRO

_____ Payment of Attorney's Fees

_____ Payment of Court Costs

II. The party completing this form will present the following witnesses (list names, addresses, telephone numbers, and a general statement as to the subjects to which the witness will testify):

III. Income and expenses:

This party would show to the Court that the Plaintiff is employed at _____

_____ (include address).

The Plaintiff's weekly gross income is \$_____ and the Plaintiff's net income per week is \$_____. Sources of additional income are: _____

_____ This party further would show to the Court that the Defendant is employed at _____ (include address).

The Defendant's weekly gross income is \$_____ and the Defendant's net income per week is \$_____. Sources of additional income are: _____

IV. The party completing this form would show that the estimated expenses for this party are:

ITEM

MONTHLY EXPENSE	
Rent/House Payment	\$
Utilities (gas, electricity, water)	\$
Cable television	\$
Telephone	\$
Automobile Payments	\$
Clothing Replacement (self)	\$
Child care while working	\$
Insurance (by category: health, house, car)	\$
Medical & Dental expenses (self)	\$
Furniture payments	\$
Expenses for children not covered above	\$
Miscellaneous expenses	\$
	\$
	\$
	\$
TOTAL EXPENSES	\$

V. The party completing this form claims the following as separate property:

<u>Item</u>	<u>Fair Market Value</u>	<u>Lienholder</u>	<u>Balance</u>	<u>Payments</u>

VI. The party completing this form asserts that the following is a complete list of marital property with current fair market values:

<u>Item</u>	<u>Fair Market Value</u>	<u>Should be awarded to:</u> <u>Husband</u>	<u>Wife</u>

VII. The party completing this form asserts that the following is a complete list of marital debts and current payoffs:

<u>Debt</u>	<u>Payoff</u>	<u>Should be paid by:</u> <u>Husband</u>	<u>Wife</u>

Under penalty of perjury, I hereby swear that the statements above are correct to the best of my knowledge, information and belief.

Party completing this form

Pursuant to the provisions of Rule 11, I hereby certify that the matters contained herein have been represented to me to be correct, and as counsel for the party and officer of the Court, I present them for consideration by the Court.

Attorney

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing has been delivered by
(first class mail, hand delivery, etc.) _____ to
Hon. _____, Attorney for the opposing
party, on this the _____
day of _____, 200_____.

Attorney

APPENDIX F
STATE OF TENNESSEE
COURT OF RUTHERFORD COUNTY, TENNESSEE
Non IV-D Demographic Information and Update Worksheet
(Please print legibly)

COMPLETE FORM AND FAX ONE COPY TO: CHILD SUPPORT CLERK 615-907-3165

Please check on of the following:

Original Order
Modified Order
Updated Order

Please check only one:

State Case Registry
Centralized Collections
Both of the above

Docket ID * _____

Original Order Date: _____

Court Code* _____

Family Violence Indicator * Yes Or No

Custodial Parent Information

CP Last Name* _____ First Name* _____ Middle Name* _____

Sex* _____ SSN* _____ Date of Birth* ___/___/___ Relationship to DP _____

CP Mailing Address* _____

Address Line 2 _____

City Name* _____ State* _____ Zip* _____ Country _____

Non-Custodial Parent Information

NCP Last Name* _____ First Name* _____ Middle Name* _____

Sex* _____ SSN* _____ Date of Birth* ___/___/___ Relationship to DP _____

NCP Mailing Address* _____

Address Line 2 _____

City Name* _____ State* _____ Zip* _____ Country _____

NCP Employer Name* _____

Employer Address* _____

Address Line 2 _____

City Name* _____ State* _____ Zip* _____ Country _____

Dependent Information

DP #1: Last Name* _____ First Name* _____ Middle Name* _____

Sex* _____ SSN* _____ Date of Birth* ___/___/___

DP #2: Last Name* _____ First Name* _____ Middle Name* _____

Sex* _____ SSN* _____ Date of Birth* ___/___/___

DP #3: Last Name* _____ First Name* _____ Middle Name* _____

Sex* _____ SSN* _____ Date of Birth* ___/___/___

DP #4: Last Name* _____ First Name* _____ Middle Name* _____

Sex* _____ SSN* _____ Date of Birth* ___/___/___

*Fields Required. Notes: Additional dependents can be entered on a separate page and faxed to the above numbers. Docket # and Court Code Must be re-entered for additional dependents. Father's and Mother's Information need not be re-entered.

