

9th Judicial District Local Rules

LOCAL RULES OF PRACTICE FOR THE 9th JUDICIAL DISTRICT OF TENNESSEE

PART I

RULE 100 - GENERAL

100.01 - Upon the effective date hereof, all local rules of practice in the Chancery, Circuit and Criminal Courts of the counties comprising the Ninth Judicial District of Tennessee are abrogated and are superseded by these rules.

100.02 - Each rule is applicable in all Courts of the District unless otherwise indicated, provided however, that if any of these rules conflict with applicable law, the Tennessee Rules of Civil Procedure or the Tennessee Rules of Criminal Procedure or any other rule of the Appellate Courts of this State, such conflicting rule shall be of no effect insofar as such conflict exists. Additionally, if any conflict exists between the general provisions of these rules and the specific rules for wither of the Courts, the specific court rule shall prevail.

100.03 - Whenever the term "Clerk" is used in these rules, it may be taken equally to mean the Clerk and Master of the Chancery Court. Likewise, whenever the "Judge" is used in these rules, it may be taken equally to mean "Chancellor."

100.04 - These rules may be suspended at any time, in the discretion of the Judge of the respective Courts.

RULE 101 - CONDUCT OF COUNSEL

101.01 - All attorneys, before making an appearance in this district, shall be under a positive duty to familiarize themselves with these local rules of practice.

101.02 - Entry of an appearance of counsel shall be made in one of the following ways:

1. A written request by counsel to the Clerk of the respective Court that an appearance be entered;
2. The filing of a pleading;
3. Appearance of Counsel at an arraignment; or
4. Appointment by the Court.

101.03 - No attorney or counsel of record will be allowed to withdraw except for good cause shown and by leave of Court obtained by motion and after notice to the party whom he represents.

101.04 - If a party does not have counsel of record, copies of pleadings filed shall be furnished to the party, and no action shall be taken on any pleadings which substantially affect the case unless it is called to the attention of the Court that the affected party does not have counsel.

101.05 -

- A. During trial, counsel shall not exhibit familiarity with witnesses, jurors or opposing counsel, and the use of the first names for adults shall be avoided. During opening statements and final arguments, no juror shall be addressed individually by name.
- B. Bench conferences shall be requested only when absolutely necessary in aid of a fair trial.
- C. Counsel shall refrain from interrupting the Court or opposing Counsel until the statement being made is fully completed, except when absolutely necessary to protect the interest of the client and should respectfully await the completion of the Court's statement or opinion before undertaking to point out objectionable matters. When objection is made to a question asked a witness, counsel should refrain from asking the witness another question until the Court has had an opportunity to rule on the objection.
- D. Counsel should instruct all witnesses called by him or her, that when an objection is made, the witness should not answer the question until the objection is ruled upon by the Court and an answer is permitted.
- E. Attorneys shall stand while examining witnesses, or addressing the jury or the Court, but in no event shall they stand or position themselves in such a manner as to make visible to the jury, notes, photos, or any other material not introduced into evidence.
- F. No attorneys, parties or witnesses shall engage in any conversation with any juror until his or her service has ended. No other person shall engage in any conversation with any juror about a pending case until the case is concluded and the Court releases the jurors.
- G. During representation of matters in open Court, counsel shall refrain from addressing opposing counsel, but direct all comments and questions to the Court.
- H. All Motions to Dismiss, Motions for Directed Verdict or any other Motion which goes to the merits of the case shall be made in the absence of the jury.
- I. Consultations between counsel, counsel and their clients or any other person, and bench conferences shall be made in a manner as to be completely inaudible to the jury. In addition, counsel should instruct their clients that no sounds audible to the Court or jury nor inappropriate gestures are to be made during the trial.
- J. Neither counsel nor a party to a pending action shall contact the Judge before whom a case is pending about the merits of the case unless a bona fide emergency exists, except by letter or orally with other counsel of record present. A copy of all such letters shall be sent to counsel of record and a copy sent to the Clerk for filing. While a trial is in progress, all matters and discussions regarding the case will be held in open Court with adversary counsel present unless the Court deems a chamber hearing appropriate to attain the ends of justice. Counsel for all parties must be present during chamber hearing or conferences.
- K. All attorneys shall conduct themselves in a proper manner in accordance with the Code of Professional Responsibility as adopted and promulgated by the Tennessee Supreme Court. They shall, at all times, be courteous to the Court, other counsel, witnesses and all other officers of the Court. All other officers of the Court will conduct themselves in such a manner as to assist the Court in the orderly, efficient and economical operation of the court.

