

Local Rules ~~— Davidson County Courts of Record~~ the 20th
Judicial District
Circuit, Chancery, Criminal, and Probate Courts ~~— Twentieth Judicial~~
District of Tennessee
Davidson County

Revised ~~July 1, 2019~~: _____

Overview of the 20th Judicial District

The 20th Judicial District has two civil courts, Circuit Court and Chancery Court, and one Criminal Court, although Circuit Court also hears some criminal matters.

The Circuit Court is divided into eight “divisions,” and each division is commonly referred to as a “circuit court.” For example, Circuit Court, Division I, is known as “1st Circuit Court.”

4th Circuit Court is specifically designated to hear domestic relations matters; 3rd Circuit Court also primarily hears domestic relations matters.

7th Circuit Court is specifically designated to hear probate matters.

The Chancery Court is divided into four “parts,” Parts I, II, III, and IV.

The Criminal Court is divided into six “divisions,” Divisions I, II, III, IV, V, and VI.

In these rules, the word “Court,” with an upper case “C,” refers to the Circuit, Chancery, and Criminal Courts. The word “court,” with a lower case “c,” refers to the divisions and parts of the Circuit, Chancery, and Criminal Courts.

GENERAL RULES

RULE 1. — RULE 1 RULES OF COURT: APPLICABILITY, PURPOSE AND DEFINITIONS

§ 1.01— Adoption of Rules

____ These rules replace all previous local rules.

§ 1.02— Applicability

~~(a—) General Applicability. Rules~~ Unless otherwise indicated by a particular rule, Rules 1 through 8 apply to all types of cases in the Circuit, Chancery, and Criminal and Probate courts in Davidson County Courts, unless a rule says otherwise. When a rule applies only to a particular type of case (e.g., civil cases or criminal cases), it applies to all cases of that type regardless of which court is hearing the case.

Each court may have chamber rules that more specifically address matters in these Local Rules, or other requirements. Chamber rules are available on the Clerks’ websites or from each trial court.

~~(b. Rules Applicable to) Criminal Cases Only. Court Rules. Rules 9 through 17~~ pertain apply only to criminal cases, unless expressly stated a rule says otherwise ~~in these rules.~~

~~(c.) Civil Court Rules Applicable to Civil Cases Only.~~ Rules 18 through 36 apply only pertain to civil cases, unless expressly stated a rule says otherwise ~~in these rules. Certain.~~

Some civil proceedings, such as domestic, probate, conservatorship, guardianship and administrative appeals, domestic relations cases, adoptions, probate cases, conservatorships, and guardianships have special procedures which that control those cases. (See Local Rules § 25, 37, 38, and 39). ~~If and to the extent. Where~~ these rules are inconsistent with such those special procedures, the special procedures shall control.

§ 1.03— Purpose of Rules

The courts ~~These rules will be construed to secure simplicity in~~ construe the Local Rules to simplify procedure, fairness in administration, and the elimination of unjustifiable administer cases fairly, and eliminate unnecessary expense and delay. ~~The Judge or Chancellor will deviate from these Judges and Chancellors may suspend or vary a~~ local rules only in the exceptional cases rule where justice so requires.

§ 1.04— Definitions

The following definitions apply to terms used in these rules:

- **(a) Clerk:** The Circuit Court Clerk, the Clerk & Master of the Chancery Court, and the Criminal Court Clerk, as applicable, or their designees-
- **(b) Calendar Clerk:** The deputy clerk assigned to a particular ~~division or part.~~ Chancery court
- (c) In-Court Clerk:** The deputy clerk assigned to a particular Criminal court
- (d) Assignment Clerk:** The deputy clerk who administers the Circuit Court's central assignment system
- **(e) Case Coordinator:** The trial court staff member who coordinates judicial settlement conferences-
- **(f) Tenn. R. Civ. P.:** Tennessee Rules of Civil Procedure-
- **(g) Tenn. R. Crim. P.:** Tennessee Rules of Criminal Procedure-
- (h) Tenn. Code Ann.:** Tennessee Code Annotated
- (i) Tenn. Sup. Ct. R.:** Rules of the Supreme Court of Tennessee
- (j)** References to "attorney" or "counsel" include self-represented parties, except in Local Rule § 5.04; and references to "party" or "parties" include attorneys or counsel, where appropriate

§ 1.05— Citation

These rules may be cited as "Local Rule § _____." § _____."

RULE 2.— THE PRESIDING JUDGE

Every other year, the Judges and Chancellors of the 20th Judicial District select a ~~The~~ Presiding Judge, selected pursuant to Tenn. Code Ann. § T.C.A. § 16-2-509 and Rule Tenn. Sup.

~~Ct. R. 11 of the Rules of the Supreme Court of Tennessee, will to~~ supervise the administration of the ~~trial courts.~~ Courts.

RULE 3.— CASE ASSIGNMENT AND DISPOSITION OF CASES

§ 3.01 — Initial Assignment of All Cases

The Judges ~~of~~ and Chancellors have ordered the ~~various courts will adopt a method for the initial assignment of~~ methods by which cases are initially assigned to a particular ~~division or part and enter an order to that effect.~~ court. The ~~clerk~~ Clerks may not assign a case to a particular ~~division or part other than by using the method ordered unless instructed to do so by the court.~~ court by any other method.

§ 3.02— All Matters in the Same Division or Part

Once a case has been assigned to a court, all matters in the case will be heard in that ~~division or part~~ court, except as referred to in Local ~~Rule~~ Rules §§ 27.06 and 27.07 for Circuit Court jury and nonjury cases.

§ 3.03— Interchange of Judges

~~When necessary for the efficient administration of justice, a~~ A Judge or Chancellor may hear and determine any matter by interchange for another Judge or Chancellor without ~~the necessity of transferring the case from one court to another or from one part or division to another.~~ .

§ 3.04— Transfer of Transferring Cases

~~The Presiding Judge may transfer a case from one court to another or from one division to another. The~~ Judges and Chancellors of the 20th Judicial District may agree by order to transfer cases among themselves ~~by mutual consent,~~ except in cases of recusal. It is not necessary that, without the consent of parties or ~~their counsel consent to such a transfer.~~ .

§ 3.05— Motions to Transfer

~~A party requesting a~~ to transfer ~~of a case will obtain a~~ from one court to another must file a motion to transfer ~~order from~~ in the court ~~to~~ in which the case is assigned. If ~~at~~ the motion to transfer is prompted by a pending related case, ~~absent exceptional circumstances, the transfer must~~ the newer case should be ~~assigned~~ transferred to the court with the oldest pending related ~~or companion~~ case.

§ 3.06— Consolidation of Consolidating Cases

~~Cases must be assigned or transferred to~~ pending in the same ~~division or part~~ court before they can be consolidated. ~~An Order to consolidate cases must be obtained from the division or part to which the cases to~~ Cases can only be consolidated ~~are assigned.~~ on motion, at the Judge's or Chancellor's discretion.

RULE 4.— COURT SESSIONS

~~Regular court sessions of court will open~~ begin at 9:00 a.m. ~~or at such other central time, or as the court directs. Judges and attorneys will, self-represented parties, and anyone participating in hearings should~~ be prompt ~~at~~ for all court sessions.

RULE 5. — CONDUCT OF COUNSEL AND OTHER COURT PARTICIPANTS

§ 5.01 — Counsel of Record; Entry of Appearance

All counsel who ~~have entered~~enter an appearance in a case ~~will be~~are counsel of record. ~~Entry of~~Counsel may enter an appearance ~~will be made in one of the following ways:~~ by:

- ~~1. a filed request by counsel to the clerk that an appearance be entered;~~
- ~~2. the filing of pleadings;~~
- ~~3. (a) the filing of a formal~~a notice of appearance;
~~(b) filing pleadings;~~
~~(c) appearing as counsel on behalf of a party without having filed a notice of limited scope representation or notice of limited appearance (see Tenn. R. Civ. P. appearance~~11.01(b));
- ~~4. (d) appearing~~ as counsel at an arraignment; ~~or~~
- ~~5. (e) court appointment by the Court.~~

§ 5.02 — Withdrawal of Counsel

No attorney may ~~be allowed to withdraw~~ as counsel of record ~~except for good cause and by leave of court for good cause upon motion after notice to all parties,~~ including the withdrawing attorney's client, and order entered.

To effect efficient arraignment dockets in Criminal Court, any attorney appointed to represent an indigent defendant in Davidson County General Sessions Criminal Court under Davidson County General Session Criminal Court Local Rule of Practice 2 must provide written notice to the Clerk and the defendant immediately upon the conclusion of the General Sessions criminal matter whether or not counsel is willing to accept appointment at arraignment in Criminal Court.

~~5.03 — Appearance Entered; Copies of Pleadings~~

~~If a party does not have counsel of record, copies of the pleadings filed will be furnished to the party. If a party does not have counsel of record, opposing counsel will call that fact to the attention of the court before any action is taken on any pleading filed which substantially affects the case.~~

~~§ 5.03 [Deleted]~~

§ 5.04 — Conduct of Counsel

NBA PROFESSIONALISM COMMITTEE LAWYER'S CREED OF PROFESSIONALISM

Preamble

PREAMBLE

A lawyer owes to the administration of justice personal dignity, integrity and independence and a duty to make the system of justice work fairly and efficiently. In order to carry out that responsibility, a lawyer must comply with the letter and spirit of the disciplinary standards applicable to all lawyers, as well as conducting himself or herself in accordance

with the following Creed of Professionalism when dealing with a client, adverse parties, their counsel, the Courts and the general public.

WITH RESPECT TO MY CLIENT:

1. I will advise my client of my adherence to this Creed;
2. I will be loyal and committed to my client's cause, but I will not permit that loyalty and commitment to interfere with my judgment or ability to provide my client with objective and independent advice;
3. I will endeavor to achieve my client's lawful objectives in all matters of representation as expeditiously and economically as possible;
4. In approaching cases, I will counsel my client with respect to mediation, arbitration, and other alternative methods of resolving disputes;
5. I will advise my client against pursuing litigation (or any other course of action) that is without merit and against insisting on tactics which are intended to delay improperly resolution of a matter or to harass or to drain the financial resources of an adverse party;
6. I will advise my client that civility and courtesy are expected and are consistent with zealous representation;
7. While I must abide by my client's decision concerning the objectives of the representation, I nevertheless will counsel my client that a willingness to initiate or engage in settlement discussions is consistent with zealous and effective representation.

WITH RESPECT TO ADVERSE PARTIES AND THEIR COUNSEL:

1. I will conduct myself with candor, in a spirit of cooperation and scrupulously observe all agreements and mutual understandings;
2. I will be courteous and civil, both in oral and in written communications;
3. I will not knowingly make statements of fact or of law that are untrue;
4. I will agree to reasonable requests for extensions of time or for waiver of procedural formalities when the legitimate interests of my client will not be adversely affected;
5. I will endeavor to consult with adverse counsel before making scheduling decisions and before any required rescheduling, and I will cooperate with adverse counsel when scheduling changes are requested;
6. I will not use litigation or any other course of conduct to abuse or harass, such as seeking discovery which is clearly improper, abusive or excessive, or seeking sanctions or disqualification unless it is justified both by my client's lawful objective and by the interests of justice;
7. I will not use tactics which are intended to delay improperly resolution of a matter or to harass or to drain the financial resources of an adverse party;
8. In all matters of legal representation I will conduct myself with dignity, avoid making groundless objections and refrain from engaging in acts of rudeness or disrespect, including making disparaging personal remarks toward adverse parties, counsel and witnesses and making demeaning comments regarding race, religion, national origin or gender;
9. I will not provide drafts of time sensitive documents or serve pleading pleadings, motions or briefs on another party or counsel at such a time or in such a manner as will unfairly limit the other party's opportunity to respond;
10. In business transactions I will not unreasonably quarrel over irrelevant matters of form or style, but will concentrate on matters of substance and content;

11. I will attempt to prepare and revise documents which correctly reflect the agreement of the parties, and will not purposely include provisions which have not been agreed upon or purposely omit provisions which are necessary to reflect the agreement of the parties;
12. I will clearly identify, for other counsel or parties, all changes that I have made in documents submitted to me for review;
13. Where consistent with my client's interest, I will communicate with adverse counsel in an effort to avoid litigation and to resolve litigation that has actually commenced;
14. I will not take action adverse to the interests of a party known to be represented by counsel without notice to adversary counsel sufficient to permit a response;
15. I shall respond promptly to attempts by other lawyers to contact me whether by telephone or by correspondence.

WITH RESPECT TO THE COURTS AND OTHER TRIBUNALS:

1. I will be a vigorous and zealous advocate on behalf of my client, while recognizing, as an officer of the Court, that excessive zeal may be detrimental to my client's interests as well as to the proper functioning of our system of justice;
2. I will treat with respect the Court, members of the jury, witnesses, adverse parties and adverse counsel;
3. I will voluntarily withdraw claims or defenses when it becomes apparent that they do not have merit;
4. I will make every effort to agree with other counsel, as early as possible, on a voluntary exchange of information and on a plan for discovery;
5. I will attempt to resolve, by agreement, my objections to matters contained in my opponent's pleading and discovery requests;
6. When hearings or depositions have to be canceled, I will notify adverse counsel, and, if appropriate, the Court as early as possible;
7. Before setting dates for hearings or trials (or if that is not feasible, immediately thereafter) I will attempt to verify the availability of key participants and witnesses so that I can promptly notify the Court and adverse counsel of any likely problem in that regard;
8. I will be punctual in attending Court hearings and depositions;
9. I will be candid with the Court at all times;
10. I will refrain from commentary that reflects or references race, religion, national origin or gender in a demeaning fashion.

WITH RESPECT TO THE PUBLIC AND TO OUR SYSTEM OF JUSTICE:

1. The law is a learned profession and I am committed to its goals of devotion to public service and improvement of the administration of justice;
2. I will keep myself current in the areas in which I practice and, when necessary, will associate with, or refer my client to counsel knowledgeable in another field of practice;
3. I will be mindful that the law is a self-regulated profession and it is my duty to report unprivileged knowledge of any violation of D.R. 1-102;
4. I will be mindful of the need to protect the interests of the public and promote the image of the justice system in the eyes of the public when considering methods and contents of advertising;
5. I will contribute my talents, time, resources and civic influence on behalf of those persons who cannot afford adequate legal assistance and those organizations which serve the public good;

- I will give of my talents and time to the organized bar to better the professional education of the bar, assist in efforts to improve the law, aid in efforts to assist colleagues and to promote public understanding of the justice system.

§ 5.05—Setting _____ Attorney Fees Fee Awards

_____ Whenever it is necessary for the court is requested to determine fees of attorneys an attorney fee award, the attorney will must file an affidavit setting forth an itemized statement of or declaration listing the service providers, the services rendered provided, the time, a suggestion of spent, the suggested fee to be awarded along with a statement of award, and other pertinent relevant facts, including but not limited to that those required by under Tenn. Sup. Ct. R. 8, RPC § 1.5, applicable case law, and such any other information as may be requested by the court. the court requests, to allow the court to determine whether the fees were reasonable and necessary.

§ 5.06—Contacting Judge _____ Ex Parte Communications

_____ No attorney or Neither counsel nor a party to a pending action will may communicate ex parte with the Judge or Chancellor before whom the matter is pending except consistent with as allowed under the Rules of Professional Conduct, Tenn. Sup. Ct. R. 8, and the Code of Judicial Ethics. Conduct, Tenn. Sup. Ct. R. 10, Canon 2, Rule 2.9.

§ 5.07— _____ No Smoking Policy

_____ Smoking and vaping is prohibited There will be no smoking in court or all courts and during the taking of any deposition. depositions.

§ 5.08— _____ Noise Generating Devices

_____ All cell phones or and other noise generating devices shall must be silenced or turned off in court or and during the taking of a deposition. depositions.

RULE 6.— FILING AND SERVICE OF SERVING PAPERS

§ 6.01 — Filing With with the Clerk

_____ All papers, including pleadings, motions, briefs, and proposed judgments and orders, will must be filed with or submitted to the clerk Clerk.