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____,

Petitioner,

vs.

NO. _____

_____,

Respondent.

PETITION FOR TERMINATION OF CHILD SUPPORT

Comes the Petitioner, _____, who would show to the court that he/she was ordered to pay child support in this cause, and the child for whom support was ordered:

A) is now 18 years of age (or soon will be 18 years of age), that child having been born on _____, _____, and

B) that the child has graduated from _____ High School on _____, _____, (or that the child was a member of the class of _____ High School which class graduated on _____, _____, and this child did not graduate), and

C) that this child is mentally and physically competent and

D) that all child support which is due has been paid.

The Petitioner would therefore pray that the Court ORDER

1) that the obligation for the payment of child support shall cease and

2) that an order enter terminating a wage assignment previously entered to _____ effective _____, _____ and

3) that the cost bond be waived in that an AGREED ORDER is submitted with this petition and the Petitioner tenders herewith the costs of this petition and order.

Enter this the _____ day of _____, _____.

PETITIONER

STATE OF TENNESSEE
COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires: _____

AGREED.

RESPONDENT

STATE OF TENNESSEE
COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My Commission Expires: _____

APPENDIX G

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

_____ ,

PETITIONER,

vs.

DOCKET NO. _____

_____ ,

RESPONDENT.

ORDER

This matter came on for consideration by the Court upon the pleadings and the entire file in cause, from all of which the Court finds that the parties' minor child

A) is now 18 years of age (or soon will be 18 years of age), the child having been born on _____, _____, and

B) that the child has graduated from _____ High School, (or the child was a member of the Senior Class at _____ High School which class graduated on _____, _____, and this child did not graduate), and

C) that this child is mentally and physically competent, and

D) that all child support that is due has been paid.

IT IS THEREFORE ORDERED that the obligation for the payment of child support shall cease and further IT IS ORDERED that a wage assignment previously entered to _____ shall terminate effective _____.

Costs of this cause were paid at the time of filing the Petition.

Enter this the _____ day of _____.

CHANCELLOR

APPROVED FOR ENTRY:

PETITIONER

STATE OF TENNESSEE
COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

RESPONDENT

STATE OF TENNESSEE
COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing order has been served by U. S. Mail, postage prepaid to Petitioner and Respondent at their last known address:

this the _____ day of _____, _____.

DEPUTY CLERK

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PETITIONER,

vs.

DOCKET NO. _____

_____ ,

RESPONDENT.

UNIFORM CIVIL AFFIDAVIT OF INDIGENCY

I, _____, having been duly sworn according to law, make oath that because of my poverty, I am unable to bear the expenses of this cause and that I am justly entitled to the relief sought to the best of my belief. The following facts support my poverty.

1. Full Name: _____

2. Address: _____

3. Telephone Number: _____

4. Date of Birth: _____

5. Names and Ages of all Dependents:

_____ Relationship _____

_____ Relationship _____

_____ Relationship _____

_____ Relationship _____

_____ Relationship _____

6. I am employed by:

7. My present income, after federal income and social security taxes, is \$ _____ per week or \$ _____ per month

8. I am not employed, but receive or expect to receive money from the following sources:

AFDC \$ _____ per month beginning _____

SSI \$ _____ per month beginning _____

Retirement \$ _____ per month beginning _____

Disability \$ _____ per month beginning _____

Unemployment \$ _____ per month beginning _____

Workers's Compensation \$ _____ per month beginning _____

Other \$ _____ per month beginning _____

9. My expenses are:

Rent/House Payment \$ _____ per month

Groceries \$ _____ per month

Electricity \$ _____ per month

Water \$ _____ per month

Gas \$ _____ per month

Transportation \$ _____ per month

Medical \$ _____ per month

Telephone \$ _____ per month

Other \$ _____ per month

10. Assets:

Automobile	\$ _____
Checking/Savings Account	\$ _____
House	\$ _____
Other	\$ _____

11. My debts are:

Amount Owed	To Whom
-------------	---------

I hereby declare under penalty of perjury that the foregoing answers are true, correct, and complete and that I am financially unable to pay the costs of this action.