- L. Only attorneys authorized to practice in the Courts of this state will be permitted to make a Court appearance except as otherwise provided by Rule of the Supreme Court. Docket soundings shall be considered a Court appearance and paralegals and other non-attorney personnel **will not** be permitted to participate.

RULE 102 - COURT SESSIONS

102.01 - Regular sessions of the respective Courts shall be held in the various counties of the Judicial District as set out in Appendix A hereto. The Court will open promptly at the appointed time and all attorneys, parties and witnesses shall be expected to appear on time.

102.02 - Judges of the respective Court within the Judicial District or from any other district may interchange with one another at any time, in accordance with applicable law, and no notice to the parties or counsel shall be required.

RULE 103 - FILING AND SERVICE OF PAPERS

103.01 -

- A. All papers, including pleadings, motions, briefs and proposed judgments and orders shall be filed with the clerk. Papers should not be mailed to or left with the judge except under unusual circumstances and unavailability of the clerk. The clerk will present all proposed orders for signature at the earliest possible date. All notices of non-suit in civil cases shall be accompanied by a brief order for entry on the minutes of the Court.
- B. All papers except those signed by all parties or their counsel must contain a certificate of service which must reflect the date of service and the name of the person or persons served. The clerk may refuse to file papers which do not contain a certificate which complies with these rules and all applicable rules of Civil, Criminal and Appellate Procedure.
- C. All papers filed with the Clerk or the Court must bear the individual signature and a legible name and address of the attorney (including their Board of Professional Responsibility Number) or party filing the documents.
- D. Unless the Court directs otherwise, attorneys for the prevailing parties will prepare Orders for entry by the Court. Orders that contain a recitation of a hearing shall, when submitted to the Court, state the date of hearing. Orders containing blank spaces may be returned to counsel. All orders shall be submitted, when possible, to opposing counsel for approval as to form and content. All orders must be filed with the Clerk and served on opposing counsel within ten (10) days following the day the ruling is made by the Court. If orders are not timely filed, a showcause order may issue and be served on counsel, or the court may require a transcript of the evidence or statement of the evidence to be submitted with the proposed order; or if no transcript is available, may, in its discretion, grant a new trial and tax all accrued costs personally to the attorney or attorneys responsible for the delay.
- E. Orders in contested matters containing only the signature of the attorney preparing the order will not be entered immediately but will be held by the Clerk for five (5) days. When opposing counsel receives a copy of a proposed order, he shall notify the Clerk immediately, in writing, if he has any objection to the order. If the Clerk receives no objection within the five (5) day

period, the order will be submitted to the Judge for signature. Where there is a disagreement as to the terms of the order, each party will submit a proposed order and serve opposing counsel with a copy of same.

- F. In all cases which are heard ex parte or where is no opposing counsel, the party which calls the case for hearing shall submit at the time of hearing the original and one copy of a proposed order. Unless advance court approval is obtained, the Court may refuse to hear any case in which no proposed order is submitted.

RULE 104 – DEPOSITIONS AND INTERROGATORIES

104.01 -

- A. Video depositions shall be taken and/or used only in strict compliance with the Tennessee Rules of Civil Procedure.
- B. Any party offering a video deposition into evidence shall make adequate preparations for stopping the recording at the appropriate time, if objections are made, and for eliminating portions of the depositions which the Court finds to be inadmissible. The party shall also take adequate steps to insure that the deposition is presented in such a fashion as preclude unnecessary disruption of the trial.
- C. Interrogatories shall be so arranged that after each separate question or sub-part, there shall appear a blank space, reasonably calculated to enable the answering party to have the answer typed in. The party submitting the interrogatories shall serve and leave with the person to whom the interrogatories are directed the original and two (2) copies. The party to whom the interrogatories are directed shall answer each interrogatory in the space provided, using additional pages, if necessary, and thereafter, shall serve a copy of same upon the party propounding the interrogatories and file the original with the Clerk of the Court.
- D. A party objecting to written interrogatories shall set forth each interrogatory to which an objection is made, followed by his objection and the reason therefore.
- E. A party objecting to answers shall set forth each answer to which an objection is made and the interrogatory to which it relates, followed by his objection and the reasons therefore.
- F. Interrogatories shall be limited to thirty (30) in number and each sub-part shall be considered a separate interrogatory for the purpose of this rule.