All 20th Judicial District Courts have adopted electronic filing ("e-filing"). See Tenn. R. Civ. P. 5B; Tenn. R. Crim. P. In accordance with T.R.C.P Rule 5B for Circuit, Chancery and Probate and T.R.CR.P. Rule 49.2 for Criminal, electronic filing ("e-filing") is adopted for the Courts of Davidson County Tennessee for the Twentieth Judicial District. In accordance with Tennessee Supreme Court Rule 46A, electronic service of e-filed papers shall apply for the State Trial Courts of Davidson County, Tennessee. The Electronic Filing Rules set forth and published by each Clerk's Office will govern the effective date and rules for the electronic filing of cases, pleadings and other papers. 49.2. E-filed documents may be electronically served ("e-served"). See Tenn. Sup. Ct. R. 46A(1)(d). Electronic filing Rules govern e-filing practices and procedures in each Court and are available at each Clerk's office and website.

_____ The following documents may not be e-filed and are required to, but must be conventionally filed or submitted in paper format:

- (a) In Submissions for in camera filings review;
- (b) Last Will Original Wills and Testaments Codicils;
- (c) Probate Interim, Annual, and Final Settlement Accountings; and
- (d) Summons and Subpoenas and certain Summons in Chancery Court.

____ Papers should not be mailed to or left with the Judge ~~except in the following circumstances:~~ (1) ~~when or Chancellor unless the Judge or Chancellor~~ specifically authorized by the Judge, or (2) ~~to provide a courtesy copy for the Judge's review~~ authorizes.

§ 6.02— Certificate of Service

____ Other than agreed orders signed by all attorneys or self-represented parties, all papers filed with the Clerk ~~All papers~~ must contain a certificate of service signed by the filer showing the date of service, the specific manner of service, and the name~~names~~ of ~~the person or~~ all persons served. ~~The clerk may refuse to file papers without a certificate.~~

6.03—Signature § 6.03 Signatures Required; Certifying Court Filings; Generative AI

(a) Every pleading, motion, brief, or other paper filed with ~~All pleadings, orders, briefs and other papers submitted for consideration by the court will~~ must be personally signed by at least one~~the~~ attorney of record in her/his individual name or pro se~~self-represented~~ party and will ~~filing the paper, and must include the signer's printed name, address, telephone number, and email address, and the attorney's Tennessee Supreme Court Registration Number. Papers may be signed electronically. All papers must show the case style and number of the case, and the general nature of the paper filed, and the name, street address and telephone number of the attorney or pro se party filing the pleadings, and the filing attorney's Tennessee Supreme Court Registration Number.~~

(b) By filing a signed pleading or paper with the court, an attorney or self-represented party certifies that the claims, defenses, or other legal contentions presented are warranted by existing law; that the factual contentions, or denials of factual contentions, have or are likely to have evidentiary support; and that the filing is not being presented for any improper purpose. See Tenn. R. Civ. P. 11.02.

(c) Generative artificial intelligence, or "AI," is a tool or program that can create new content in response to a submitted prompt or question by learning from large sets of data (examples include ChatGPT, Grok, Co-Pilot, Gemini, Claude, Harvey, Westlaw Edge, CoCounsel, Lexis+, etc.).

An attorney or self-represented party must not file with the court any pleading, motion, brief, or other paper prepared using generative AI without first confirming its accuracy, including all quotations, citations, paraphrased assertions, and legal analysis.

Anyone who signs a pleading, motion, brief, or other paper filed with the court is responsible for the contents of the filing, even if a generative AI program drafted any part of the filing.

(d) An attorney or self-represented party who violates this Rule may be subject to sanctions.

§ 6.04—Pseudonym Pseudonyms

____ A ~~No~~ case may not be filed under a pseudonym absent~~without a~~ court order. The allowing it. A motion to proceed by pseudonym must be accompanied~~supported~~ by an affidavit or declaration stating specific facts explaining why the party's ~~of the party~~ anonymity is necessary and facts that are sufficient to overcome the presumption of public access to the litigants' ~~of litigants.~~

§ 6.05— Class Actions

____ In any case sought to be maintained as a class action, the complaint shall bear~~must state~~ next to its caption the legend: "Complaint— Class Action." ~~{Comment: (See Local Rule § 26.14 for further requirements-.)}~~ The clerk shall~~Clerk will~~ bring the lawsuit to the attention of the Judge or Chancellor assigned to the case.

§ 6.06 — ~~Redaction~~ Redactions

~~When a filing includes information that is~~ When confidential information is not required by law to be filed, the filer should redact or leave out/omit the information prior to/before filing the document(s). Items designated by the Tennessee Code Annotated law designates the following items as Confidential Information not open for public inspection are as follows:-:

- **(a)** Social Security Numbers
- **(b)** Taxpayer IDs
- **(c)** Employer and Taxpayer Account Numbers/PINs/Info
- **(d)** Credit/ and Debit Card Account Numbers/PIN/PINs/Authorization Numbers
- **(e)** Bank or other Financial Account Numbers
- **(f)** Passport/Alien Registration Numbers/Numbers
- **(g)** Biometric Data
- **(h)** Electronic Identification Numbers/Routing Codes
- **(i)** Driver License Numbers
- VINs

(j) Vehicle Identification Numbers (VINs)

(k) Minors' names (use initials only)

(l) Birth dates (omit month and day, include year only)

§ 6.07 — Statistical Sheets for Confidential Personal Information

When a statute, rule, or order requires a party to file personal information such as a social security number, address, birthdate, etc., the party may provide the information on a separate "Statistical Sheet," or a "Spouse's Personal Information" form in divorce cases. Completed Statistical Sheets and Spouse's Personal Information Forms are filed under seal and not available for public inspection. These forms are available in the Clerks' offices and on their websites.

§ 6.08 — Court Files are Public Records

All papers, documents, electronic documents, and court files are available for public inspection, unless they are specifically exempted from inspection by court order or state law.

RULE 7. — PAPERS FILED IN TRIAL COURT

§ 7.01 — Custody of the Court Files

The clerk will/Court Clerks have custody of all Court papers, records, and electronic records of the. No one may remove original court. Files may not be withdrawn by any person at any time absent files without a court order. Depositions and records of administrative tribunals filed in paper format may be withdrawn with permission of the clerk.

The clerk/Clerk will furnish/provide copies of the content of files/file contents at a reasonable cost.

After final determination in a civil case is final, the Clerk will provide notice to the parties that they have thirty/30 calendar days to withdraw/retrieve any trial exhibits and discovery materials submitted/that were filed in paper format. The clerk/Clerk may destroy or dispose of trial exhibits not so withdrawn/materials left in the Clerk's possession after appropriate notice to the parties. that time.

§ 7.02—Papers, Motions for Leave to File Documents or Files Under Seal

All papers, documents, electronic documents and files shall be available for public inspection except as specifically exempted by court order or statute. The motion seeking such an order must contain

Motions to file court documents under seal must state specific facts and compelling reasons sufficient facts to overcome the presumption in favor of disclosure. [Comment: The standards relating to the appropriateness of sealing documents and/or court files is set forth in Ballard v. Herzke, 924 S.W. 2d 652 (Tenn. 1996)]. public access to court records.

To file a motion to place documents under seal:

- (1) File the motion for leave to file documents under seal with the Clerk's office.
- (2) If the motion is to seal only portions of documents, file copies of the documents at issue with proposed redactions.
- (3) If the motion is to seal an entire document or documents, do not file the documents.
- (4) In either case, place complete unredacted copies of the documents in a sealed envelope, with a cover sheet listing the case style and number, and the filing attorney's name and contact information, marked "For In Camera Review."
- (5) Deliver the envelope to the court's staff in Circuit Court or Calendar Clerk in Chancery Court.
- (6) The Court will hear the motion, review the documents, and enter an order either granting or denying the motion with further instructions.

§ 7.03— Clerks' Duties of Clerk: Habeas Corpus and Post-Conviction Petitions

The Clerks of Court and Clerk and Master shall must immediately notify the Judge or Chancellor to whom the case is assigned of the filing of any when a petition for habeas corpus or post-conviction relief is filed, and of any subsequent filings so as, to insure ensure compliance with Tenn. Code Ann. T.C.A. § 29-21-108(a) and/or T.C.A. Tenn. Code Ann. §§ 40-30-105 and -106.

RULE 8— RECORDING OF COURT PROCEEDINGS

—§ 8.01 Audio-Visual Recordings of Court Proceedings

8.01 The Sixth 6th Circuit Court has been authorized by the Supreme only Court authorized to use audio-visual recordings as the official record of court its proceedings. See Tenn. pursuant to Supreme Court Rule 26. Unless otherwise ordered by the affected court, no other court will record or utilize such Sup. Ct. R. 26. The Clerk will only file and certify audio-visual recordings as the official records from the 6th Circuit Court as part of the record on appeal, nor shall any court be required to maintain an exhibit list and trial log with respect to an audio-visual recording. The Clerks of Court and Clerk & Master shall not file or certify such recordings, except from the Sixth Circuit Court, as part of the record on appeal unless directed to do so by the court from which the appeal is taken.

—§ 8.02 Access to Courtroom Video Servers

8.02 Only No one except Judges, Chancellors, and full-time court staff shall have may access by password or otherwise to the Courts' video servers in any of the trial courts absent without written authorization from the affected Judge or Chancellor.

RULES APPLICABLE TO

CRIMINAL ~~CASES~~COURT RULES

RULE 9. ~~—~~ EXTRAORDINARY ~~INTERLOCUTORY~~ RELIEF IN CRIMINAL CASES

§ 9.01 ~~—~~ Unindicted and Unassigned Cases

~~___~~ All ~~special~~ requests for ~~extraordinary interlocutory~~ relief in unindicted and unassigned cases awaiting grand jury action ~~shall~~**must** be presented to the Judge where the case will eventually be assigned, ~~according to the policy and~~ under the Criminal Court's case assignment procedure of the office of the Criminal Court Clerk.

§ 9.02 ~~—~~ Ex Parte Communications

~~___~~ Under Tenn. Sup. Ct. R. Pursuant to Tennessee Supreme Court Rule 10, Canon 3(B)(7)(e), as amended by order dated December 7, 2009, RJC 2.9(A)(5), Judges of therapeutic courts, mental health courts, and drug courts may engage in ex parte communications concerning the welfare and treatment of ~~any~~ individuals with matters in those courts. ~~However, should the~~

~~___~~ If a Judge of any of the courts enumerated above believe**believes** that ~~such~~ ex parte communication shall, in any way, communications will influence any ~~ruling by that of the Judge's rulings, the~~ Judge, ~~the Judge shall~~ **must** immediately enter an order of recusal. ~~Further, if any~~

~~___~~ If a defendant should feel**feels** that ~~their~~his or her right to due process has been ~~effected~~**affected** by ~~said any ex parte~~ communications, ~~they~~the defendant may petition the Judge for recusal. ~~Upon, and the Judge must grant the petition upon~~ good cause shown ~~by the defendant, the Judge shall enter an order of recusal.~~

RULE 10. ~~—~~ DISCOVERY IN CRIMINAL CASES

§ 10.01 ~~—~~ Discovery by the Defendant

~~___~~ All relevant issues relating to discovery by the defendant ~~shall~~**must** be addressed in the ~~court's~~ pre-trial scheduling order ~~provided to the parties at the time of arraignment.~~ . See Local Rule § 14.

§ 10.02 ~~—~~ Discovery by the State

~~___~~ All relevant issues relating to discovery by the State ~~shall~~**must** be addressed in the ~~court's~~ pre-trial scheduling order ~~provided to the parties at the time of arraignment.~~ . See Local Rule § 14.

§ 10.03 ~~—~~ Notice of Intent To Use Audio ~~/~~ or Video Recording ~~Is Required~~

~~___~~ Any ~~When a party who~~ intends to offer an audio ~~and/or~~ visual recording as evidence in a jury trial, ~~counsel~~ must provide written notice to ~~all~~ adverse counsel at least ~~ten (10)~~ **business** days before a trial. Adverse counsel ~~shall~~**must** be permitted to review the recording in the form ~~to it will~~ be offered at trial and ~~shall be allowed~~ to copy the recording at his or her expense.

~~___~~ Adverse counsel ~~shall~~**must** promptly advise the ~~other attorney~~offering party of ~~each objection~~any objections to the recording. The ~~lawyers shall~~parties must then attempt in ~~in~~ good faith to resolve ~~the~~ objections. If ~~no resolution is reached, they cannot, the objecting counsel must file~~ a motion in limine ~~shall be filed and,~~ set for hearing sufficiently before trial ~~so that to allow time for the court to rule on the objections may be ruled on in time to allow and for~~ any necessary editing. This rule does not ~~void~~affect the requirements of Tenn. R. Crim. P. 12(d).

RULE 11. ~~___~~ SUBPOENAS

§ 11.01 ~~___~~ Subpoenas Issued by Clerk

~~___~~ The Criminal Court Clerk issues all subpoenas for witnesses in criminal cases.

~~___~~ To request the issuance of subpoenas for witnesses shall comply with Criminal Court Clerk policies. a subpoena for a witness to appear at a hearing or trial, contact the In-Court Clerk of the court in which the case is pending. See also Tenn. R. Crim. P. 17.

§ 11.02 ~~___~~ Time for Issuing Subpoenas

~~___~~ Subpoenas for a local witness/witnesses must be issued and dated by the clerk/Clerk no later than five (5) business days before the date of trial unless prior approval has been granted by the Judge/the court has allowed issuance within a shorter time.

~~___~~ Subpoenas for an extension. If the witness is to be served out of the out-of-county, the subpoena/witnesses must be issued by the clerk/Clerk no later than seven (7) business days before the date on which the case is set for trial and promptly mailed or otherwise transmitted to the out of the county Sheriff or other authorized person to effect service of the of trial unless the court has allowed issuance within a shorter time.

~~___~~ The Clerk may not refuse to issue a subpoena. The foregoing notwithstanding, the clerk shall not refuse to issue, regardless of when it is requested.

§ 11.03 ~~___~~ Addresses on Subpoenas

~~___~~ The attorney or party requesting a subpoena even if requested after the dates set forth above.

~~11.03 ~~___~~ Address ~~___~~ of ~~___~~ Witness~~
~~Counsel of record shall be responsible for providing must provide the street address and phone numbers/number, if known, of the witness on the requested subpoena(s).~~

§ 11.04 ~~___~~ Prison Inmates

~~___~~ The following rules apply to the appearance of prison inmates/inmates' appearances in court:

- ~~a.~~ **(a)** When the prison an inmate is a defendant in a criminal case, the Criminal Court Clerk shall must request the inmate's presence of the inmate from the Department of Correction at least six (6) working business days prior to before the court date.
- ~~b.~~ **(b)** Counsel needing prison inmates who plan to call an inmate as witnesses/a witness in a criminal case must obtain a court order for the witnesses' inmate's appearance and this must be obtained at least ten (10) working business days prior to before the trial or hearing date.
- ~~c.~~ **(c)** Defense counsel in criminal cases shall make every effort to insure/should ensure that prison inmates are not needlessly brought to court for a scheduled settlement docket/dockets (see Local Rule § 14.02) unless the case is inmates' cases are for actual settlement and/or there is a need/counsel needs to personally talk to the inmate/inmates.

RULE 12. ~~___~~ MOTIONS IN CRIMINAL CASES

§ 12.01— Time for Filing Pre-Trial Motions

~~___~~ All pre-trial motions ~~shall~~**must** be made ~~pursuant to~~**under** Tenn. R. Crim. P. as well as the Tennessee Rules of Criminal Procedure and the case's pre-trial scheduling order. See Local Rule § 14.01.

§ 12.02— Failure to Appear at a Motion Hearing

~~___~~ If the movant's counsel ~~for a movant~~ does not appear at a scheduled ~~hearing on a motion or any other matter scheduled to be heard on the motion docket~~**motion hearing**, the court may strike, deny, or otherwise dispose of the motion.