PLAINTIFF

STATE OF TENNESSEE

COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

ORDER ALLOWING FILING UPON OATH OF INDIGENCY

It appears based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is an indigent person and is qualified to file case upon an oath of indigency.

It is so ordered this the _____ day of _____, _____.

CHANCELLOR/JUDGE

DETERMINATION OF NON-INDIGENCY

It appearing based upon the Affidavit of Indigency filed in this cause and after due inquiry made that the Plaintiff is not an indigent person because

_____.

IT IS SO ORDERED AND ADJUDGED that the Plaintiff does not qualify for filing this case upon an oath of indigency.

This the _____ day of _____, _____.

CHANCELLOR/JUDGE

NOTICE: If the judge determines that based upon your affidavit you are not eligible to proceed under a pauper's oath, you have the right to a hearing before the judge or, in certain cases, an appeal to Circuit Court.

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PETITIONER,

vs.

DOCKET NO. _____

_____ ,

RESPONDENT.

PETITION _____ TO SET CHILD SUPPORT (CHECK ONE)
 _____ TO ENFORCE CHILD SUPPORT
 _____ TO MODIFY CHILD SUPPORT

Petitioner, _____, under T.C.A. Title 36, Chapter 5,

states:

1. Petition is a resident of _____ County, Tennessee, and lives at

_____.

2. Petitioner is an employee at _____, whose address is

_____.

3. Petitioner's Social Security Number is _____.

4. Respondent is a resident of _____ County, Tennessee, and lives at

_____.

5. Respondent is an employee at _____, whose address is

_____.

6. Respondent's Social Security Number is _____.

7. The child(ren) for whom support is sought is/are:

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

8. This/these child(ren) reside(s) at _____.

9. Petitioner's relationship to the/these child(ren) is _____.

10. Respondent is obligated to pay support for this/these child(ren) because: (check appropriate section)

_____ (a) respondent is legal parent by virtue of birth during marriage to (ex-spouse's name)

_____ on (date of marriage) _____.

_____ (b) Court order of _____ Court on _____, copy

attached— may be order of paternity, legitimization, divorce, adoption, or non-support.

_____ (c) other (specify) _____.

11. Petitioner seeks to: (check appropriate items a-e)

_____ (a) have support set (for what reason) _____

_____.

_____ (b) enforce support (for what reason) _____

_____.

_____ (c) modify support (for what reason) _____

_____.

_____ (d) increase support (for what reason) _____

_____.

_____ (e) decrease support (for what reason) _____

_____ (f) recover arrearages due (for what reason) _____

_____ (g) other (specify) _____

12. Respondent has children under the age of 18 other than those listed above.

Yes _____ No _____ If yes:

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

13. Respondent is under an order of support for other children.

Yes _____ No _____

14. Respondent was previously married. Yes _____ No _____

15. Respondent has subsequently married. Yes _____ No _____

THEREFORE THE PETITIONER PRAYS:

1. That a hearing in this cause be set and notice of said hearing be served on Respondent, as provided in Section 36-5-405(a).

2. That the Court order: (check the appropriate paragraph a-d)

_____ (a) Respondent to pay a reasonable amount of child support in the manner deemed appropriate.

_____ (b) Enforcement of the previously ordered child support by means the Court finds appropriate,

including but not limited to income assignment, issuance of liens on real and/or personal property of

Respondent, requiring a bond or other security to assure payment.

_____ (c) An increase in child support.

_____ (d) A decrease in child support.

3. For general relief.

PETITIONER

STATE OF TENNESSEE
COUNTY OF _____

_____, being first duly sworn, affirms that the
Petitioner has read the foregoing petition, knows the contents thereof, and the same is true and correct to the
best of the Petitioner's knowledge, information, and belief.

PETITIONER

STATE OF TENNESSEE
COUNTY OF _____

Subscribed and sworn before me on this the _____ day of _____, _____.

NOTARY PUBLIC

My commission expires: _____

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PETITIONER,

vs.

DOCKET NO. _____

_____ ,

RESPONDENT.