RULE 105 – COURT RECORDS

105.01 -

- A. All papers and records of the Court shall, at all times, be under the custody and control of the respective clerk. The Clerks may allow inspection of files and records in his office by an interested party or as provided by law. The clerks shall not permit files and records to be removed from his office except as hereinafter provided.
- B. No files or records shall be withdrawn from the Clerk's office except by a Judge of the Court or by an attorney authorized to practice in the Court and then only after first obtaining permission

from the Clerk and furnishing the Clerk with a receipt therefore. No other person shall be permitted to withdraw a file from the clerk's office but the Clerk may duplicate any part of a file for any person interested in a case, upon payment by such a person of the reasonable costs of duplication.

- C. Files withdrawn from the Clerk's office shall be returned within ten (10) calendar days and the Clerk shall immediately, upon return of the file, cancel the receipt. If a file is not returned in accordance with this rule, the Clerk is authorized to reconstruct the file in accordance with applicable law, at the cost of the party who is chargeable with the file.
- D. Nothing in this rule shall be construed as allowing or permitting the inspection or duplication of records required by law to be kept confidential.

RULE 106 – DOMESTIC RELATIONS

106.01 -

- A. Divorce cases (except for uncontested cases) will be tried only during regular sessions of Court, however, such cases will not stand for trial until the expiration of sixty (60) days from the date of the case is at issue.
- B. In all cases where the Court is required to make or approve an Order for child support, both parties shall prepare and file a statement showing the gross income of each party and all deductions therefrom and each statement shall also include a computation of child support as required by the applicable child support guidelines. Each party seeking to have the Court deviate from applicable child support guidelines shall also prepare and file a statement of income and expenses together with a brief statement of each factor upon which the party relies as a basis for deviating from the guidelines. Computations of child support shall conform to any forms which be adopted by the State of Tennessee. When a case comes on for hearing ex parte, only the party present at the hearing shall be required to prepare and file the statements necessary to determine the appropriate amount of child support.
- C. In all contested cases involving division of assets or a demand for alimony, including petitions to increase or reduce court ordered obligations, each party shall prepare a financial statement and shall exchange the required financial statements with adverse counsel not less than twenty (20) days prior to trial. Not less than ten (10) days before trial, attorneys for the parties (or the parties themselves if not represented by counsel) shall meet, with parties either in attendance or available for immediate consultation, for the purpose of reconciling the two (2) financial statements and preparing a master financial statement. The master financial statement shall contain a listing of all of the assets claimed by each party to be marital property and separate, non-marital property; assets which are claimed to be missing and unaccounted for; the values assigned by each of the parties to each asset. The master statement shall further indicate which assets are not disputed and the party to whom such asset shall belong by agreement of the parties following the divorce. The assets shall be listed on the form in such a way that each item appears only once on the master list, but may be described parenthetically by the parties if their descriptions are relevant to the resolution of the dispute. The master financial statement shall likewise list each indebtedness and the asset securing that indebtedness. An asset set out on the

master financial statement shall be assumed to be claimed by both parties unless otherwise designated as being conceded to one party or the other or is one which the parties have agreed to own as tenants in common following the divorce. Only the master financial statement shall be referred to at trial. An example of one form of a master financial statement which may be used by the parties is attached as Appendix B. A party may compel compliance with these rules by motion promptly filed. Sanctions may include continuance of the lawsuit, striking the financial statement of a party or his pleadings, or taxation of costs to the party or counsel responsible for noncompliance.

- D. The master financial statement and the statements concerning child support required by this section must be filed with the Court, and a copy provided to the opposing party prior to trial. If statements are not filed as required by this section, the Court may continue the trial of the case, may issue and serve on counsel a show cause order, or may, in its discretion, tax accrued costs personally to the party or attorney failing to comply.
- E. This rule shall apply equally to all cases heard by the Child Support Referee.
- F. No contested divorce action shall be placed on the docket in Circuit Court until the parties have scheduled a pre-trial conference.
- G. Any party involved in a domestic relations case which involves issues concerning children shall comply with the Parenting Legislation set out in T.C.A. 36-6-401 et seq and the Local Rules attached as Appendix C.

RULE 107 – SETTLEMENTS AND PLEAS

107.01 - It is the policy of the Judges of the Ninth Judicial District of Tennessee to encourage compromises and settlements in all civil suits at any state of the proceedings and to administer justice in the Criminal Courts as expeditiously and as economically as possible, therefore, settlements, compromises and other arrangements which eliminate the need for jurors should be brought to the Court's attention as soon as possible in order to avoid unnecessary expense to the counties. Failure to notify the respective Courts may result in punitive sanctions being imposed.