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12.03 § 12.03 Motions in Limine

~~a.~~—Motions in limine relating to an audio and/or visual recording shall be governed by Local Rule 10.03.

~~b.~~—Motions in limine seeking to resolve a trial evidentiary matter shall be set at the discretion of the court.

~~c.~~**(a)** Counsel ~~are encouraged to~~**should** raise appropriate evidentiary objections by filing a motion at least ~~five (5)~~ **business** days before trial.

(b) The court will set motions in limine for hearing at its discretion.

(c) Local Rule § 10.03 governs motions in limine related to audio and visual recordings.

§ 12.04— Statement of Facts and Legal Authority

~~___~~ Every motion and response ~~which may require that asks~~ the ~~resolution of court to resolve~~ an issue of law or evidence ~~shall~~**must** be ~~accompanied~~**supported** by a brief statement of facts and legal authority ~~in support of the position of the motion or response.~~

§ 12.05 Remote Hearings and Witness Testimony

Under Tenn. Sup. Ct. R. 55, the court may, in its discretion, upon sufficient factual findings and establishment of constitutional safeguards, conduct hearings remotely by teleconference or videoconference. Any party who requests to be heard remotely must, no later than 30 calendar days before the hearing, (i) contact the court's In-Court Clerk to request a remote hearing and (ii) provide written notice of the request to all parties.

Anyone allowed to testify remotely must treat the testimony as if it is being given in Court. All witnesses must be available when called, be appropriately dressed, have the necessary audio and video technology, and be in an appropriate setting.

§ 14.03— Notice to Victims

___ In recognition of ~~T.C.A. §~~ the Victims' Bill of Rights, Tenn. Code Ann. § 40-38-101, et seq., in cases involving plea agreements ~~pursuant to~~ under Tenn. R. Crim. P. 11, the court may refuse to accept the plea unless the prosecuting attorney states on the record that ~~he or she has,~~ before the plea, he or she communicated with the victim ~~regarding the plea,~~ or made a good faith effort to communicate with the victim ~~,~~ about the plea. This rule ~~shall apply~~ applies to pleas in cases where the defendant is indicted for the following offenses:

- ~~a.~~ (a) murder or the attempt, facilitation, or solicitation to commit murder;
- ~~b.~~ (b) voluntary manslaughter, reckless homicide, criminally negligent homicide, or the attempt, facilitation, or solicitation to commit these crimes;
- ~~c.~~ (c) vehicular homicide;
- ~~d.~~ (d) aggravated assault;
- ~~e.~~ (e) aggravated kidnapping, kidnapping, or the attempt, facilitation, or solicitation to commit these crimes;
- ~~f.~~ (f) all felonies described as Sexual Offenses under ~~T.C.A. §~~ Tenn. Code Ann. § 39-13-501, et seq., or the attempt, facilitation, or solicitation to commit these crimes;
- ~~g.~~ (g) aggravated arson and arson or the attempt, facilitation, or solicitation to commit these crimes;
- ~~h.~~ (h) robbery, aggravated robbery, and theft of property from the person;
- ~~i.~~ (i) especially aggravated burglary or aggravated burglary or the attempt, facilitation, or solicitation to commit these crimes;
- ~~j.~~ (j) all felonies described as Offenses Against the Family under ~~T.C.A. §~~ Tenn. Code Ann. § 39-15-101, et seq., or the attempt, facilitation, or solicitation to commit these crimes;
- ~~k.~~ (k) vandalism;
- ~~l.~~ (l) stalking; and
- ~~m.~~ (m) all other crimes involving individual victims where the Judge deems it appropriate that prior communication is made to the victim.

RULE 15— ORDERS AND JUDGMENTS IN CRIMINAL CASES

§ 15.01—Preparation and Submission of Orders and Judgments

___ Unless the court directs counsel to prepare an order ~~for entry by,~~ the Clerk or the court, will prepare all orders and judgments ~~will be prepared by the clerk or by the court when deemed appropriate.~~

§ 15.02—Preparation and Submission of Orders and Judgments Prepared by Counsel

___ When ~~directed by~~ the court directs, counsel will prepare orders for the court's entry ~~by the court.~~ All proposed orders must be filed with the clerk ~~Clerk~~ and served on opposing counsel within seven (7) calendar days following of the day on which the court's ruling ~~is made by the court.~~

§ 15.03— Disagreements over Contents of Orders or Judgments

Unless ~~the court directs~~ otherwise ~~directed by~~, the court ~~will not immediately enter~~ an order containing ~~signed~~ only the signature of the attorney ~~by counsel~~ who prepared the order ~~will not be entered immediately, but. The Clerk will be held by~~ hold the clerk ~~order~~ for three ~~3~~ business days. ~~After to allow~~ opposing counsel receives a copy of the proposed order, he or she shall ~~immediately~~ ~~time to~~ notify the minute clerk and the court if there is any objection to the order. In that event, a conference shall be scheduled at a time convenient to the parties ~~counsel objects to the order's contents. If opposing counsel has objections, the minute clerk will schedule a conference with counsel~~ and the Judge.

§ 15.04— Orders for Mental Health Evaluations

~~When a court orders a defendant to undergo a~~ In all mental health evaluation ~~evaluation~~ under the provisions of T.C.A. ~~Tenn. Code Ann. § 33-7-301, the order shall be accompanied by~~ Clerk must provide a separate form to be provided by the clerk. This form, to be filled out by ~~defendant's~~ counsel, shall at least include ~~on which counsel must list~~ (i) the reason for the request, ~~requested evaluation,~~ (ii) observed behavior, (iii) the nature of any changes, ~~in defendant's behavior,~~ (iv) defendant's social history (including a ~~history of any~~ prior mental health treatment), ~~a~~ (v) defendant's prior criminal record, (vi) a copy of ~~defendant's~~ arrest warrant or indictment and, if available, (vii) the ~~defendant's~~ arrest report. The ~~clerk shall~~ Clerk must provide the completed form to the individual or agency ~~doing~~ conducting the mental health evaluation.

RULE 16.— BONDING COMPANIES

§ 16.01— Qualifications and Operations

~~The~~ All matters involving the qualifications and operation of bond persons and bonding companies shall be addressed to the Judges of the Criminal Court, who shall ~~Judges~~ hear and dispose of such petitions and applications as they shall determine. ~~decide all matters involving qualifications and operations of bonding companies and their agents.~~

§ 16.02— ~~Location of Supplemental~~ Local Rules of Practice for Bail Bonds

The local rules of practice ~~related to~~ for bail ~~bond companies and bond persons as adopted by the Criminal Court Judges shall be~~ bonds are filed with the Criminal Court Clerk and be, ~~where they are~~ available for inspection and/or copying by all interested persons, and are available ~~on the internet at~~ www.nashville.gov/trcourts/bond_rules.html. ~~See also Consent Judgment and Decree entered Dec. 9, 2020, Case No. 3:20-cv-00103, U.S. District Court for the Middle District of Tennessee at Nashville.~~

RULE 17.— COPIES FOR JURORS (RESERVED) — [Deleted]

CIVIL COURT RULES: CIRCUIT AND CHANCERY CIVIL COURTS

RULE 18.— TIME STANDARDS FOR DISPOSITION OF CASES

§ 18.01— Time Standards

All civil cases must be concluded or an order setting the case set for trial ~~obtained~~ within twelve (12) months from the date of filing ~~the case was filed~~ unless the court ~~has directed a shorter or longer period.~~ orders otherwise.

§ 18.02— Dismissal of Cases

~~The To expedite cases, the court may take reasonable measures, including dismissal or entering a scheduling order or dismissing a case, to enforce the 12-month time standard set forth above.~~

§ 18.03— Docket Calls or Status Conferences

~~The court may hold docket calls or status conferences to ascertain~~determine the status of cases and set ~~deadlines for their disposition.~~ deadlines.

RULE 19.— EXTRAORDINARY RELIEF IN CIVIL CASES

§ 19.01— Assignment of Cases — Case Assignments

~~Any pleading~~ Pleadings seeking a writ of certiorari, restraining order, or other extraordinary relief ~~shall be~~ is first filed with the ~~clerk~~ Clerk and assigned to a court. The ~~pleadings & pleading and~~ exhibits shall are then ~~be~~ presented to the Judge or Chancellor of the assigned court, or to another Judge or Chancellor by interchange if the assigned Judge or Chancellor is unavailable.

—§ 19.02 Restraining Orders

~~(a) No~~ A court will not grant a restraining order ~~unless~~ without written or oral notice is given to the opposing adverse party or ~~good cause is shown for dispensing of notice and supported by its attorney unless:~~

~~a:~~ (i) there are specific facts in an affidavit, or declaration or verified complaint that clearly show the applicant will suffer immediate and irreparable harm before the adverse party can be heard; and

~~Parties seeking a restraining order will~~ (ii) the applicant's attorney or the self-represented applicant certifies in writing the efforts he or she made to give notice of the application and the reasons why notice should not be required;

~~b:~~ (b) The applicant must submit a proposed restraining order along with the request for relief to the court. The restraining order shall provide for the setting of a hearing for a temporary injunction and shall provide a application that provides space for the court to set a date, time, and location for ~~such a a temporary injunction hearing.~~ The court will set a temporary injunction hearing whether the restraining order is granted or denied.

~~c:~~ (c) Application Applications for temporary restraining order ~~will be submitted~~ orders are decided on the filed pleadings or applications and supporting documents.

~~d:~~ (d) In domestic relations cases the provisions of, Judges may deviate from this rule shall be followed only insofar as deemed Rule where they deem it appropriate. See Tenn. R. Civ. P. by the Judge to whom application is made. 65.07.

§ 19.03— Setting Hearing for Interlocutory Relief Hearings on Motions or Applications for Extraordinary Relief

The hearing of a motion or application for injunctive or other extraordinary relief is set in one of the following ways:

(a) under Local Rule § 19.02, if the party first sought a temporary restraining order;

(b) by special setting under Local Rule § 26.07(a), if the court does not hear motions or applications for extraordinary relief on its regular motion docket; or

(c) by notice of hearing under Local Rule § 26.05, if the court hears motions or applications for extraordinary relief on its regular motion docket.

Contact the court's staff in Circuit Court or Calendar Clerk in Chancery Court to determine whether the court hears motions or applications for extraordinary relief by special setting or on its regular motion docket.

19.04 Hearings for Temporary Injunctions § 19.04 **Temporary Injunction Hearings**

The court conducts all hearings on applications for temporary injunctions and other forms of extraordinary ~~interlocutory relief shall be set as provided in Local Rule 19.02 (b), or in cases where no restraining order is issued, (1) upon motion or (2) by an order setting the date, time and _____ location _____ for _____ the _____ hearing.~~ The court shall conduct all hearings for temporary injunctions and other forms of extraordinary ~~interlocutory relief upon~~ relief on affidavits, declarations, or depositions unless a party requests and obtains permission of the court for the introduction of oral testimony before the time of ~~the~~ grants a party's request to hold an evidentiary hearing.

§ 19.05 Hearings for Injunctive Relief in Domestic Relations Cases

Special procedures govern All hearings for temporary injunctions or other forms of ~~interlocutory~~ injunctive relief in domestic relations cases ~~shall be governed by Local Rule 37.04 in 3rd and 4th Circuit Courts, and are found in those courts' respective Chamber Rules. Each court's Chamber Rules are available from the court's staff or on the Circuit Court Clerk's website.~~

RULE 20. GENERAL SESSIONS APPEALS IN TO CIRCUIT COURT

(a) a. ~~It shall be the duty of the parties and/~~ An attorney or their attorneys to determine when self-represented party appealing a case ~~appealed from the General Sessions Court is filed to Circuit Court must file the appeal~~ with the Circuit Court Clerk.

(b) b. ~~Once~~ Within 45 calendar days after the warrant being appealed appeal is received by and filed with the in Circuit Court Clerk, the appellant has the duty appealing party must file a motion to set the appeal for case for trial. The motion to set the case for trial must include a notice of hearing before a trial judge. ~~The appellant has forty five (45) days to secure a trial date from the court. This time is counted from the date the Circuit Court Clerk files the appealed warrant.~~ for the motion. See Local Rules §§ 26.03, 26.05.

~~If the appellant fails to secure this order~~ appealing party does not file a motion to set the case for trial within the 45 day time period, calendar days that includes a notice of hearing, the Circuit Court will enter an order ~~will be entered~~ making the judgment of the General Sessions Court the judgment of the Circuit Court with, and taxing costs ~~taxed~~ to the appellant. ~~At the time the appeal is perfected in the Clerk's office, the clerk shall~~ appealing party.

~~The Clerk must~~ give the appellant appealing party or the appellant's attorney written notice of this rule when the appeal is filed.

(c) c. ~~The~~ An attorney's or party's signature ~~of an attorney or party~~ to an appeal from General Sessions Court ~~shall constitute~~ to Circuit Court constitutes a ~~certificate~~ certification under Tenn. R. Civ. P. 11.-02.

(d) d. All Circuit Court final judgments from ~~an appeal of a~~ General Sessions Traffic Case ~~shall~~ Court appeals must be remanded to ~~the~~ General Sessions Traffic ~~court~~ Court for ~~proper~~ electronic reporting to the Tennessee Department of Safety.

RULE 21.— REFERENCES TO A MASTER IN CIVIL CASES

§ 21.01— Order of Reference

All references to a ~~Master shall~~ master must be by order and shall be specific about ~~that specifies~~ what issues are referred and what is reserved for further proceedings before the court.

Partition references must address (1) ownership, interests; (2) encumbrances, type of; (3) partition, type; (4) method of sale; and (5) property value. ~~Parties should seek specific language through motion where contested, or by agreement after consultation with the proposed master about practices in the particular court.~~

§ 21.02— Statements of ClaimClaims and Responses

In cases where parties claim funds or proceeds on deposit with the court, the parties must ~~The parties shall~~ file itemized statements of claimtheir claims and responses to statements of claimclaims as ~~directed by the master.~~ directs.

§ 21.03— Recording Record of the Proceedings

In any hearing before a master, the ~~The~~ parties are responsible for providing must provide a court reporter ~~in order to~~ to make a record and preserve their rights to object to the master's report before the ~~trial Judge.~~ court.

§ 21.04— Objections to a Master's Report

~~Any objection.~~ Objections to the ~~master's~~ a master's report ~~which is based upon a~~ on factual question questions must be supported by a transcript of the hearing before the master. ~~Objections shall be heard on the~~ A party may object to a master's report by filing a motion noticed for hearing on the court's regular motion docket under Local Rule § 26.

RULE 22.— DISCOVERY AND MOTIONS RELATED TO DISCOVERY-RELATED MOTIONS

§ 22.01— Filing Required Only for Use by Court Discovery Materials Not Required

Discovery Interrogatories, requests for production or any other discovery material will ~~should~~ not be filed with the ~~clerk~~ Clerk unless and until ~~such material is to be considered by~~ a party asks the court to consider it for any purpose.

§ 22.02— Extension of Time for Responses to Respond to Discovery

As provided in Tenn. R. Civ. P. 29, ~~stipulations extending the time for responding to interrogatories, requests for production and requests for admissions~~ Parties may be made agree to extend their discovery response deadlines without court approval ~~of~~ if the court ~~provided such stipulated~~ agreed extension is ~~does~~ not in conflict with ~~an~~ a court order of the Court.

§ 22.03— Discovery Completion Deadline

On ~~Upon motion of a~~ party ~~party's~~ or upon ~~its~~ the court's own motion, the court may order that the parties complete discovery ~~be completed~~ by a certain date.