(CHECK ONE)

PETITION _____ TO MODIFY CHILD SUPPORT

_____ TO TERMINATE CHILD SUPPORT

Petitioner, _____, Under T.C.A. Title 36, Chapter 5,

states:

1. Petitioner is a resident of _____ County, Tennessee,
and lives at _____.

2. Petitioner is an employee at _____, whose address
is _____

_____.

3. Petitioner's Social Security Number is _____.

4. Respondent is a resident of _____ County, Tennessee,
and lives at _____.

5. Respondent is an employee at _____, whose address
is _____

_____.

6. Respondent's Social Security Number is _____.

7. The child(ren) for whom support is paid is(are):

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

8. This (these) child(ren) reside(s) at _____.

9. Petitioner's relationship to the(these) child(ren) is _____.

10. Petitioner is obligated to pay support for this(these) child(ren) because:

(Check appropriate section)

_____ (a) petitioner is legal parent by virtue of birth during marriage to (ex-spouse's name)

_____ on _____ (date of marriage).

_____ (b) court order of _____ (name of Court) Court on

_____ (date), (copy attached—may be order of paternity, legitimization,

divorce, adoption, or non-support).

_____ (c) other (specify) _____

11. Petitioner seeks to modify the child support obligation by: (check appropriate item)

_____ (a) increasing support (for what reason) _____

_____ (b) decreasing support (for what reason) _____

_____ (c) terminating support (for what reason) _____

_____ (d) other (specify) _____

12. Petitioner has children under the age of 18 other than those listed above.

Yes _____ No _____ If yes:

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

(name) _____ (birthdate) _____

13. Petitioner is under an order of support for other children.

Yes _____ No _____

14. Petitioner has subsequently married. Yes _____ No _____

THEREFORE THE PETITIONER REQUESTS:

1. That a hearing in this cause be set and notice of said hearing be served on the Respondent, as provided in Section 36-5-405(a).

2. That the Court order:

_____ (a) an increase in child support.

_____ (b) a decrease in child support.

_____ (c) other (specify) _____

_____.

3. For general relief.

PETITIONER

STATE OF TENNESSEE

COUNTY OF _____

_____, being first duly sworn, affirms that the
Petitioner has read the foregoing petition, knows the contents thereof, and the same is true and correct to the
best of the Petitioner's knowledge, information, and belief.

PETITIONER

Sworn to and subscribed before me this the _____ day of _____, _____.

NOTARY PUBLIC/DEPUTY CLERK

My commission expires: _____

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PLAINTIFF,

VS.

CASE NO. _____

_____ ,

DEFENDANT.

ORDER APPOINTING SPECIAL MASTER

This cause came on to be considered by the Court, *sua sponte*, upon consideration of the fact that a party in this cause has sought an interim order and upon consideration of the Court if the needs of the parties for an early hearing and recognizing the congested docket of the Court, and it appearing proper

IT IS HEREBY ORDERED that reference is hereby made to the Honorable JOHN A. W. BRATCHER, Clerk and Master for Rutherford County, a member of the Rutherford/Cannon County Bar Association, and Mr. Bratcher is hereby appointed Special Master in accordance with the provisions of Rule 53 of the Tennessee Rules of Civil Procedure. The Special Master shall hear all interim issues previously filed in this cause to a conclusion and shall render his report as provided in Rule 53.04. In matters involving children, the Clerk and Master shall issue a temporary parenting plan pursuant to T. C. A. §36-6-403, which plan shall be effective from the date of the hearing as an order of the Court. Objections to the Report of the Special Master may be made to the Court on the record upon argument of counsel for the parties on any motion day in accordance with the Local Rules for the Sixteenth Judicial District. Hearings in this cause shall be set for

_____ .

ENTER this the _____ day of _____, 20__.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby swear or affirm that a true and exact copy of the foregoing **ORDER APPOINTING SPECIAL MASTER** has been mailed to the following:

This the _____ day of _____, 20__.

DEPUTY CLERK AND MASTER

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PLAINTIFF,

VS.

CASE NO. _____

_____ ,

DEFENDANT.