RULE 108 – EXHIBITS

108.01 -

- A. Exhibits, including video recordings, which are proposed to be used at the trial (other than impeachment or rebuttal exhibits) shall be exhibited to opposing counsel for inspection prior to trial. No proposed exhibit shall be shown to the jury until duly admitted into evidence and appropriately marked. Depositions read into evidence shall be marked as exhibits.
- B. All trial exhibits shall be accounted for and placed in the custody of the Clerk of the respective court unless otherwise directed by the Court. Upon proper application, the Court may allow substitution of copies for the originals. In all civil cases, exhibits may be withdrawn after judgment becomes final without order of the Court. All exhibits not withdrawn within thirty (30) days after judgment becomes final may be disposed of by the Clerk. In criminal cases, exhibits shall only be withdrawn or disposed of pursuant to Court order.

RULE 109 – CASES REMOVED TO FEDERAL COURT

109.01 - In all cases removed to the Federal District Court from the Chancery Court or the Circuit Court of this district, the costs shall be taxed to the party who filed the lawsuit.

RULE 110 – ATTORNEY FEES

110.01 - Whenever it is necessary for the Court to determine a fee for an attorney, the attorney shall file a schedule of time and activities spend on the case, a statement of his fee arrangement with his client, if any, and a suggestion of the amount of a proper fee, or any other information requested by the Court.

RULE 111 – CONTINUANCES IN CIVIL CASES

111.01 -

- A. Continuances may be granted by the Court at any time, upon proper motion, however, it will be the responsibility of the moving party to call the motion for hearing. Any motion for continuance not heard by the Court prior to trial date shall be deemed to have been abandoned unless undue hardship or injustice will result.
- B. After a case has been set for trial or hearing it **WILL NOT BE CONTINUED** except upon application to and approval by the Court.
- C. Failure of a material witness to appear at the trial shall not be grounds for a continuance unless a subpoena was issued not less than five (5) days before the trial date for witnesses residing in the county and ten (10) days for witnesses residing outside the county, and then only upon a proper showing by affidavit that the witness is in fact a material witness.
- D. All continuances granted shall be reflected by proper order of the Court.
- E. In cases continued, the Court may award expenses and attorney's fees, including compensation to witnesses for lost income and/or travel expenses and tax the same as court costs, or to the moving party as a condition of continuance in an appropriate case.

PART II

RULE 200 – CRIMINAL COURT

200.01 -

- A. Criminal Court for the Ninth Judicial District of Tennessee shall open at 9:00 A.M. each day, Monday through Friday, and convene promptly for the orderly dispatch of business and the administration of justice.
- B. The Grand Jury for the respective counties will meet in accordance with the schedule set out on Appendix A hereto. Arraignment day will be on the next Monday after the Grand Jury meets and arraignments will begin promptly at 9:00 A.M. All attorneys practicing in the Criminal Courts for the respective counties shall be present on arraignment day and remain until the Court adjourns.
- C. All persons bound over by the Grand Jury shall be present on arraignment day, accompanied by their attorney or attorneys. Attorneys who have been appointed in General Sessions Court shall

be reappointed in Criminal Court, except for good cause shown, and shall appear on arraignment day with the defendant or defendants for whom he or she were appointed to represent. Failure to appear, absent a satisfactory explanation, may result in punitive measures being taken against such attorney or attorneys for failure to appear. Failure of a defendant to appear may result in forfeiture of bond, and a *capias* for his or her arrest may issue immediately.

RULE 201 – MOTIONS

201.01 -

- A. All motions and pleas must be reduced to writing and filed within fifteen (15) days after arraignment. A copy shall be furnished to adversary counsel at the time of filing. It shall be the responsibility of the attorney filing the motion or plea to see that adversary counsel is furnished a copy and to advise the Court that the motion or plea is filed. All motions and pleas shall be heard promptly. It is the responsibility of counsel filing a motion or plea to call it up for hearing. Any motion or plea not called up for hearing within seven (7) days after it is at issue will be deemed to have been waived and may be *sua sponte* overruled by the Court.
- B. Absent compelling reasons to the contrary any motions not filed at least ten (10) days prior to trial will be considered not timely filed and summarily overruled.
- C. Motions to be relieved as counsel shall be filed on or before the second Monday of the regular session of Court. Counsel desiring to be relieved shall appear with the accused whom he represents at the earliest possible time after such motion is filed. Failure to do so may result in punitive measures being imposed.
- D. All motions for probation shall be in writing and filed with the Clerk as soon as possible after the original hearing and not later than ten (10) days from date of judgment. Upon the filing of the motion, the Clerk will refer a copy of the petition to the probation officer who will report to the Court within thirty (30) days unless given additional time by the Court.
- E. A motion for new trial may only be applied for within thirty (30) days from verdict of judgment sought to be affected. The expiration of a regular session of Court during that period shall not shorten the time allowed. A motion for new trial must be submitted in writing within the time prescribed by this rule but may be amended at any time prior to the time it is heard. Such filing and any amendments will be subject to the provision of T.R.Cr.P.
- F. Discovery allowable by statute or the T.R.Cr.P. shall be made by written demand to adversary counsel, but if a dispute arises as to discovery, timely motion to the Court shall be made. Service of such demand shall be in accordance with T.R.Cr.P.
- G. Motions to suppress shall be filed as soon as possible after indictment and within ten (10) days after arraignment. An omnibus hearing will be held on Monday prior to trial to decide the issues raised by the motion unless sooner heard. An omnibus hearing should be requested if there are any matters that can be passed upon by the Court prior to trial that will expedite the trial and eliminate excusing the jury during trial.