§ 22.04— Interrogatories to Parties

(a) ~~No~~A party ~~will~~may not serve more than ~~thirty (30)~~ single ~~question~~ interrogatories, including sub-parts, ~~on another party~~ without leave of court. Any motion ~~seeking permission~~ to serve more than ~~thirty (30)~~ interrogatories ~~will~~must set out the additional interrogatories ~~the party wishes to serve. The motion will be accompanied by a memorandum giving reasons establishing~~and establish good cause for ~~the service of additional interrogatories. If a party serving them. A party who~~ is served with more than ~~thirty (30)~~ interrogatories without ~~an~~a court order of the court, ~~he or she will~~may respond only to the first ~~thirty (30)~~ in the manner provided by the Tenn. R. Civ. P. 30.

b. ~~After~~The domestic relations Judges have approved a set of interrogatories, containing more than 30 questions and sub-parts, and requests for production of documents to use in domestic relations cases without requiring prior court approval. (See 3rd and 4th Circuit Courts' Chamber Rules.) A party who receives the court-approved discovery requests must respond to all interrogatories, including sub-parts, and requests for production unless there is a valid objection.

(b) A party serving interrogatories must provide a blank space after each separate question and sub-question, a blank space will be provided~~part~~ reasonably calculated to ~~enable~~allow the ~~answering~~responding party to ~~have his or her answer typed in.~~ The ~~answering~~responding party ~~will~~must verify the answers immediately ~~following~~after the answer to the last interrogatory.

(c) ~~c.~~The responding party to whom the interrogatories are directed will~~must~~ answer or object to each interrogatory within the space ~~so~~ provided or use additional pages if necessary, ~~will serve the copy (repeating the interrogatory before the answer or objection), serve the responses~~ containing the original or e-~~filed~~signed verification ~~upon~~on the ~~requesting~~ party ~~propounding the interrogatories, and will, and~~ serve copies ~~thereof of the responses~~ on ~~opposing counsel.~~all other parties.

§ 22.05 —Requests for Admissions

(a) ~~a.~~Requests ~~A party serving requests~~ for admissions ~~made pursuant to~~under Tenn. R. Civ. P. 36 ~~will be arranged so that~~must provide a blank space after each separate request, ~~a blank space will be provided~~ reasonably calculated to ~~enable~~allow the responding party to ~~have the response typed in~~answer.

(b) ~~b.~~If a response is~~The responding party must answer or object to each request within the space provided or use additional pages if necessary, (repeating the party to whom request before the requests are directed will respond in the space provided,~~answer or objection), serve a copy~~the responses~~ containing the ~~responding party's~~ original or ~~electronic e-~~signature ~~upon~~on the requesting party, and serve the copies ~~thereof on opposing counsel.~~of the responses on all other parties.

§ 22.06 Requests for Production of Documents

(a) A party serving requests for production of documents on another party under Tenn. Tenn. R. Civ. P. 34 must provide a blank space after each separate request reasonably calculated to allow the responding party to answer.

(b) The responding party must answer or object to each request in the space provided or use additional pages as necessary (repeating the request before the answer or objection); serve the responses containing the responding party's original or e-signature on the requesting party; and serve copies of the responses, including copies of all documents produced, on all other parties.

§ 22.07 Disclosure of Audio and Visual Recording Recordings

~~See This is addressed by~~ Local Rule § 29.02.

22.07—Objections to Discovery

~~When objecting to interrogatories, requests for admissions, requests for production, the interrogatory or request will be repeated immediately preceding the objection.~~

§ 22.08 – Efforts to Resolve Discovery Disputes

~~The court will refuse to not rule on any motion related to a discovery-related motion unless the moving counsel files with the motion, a statement which party certifies that the lawyer he or she has conferred with the opposing counsel party in a good faith effort to resolve the discovery dispute and that the effort has not been successful. If the certification asserts that opposing counsel has refused or delayed discussion of the discovery issues raised in the motion, the court will take appropriate action when resolving the motion so as to prevent further delay. been unsuccessful.~~

§ 22.09 – Motions to Compel Discovery

Motions to compel discovery ~~shall:~~ must:

(a) either

(1) quote verbatim the interrogatory, request, or question, and ~~any~~ the objection or response ~~thereto~~, or

~~a.~~ (2) ~~be accompanied by~~ attach a copy of the interrogatory, request, or ~~excerpts of a deposition which shows~~ excerpt showing the question and objection or response ~~as an exhibit~~;

~~b.~~ (b) state the reason ~~supporting~~ for the motion; and

(c) ~~where~~ be accompanied by a certificate of efforts made to resolve the discovery dispute. See Local Rule § 22.08.

~~Where~~ Where a party has ~~submitted no response~~ not responded to the discovery or has objected to the entire set of interrogatories or requests, ~~neither for production of the requirements in Local Rule 22.09 documents, subsection (a) shall~~ does not apply;

~~d.~~ be accompanied by a discovery effort certification (See Rule 22.08).

§ 22.10—Motions for Protective Orders and to ~~Quash~~ Compel Compliance with Subpoenas

~~Motions for protective orders which are filed pursuant to under Tenn. R. Civ. P. 26.03; motions to quash compel testimony, production, or inspection in compliance with subpoenas for discovery which are filed pursuant to under Tenn. R. Civ. P. 45.02, 07; or any motion asking that to postpone or restrict discovery be postponed or restricted shall:~~ must:

(a) either

(1) quote verbatim the interrogatory, request, question, or subpoena, or

~~a.~~ (2) ~~be accompanied by~~ attach a copy of the interrogatory, request, subpoena, or ~~excerpt of a deposition which shows~~ excerpt showing the question; ~~as an exhibit~~;

~~b.~~ (b) state ~~with particularity~~ the specific grounds for the motion; and

~~e.~~(c) be accompanied by an affidavit or other evidence showing the need for the order.

§ 22.11—~~Motion~~ Motions to Compel; AgreementAgreements to Furnish Documents at Deposition

___ Agreements to furnish exhibits made during the taking of depositions may be enforced by motion ~~made pursuant to~~ under either Tenn. R. CivilCiv. P. 37 ~~and/~~, or Local Rule § 22.09 ~~of these rules, or both.~~

§ 22.12—~~Reference of Discovery Disputes to a Master~~

___ The court may refer ~~to~~ discovery disputes to a master. and, if the master is not a court employee, may allocate the costs of the master among the parties.

§ 22.13—~~Service~~ Serving Discovery Requests and Responses

___ A party requesting ~~Whenever a request for discovery is made, the party seeking discovery~~ must serve each party with a copy of the request. ~~Such service shall be made regardless of whether the discovery sought on all parties, even if the request is directed to only one of multiple parties. Likewise, each response~~

___ Parties responding to a request for discovery shall be served requests must serve copies of their responses on each party in the case all parties.

RULE 23.—~~NEGOTIATIONS AND~~ SETTLEMENTS IN CIVIL CASES

§ 23.01—~~Judicial Settlement~~ ConferenceConferences

(a) ~~a.~~ **Settlement Judge or Chancellor.** Settlement conferences ~~will be~~ are conducted by a Judge or Chancellor other than the Judge or Chancellor to whom the case is assigned for trial, except when requested and agreed upon by the parties or when the Judge or Chancellor to whom the case is assigned deems it appropriate to preside over the settlement conference because of the exigencies of the case.

(b) ~~b.~~ **Scheduling Settlement Conferences.** A Judge or Chancellor who is assigned to the case may schedule a settlement conference as part of the case management order or ~~as a result of~~ after discussions during a case management conference, with or without the parties' consent ~~of any or all parties.~~ A party may file a motion requesting a settlement conference if ~~a settlement conference~~ one is not otherwise provided in the case management order, or attorneys agreeing to a conference may contact the ~~case coordinator~~ Case Coordinator to schedule a judicial settlement conference.

(c) ~~e.~~ **Party Attendance.** The assigned Judge or Chancellor ~~shall~~ will require ~~that~~ the parties or their representatives with full settlement authority to attend the settlement conference except ~~upon~~ for good cause shown.

(d) ~~d.~~ Settlement Statements.

(1) ~~1.~~ At least ~~five~~ (5) business days before the settlement conference, each party ~~shall~~ must deliver ~~under seal in a sealed envelope,~~ directly to the ~~courtroom~~ deputy settlement Judge's staff or ~~calendar clerk for the settlement Judge or Chancellor~~ Chancellor's Calendar Clerk, an ex parte settlement conference statement, ~~which shall specify~~ stating the party's settlement position.

(2) ~~2.~~ The settlement statement ~~shall be furnished~~ is confidential and given only to the ~~Court~~ court and not to any other party.

(3) ~~3.~~ The Do not file the settlement statement ~~shall not be filed~~ with the Clerk of ~~Court.~~

~~(4). _____ The settlement statement shall include a summary of the party's view of should (i) summarize the ~~law as to theory~~ party's legal theories of liability ~~or~~ and defense; (ii) identify factors compelling or blocking settlement, the status of discovery, and ~~identification of~~ any essential or concerned third parties. ~~In addition,~~ each party shall; (iii) state whether any settlement offer ~~has~~ offers have been made and ~~the terms thereof shall also contain a candid assessment of,~~ if so, their terms and the status of the parties' settlement discussions; and (iv) candidly assess the strengths and weaknesses of both sides of the case, ~~an appraisal of~~ the issue of liability, ~~the status of the parties' settlement discussions, if any,~~ and an assessment of ~~and~~ the ~~economic~~ cost of proceeding to trial.~~

~~(5). _____ Plaintiff's settlement statement shall contain an assessment~~ should assess from plaintiff's viewpoint ~~of~~ damages and the strengths and weaknesses of plaintiff's position.

~~(6). _____ Defendant's settlement statement shall contain an assessment of~~ should assess the plaintiff's damages, defendant's exposure to those damages, and the ~~respective~~ strengths and weaknesses of defendant's position.

~~(7) The settlement statement shall contain a statement of the settlement authority extended by the client, based on the attorney's written evaluation and opinion, which all shall be furnished to the client. Attorneys representing parties in settlement conferences should provide their clients with full written evaluations and opinions in sufficient time for their clients to obtain~~ give express settlement instructions.

~~**e. Confidentiality.** No part of any of the contents of the discussions or any statements made or information provided to the Court and/or to any party or counsel during a and extend full settlement authority before the settlement conference shall be used by any party or repeated to or otherwise provided to any other person by any party for use in the litigation or any other litigation for any purpose whatsoever or for any other purpose not in connection with the case or any other litigation. This protection includes, but is not limited to, the protection provided by T.R.E. Each party's settlement statement must state the party's full settlement authority. —408 and 409. Likewise, all disclosures made to the Settlement Judge or Chancellor shall be kept in strict confidence.~~

~~**(e) Confidentiality.** Judicial settlement conferences are strictly confidential. Nothing that is disclosed during a judicial settlement conference, whether written or oral, may be used in the litigation, or any other litigation, or for any other purpose. This rule of confidentiality includes the protections provided by Tenn. R. Evid. 408 and 409.~~

~~Anything the parties or their attorneys disclose to the Settlement Judge or Chancellor will be held in the strictest confidence.~~

~~**(f) Domestic Relations Cases.** See the 3rd and 4th Circuit Courts' respective chamber rules, which are available from each court's staff or on the Circuit Court Clerk's website, for specific procedures governing judicial settlement conferences in domestic relations cases in those courts.~~

§ 23.02— Awards of Expenses

~~_____ If any the parties settle a case is settled within forty-eight hours² business days of when it ~~istrial was~~ to begin, the court may ~~award compensation to~~ compensate witnesses for lost income and/or travel expenses, and tax ~~the same~~ those amounts as costs.~~

§ 23.03— Court Approval of Approved Settlements

~~If a minor or incompetent person is not represented by counsel, the court may require that a guardian ad litem be appointed for the person if and the court is not satisfied with the that a proposed settlement, and in that event, the fee of said is the minor's or the incompetent person's best interests, the court may appoint a guardian ad litem for the person and tax the guardian ad litem will be taxed as part of the litem's fees as costs.~~

§ 23.04— Presentment of Settlements Settlement Approvals

~~Counsel should contact the court in which a matter is pending to set a hearing on any motion to approve a proposed Proposed workers' compensation, legitimation and, or minor settlements may be presented for approval before the opening of court. settlement.~~

~~8th Circuit Court hears all matters in which a motion to approve a proposed workers' compensation, legitimation, or minor settlement is filed as an initial pleading. Counsel should refer to the court's Court Approved Settlement Procedures, which are available on the Circuit Court Clerk's website.~~

§ 23.05— Notice Immediately Upon Settlement

~~If the parties settle a case that is set for trial and the parties later reach a settlement, they must immediately notify the parties shall give immediate notice of the settlement to the Calendar Clerk in Chancery and Assignment Clerk in Circuit, and shall promptly file an agreed order.~~

RULE 24. AGREED SUMMARY TRIAL

24.01

Agreement

~~In suits filed Court or the Calendar Clerk in Chancery Court, Circuit Court, or Probate Court, the court may unless the court instructs otherwise, and file an agreed order removing the case from the trial calendar. Where notice is not timely given, the court may assess juror costs.~~

RULE 24 AGREED SUMMARY TRIAL

§ 24.01 Agreement

~~The court may order a special expedited proceeding if the following conditions are met:~~

- ~~a) An agreed order is submitted which provides for an expedited proceeding pursuant to this rule. The agreed order shall serve as a certification that a filed agreement has been entered into and signed by the parties and their counsel acknowledging that they understand that the case is being handled under this expedited format. [See appendix for sample agreement and order].~~
- ~~(a) The signed filed agreement The parties and their counsel must enter into and file with the court a signed written agreement to have their case heard under the expedited procedure established in Local Rule § 24 (the "Rule 24 Agreement").~~
- ~~b) (b) The Rule 24 Agreement must state that the parties have agreed to an upper and a lower limit limits to the monetary award that the plaintiff will receive as damages if liability is stipulated or eventually determined by the Court. These court. The amounts, however, shall must not be disclosed to the Court court except as provided at Local Rule § 24.02(h).~~
- ~~c) (c) The signed filed agreement Rule 24 Agreement evidences the parties' parties' intention that the court's decision will be final, unless they specifically reserve the right to appeal is specifically reserved).~~
- ~~d) (d) The signed filed agreement shall Rule 24 Agreement must provide how for the allocation of court costs shall be allocated.~~

(e) The parties must submit an agreed order for an expedited proceeding under this Rule, certifying that they and their counsel have entered into a Rule 24 Agreement.

§ 24.02— Procedure

~~In the interest of saving the time and expense of a complete~~The court proceeding, ~~conducts~~ the special expedited proceeding shall be conducted as follows:

- a) ~~(a) The proceeding will be held before the Judge who has agreed to hear~~hears the case ~~without a jury (or by appoints a special Judge appointed by the regular Judge and approved by counsel) without a jury. Expedited proceedings shall be set for).~~ The hearing is set by counsel's agreement of counsel after consultation consulting with the Calendar Clerk for Chancery and Probate Court or the Assignment Clerk for in Circuit Court or the court's Calendar Clerk in Chancery Court.
- b) ~~(b) The parties will voluntarily furnish to each other whatever items are requested they request that would be~~are subject to discovery ~~under the law to each other.~~
- c) ~~(c) The parties will appear with and their attorneys appear at the date and time set by order of the Court hearing.~~
- d) ~~(d) The plaintiff's plaintiff's attorney will present presents his or her proof on the issues to be tried, including liability, and argue his or her argues the plaintiff's rights to recovery, including the amount of damages.~~
- e) ~~(e) The defendant's defendant's attorney will present presents his or her proof and arguments in defense, and then the plaintiff's plaintiff's attorney will be is allowed a rebuttal.~~
- f) ~~(f) Proof as used in (d) and (e) above may include includes stipulations, exhibits, live testimony, or whatever variations the parties may agree upon on.~~
- g) ~~(g) The Judge shall deliberate deliberates and render renders an initial decision, which shall also include includes the amount of damages, if applicable any.~~
- h) ~~(h) If the initial decision includes an award of damages, then the parties shall disclose to the Court Judge the agreed upon limits of recovery as provided in 24.01(b).~~
- i) ~~(i) The initial decision shall become the final decision if the If the amount of damages awarded in 24.02(g) is between the parties' agreed-upon upper and lower limits previously agreed upon, then the initial decision becomes the final decision.~~
- j) ~~(j) If the initial decision rendered amount of damages awarded in 24.02(hg) exceeds the previously parties' agreed upon upper limit, then the initial decision shall be is modified so that the final decision includes to award damages equal to the agreed upon upper limit and becomes the final decision.~~
- k) ~~(k) If the initial decision rendered amount of damages awarded in 24.02(g) is less than the previously parties' agreed upon lower limit, then the initial decision shall be is modified so that to award damages equal to the agreed-upon lower limit and becomes the final decision includes damages equal to the agreed-upon lower limit.~~
- l) ~~(l) An The Judge then enters an enforceable judgment will be entered based upon on the final decision.~~
- m) ~~(m) The final order in the case shall reference must refer to and attach the Rule 24 Agreement as signed by the parties and their counsel.~~

RULE 25. — JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS—SPECIAL PROCEDURES

§ 25.01— Briefs Required

~~The parties~~ Briefs must be filed ~~file~~ briefs in all cases heard by the court upon the record from ~~an for judicial review of~~ administrative ~~tribunal or agency~~ decisions.