ORDER APPOINTING SPECIAL MASTER

This cause came on to be considered by the Court, *sua sponte*, upon consideration of the fact that a party in this cause has sought an interim order and upon consideration of the Court if the needs of the parties for an early hearing and recognizing the congested docket of the Court, and it appearing proper

IT IS HEREBY ORDERED that reference is hereby made to the Honorable JOHN A. W. BRATCHER, Clerk and Master for Rutherford County, a member of the Rutherford/Cannon County Bar Association, and Mr. Bratcher is hereby appointed Special Master in accordance with the provisions of Rule 53 of the Tennessee Rules of Civil Procedure. The Special Master shall hear all interim issues previously filed in this cause to a conclusion and shall render his report as provided in Rule 53.04. The Special Master is specifically directed **NOT** to file a transcript of the proceedings. In matters involving children, the Clerk and Master shall issue a temporary parenting plan pursuant to T. C. A. §36-6-403, which plan shall be effective from the date of the hearing as an order of the Court. Objections to the Report of the Special Master may be made to the Court on the record upon argument of counsel for the parties on any motion day in accordance with the Local Rules for the Sixteenth Judicial District. Hearings in this cause shall be set for _____.

ENTER this the _____ day of _____, 20__.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby swear or affirm that a true and exact copy of the foregoing **ORDER APPOINTING SPECIAL MASTER** has been mailed to the following:

This the _____ day of _____, 20__.

DEPUTY CLERK AND MASTER

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PLAINTIFF,

VS.

CASE NO. _____

_____ ,

DEFENDANT.

ORDER APPOINTING SPECIAL MASTER

This cause came on to be considered by the Court, *sua sponte*, upon consideration of the fact that a party in this cause has sought an interim order and upon consideration of the Court if the needs of the parties for an early hearing and recognizing the congested docket of the Court, and it appearing proper

IT IS HEREBY ORDERED that reference is hereby made to the Honorable **JOHN A. W. BRATCHER**, Clerk and Master for Rutherford County, a member of the Rutherford/Cannon County Bar Association, and Mr. Bratcher is hereby appointed Special Master in accordance with the provisions of Rule 53 of the Tennessee Rules of Civil Procedure. The Special Master shall hear all interim issues previously filed in this cause to a conclusion and shall render his report as provided in Rule 53.04. In matters involving children, the Clerk and Master shall issue a temporary parenting plan pursuant to T. C. A. §36-6-403, which plan shall be effective from the date of the hearing as an Order of the Court. **The Temporary Restraining Order previously issued in this matter shall remain in effect pending further orders of this Court.** Objections to the Report of the Special Master may be made to the Court on the record upon argument of counsel for the parties on any motion day in accordance with the Local Rules for the Sixteenth Judicial District. Hearings in this cause shall be set for _____.

ENTER this the _____ day of _____, 20__.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby swear or affirm that a true and exact copy of the foregoing **ORDER APPOINTING SPECIAL MASTER** has been mailed to the following:

This the _____ day of _____, 20__.

DEPUTY CLERK AND MASTER

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____,

PLAINTIFF,

VS.

CASE NO. _____

_____,

DEFENDANT.

ORDER APPOINTING SPECIAL MASTER

This cause came on to be considered by the Court, *sua sponte*, upon consideration of the fact that a party in this cause has sought an interim order and upon consideration of the Court if the needs of the parties for an early hearing and recognizing the congested docket of the Court, and it appearing proper

IT IS HEREBY ORDERED that reference is hereby made to the Honorable **JOHN A. W. BRATCHER**, Clerk and Master for Rutherford County, a member of the Rutherford/Cannon County Bar Association, and Mr. Bratcher is hereby appointed Special Master in accordance with the provisions of Rule 53 of the Tennessee Rules of Civil Procedure. The Special Master shall hear all interim issues previously filed in this cause to a conclusion and shall render his report as provided in Rule 53.04. The Special Master is specifically directed **NOT** to file a transcript of the proceedings. In matters involving children, the Clerk and Master shall issue a temporary parenting plan pursuant to T. C. A. §36-6-403, which plan shall be effective from the date of the hearing as an Order of the Court. **The Temporary Restraining Order previously issued in this matter shall remain in effect pending further orders of this Court.** Objections to the Report of the Special Master may be made to the Court on the record upon argument of counsel for the parties on any motion day in accordance with the Local Rules for the Sixteenth Judicial District. Hearings in this cause shall be set for

_____.

ENTER this the _____ day of _____, 20__.