- H. Motion day will be the Monday of each week beginning on the second Monday of the docketed session. Motions for new trial, motions to the indictment, discovery, motions related to the evidence, sentencing will be heard as docketed according to filing.

RULE 202 – PREPARATION OF DOCUMENTS

202.02 -

- A. All orders, decrees and judgments shall be prepared by the Clerk unless the Court specifically directs counsel to do so.
- B. It is the responsibility of the party appealing a case to procure the preparation of the transcript of the evidence or proceedings and to submit the same to adversary counsel and then to the Court for approval, and file the same with the Clerk within the time allowed by the Court, the T.R.Cr.P. and T.R.A.P.

RULE 203 – DISPOSITION OF CASES

203.01 -

- A. All cases shall be prepared and tried as expeditiously as possible. The docket shall consist of a principal case for trial, a first alternate and a second alternate. The alternate cases shall be ready for trial upon the principal case being removed from the docket for any reason. All cases passed as second (2nd) alternates shall be ready for trial upon five (5) days notice. Presetting of cases may be done on the Clerk's docket by agreement of counsel. Continuances shall not be granted except upon agreement of the parties and upon approval of the Court, or upon good and sufficient cause properly established by appropriate affidavit or affidavits.
- B. All waivers of constitutional rights shall be in writing, approved by the attorney or attorneys representing the party. It shall be the positive duty of the attorney or attorneys to carefully explain to the client his rights, the effect of waiving them, and to insure that all waivers are done voluntarily, understandingly, and without promise of reward or under threat or duress.
- C. A negotiated plea may be arranged between the State, a defendant, or defendant and his, her or their counsel. However, all plea bargaining shall be entered into and completed on or before the Monday of the week in which the case is set for trial, otherwise leave of Court is required.

PART III

RULE 300 – CIRCUIT COURT

300.01 -

- A. The Circuit Court for the Ninth Judicial District for the State of Tennessee shall convene promptly at 9:00 A.M. during the regularly scheduled sessions of Court. The Court, will, however, hear motions, ex parte matters and uncontested cases during regular session between 8:00 A.M. and 8:45 A.M in chambers as time permits. Notice of intention to hear such matters must be coordinated between the Judges secretary prior to the hearing date with a confirmation letter to follow. Contested matters requiring the taking of proof will not be heard under this rule.

RULE 301 – SCHEDULING CASES FOR TRIAL

301.01 -

- A. At the conclusion of the jury docket for the term of Court, parties or their attorneys may schedule jury trials for the next session of Court by agreement, in consultation with the Judge's Secretary, at which time Judge's Secretary will place such cases on the docket for trial upon receiving notice from the attorneys or parties that a date has been agreed upon.
- B. In addition to the foregoing, and in the event a jury trial has not been set at a pretrial conference the Court will hold regular docket soundings in each county on the last day of each regular session of Court, beginning at 9:00 A.M. except for Roane County which docket sounding will be at 11:00 A.M., for the purpose of filling the remainder of the docket and scheduling cases where the attorneys or parties cannot agree on a date. The Court will also schedule such alternate cases as efficiency requires. Since the docket sounding date is established by these rules, lack of notice of docket sounding will not be an acceptable excuse for failure to attend.
- C. All attorneys or parties with cases pending which have not been set for trial will be expected to attend docket sounding in person or by representative, provided, however, that all representatives shall be members of the bar except as may otherwise be permitted by rule of the Supreme Court. Absence from docket sounding may result in the Court scheduling cases for trial on any available date and conflicts in scheduling will not be an acceptable ground for granting a continuance except under extraordinary circumstances.
- D. Non-jury matters shall be scheduled by notice from the Court or Clerk or in consultation with the Judge's Secretary by agreement of the parties. When non-jury matters are scheduled for trial, counsel will furnish the Judge's Secretary with a realistic estimate of the time required for trial. Such non-jury matters must be set for trial not less than five (5) days before the trial or hearing. Cases requiring at least one (1) full day for trial should be called to the Court's attention for special settings.
- E. Non-jury matters not set for trial or hearing during two (2) consecutive sessions of Court will be dismissed for **FAILURE TO PROSECUTE** and no notice thereof will be given except that a copy of the order of dismissal will be served as required by T.R.C.P., provided, however, the Court may grant continuances upon good cause being shown.
- F. Non-jury cases will be called for trial and tried in order in which they are set for trial. All parties and their attorneys are expected to be in attendance when their cases are called.