~~If a~~ the petitioner-appellant fails to does not timely file his or her its brief within the time provided by this rule or within the time ordered by ~~the~~ court, ~~the action may be dismissed~~ dismiss the petition and affirm the agency decision ~~affirmed~~.

~~If the~~ defendant-appellee has not filed his or her respondent does not timely file its response brief within the time provided by this rule or within the time ordered by the court, the court may decide the case solely ~~upon~~ on the administrative record and the ~~petitioner-appellant's~~ petitioner's brief.

§ 25.02— Filing and ~~Service of~~ Serving Briefs

~~The~~ petitioner-appellant must file and serve its brief within 30 calendar days after the agency files the administrative record.

~~The~~ respondent must file and serve ~~a brief within thirty (30) days after the record is filed~~. ~~The~~ defendant-appellee must file and serve a its response brief within thirty (30) calendar days after ~~service of the~~ the petitioner files and serves its brief of the.

~~The~~ petitioner-appellant. Reply briefs may be filed at the option of a party, and, if filed, must be filed and served within fourteen (may file and serve an optional reply brief within 14) calendar days after ~~service of the~~ preceding respondent files and serves its response brief. ~~Upon motion of a party~~

~~The~~ parties may request or upon its own motion, the court may enlarge or shorten the time for filing ~~briefs~~ order a longer or shorter briefing schedule.

§ 25.03— ~~Hearings—~~ Final Hearing on Oral Argument

~~The~~ petitioner must schedule a final hearing Hearings on oral argument shall be scheduled as ~~provided in~~ under Local Rule § 27 within 10 business days after the record has been filed ~~briefing is complete~~.

~~The~~ court decides judicial review cases involving self-represented inmates on the administrative record and the parties' briefs, without oral argument.

§ 25.04— Waiver of Oral Argument

~~The~~ parties Oral arguments may be waived by agreement of counsel. ~~If~~ agree to waive oral argument ~~is waived, counsel shall notify in writing~~ by providing written notice to the ~~Calendar Clerk or~~ Assignment Clerk in Circuit Court or the court's Calendar Clerk in Chancery Court, within 10 business days after all ~~briefs are filed~~ briefing is complete.

§ 25.05— Expedited Procedure Involving Prior Restraint

~~If a~~ petitioner-appellant alleges that ~~the decision of~~ an administrative ~~tribunal or~~ agency decision unlawfully results in the prior restraint of his or her rights ~~that are~~ guaranteed by the First Amendment to the U.S. Constitution and or Article One, Section § 19 of the Tennessee Constitution of Tennessee, and either party requests an expedited hearing, the court will establish an expedited briefing schedule and expedited final hearing date ~~to review the merits of the appeal~~.

RULE 26.01—MOTIONS IN CIVIL CASES

§ 26.01—Time to Schedule and Hear Dispositive Motions for Summary Judgment

- (a)** Motions for summary judgment ~~Dispositive motions~~ must be ~~scheduled to be~~ heard at least ~~thirty (30)~~ 60 calendar days before a scheduled trial date, unless the court ~~orders~~ otherwise orders.
- (b)** The notice of hearing of a motion for summary judgment must be filed and served at least 37 calendar days before the scheduled hearing date, unless the parties agree otherwise.
- (c)** Responses to motions for summary judgment must be filed and served on all other parties no later than 5 business days before the date of the motion hearing under Tenn. R. Civ. P. 56.
For example, if the summary judgment motion will be heard on a Friday, the response to the motion must be filed and served the Friday before the scheduled motion hearing.
- (d)** All materials supporting the motion for summary judgment or the response to the motion for summary judgment must be filed and served with the motion or response.
- (e)** When filing and serving statements of undisputed material facts in support of a motion for summary judgment, or statements of additional facts in response to a motion for summary judgment, the party filing and serving the statement of facts must provide a space after each separate statement of fact reasonably calculated to allow the responding party to respond or object.
- (f)** Some courts may require or allow motions for summary judgment to be specially set. See Local Rule § 26.07(a). Contact the court's staff in Circuit Court or Calendar Clerk in Chancery Court to determine whether a particular motion may be specially set or may be heard on the court's regular motion docket.

§ 26.02—Time for Motion Hearings

- ~~a.~~ **(a)** Motions will be heard on Fridays at 9:00 a.m. ~~on Fridays with the exception of Sixth Circuit central time, except for 6th Circuit court, 7th Circuit court, and Chancery Court, Part III, which hearshear motions at 9:30 a.m., and the Fourth Circuit, which hears motions at 9:00 a.m., central time.~~
- ~~b.~~ **(b)** Appropriate notice shall be published The Clerks' offices will publish notices when any court will not have hold a motion docket on a Friday.
- ~~c.~~ **(c)** Judges will endeavor do their best to arrange their motion dockets to minimize delay ~~for lawyers~~. If a ~~lawyer is aware that an argument~~ motion will be require prolonged, ~~the lawyer~~ argument, counsel should ~~attempt~~ contact the court's staff in Circuit Court or Calendar Clerk in Chancery Court to set ask if the motion should be specially set.

⊖ ~~§ 26.03—Fourteen—~~ **14-Day Minimum Notice of Hearing on Motions;**

Summary Judgment for Motions Filed Thirty-Seven Days Before Hearing; Resetting Motions

- ~~-(a)~~ **(a)** The notice of hearing as contained in Local Rule 26.05(b) shall of any motion, other than a motion for summary judgment, must be filed and served at least fourteen (14) calendar days before the scheduled hearing date, unless the parties agree otherwise. See Local Rule 26.05.
- a. A Notice of hearing of a motion for summary judgment cannot must be heard until filed and served at least thirty-seven (37) calendar days after it is filed before the scheduled hearing date unless the parties agree otherwise agree. See Local Rule § 26.01(b).
- b. **(b)** In Circuit Court, the moving party needs file no further notice if the a motion hearing date is continued reset by agreement of all parties or by court order, no further notice is required.
- c. **(c)** In Chancery Court, if a motion is reset by agreement, a filed the moving party must file a notice of the new motion hearing date must be provided to the Clerk by faxed letter or other means. This notice must be provided by no later than 11:59 p.m. CST central time on the Monday before the Friday on which the motion is to will be heard.

§ 26.04— Motions, Responses, Replies, and Briefs

- (a)** a. Motions shall clearly Every motion must state with particularity the grounds therefore, the specific factual and shall set forth legal grounds for the motion and the specific relief or order sought as required by Tenn. requested R. Civ. P. 7.02.
- (b)** b. Every motion or response which may require that asks the resolution of court to resolve an issue of law, and every motion or response in which that relies on legal authority is relied upon, shall must be accompanied supported by a memorandum of law and facts in support thereof. Any motion, response, brief, or memorandum of law that makes reference to cites a transcript or deposition shall make reference to must cite the specific page(s) of the transcript involved. Whenever a memorandum cites an and line. If counsel cites unreported Tennessee decision decisions, or a decision decisions from a court of another other state courts or from federal jurisdiction, counsel shall attach a complete copy of the opinion to the memorandum; courts, counsel shall also furnish a copy of any such opinion must provide copies of those decisions only to opposing counsel. self-represented parties. Counsel need not provide copies of unreported or foreign decisions to the court unless the cited authority is not available in any reporter or legal research database.
- (c)** c. When requesting leave Any party filing a motion to amend a pleading, the moving party must attach a copy of the proposed amended pleading to the motion so that it becomes part of the record. [Comment: Unless the record before the appellate court shows the substance of the proposed amendment, it cannot determine whether. If the court acted properly on the motion. Taylor v. Nashville Banner Publ'g Co., 573 S.W.2d 476 (Tenn. Ct. App. 1978).]
- d. If the motion is opposed, a written response to grants the motion must be filed personally and served on all parties. The response shall state with particularity the grounds for opposition to, the moving party must file the amended pleading within 10 business days after the court enters the order granting the motion to amend unless the court orders otherwise.

(d) Any party opposing a motion must file and serve a written response on all parties, stating the specific grounds for opposing the motion, supported by relevant legal authority, if applicable. If no response is filed, the motion shall will be considered unopposed and, except for good cause shown, may be granted with the exception of certain proceedings in Probate. (See Rule 39). Local Rule § 39 for exceptions to this Rule in certain probate matters.

~~e.~~ Responses to motions, including counter-affidavits, depositions, briefs, or any other matters presented are encouraged but not required in opposition domestic relations cases.

(e) Responses to motions, except motions for summary judgment, including all supporting materials, must be filed with the clerk's office and served by 11:59 p.m. CST central time on Monday before the Friday on which the motion is to will be heard. The response must also must be filed personally and served on all parties no later than 11:59 p.m. CST on the

~~If Monday before the Friday on which the motion is to be heard. If Monday falls on a is a holiday and the Clerks' offices of the court clerks are closed, responses to motions must be filed with the clerk's office by and served before 11:59 p.m. CST central time on the Tuesday before the Friday on which the motion is to be heard. In case of a Monday holiday, service of the response on all parties must occur no later than 11:59 p.m. CST Tuesday will be heard.~~

~~f.~~ Replies Responses to responses, if any, motions for summary judgment must be filed with the clerk's office by 11:59 p.m. CST on the Wednesday before the Friday on which the motion is to be heard. The reply must also be and served on all other parties no later than 5 business days before the date of the motion hearing under Tenn. R. Civ. P. 11:59 p.m. CST on the Wednesday 56. See also Local Rule § 26.01(c). For example, if the summary judgment motion will be heard on a Friday, the response to the motion must be filed and served the Friday before the Friday on which the scheduled motion hearing.

(f) If no response is timely filed and served, the court will consider the motion to be heard unopposed and, except for good cause, may grant the motion, with no appearance required at the time and date scheduled for the hearing.

~~g.~~ IF NO RESPONSE IS TIMELY FILED AND PERSONALLY SERVED, THE MOTION SHALL BE GRANTED AND COUNSEL OR PRO SE LITIGANT NEED NOT APPEAR IN COURT AT THE TIME AND DATE SCHEDULED FOR THE HEARING.

~~Counsel or pro se litigant shall then~~ The moving party must submit the a proposed order consistent with Local Rule § 33. The order shall, which should recite that no response to the motion was timely filed or personally served.

See Local Rule § 39 for exceptions to this Rule in certain Probate probate matters.

Responses to motions are encouraged but not required in domestic relations cases.

(g) Replies to responses, which are permitted but not required, must be filed and served by 11:59 p.m. central time on Wednesday before the Friday on which the motion will be heard.

~~_____ § 26.05—Docketing Motions for **Notice of Hearing** and Disposition **Required**~~

~~_____ a. —Docketing Motions for Hearing and Disposition—Docketing of a motion will be complete upon filing the motion with the Chancery, Probate and Circuit Court Clerks, provided it contains notice of a hearing date. If no hearing date is requested upon the filing of the motion, either counsel may file a notice of hearing for a previously filed motion and serve opposing counsel and/or party.~~

~~b. —Notice of Hearing and Disposition—Any party filing a motion in Chancery, Probate or in Circuit Court shall serve filed notice of the date and the time of the hearing upon all other parties. **Every motion must be noticed for hearing, either included with the motion itself or by a separate notice that is filed and served on all parties at least 14 calendar days before the hearing date, or 37 days before the hearing date of a motion for summary judgment, unless the parties agree otherwise. See Local Rules §§ 26.03(a); 26.01(b).**~~

~~_____ The notice shall advise all other parties that of hearing must state the date, time, and place the motion will be heard and must state in bold type that the failure to file and serve a timely file and serve a written response to the motion **will** may result in the motion being granted without further hearing. **See Local Rule 26.04(f).**~~

~~c. —Domestic relations motions are exempted from this rule and are governed by §37.05. **Any party may file and serve a notice of hearing for any motion that is filed without a notice of hearing, regardless of which party filed the motion.**~~

~~_____ **§ 26.06—Personal — “Service” Defined**~~

~~_____ “Service” For purposes of this Rule, personal service means delivery, mailing by hand, mail, e-service or transmission of a facsimile (i.e., “fax” or “telecopier”) **email** such that the document served is physically **or electronically** received by the specified date and time. ~~In the event personal service is affected by facsimile, an original copy of the document shall follow by delivery or mail. In accordance with Supreme Court Rule 46A, e-service~~~~

~~_____ “E-service” means the automatically-generated electronic transmission, by and through an e-filing system, of a notice to all participants in a case who are registered users **of the e-filing system and who have elected to receive e-service** that a document has been e-filed. ~~Electronic Tenn. Sup. Ct. R. 46A. E-service does not include service of process or **Summons**summons to gain jurisdiction over persons or property.~~~~

~~**§ 26.07— Specially Set and Expedited Hearings**~~

~~**(a) Special Setting of Motions Settings:** ~~Where—In cases governed by special procedures, where argument on a motion will be prolonged, or in some other circumstances warrant, motions, the court may be specially set with the Calendar Clerk of each court **motion hearings** at times other than on the regular motion docket. **A motion to set Counsel should contact the court’s staff in Circuit Court or Calendar Clerk in Chancery Court to schedule a hearing date.**~~~~

~~**(b) Expedited Hearings:** When a matter is particularly urgent, the court may, in its discretion, hear it on an expedited ~~hearing shall be accompanied by~~ **basis.**~~

~~_____ The party should file a motion for relief, with a separate motion for an **attached expedited hearing, and a proposed order on the motion for expedited hearing that includes blanks for the court to set the date and time for the expedited hearing if the court grants the motion for expedited hearing.**~~

§ 26.08— Failure to Appear at a Motion Hearing; Late Appearance

___ If ~~any~~ a party does not appear at a scheduled ~~hearing on a motion or any other matter scheduled to be heard on the motion docket~~ motion hearing, the court may strike or adjudicate the motion. ~~Counsel~~ Anyone who will be late for a motion hearing ~~shall~~ should notify the court's staff in Circuit Court or Calendar Clerk ~~of the assigned court~~ in advance of Chancery Court before the hearing or have an announcement ~~to that effect~~ made at the call of the motion docket. If the movant fails to appear, and the court strikes the motion, the court may ~~tax, as costs,~~ award reasonable fees and expenses in favor of the opposing party who ~~did appear~~ appeared at the scheduled hearing.

§ 26.09— Striking or Postponement of Continuing Motions

___ After a motion ~~has been docketed~~ is set for hearing, the movant may strike or ~~postpone~~ continue the motion ~~upon~~ with timely notice to all parties. ~~and the court's staff in Circuit Court or Calendar Clerk in Chancery Court.~~

___ If ~~a motion is to be stricken or postponed by agreement,~~ the parties agree to strike or continue a motion, the movant must timely notify the court's staff in Circuit Court or Calendar Clerk ~~of the assigned court.~~ in Chancery Court.

___ If ~~any~~ a party strikes or ~~postpones~~ continues a motion without giving notice, the court may ~~tax, as costs,~~ award reasonable fees and expenses in favor of any party who ~~appeared~~ appears at the scheduled hearing.