CHANCELLOR/JUDGE

CERTIFICATE OF SERVICE

I hereby swear or affirm that a true and exact copy of the foregoing **ORDER APPOINTING SPECIAL MASTER** has been mailed to the following:

This the _____ day of _____, 20__.

DEPUTY CLERK AND MASTER

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

_____ ,

PLAINTIFF,

vs.

CASE NO. _____

_____ ,

DEFENDANT.

MASTER'S REPORT

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This cause came on to be heard on the _____ day of _____, 200____, before the Honorable John A. W. Bratcher, Special Master, upon the Petition for relief pendente lite, and upon the testimony of the parties and witnesses, and the entire file in this cause, from all of which the following findings of fact and conclusions of law are entered:

1. That the (Petitioner)(Respondent), should have primary temporary custody of the parties' minor children, _____, age _____; and _____, age _____;

2. That the (Petitioner) (Respondent), _____, should pay \$_____ per (week) (month) temporarily for the reasonable support of the minor children, commencing on _____, 20_____;

3. That payments of support for the minor children shall be made by the (Petitioner) (Respondent) (directly by) (check) (money order) (direct deposit) (through the Central Receiving Agency) to the (Petitioner) (Respondent);

4. That the (Petitioner) (Respondent), shall have sole possession of the parties' marital home pending the final resolution of this cause;

5. That the (Petitioner) (Respondent) should have co-parenting time with the minor and visitation with the children from _____ to _____ each _____, beginning the _____ day of _____, 20____. Such co-parenting time shall take place at _____;

6. Further the [Petitioner] shall be responsible for the payment of the following bills pending further hearings: _____

_____. The (Respondent) shall be responsible for the payment of the following bills pending further hearings:

_____;

7. The (Petitioner) (Respondent) further shall pay to the (Respondent) (Petitioner) the sum of \$ _____ as temporary spousal support pending further hearings in this cause, which payments will be made (directly) (by direct deposit) beginning on the _____ day of _____, 20____;

8. The parties have ten (10) days from receiving this Report to file an objection thereto, pursuant to Rule 53 of the Tennessee Rules of Civil Procedure. Absent the filing of objection within the time allowed by law, this Report will be affirmed.

Appeal will be heard on the record and argument of counsel only.

Entered this the _____ day of _____, 20_____.

JOHN A. W. BRATCHER
SPECIAL MASTER

CERTIFICATE OF SERVICE

I hereby affirm that a true and exact copy of the foregoing **MASTER'S REPORT** has been mailed to the following:

(NAMES AND ADDRESSES OF BOTH ATTORNEYS OR PARTIES TO WHOM THIS MASTER'S REPORT WILL BE MAILED)

This the _____ day of _____, 20_____.

DEPUTY CLERK

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

PLAINTIFF,

VS.

CASE NO. _____

DEFENDANT.

ORDER APPROVING MASTER’S REPORT

This cause came on to be considered upon the Report of the Special Master, the Court finding the ten (10) days has expired since the entry of the Master’s Report, and noting that no objection thereto has been filed, and it appearing to the Court that the Report is proper in all respects, and should be confirmed

IT IS, THEREFORE, ORDERED that the Report of the Special Master is hereby adopted as the Order of the Court. Court costs and further matters are reserved.

Enter this the ____ day of _____ 20__.

HONORABLE

CERTIFICATE OF SERVICE

I hereby swear or affirm that a true and exact copy of the foregoing **ORDER** has been mailed to the following:

(NAMES AND ADDRESSES OF BOTH ATTORNEY'S OR PARTIES TO WHOM THIS MASTER'S REPORT WILL BE MAILED)

On this the _____ day of _____ 20__.

DEPUTY CLERK AND MASTER

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO

_____ ,

PLAINTIFF,

VS.

CASE NO. _____

_____ ,

DEFENDANT.