RULE 302 – CONTINUANCES OF ALTERNATE CASES

302.01 -

- A. If a primary jury case is still for trial at 3:00 P.M. on the last work day preceding the trial date, any case set for alternate on the same date shall be continued. If a primary case is removed from the docket for any reason prior to 3:00 P.M. on the last working day preceding the trial date, the alternate case shall be for trial, therefore all alternate cases are expected to be ready for trial. Any alternate case not reached because a case ahead of it was tried it may be immediately set for trial at the next session of court by agreement and in consultation with the Judge's Secretary.

Cases continued on motion of either party, will not be set until after the conclusion of the jury docket for the term.

- B. The Judge's Secretary will notify the attorneys or parties as soon as possible when alternate cases are for trial, however, primary responsibility rests with the attorneys or parties to be aware of the status of their cases.

RULE 303 – MOTIONS

303.01 -

- A. It shall be the responsibility of the moving party to call all pre-trial motions for hearing as far in advance of the trial date is reasonably possible. The attorneys or pro-se parties shall be responsible for contacting the Judge's Secretary to obtain a hearing date for all motions. All such motions not called for hearing prior to trial date are deemed abandoned unless otherwise ordered by the Court for good cause shown.

RULE 304 – WORKERS COMPENSATION CASES – DEPOSITIONS

304.01 – In all contested cases, a copy of all medical or expert depositions relied upon by an party as proof in a workers' compensation case shall be mailed or delivered to the Judge's office at least seven (7) days prior to the hearing date.

RULE 305 – APPEALS TO CIRCUIT COURT

305.01 – The Clerk upon receiving the pleadings on a case appealed to Circuit Court or their attorneys setting an appeal for hearing at the next available non-jury appeal date.

305.02 – In the event a party or their attorney has requested a jury for an appealed case, the plaintiff shall immediately file pleadings in accordance with the Tennessee Rules of Civil Procedure, and the defendant shall answer in accordance with the Tennessee Rules of Civil Procedure.

PART IV

RULE 400 – CHANCERY COURT

400.01 - The Chancery Court for the Ninth Judicial District for the State of Tennessee shall convene promptly at 9:30 A.M. during the regularly scheduled sessions of the Court as shown on Appendix A hereto. The Court will, however, hear motions, ex parte matters and uncontested cases during the regular sessions between the hours of 8:30 A.M. and 9:30 A.M. in chambers as time permits. Notice of intention to hear such matter must be given to the Clerk prior to the hearing date.

RULE 401 – SCHEDULING CASES FOR TRIAL

401.01 -

- A. The Court will hold regular docket soundings in each county, beginning at 9:30 A.M. on the last day of each regular session of Court in that county for the purpose of scheduling cases for trial at the next regular session of Court. Since the docket sounding date is established by these rules, lack of notice of docket sounding will not be an acceptable excuse for failure to attend. The

Court may also set cases for trial upon motion with proper notice to opposing parties or their counsel.

- B. All attorneys or parties with cases pending which have not been set for trial will be expected to attend docket sounding in person or by representative, provided, however, that all representatives shall be members of the bar except as may otherwise be permitted by rule of the Supreme Court. Absence from docket sounding may result in the Court scheduling cases for trial on any available date and conflicts in scheduling will not be an acceptable ground for granting a continuance except under extraordinary circumstances.
- C. Wheresoever possible, motions and pre-trial conferences shall be scheduled on the first day of each regular session of Court.
- D. Cases which have not been set for trial or hearing during two (2) consecutive sessions of Court will be dismissed for **FAILURE TO PROSECUTE** and no notice thereof will be given except that a copy of the order of dismissal will be served as required by T.R.C.P., provided, however, the Court may grant continuances upon good cause being shown.
- E. All cases will be called for trial in the order in which they are set. All parties and their attorneys are expected to be in attendance when their cases are called.