§ 26.10— ~~Agreed~~ Orders Resolving Motions by Agreement

___ If ~~an agreed order is to be submitted disposing of the parties resolve~~ a motion by agreement, counsel ~~shall advise~~ may either notify the court's staff in Circuit Court or Calendar Clerk ~~of the assigned court prior to~~ in Chancery Court before the hearing or ~~may so~~ announce at the hearing that they will submit a proposed agreed order.

§ 26.11— ~~The Hearing~~ Motion Hearings

(a) a) Oral Argument. Motions with responses ~~shall be~~ are orally argued unless ~~waived by agreement, excepted by order of the~~ the parties agree to waive oral argument or the court orders otherwise, or where ~~a prisoner proceeds pro se an inmate is self-represented.~~ The court may, in its discretion and after allowing time for responses and replies, enter an order on a motion without oral argument, even if a party has requested it.

(b) b) No Witnesses. ~~The motion hearing shall be upon the pleadings, affidavits or depositions unless a party requests and obtains permission of~~ Except as may be permitted in domestic relations and Probate cases, motion hearings are argument only, and the court for the introduction of oral testimony does not take any evidence.

(c) Remote Hearings. The court may, in its discretion, conduct hearings remotely by teleconference or videoconference. Any party who wishes to be heard remotely must contact the court's staff in Circuit Court or Calendar Clerk in Chancery Court to request a remote hearing, and provide notice to all parties of the request before the time of the hearing.

§ 26.12— Motions in Limine

Local Rule § 30 governs motions in ~~Motions in limine are governed by Local Rule 30.~~

§ 26.13— Motions to Compel Discovery

Local Rules §§ 22.08 - 22.12 govern ~~Special requirements related to motions involving discovery disputes are addressed by Local Rule 22.08-22.12.~~

§ 26.14— ~~Determining Class Action Determination~~Actions

~~Within sixty (60) calendar days after the filing of a complaint in a class action, unless this complaint, the plaintiff must move the court to determine whether the plaintiff may maintain the suit as a class action under Tenn. R. Civ. P. 23. The plaintiff may seek an extension of the 60-day filing period is extended on by separate motion for good cause appearing, the plaintiff shall move for a determination under Rule 23.03(1) Tenn.~~

~~In R. Civ. P. whether the case is to be maintained as a class action. In ruling upon such aon the motion, the Courtcourt may allow the class action to be so maintained, may, disallow and strike the class action allegations, or may order postponement of postpone the class determination pending discovery or such other preliminary procedures as appear to be appropriate and necessary under the circumstances. Whenever possible, where it is held that the. When the court extends the 60-day class determination filing requirement, the court must establish a date by which the plaintiff must renew the motion for class determination shall be postponed, a date shall be fixed by the Court for the renewal of the motion.~~

§ 26.15- ~~Default Judgement Motion with Certificate~~Judgment Motions

~~Any motion All motions for default judgment seeking a judgment for liquidated damages shall must specifically state the amount sought and be accompanied by a certificate which shall substantially comply with the Default Judgment Certificate that states:~~

- ~~(i) the date the defendant was served;~~
- ~~(ii) that the defendant has not filed an answer or otherwise responded to the complaint;~~
- ~~(iii) the total amount due, including
 - ~~- the amount of the original obligation,~~
 - ~~- the amount the defendant has paid,~~
 - ~~- the amount of interest requested,~~
 - ~~- the amount of attorney fees and expenses requested, and~~
 - ~~- the remaining balance due;~~~~
- ~~(iv) if there is any difference between the balance due and the amount sought in the default judgment certificate in, the appendix. A reason for the difference;~~
- ~~(v) the written instrument, if any, that is the basis of the claim has been filed with the court or the reason why it has not been made part of the record; and~~
- ~~(vi) the legal basis for any attorney fee request for non-liquidated damages will require, with a damages hearing copy of the written instrument attached if it is not already filed with the court.~~

~~A form Default Judgment Certificate is available on the Clerks' websites.~~

~~If the motion for default judgment includes a request for attorney fees and expenses, the attorney must also file an affidavit or declaration listing the service providers, the services provided, the time spent, the suggested fee award, and other relevant facts, including facts required under Tenn. Sup. Ct. R. 8, RPC § 1.5, applicable case law, and any other information the court requests, to allow the court to determine whether the fees were reasonable and necessary. See Local Rule § 5.05.~~

~~RULE 27.—ADMINISTRATION ADMINISTERING AND SCHEDULING OF CIRCUIT AND CHANCERY CIVIL CASES AND TRIALS~~

§ 27.01— ~~Case Administration of Cases~~

~~Administration of cases _____ Cases in the Chancery Courts and Circuit Court VII (exercising its jurisdiction in Probate matters) will be set are administered by the individual Chancery Court and in general pursuant to each court and, generally, under Local Rules §§ 27.02, 27.03, and 27.04 or pursuant to Rule 39 for all Probate matters. Administration of.~~

Cases in 1st, 2nd, 5th, 6th, and 8th Circuit Courts handling civil jury or (non-jury (non-family law cases) will be handled pursuant to Rule domestic relations and non-probate-related cases) are administered under Local Rules §§ 27.02, 3 [27.03], 4 [27.04], and 5 [27.05]. Family law cases will be set by the individual judge.

Cases in 3rd and 4th Circuit Courts (domestic relations cases) are administered by each court under their respective Chamber Rules.

Cases in 7th Circuit Court (probate cases) are administered by the court and under Local Rule § 39.

§ 27.02—Method of Setting Cases For Trial

Cases shall be set for trial in accordance with the following: as follows:

A. CHANCERY:

(a) Chancery Court:

1. By agreement of counsel after consultation consulting with the court's Calendar Clerk for each Part of Chancery Court.;
2. At a Scheduling Conference;
3. By motion; or
4. At the Chancellor's discretion, with notice to the parties.

(b) 1st, 2nd, 5th, 6th, and 8th Circuit Courts:

2. 1. At a Scheduling Conference with the originating Chancery Court. court;
3. By motion to the individual Chancellor in Chancery cases.
4. At the discretion of a Chancellor with notice to counsel in Chancery cases.

B. PROBATE:

1. Pursuant to Rule 39.11 for Probate matters.

C. CIRCUIT:

1. At a Scheduling Conference with the originating Circuit Court.
2. By agreement of the parties in Circuit cases for a date within the "open docket".
3. By motion to on the Assignment Judge on his/her regularly scheduled Judge's regular motion docket for all Circuit cases where agreement is not possible, date has not been set at a Scheduling Conference,; or dates sought are beyond the "open docket".
4. At the discretion of the Assignment Judge Judgment, with notice to counsel, for in expedited cases.

(c) 3rd and 4th Circuit Courts: Under those courts' respective Chamber Rules.

(d) 7th Circuit Court: Under Local Rule § 39.11.

§ 27.03— Certifying Cases Are Ready When Set

When parties set a case for trial by agreement or by motion without objection, all counsel and self-represented parties certify that they are available for trial and that the case will be ready for trial in all respects on the trial date, subject to Tenn. R. Civ. P. 16.

27.04— Workers' Compensation Benefit Review Conference

~~All worker's compensation cases shall be referred for a benefit review conference. See Tenn. Code Ann. §§50-6-237 and 50-6-239(a). No workers' compensation case shall be set for trial unless the parties certify to the Court that the benefit review conference process has been completed or is not necessary pursuant to Tenn. Code Ann. §50-6-239(c). This rule does not apply to accidents or injuries occurring after January 1, 2005 as Tenn. Code Ann. §50-6-203(a) will apply.~~

§ 27.04 [Deleted]

27.05— Continuances in Chancery and Circuit Cases § 27.05 Continuing Civil Trials

~~(a) Parties may not agree to continue a.——Cases trial without court approval.~~

In Chancery Court, a trial may only be continued only by leave of court on motion for good cause.

In 1st, 2nd, 5th, 6th, and 8th Circuit courts, a trial may only be continued with leave of the originating court, or by the Judge to whom the case is assigned for trial, by motion or upon an by emergency request or by the judge to whom a case is assigned on the date of trial. They may not be continued by agreement of counsel without consultation of the court. Cases will not be continued except for good cause which shall be brought to the attention of the court as soon as practicable before the date of the trial.

~~b.——Absence of a witness will not be a for good cause.~~

Trial continuances in 3rd and 4th Circuit Courts are governed by those courts' respective Chamber Rules.

Trial continuances in 7th Circuit Court are governed by Local Rule § 39.11

~~(b) A witness' absence is not cause for a continuance unless thea subpoena has been for the witness' presence at trial was issued and dated ten 10 calendar days prior to a before trial for a local witness and, or 14 calendar days before trial for an out-of-county witness, pursuant to as required under Local Rule § 28.02.~~

~~(c) c.——When a case trial is set by agreement, or set upon by motion without an objection to having it set, failure to have completed, the court will not continue the trial because the parties did not complete discovery, inability or were not able to take a deposition, or failure to have completed did not complete any other trial preparation will not be a cause for preparations.~~

~~(d) If the court grants a continuance—, the order granting the continuance must state the reason for the continuance and must continue the trial to a date certain or a date to be set by separate order.~~

~~d.——If a case is continued, it must be continued to a date certain. The reason for the continuance must be contained in the order.~~

~~(e) e.——If the court grants a continuance is granted, the court non-moving party may apply for an award of attorney fees and expenses and attorney's fees, including compensation to, and may include compensating witnesses for lost income and/or travel or other related expenses and tax the same taxed as court costs.~~

§ 27.06—Administration Administering and Assignment of Assigning Circuit Court Jury Cases for Jury Trials

- (a) a. _____ The Presiding Judge shall ~~designate~~ designates a Circuit ~~Court~~ Judge as the Assignment Judge.
- (b) b. _____ The Assignment Judge after ~~consultation~~ consults with the other Circuit ~~Court~~ Judges trying jury cases, ~~will schedule and schedules~~ the jury trial weeks. The Assignment Judge shall ~~establish~~ then sets the "open" and "closed" ~~docket.~~ dockets.
- (c) c. _____ The Circuit Court Clerk shall ~~assign~~ assigns jury cases to the various courts for pre-trial proceedings as the cases are filed.
- (d) d. _____ **Scheduling or Planning Conference.** Each court shall ~~establish~~ establishes a method by which the parties shall meet face ~~to~~ face within 4-6 months of ~~filing~~ when the case is filed. This conference may be held by the ~~judge, Judge, a~~ law clerk, a court officer, a special master, or ~~in such other manner as established by the individual~~ as the court ~~otherwise directs.~~

During this conference, the parties ~~with the help of the judge or designee will discuss~~ the case's track assignment ~~of the case (as outlined in section f subsection (g) below, use of), mediation or other alternative dispute resolution ("ADR, preparation of"),~~ a scheduling order, a second conference or ~~pretrial~~ pre-trial conference if necessary, a trial date ~~if applicable or another, and any other~~ appropriate deadline to manage the case management deadlines.

- (e) e. _____ **Differentiated Case Management.** Every action filed in ~~the~~ Circuit Court shall ~~be~~ is designated as ~~a~~ General Session Appeal ("GSA;"), Expedited, Standard or Complex ~~case. Notwithstanding the following, the parties may apply to, which governs how the case is administered and scheduled. All General Sessions Appeals are presumptively designated "GSA"; all other cases are presumptively designated "Standard." The parties may move the court to modify the designation. The designation will govern the administration and scheduling of the~~ redesignate a case as "Expedited" or "Complex."

1. ~~1. GSA: General Sessions Appeals ("GSA").~~ General Sessions Appeals are presumptively classified as "GSA". ~~These are cases that GSAs can be prepared for trial with minimal discovery and other~~ pretrial ~~pre-trial~~ proceedings. The completion goal is 180 calendar days from the date of filing. GSA cases must be set for trial ~~in accordance with~~ under Local Rule § 20.
2. ~~2. Expedited: A personal. Personal injury case with~~ cases involving soft tissue damage, with limited discovery needs, ~~with no agreement for the~~ to use of ADR, and ~~no party insistence~~ insists on trial. The completion goal is 270 calendar days from the date of filing.
3. ~~3. Standard: A case. Cases~~ with no unique circumstances requiring lengthy discovery or trial time. All cases are presumptively classified as "standard" unless ~~otherwise they are~~ designated otherwise. The completion goal is ~~one~~ 1 year from the date of filing.
4. ~~4. Complex: A case that will require lengthy discovery, trial preparation and or trial time, by reason of number of. Cases involving multiple parties involved, number of, claims, and defenses raised; complex facts; and difficult legal difficulty of issues presented, factual difficulty or a combination of these factors, which requires a. Complex cases require~~ customized Scheduling Order which contains dates for ADR, completion of Orders allowing for longer discovery and ~~time to set a trial~~ trial preparation periods, for ADR, and for longer trials. The completion goal is ~~two~~ 2 years from the date of filing.

(f) g. — Scheduling Orders. ~~All~~ In all cases shall operate under, the court will require a Scheduling Order that establishes. The Scheduling Order must establish deadlines for completion of to complete discovery, and ADR, and must either set a trial dates date or a date by which the trial must be set. ~~The date by which a trial must be set or the trial date shall appear in the first numbered paragraph of each Scheduling~~ the Order. If

If the parties do not obtain an order setting the case for trial ~~is not filed with the Clerk by the required date, then~~ deadline established in the Scheduling Order, the court will dismiss the case ~~shall be automatically dismissed without further notice.~~

The Scheduling Order parties may not ~~be changed~~ agree to change the Scheduling Order without leave of court.

(g) h. — Central Assignment System. All Circuit Court ~~cases for jury trials will be~~ trial cases are set on a central assignment docket, which ~~will be~~ is administered as follows:

1. 1. ~~The Circuit Court~~ Assignment Clerk shall assign an employee to ~~oversee~~ oversees and ~~be~~ is responsible to the Assignment Judge for administering the administration of this system (hereinafter called the "Central Assignment Clerk.") System.

2. 2. ~~A~~ The Assignment Clerk keeps a central docket ~~will be maintained in the clerk's office by the Assignment Clerk for the setting of jury cases for~~ trial trials.

3. 3. ~~The Assignment Judge, or his/ or her designee shall assign,~~ assigns the cases set for trial in any given week, to the ~~various Circuit Courts for~~ trial, courts conducting jury trials until ~~all cases for that week~~ the trials are completed. ~~In~~

If the event trial of a case ~~is~~ does not ~~reached for trial in any available court,~~ begin on the day it is set, the case will be carried over from continued to the next day to day without loss of its place in the order of trial until it is either reached for trial or transferred to a ready court. ~~In the event of hardship, a lawyer may apply to the~~ the court for resetting at to which the case was assigned for trial, or another court, is available to conduct the trial.

If the trial of a case has not begun by the end of the second day.

4. Any case, counsel may ~~be exempted by~~ apply to the Assignment Judge ~~or~~ to reset the case.

4. The Assignment Judge or the Judge in the originating judge court may enter an order exempting a case from the ~~central assignment system~~ Central Assignment System and ~~set~~ setting the case for trial in the ~~original~~ originating court ~~by a specific order.~~

§ 27.07 — Central Assignment of Administering and Assigning Circuit Court Non-Jury Cases for Trial Non-Jury Trials

(a) By Agreement. The parties may set a) ~~All non-jury trials may be set by agreement provided the trial date is approved by~~ agreed order if the Assignment Clerk. ~~If a trial has approved the trial date. The parties must tell the Assignment Clerk if the trial will last more than one~~ 1 day, ~~the Assignment Clerk must be notified.~~

(b) b) — Motions By Motion. A party must file a motion to set ~~will be heard~~ a non-jury trial in the originating court ~~to which the case was first assigned when filed. The availability of,~~ only after obtaining available trial dates ~~must be secured from and approved by the Assignment Clerk~~ court's staff.

(c) e) — Orders to Set. All orders setting non-jury cases for trial will ~~trials~~ must include an ~~estimation by counsel~~ estimate of how long the trial ~~should~~ will last.

RULE 28— SUBPOENAS

§ 28.01— Subpoenas Issued by Clerk

~~The Clerks issue all~~ In civil actions, subpoenas filed by conventional paper in Circuit and Chancery Courts.