PRE-TRIAL MEMORANDUM IN WORKER'S COMPENSATION CASES

The Plaintiff's age is _____. The highest grade the Plaintiff completed in school is the _____th grade. Additional formal training the Plaintiff has received is

_____.

The Plaintiff has the following transferable job skills: _____

The treating physician, Dr. _____, will testify that the Plaintiff sustained _____% impairment apportioned to the _____, and the Plaintiff has the following permanent work

restrictions:

_____.

Dr. _____, who performed an Independent Medical Evaluation at the request of the _____ will testify that the Plaintiff sustained _____% impairment apportioned to the _____, and the Plaintiff has the following permanent work restrictions:

Dr. _____, who performed an Independent Medical Evaluation at the request of the _____ will testify that the Plaintiff sustained _____% impairment apportioned to the _____, and the Plaintiff has the following permanent work restrictions:

The Plaintiff alleges that he/she has the following physical limitations as a result of his injury:

The Plaintiff asserts he/she has the following work history:

The parties stipulate the following: (check all that apply)

- _____ 1) The Plaintiff received a compensable injury under the worker's compensation law;
- _____ 2) The Plaintiff sustained a gradual/traumatic (circle one) injury;
- _____ 3) The Plaintiff's injury occurred on _____, 20____;
- _____ 4) Notice was timely given;
- _____ 5) The Plaintiff's compensation rate is \$ _____;

_____ 6) Total disability benefits were paid from _____, 20_____
through _____, 20_____;

_____ 7) No additional payments of temporary disability are owed;

_____ 8) The earlier of the date of maximum medical improvement and the Plaintiff's return to work is
_____, 20_____;

_____ 9) The Plaintiff returned to work for the pre-injury employer at the same or a higher wage.

Counsel for the Employee

Counsel for the Employer

Counsel for the Second Injury Fund

IN THE _____ COURT FOR RUTHERFORD COUNTY, TENNESSEE

AT MURFREESBORO

_____ ,

PLAINTIFF,

VS.

CASE NO. _____

_____ ,

DEFENDANT.

AGREED SCHEDULING ORDER

This case came on to be considered by the Court upon the joint motion of the parties, pursuant to the provisions of Rule 3.02(B) of the Local Rules of Practice, and the Court finding the same to be proper,

IT IS THEREFORE ORDERED that the following deadlines are hereby established:

A) All modifications of pleadings shall be accomplished by _____
_____, 20_____;

B) All written Interrogatories, Requests for Admissions and other written discovery shall be completed
by _____, 20_____;

C) All non-expert depositions shall be completed by _____, 20_____;

D) All experts shall be disclosed by _____, 20_____;

E) All evidentiary depositions shall be taken by _____, 20_____;

F) All dispositive motions shall be filed by _____, 20_____, and heard on or
before _____, 20_____;

G) A Judicial Settlement Conference shall be conducted before the Honorable _____
on _____, 20_____;

H) A Pre-Trial Conference shall be conducted on _____,
20_____;

I) The trial of this case will commence on _____, 20_____, and is expected
to last _____ days.

Further matters are reserved.

This the _____ day of _____, 20_____.

JUDGE

APPROVED FOR ENTRY:

Attorney for Plaintiff

Attorney for Defendant

**IN THE CIRCUIT COURT FOR RUTHERFORD COUNTY, TENNESSEE
AT MURFREESBORO**

STATE OF TENNESSEE,

VS.

CASE NUMBER _____

_____,
DEFENDANT.

MOTION FOR ARRAIGNMENT

I am _____, the Defendant in this case, and my attorney is

_____. I hereby acknowledge receipt of

the following:

- 1) The indictment in this case;
- 2) Information that I may appear in open Court for Arraignment;
- 3) Information that I may waive my formal Arraignment;
- 4) That my Discussion Day is _____;
- 5) That my Plea Day is _____.

My motion is to be allowed to waive my personal appearance and that of my attorney at arraignment, and to request the Court to enter a Plea of Not Guilty. I certify that I will appear timely on Discussion Day and Plea Day.

I respectfully submit this motion pursuant to Rule 43(a) of the Tennessee Rules of Criminal Procedure.

Defendant

As attorney for the Defendant, I certify that I am retained/appointed to represent the Defendant through the trial of this cause and that I have not signed my client's signature to this motion.

Attorney for Defendant

NON-MINUTE ORDER

The Motion in this cause is hereby approved by the Court. A plea of Not Guilty is Ordered entered for the Defendant and his Discussion Day and Plea Day is as stated above.

This the _____ day of _____, 20_____.

JUDGE