RULE 402 – MOTIONS

402.01 - It shall be the responsibility of the moving party to call all pre-trial motions for hearing as far in advance as is reasonably possible. All such motions not called for hearing prior to the trial date will be deemed to have been abandoned unless otherwise ordered by the court for good cause shown. As hereinabove set out in Rule 401.01, motions which are pending on the date of docket setting shall, wheresoever possible, be scheduled for hearing on the first day of each regular session of court.

RULE 403 – ATTENDANCE

403.01 -

- A. If any party does not appear at a scheduled hearing on a motion, pre-trial conference, or any matter scheduled to be heard on a motion docket, the Court may strike or adjudicate the motion or take such other action as the Court deems appropriate. Counsel who will be late for motion hearing shall notify the Clerk in advance of the hearing or have an announcement to the effect made at the call of the docket.
- B. The Court may assess and tax as costs reasonable fees and expenses against any party who fails to appear at a scheduled hearing.

RULE 404 – MOTION DAY

404.01 - The first Thursday of each calendar month shall be set aside as motion day. On this day, the Court will be in session at the Roane County Courthouse in Kingston for the dispatch of any business from any of the counties in the judicial district that may properly come before it. Notice of intention to hear motions and ex parte matters on that day should be given to the Clerk and Master at Kingston. Matters will be considered in the order in which the Clerk is notified. Attorneys should withdraw and bring with them the necessary court files.

RULE 405 – NON-MINUTE ENTRY ORDERS

405.01 - Orders not affecting the legal course of action, such as orders setting a case for trial, orders acting upon a request for continuances, et cetera, may be designated by the Clerk as a non-minute order. Memorandum Opinions, unless otherwise designated by the Court, shall be treated as non-minute entries. Such designated orders shall be marked filed and placed in the file of a case but not spread upon the minutes of the Court.

APPENDIX A

Regular sessions for the respective Courts of the Ninth Judicial District for the State of Tennessee shall be as follows:

CHANCERY COURT

ROANE COUNTY: Second Monday in the months of October, February and June.
LOUDON COUNTY: First Monday in the months of December, April and August.
MORGAN COUNTY: Second Monday in the months of September, January and May.
MEIGS COUNTY: Third Monday in the months of November, March and July.

CRIMINAL COURT

ROANE COUNTY: First Monday in the months of March, July and November.
LOUDON COUNTY: First Monday in the months of January, May and September.
MORGAN COUNTY: Second Monday in the months of February, June and October.
MEIGS COUNTY: Third Monday in the months of April, August and December.

CIRCUIT COURT

ROANE COUNTY: First Monday in the months of January, May and September.
LOUDON COUNTY: First Monday in the months of March, July and November.
MORGAN COUNTY: First Monday in the months of April, August and December.
MEIGS COUNTY: Third Monday in the months of February, June and October.

GRAND JURY

ROANE COUNTY: Third Monday in the months of February, June and October.
LOUDON COUNTY: Second Monday in the months of April, August and December.
MORGAN COUNTY: Third Monday in the months of January, May and September.
MEIGS COUNTY: Fourth Monday in the months of March, July and November.

APPENDIX B

MASTER FINANCIAL STATEMENT

DESCRIPTION

OF

ASSET

HUSBAND'S

VALUE

WIFE'S

VALUE

CONCEDED

TO

HUSBAND

CONCEDED

TO

WIFE

VALUE

FOUND

BY

COURT

PROPERTY TO

WHOM AWARDED

BY TRIAL COURT

LIABILITIES

CREDITOR AMOUNT OF DEBT OWING AMOUNT OF PERIODIC PAYMENTS ASSET

SECURING

DEBTS

APPENDIX C

Local Rule Governing Procedures To be followed In the 9th Judicial District Regarding T.C.A. Sec. 36-6-401 et seq (2000) (Parenting Legislation)

1. **General Provisions:** This rule is adopted to promulgate procedures to be followed in the Courts of Record in the 9th Judicial District of Tennessee so as to ensure that the intent of that legislation is carried out by those parties with children involved in domestic relations cases, by clerks, by attorneys, by providers (parenting plan educators and mediators), and by the Courts. If any provision herein is found to be in conflict with the legislation, the legislation will prevail.
2. **Duties of Clerks:**