~~In Circuit Court, submit one~~ copy shall be issued and signed by the clerk in triplicate. Subpoenas e filed shall be submitted with one copy by electronic form, but see Rule 6.01 exclusions for of the subpoena electronically to the Clerk for issuance.

~~In Chancery Court. The clerk shall not issue a subpoena unless it shows on its face compliance with Tenn.,~~ submit the subpoena by conventional paper form, in triplicate, to the Clerk for issuance ~~R. Civ. P. 45.07.~~

§ 28.02— Time for Issuing Subpoenas for Trial

~~Subpoenas for a local witness~~ witnesses must be issued ~~and dated by the clerk no later than ten (10) calendar~~ days before the date of trial unless prior approval has been granted by the Judge for an extension. If the witness is to be served the court has allowed issuance within a shorter time.

~~Subpoenas for out of the county, the subpoena~~ witnesses must be issued by the clerk no later than ~~fourteen (14) days before the date on which the case is set for trial and promptly mailed or otherwise transmitted to the out of the county Sheriff or other authorized person to effect service of the subpoena. The foregoing notwithstanding, the clerk shall not refuse to~~ calendar days before the date of trial, unless the court has allowed issuance within a shorter time.

~~The Clerk must~~ issue a subpoena even if it is requested after the dates set forth above deadlines established by this Rule.

§ 28.03— Address of Witness — Addresses on Subpoenas

~~The attorney or party requesting a subpoena must provide the~~ Counsel of record shall be responsible for providing street address and phone numbers number, if known, of the witness on the requested subpoena ~~(s).~~

§ 28.04— Prison Inmates

~~Tenn. Code Ann. § 41-21-304 governs the~~ The attendance of prison inmate inmates who are witnesses or parties in civil cases ~~remains governed by T.C.A. § 41-21-304.~~

§ 28.05— Subpoenas For Medical Records

____ All subpoenas ~~issued by the Clerk or Clerk and Master to medical providers~~ for medical records ~~shall reflect compliance~~ **must comply** with the Health Insurance Portability and Accountability Act (H.I.P.A.A. ~~See~~), ~~see~~ 45 C.F.R. § 164.512(e). ~~The Clerk of Court or Clerk~~, and ~~Master shall not issue a subpoena pursuant to T.R.C.P. 45.02 for medical records unless the subpoena form includes~~ **include** the following **notice**:

HIPAA H.I.P.A.A. NOTICE

A copy of this subpoena has been provided to ~~counsel for~~ the patient or the ~~patient by mail or facsimile~~ **patient's counsel** on the ____ day of _____, 20____, so as to allow him/ ~~or her~~ **seven (7) 21** days to:

____ (A) serve the recipient of the subpoena ~~by facsimile~~ with a written objection to the subpoena, ~~with a copy and provide notice~~ of the ~~notice by facsimile~~ **objection** to the party that served the subpoena, and

____ (B) simultaneously file and serve a motion for a protective order consistent with the requirements of ~~T. Tenn. R. Civ. P. 26.03, 26.07~~, and Local Rule §-22.10.

If no objection is made within ~~seven (7) 21~~ days of the above date, you ~~shall~~ **must** process this subpoena and produce the **requested** documents by the date and time specified in the subpoena. The signature of counsel or ~~the~~ party on the subpoena is **his or her** certification that the above notice was provided to the patient.

RULE 29.— PRE-TRIAL PROCEDURE IN CIVIL CASES

§ 29.01— Required Exchange of Witnesses and Documents

____ At least ~~seventy-two (72) hours (excluding weekends and holidays)~~ **3 business days** before ~~the trial of a civil case~~, opposing counsel **shall must** either meet face-to-face or ~~shall~~ hold a telephone conference ~~for the following purposes~~:

to:

a) **(a)** exchange **the** names of witnesses, ~~including they expect to call at trial, including anticipated impeachment or rebuttal witnesses, and the witnesses' addresses and home and business telephone numbers (if not included in interrogatory answers) including anticipated impeachment or rebuttal witnesses~~ **that information was not provided in discovery**; and

b) **(b)** ~~to~~ make available for viewing and ~~to~~ discuss proposed **trial** exhibits.

~~In the event that the parties~~ **If counsel** hold a telephone conference rather than a face-to-face meeting, **they must make** the exhibits ~~shall be made~~ available for viewing before the conference.

§ 29.02— Notice ~~Of~~ Intent ~~To~~ Use Audio/Visual or Video Recording or Animation Is ~~Required~~ at Trial

____ ~~Any~~ When a party **who** intends to ~~utilize~~ **use** an audio ~~and/or visual~~ **video** recording or animation in a jury trial, ~~counsel~~ must ~~file a~~ **provide written** notice to ~~all~~ adverse counsel at least ~~ten (10) business~~ days before a trial. Adverse counsel **shall must** be permitted to review the recording or animation in the form ~~to it will~~ be offered at trial and ~~shall be allowed~~ to copy the recording **or animation** at his or her expense.

~~Adverse counsel shall~~must promptly advise the ~~other attorney~~offering party of each ~~objection~~any objections to the recording. ~~The lawyers shall~~ or animation. Counsel must then attempt in good faith to resolve the objections. If ~~no resolution is reached,~~they cannot resolve their dispute, objecting counsel must file a motion in limine ~~shall be filed and set for hearing~~ sufficiently before trial ~~so that the objections may be ruled on in time to allow~~ time for the court to rule on the objections and for any necessary editing.

If the court has a chamber rule or has entered a pre-trial order establishing different deadlines or procedures, then the chamber rule or pre-trial order controls.

§ 29.03— Trial Briefs in Non-Jury Civil Cases

Trial briefs are required in In all non-jury civil cases, ~~except divorces and General Sessions Court appeals, trial briefs are required. At least seventy two (72) hours (excluding weekends and holidays) before the trial of a civil case, trial.~~ The parties must file and serve their briefs shall be submitted to the court and furnished to opposing counsel. at least 3 business days before trial.

~~If an issue to be being~~ litigated at trial has been briefed in pre-trial motions and counsel believes that the motion brief adequately covered the issue wishes to rely on his or her earlier briefing, counsel may refer the court to the motion brief in lieu of briefing the issue for trial.

If the court has a chamber rule or has entered a pre-trial order establishing a different deadline or procedure, then the chamber rule or pre-trial order controls.

RULE 30.— MOTIONS IN LIMINE

- ~~a. All anticipated objections to deposition testimony including those made pursuant to T.R.C.P. 32.02 and 32.04, must be made by filed motion in limine filed at least five (5) days before trial or the objection is waived.~~
- ~~b. Counsel are encouraged to raise other appropriate evidentiary objections by filed motion in limine filed at least five (5) days before trial.~~

(a) Motions Each court establishes its own procedures and deadlines governing motions in limine in its chamber rules or pre-trial orders.

~~(b) Local Rule § 29.02 governs motions in limine related to audio and/or video recording or recordings and animation, are governed by Local Rule 29.02.~~

RULE 31.— JURY TRIALS IN CIVIL CASES

§ 31.01— Procedure

In any civil case in which a jury is demanded, the words "JURY DEMAND" will be typewritten " must appear in capital letters on the first page of the pleading opposite the case style of the case above the space for, below the case number.

§ 31.02— Number of Jurors

The court In civil cases, a jury of six (6) will be convened seat a 6-person jury unless one of the parties specifically a party has made a written request for a 12-person jury of twelve.

§ 31.03— Juror Challenges

Agreeing to a jury of less than twelve (12) will does not affect the number of juror challenges nor the manner of making them or how challenges are made.

§ 31.04— Jury Instructions

(a) Jury Instructions. ~~Requests~~ Parties must file and serve requests for special jury instructions ~~shall be filed~~ at the end of the first day of trial or as the court otherwise directed by the court. ~~Jury directs.~~ Special instructions may be requested thereafter ~~after that~~ only when ~~the issue~~ counsel could not have been reasonably anticipated ~~by counsel.~~ ~~When counsel submits special~~ the issue.

Make requests ~~copies shall be furnished to adversary counsel.~~ When a request for an instruction is made and the request is for a Tennessee Pattern Jury Instruction, verbatim, ~~the request shall be made by reference to "TPI (Civil) No: _____" with use of . _____",~~ using the most recent addition. If the request is for a modification of an existing instruction, the request shall identify the instruction to be modified by number and identify the deletion or addition. A request for modification or additional edition.

a. Make requests for modified existing instructions ~~must be accompanied by~~ reference to the pattern instruction by number, with the addition or deletion, and cite to appropriate authority.

b. **(b) Jury Interrogatories.** ~~Requests for~~ Parties must file and serve requests for jury interrogatories ~~shall be filed~~ at the end of the first day of trial or as the court otherwise directed by the court. ~~directs.~~ Jury interrogatories may be requested thereafter ~~after that~~ only when ~~the issue~~ counsel could not have been reasonably anticipated ~~by counsel~~ the issue.

§ 31.05— Copies for Jurors

Any party ~~Counsel or a pro se litigant~~ offering documentary evidence ~~which he or she desires for~~ jurors to read ~~shall~~ must provide a sufficient number of copies to enable copy for each juror in court to have his or her own copy plus and one copy for the court.

RULE 32.— COURT REPORTERS IN CIVIL CASES

It is the responsibility of _____ ~~The parties to arrange for~~ must hire court reporters in civil cases. ~~Proceedings may~~ The court will not be postponed continue or delayed delay proceedings because of a court reporter's absence reporter is late or tardiness absent.

RULE 33.— ORDERS AND JUDGMENTS IN CIVIL CASES

§ 33.01— Preparation _____ Preparing and Submission of Submitting Orders and Judgments

c. **Orders.** ~~Unless the court directs otherwise, attorneys~~ Counsel for prevailing parties will prepare orders for entry by the court. ~~All~~ unless the court directs otherwise. Proposed orders ~~must~~ should be ~~received by~~ submitted to the clerk Clerk and served on opposing counsel within seven 7 calendar days ~~following~~ after the day on which the court's ruling is made by the court.

d. **Written Findings and Conclusions.** Requests for written findings of fact and conclusions of law should be accompanied by proposed findings of fact and conclusions of law and submitted in writing before the entry of judgment.

§ 33.02— Disagreements over Contents of Orders and Judgments

The Clerk will hold proposed orders signed ~~Orders containing only the signature of~~ by the attorney ~~preparing~~ who prepared the order ~~will not be entered immediately but will be held by the clerk for three~~ for 3 business days. ~~When~~ If opposing counsel ~~receives a copy of a~~ believes the proposed order does not accurately reflect the court's ruling, he or she ~~shall~~ must notify the Calendar Clerk of the assigned court if there is any objection to the order. If the Calendar Clerk receives no objection court's staff in Circuit Court or Calendar Clerk in Chancery Court within the three 3-day period, ~~the order will be submitted to the judge.~~ When there is a disagreement as to the terms of the order, each party will and submit a competing order for the court to consider.

If the court's staff or Calendar Clerk does not receive a timely objection, the court's staff or Calendar Clerk will submit the proposed order for to the court's consideration. Judge.

§ 33.03— Court Costs

- e. ~~(a)~~ All final judgments ~~shall provide for the taxing of~~ must tax court costs. The ~~clerk~~ Clerk may refuse to enter ~~any~~ a proposed agreed final ~~judgments~~ judgment or compromise and settlement order until ~~the~~ court costs in the case are paid.
- f. ~~(b)~~ ~~Whenever it appears to the clerk that a~~ When a judgment has been satisfied but ~~that~~ court costs have not been paid, the ~~clerk~~ Clerk may apply to the court ~~for a retaxing of court~~ to re-tax costs. The ~~clerk shall notify~~ Clerk must provide notice to the parties of the application and the date and time ~~it will be considered by~~ the court will consider it.

§ 33.04— Payment and Satisfaction of Judgments

- ~~(a)~~ Funds ~~The Clerk holds funds~~ paid ~~to the clerk by check on local banks will not be disbursed until ten (10)~~ bank checks for 10 calendar days after the ~~clerk receives~~ receiving the check. ~~Funds before disbursing the funds.~~
- ~~The Clerk holds funds~~ paid ~~to the clerk by checks drawn on out-of-town banks will not be disbursed until fourteen (bank checks for 14)~~ calendar days after the ~~clerk receives~~ receiving the check. ~~Alimony before disbursing the funds.~~
- g. ~~The Clerk may disburse alimony~~ and child support checks ~~may be disbursed sooner at the Clerk's discretion of the clerk.~~
- h. ~~(b)~~ ~~Orders for disbursing~~ Unless an order to disburse funds, ~~other than is an~~ agreed orders, order, the order must be final and not subject to appeal before the ~~clerk~~ Clerk will disburse the funds.
- i. ~~(c)~~ ~~Upon receipt of~~ When a party receives payment in satisfaction of a judgment, whether through the ~~clerk~~ Clerk or otherwise, ~~counsel will~~ the party must file a notice of satisfaction of judgment.

RULE 34.— FUNDS PAID INTO COURT

~~Funds~~ The Clerk does not invest funds paid into ~~court are not invested~~ Court unless the ~~clerk is directed in writing to invest~~ court has entered an order directing the funds by the party on whose behalf the funds are held or by the court. Clerk to do so.

RULE 35.— DELETED [Deleted]

RULE 36.— RESERVED [Reserved]

RULE 37.— SPECIAL PROCEDURES FOR DIVORCE OR DIVORCES AND DOMESTIC RELATIONS CASES

Special procedures govern divorce and domestic relations cases in 3rd and 4th Circuit courts and are set out in those courts' respective Chamber Rules, which are available from each court's staff or on the Circuit Court Clerk's website.

37.01— Uncontested Divorce Cases

~~When a divorce case is based on the ground of irreconcilable differences, it is not necessary to move for a default judgment. Once the statutory requirements have been met, such cases may be set for trial by consultation with the Calendar Clerk of the assigned court or they may be submitted on interrogatories by leave of the court.~~

When a party in default desires to be heard on any matter other than the basic cause of action, he or she shall notify the court at least seven days prior to the hearing of the matters upon which he or she desires to be heard and shall file a brief statement setting forth the nature of the matter.

If a marital dissolution agreement in a divorce action based on irreconcilable differences is delivered by personal service as allowed by T.C.A. § 36-4-103, the statutory requirements regarding service will be strictly construed.

~~37.02—Contested Divorce Cases~~

~~In all contested divorce cases both parties shall file, on forms provided by the clerk, a certificate of readiness and sworn financial statements subject to such protective orders as may be applied for and granted. (See sample form set forth in the Appendix of Forms.) In the event both attorneys do not sign or one disagrees to filing, the attorney seeking a court date shall file a motion asking the court to enter a certificate of readiness and set the case. The motion should state that the case is at issue and adverse counsel refuses to sign the certificate of readiness.~~

~~Both parties shall file a list of marital property and separate property along with a written proposal suggesting a division of the property. This shall be in addition to the requirements of Local Rule 29. The preparation of these documents shall be subject to protective orders as may be applied for and granted.~~

~~37.03—Designation of Parties~~

~~It is requested that in the complaint, answer and other pleadings the parties or counsel avoid the use of such terms as plaintiff, defendant, counter plaintiff and counter defendant, using instead such easily understood terms as husband and wife.~~

~~37.04—Pendente Lite Hearings~~

~~Complaints which include requests for pendente lite relief may be set for hearing to show cause by order or by motion, but such relief may only be granted in emergency situations. Proof of need may be presented in affidavits or through the testimony of witnesses at the hearing.~~

~~37.05—Special Procedures for Divorce or Domestic Relations Cases~~

~~Domestic Relations Order (November 17, 2010), governs the time frame for filing a motion prior to the scheduled hearing date.~~

~~RULE 38.—SPECIAL PROCEDURES FOR ADOPTIONS~~RULE 38 ADOPTIONS

Adoptions are heard exclusively in 4th Circuit Court. The special procedures that govern adoption proceedings are set out in the 4th Circuit Court's Chamber Rules, which are available from the court's staff or on the Circuit Court Clerk's website.