- A. When a complaint for divorce or petition for modification in a post-divorce case is filed with the clerk's office, the clerk shall assure that the parenting plan package has been attached to the summons and has been made available to the filing party. If the filing party is represented by an attorney, the package shall be attached to the summons by the filing attorney. If the filing party is not represented by an attorney, the clerk shall give the filing party a package. The same package will be included in the summons to the defendant/respondent.
 - B. **Package Contents:** The package shall contain the following:
 - 1. The General Order and open letter from the judges;
 - 2. The parents guide for education;
 - 3. The parents guide for mediation;
 - 4. The parents guide for developing a parenting plan;
 - 5. A list of approved educational providers;
 - C. The following documents will be made available by the clerks to attorneys and parents upon request:
 - 1. Temporary Parenting Plan;
 - 2. Permanent Parenting Plan;
 - D. **Check List:** A check list will be attached by the clerk to each case file involving divorce proceedings with minor children. The check list will be completed by the clerk as items are furnished to parties, or filed by parties, attorneys, providers or the court.
3. **Duties of Attorneys:** Attorneys representing parents involved in divorce proceedings involving minor children shall:
- A. Secure from the clerk's office or otherwise all approved forms utilized under this rule;
 - B. Furnish a copy of the package (3B of this rule) to their client and explain the contents to the client;
 - C. Attach a copy of the package to any summons filed on behalf of plaintiff/petitioner, to be served with the summons on the defendant/respondent.
 - D. Monitor their clients timely attendance at a parent education seminar.
 - E. Assist client in selecting/reaching agreement as to an appropriate mediator if a parenting plan has not been timely agreed to by the parties.
 - F. File with the complaint, petition or answer as the context requires an agreed to or proposed parenting plan on Form 20. If a temporary parenting plan is sought, a proposed temporary parenting plan will be submitted to be acted on by the court, if appropriate, ex-parte or at an early hearing. It is strongly suggested that the blanks in the form be filled out by hand and/or highlighted for easier review by the court.

- G. The agreed or ordered parenting plan will be attached to the Martial Dissolution Agreement or Decree as an exhibit and will not be duplicated in the MDA or Decree.

4. Duties of Providers:

- A. The Education Committee will receive and act upon applications from providers who seek approval to provide parent education seminars. A list of approved providers will be furnished to the clerks to be included in the package.
 - B. The Educational Providers will make all arrangements for time, place and fees for seminars to be conducted in no less than two hour blocks. Seminar schedule for each provider will be provided to the clerk to be made available to parents and attorneys.
 - C. Educational Providers will notify the courts by filing with the appropriate clerk a copy of a certificate of attendance given to parents attending the classes. Certificates shall include the following: Name, Social Security numbers; docket number; name of educational provider; date class was attended; and be signed by a representative from the seminar facilitator.
 - D. Fees: The fee or costs of the parenting seminars shall be borne by the parties. Fees may be reduced or waived for indigent persons. The Educational Provider will be expected to provide an appropriate number of pro bono slots for indigent persons.
5. **Mediators:** At anytime during the divorce proceedings, parents may choose to participate in a method of alternative dispute resolution and select their own mediator or arbitrator. However, if the court is involved, either by the court's own motion or by motion of one or both parties, the court will appoint a mediator pursuant to Supreme Court Rule 31. If the parties are unable to reach an agreement on a permanent parenting plan within 120 days after the commencement of the action, the parties may submit a scheduling order to the court including a referral to mediation or alternative dispute resolution or request for a waiver for just cause. The court may designate a Rule 31 family mediator by court order. A list of mediators who have met the court's criteria will be provided to the attorneys and parents. The mediators' fees may be taxed as court costs or the court may determine the case is appropriate for pro bono mediation to be coordinated through legal services. The mediator is responsible for reporting to the court pursuant to Supreme Court

Rule 31.

IN THE NINTH JUDICIAL DISTRICT, CHANCERY, CIRCUIT AND CRIMINAL DIVISIONS

ORDER

IT IS HEREBY ORDERED by the Judges of the respective courts that the attached LOCAL RULES OF PRACTICE FOR THE NINTH JUDICIAL DISTRICT OF TENNESSEE, be adopted and that all previous local rules of practice are abrogated and superseded.

These local rules shall become effective,

Enter this the 1st day of January, 2001.

E. EUGENE EBLEN (Retired)

Criminal Court Judge

RUSSELL E. SIMMONS (Retired)

Circuit Court Judge

FRANK V. WILLIAMS, III

Chancellor