~~38.01~~ _____ **Filing**

~~All adoption complaints shall be filed with the Circuit Court Clerk.~~

~~38.02~~ _____ **Requirements for Setting Case**

~~In any case when the adopting parents are the grandparents, the aunt or uncle or the stepparents of the child or children to be adopted, the case shall not be set for adjudication by the clerk until the following documents have been filed:~~

~~the birth certificate or certificates of the child or children;~~

~~a certified copy of the marriage license of the adopting petitioners;~~

~~a certified copy of the final judgment of divorce in the event that either of the adopting petitioners has previously been married to another person;~~

~~a death certificate, if either natural parent is deceased;~~

~~a death certificate of either petitioner's former spouse if that person is deceased.~~

~~**38.03 Presentation of Testimony**~~

~~The testimony of adopting petitioners will be heard in chambers if it is presented in person or, in the event the adopting petitioners are not within the State of Tennessee at the date of the adjudication, their testimony may be presented by interrogatory or deposition.~~

~~**38.04 Attendance of Adoptive Child**~~

~~Children fourteen (14) years of age or over are required to attend the adoption proceeding. If the child or children are less than fourteen years of age, the adopting petitioners may decide whether or not the child or children will attend the hearing.~~

~~**38.05 Setting of Hearing**~~

~~When an adoption case is ready to be set for hearing, counsel for the adoptive parent shall notify the clerk, who shall post a list of adoption cases to be heard at least one week prior to the hearing.~~

~~o **39.01 Attorneys:**~~

~~a. With the exception of petitions by an adult to change his/her name and applications to open an estate pursuant to the Small Estate Exemption, all fiduciaries shall be represented by and all petitions and motions shall be filed by attorneys licensed to practice law in Tennessee, except that attorneys not licensed in Tennessee may appear and file pleadings provided that they have complied with Rule 19 of the Rules of the Supreme Court of Tennessee, and further except that adult persons acting in their individual capacity may file pleadings and appear *pro se* before the Court. However, fiduciaries who are not attorneys may submit their annual and final accountings and apply for their annual and final fee requests without the intervention of their attorney.~~

PROBATE RULES

~~o **RULE 39. SPECIAL PROCEDURES FOR PROBATE MATTERS**~~

RULE 39 PROBATE RULES

~~o **§ 39.01 Attorneys, Self-Represented Litigants, and Business Entities**~~

~~a. With the exception of petitions by an adult to change his/her name and applications to open an estate pursuant to the Small Estate Exemption, all fiduciaries shall be represented by and all petitions and motions shall be filed by attorneys licensed to practice law in Tennessee, except that attorneys not licensed in Tennessee may appear and file pleadings provided that they have complied with Rule 19 of the Rules of the Supreme Court of Tennessee, and further except that adult persons acting in their individual capacity may file pleadings and appear *pro se* before the Court. However, fiduciaries who are not attorneys may submit their annual and final accountings and apply for their annual and final fee requests without the intervention of their attorney.~~

(a) Non-attorneys acting in an individual capacity may file documents. Non-attorneys acting in an individual capacity may appear, represent, and advocate for themselves in court.

Non-attorneys acting in a fiduciary capacity may file documents if authorized or required to do so by statute. Non-attorneys acting in a fiduciary capacity may appear, represent, and advocate for themselves in court if the matter does not require the professional judgment of an attorney. If the matter requires the professional judgment of an attorney, the court may require the fiduciary to be represented by an attorney.

(b.) An attorney who files a petition, opens an estate, or who is representing document on behalf of an Interested Party (see Rule § 39.02(d)) becomes the attorney of record for that party by filing a pleading or notice of appearance and shall remain. See Local Rule § 5.01. An attorney of record unless and remains attorney of record until the Court grants permission to withdraw upon a showing of good cause pursuant to Local Rule 5.02. However, Guardians ad litem in conservatorships or guardianships shall automatically be relieved of their responsibilities upon the creation of conservatorships and/or guardianships unless the released by court order expressly provides otherwise.

(c) Business entities may file creditor claims against decedents' estates without counsel of record, but a non-attorney officer or employee of a business entity may not represent the business entity or make legal arguments in court proceedings to adjudicate creditor claims.

⊖ **§ 39.02— Definitions; Service of Process; Notice; Interested Parties***

“(a) Service of Process.”: When required by statute or these Rules, Service of Process shall be effected by service of the Petition and a Summons in conformity with the requirements of T.R.C.P. 4 and due process requirements. When required by statute or these Rules, a party must effect Service of Process by serving a petition and a summons under Tenn. R. Civ. P. 4.

“(b) Notice”:. When required by statute or these Rules, a party must give Notice to all Interested Parties shall be given by mailing, faxing, e-serviceserving, emailing, or hand delivery ofdelivering the required documents to each Interested Party (see Local Rule 39.02(d)) or their attorney) in conformity with requirements of T.counsel under Tenn. R.C. Civ. P. 5.

If an Interested Party is a minor or incompetent person, Notice shallmust also be given to the minor's legal guardian(s) and/ or guardians or custodial parent(s) of the minor or parents and to the adult person's conservator or attorney in fact under a power of attorney.

a. If an adult person. If Interested Parties areParty is under disability and havehas no custodial parent, legal guardian or, conservator, such shall be brought to the Court's or attorney in fact under a power of attorney, the petitioner must bring that fact to the court's attention. The foregoing notwithstanding and in addition to the written forms of Notice set forth above, Notice of the intent to file the initial Petition to admit a non-holographic will to probate to obtain Letters Testamentary may be given by oral notice, whether in person, by phone or otherwise. If a party announces in Court that oral notice was provided, written confirmation of prior oral notice shall be filed with the Clerk.

“(c) Adversary Proceeding”:. Adversary Proceedings include but are not limited to Civil Actions as definedcivil actions under T.Tenn. R.C. Civ. P. 2 and proceedings:

- to probate a will or codicil in solemn form;

- to appoint a conservator;

- to appoint an expedited limited healthcare fiduciary;

- ~~- to appoint a guardian;~~
- ~~- to divest an interest in real property;~~
- ~~- to bring real property into the probate estate;~~
- ~~- to contest or set aside an instrument or transaction;~~
- ~~- to remove a fiduciary;~~
- ~~- to surcharge a fiduciary, probate a lost or destroyed will;~~
- ~~- to determine beneficiaries;~~
- ~~- to construe a will, document;~~
- ~~- to cancel a devise;~~
- ~~- to partition property for the purposes of distribution;~~
- ~~- to determine a pretermitted share, and;~~
- ~~- to revoke probate of a will or codicil;~~
- ~~- to modify or terminate a trust;~~
- ~~- for revocation of probate of a will. Other declaratory judgment; and~~
- ~~- other proceedings may be declared the court declares as Adversary Proceedings.~~

b. ~~The court conducts~~ Adversary Proceedings ~~shall be prepared, discovery conducted, and tried as Civil Actions pursuant to~~ under the Tennessee Rules of Civil Procedure, ~~the Tennessee~~ Rules of Evidence, and these Local Rules.

c. ~~“(d) Interested Parties”.~~ An Interested Party is a person or entity having an interest in a matter before the ~~Court~~ court. Depending on the type of ~~estate proceeding~~ or matter at issue, an Interested Party may include a spouse, beneficiary, ~~legatee, devisee,~~ creditor, fiduciary, ~~and~~ or next of kin. Next of kin are ~~those~~ persons entitled under ~~T.C.A. Tenn. Code Ann. § 31-2-104~~ to inherit as if the decedent died intestate.

~~1. In a decedent's estate, an Interested Party shall include:~~

~~In a solvent “Testate” means the decedent died with a valid will or codicil.~~

~~“Intestate” means the decedent died without a valid will or codicil.~~

~~A “solvent” estate means a decedent’s estate that has sufficient probate assets to pay all of the decedent’s debts, taxes, and expenses of administration.~~

~~An “insolvent” estate means a decedent’s estate that does not have sufficient probate assets to pay all of the decedent’s debts, taxes, and expenses of administration.~~

~~“Probate assets” include all assets passing under the decedent’s valid will or codicil or by intestate succession, except for interests in real property that vested in the estate beneficiaries.~~

~~1. Interested Parties in the administration of Decedents’ Estates are:~~

~~(A) In a testate estate, the surviving spouse and all legatees, devisees and:~~

~~a. all beneficiaries named in the testamentary instrument(s) being offered or admitted to for Probate;~~

~~b. In a solvent intestate estate, the surviving spouse and the decedent’s intestate heirs of the decedent as described at T.C.A. § under Tenn Code Ann. § 31-2-104.~~

c. ~~In an insolvent estate or one that may become insolvent, whether testate or intestate, the persons set forth in (a) and (b) above and, in addition, creditors of the decedent whose claims may be adversely affected by a ruling on the matter(s) at issue.~~

d. ~~In a matter contesting the validity of a~~ except that an heir ceases to be an Interested Party when ~~testamentary instrument offered or (s) are admitted to Probate, the surviving spouse~~ probate ~~and intestate heirs of the decedent as described at T.C.A. § 31-2-104, all legatees, devisees and beneficiaries named in~~ heir is not a beneficiary under ~~the testamentary instrument being offered or admitted to Probate, and any legatees, devisees, and beneficiaries of any preceding testamentary instrument to that being offered or admitted to Probate;~~ (s); and

~~2. In a Conservatorship, Interested Parties include the spouse and next of kin of~~ decedent's creditors who have filed claims to the extent that the claims have not been dismissed, withdrawn, or released.

(B) In an intestate estate:

the decedent's intestate heirs under Tenn. Code Ann. § 31-2-104; and

the decedent's creditors who have filed claims to the extent that the claims have not been dismissed, withdrawn, or released.

2. Interested Parties in the administration of Conservatorships and expedited limited healthcare fiduciary cases are:

the respondent;

the respondent's next of kin; and the person(s)

anyone who have has been primarily responsible for the respondent's person and/or finances.

3. In a Guardianship, or both.

3. Interested Parties include both parents in the administration of Guardianships are:

the minor;

the minor's parents;

the minor's next of kin if both parents are deceased;

the minor's legal guardians or custodians; and person(s)

anyone who has been primarily responsible for the minor's person and/or or finances.

4. In a proceeding to terminate a trust, or both.

4. Interested Parties include current income in Trust Proceedings are:

all qualified beneficiaries, ~~remainder beneficiaries of the trust;~~

all fiduciaries; and

the grantor, if the grantor is living.

5.

5. It is not necessary to serve Notice and/or Service of Process need not be served upon an Interested Party who joins in is also a petitioner petitioner or who files a sworn waiver or consent.

6. No action of Court shall be set aside due to the failure of an Interested Party to receive Notice unless the Interested Party shall timely appear and show substantial prejudice resulting from the lack of notice and a reasonable likelihood of prevailing on the merits.

(e) Probate Court Masters. The court may designate a judicial officer as "Special Master" or "Probate Master" in the Probate Court. The "Special Master" and "Probate Master" have the powers of a trial judge to hear matters as the court directs or refers, including proceedings:

1. to grant or deny name changes;
2. to admit wills and codicils to probate;
3. to appoint and remove fiduciaries;
4. to require, waive, increase, or decrease bond;
5. to require or waive inventories, property management plans, and accountings;
6. to review, approve, and disapprove inventories, property management plans, and accountings;
7. to review, approve, and disapprove notices of insolvency and plans of distribution;
8. to adjudicate creditor claims;
9. to adjudicate exceptions to inventories, property management plans, and accountings;
10. to adjudicate requests for approval of attorney fees and expenses;
11. to adjudicate requests for approval of fiduciary fees and expenses;
12. to adjudicate requests for surviving spouse entitlements including elective share, year's support allowance, exempt property, and homestead;
13. to conduct review and case management hearings;
14. to enter review and case management orders;
15. to make reports and recommendations; and
16. to preside over all matters as the court may refer.

§ 39.03— Decedents' Estates of Decedents:

~~(a) a) Petitions to Probate Wills, Codicils and other Testamentary Instruments (Wills and Codicils). A verified Petition to probate a will, codicil, other testamentary instrument or to administer an intestate estate shall set forth such (will or codicil) must include all of the information as is required by statute and these Rules. In a testate estate the petition shall specifically include the names, and if known, addresses and relationships of all legatees and devisees under the testamentary instrument(s) and in addition thereto that of the surviving spouse and next of kin (even though not named in the will).~~

~~The value of real and personal property to be administered need not be stated if bond is expressly waived and the named executor or alternate executor is willing to serve. petition must contain a paragraph that identifies the names, addresses, ages, and relationships to the decedent of all beneficiaries under the testamentary instrument.~~

~~b) "Common Form" Proceedings: Petitions to probate in common form may be heard either by the Court or by the Probate Master. Petitioner is encouraged to give Notice to all Interested Parties prior to the hearing of the fact that the petitioner is presenting the will for probate. The Probate Master may hear these matters provided the petition and all accompanying documents are in proper order, as determined by the Probate Master, and there are no questions of law to be determined. If there is a question of law or if the Probate Master declines to hear the petition, the petition shall be heard by the Court.~~

~~c) "Solemn Form" Proceedings: Petitions to probate in solemn form must be heard by the Court. Service of Process shall be given as required by statute.~~

~~d) Holographic Will Proceedings: All petitions for the probate of holographic testamentary instrument(s) will be heard by the Court. Notice shall be given to all~~

~~Interested Parties, including the surviving spouse and next of kin whether or not named as beneficiaries under the testamentary instrument(s), of the fact that the petitioner is presenting the will for probate. If Notice is not provided, bond may be required regardless of express waiver of such in the will. The testimony of witnesses concerning the handwriting of the decedent must be taken in open court. Upon a showing of good cause the Court may allow such evidence to be taken by affidavit or oral deposition.~~

~~e) "Proceedings to Administer Intestate Estates: Petitions to appoint an Administrator of an intestate estate may be heard by the Court or the Probate Master. Notice shall be given to all Interested Parties, including the surviving spouse and next of kin, of the fact that the petitioner is filing a petition to administer the estate of the decedent and that no will can be located. If Notice is not provided, bond may be required. The Probate Master may hear these matters provided the petition and all accompanying documents are in proper order, as determined by the Probate Master, and there are no questions of law to be determined. If there is a question of law or if the Probate Master declines to hear the petition, a hearing on the petition may be set on the court docket. The Petition shall state the approximate respective values of the real and personal property being administered if known, the names and addresses of the spouse and next of kin of the decedent, and whether bond, inventory and annual accountings are waived by written waivers from the spouse and all of the next of kin.~~

~~f) Small Estate Administration Proceedings: Estates to be administered under the provisions of T.C.A. § 30-4-101 et seq. (The Small Estates Act) may be heard by the Court or the Probate Master. Notice shall be given to all Interested Parties, including the surviving spouse and next of kin, of the fact the petitioner is filing a petition to be appointed personal representative of the estate under the small estate exemption. If Notice is not provided, bond may be required. The Probate Master may hear these matters provided the affidavit and all accompanying documents are in proper order, as determined by the Probate Master, and there are no questions of law to be determined. If there is a question of law or if the Probate Master declines to act upon the affidavit, a hearing on the affidavit may be set on the court docket. If bond is to be waived, consent forms executed by the spouse and all next of kin allowing the Affiant to administer the small estate without bond must accompany the affidavit. In addition, the petition must contain a separate paragraph that identifies the names, addresses, ages, and relationships to the decedent of all the decedent's intestate heirs under Tenn. Code Ann. § 31-2-104. The petition must include sufficient explanation to enable the court to understand why the petitioner asserts that such persons are intestate heirs. For example, to the extent the circumstances require further explanation, the petitioner must provide details such as the decedent's (i) marital status at the time of death, (ii) surviving spouse and children, (iii) predeceased children who left surviving descendants, (iv) surviving and deceased parents, (v) surviving siblings, (vi) predeceased siblings who left surviving descendants, (vii) surviving grandparents, and (viii) deceased grandparents who left surviving descendants.~~

~~The petition must inform the court if any beneficiary or heir is under disability and represented by a parent, guardian, custodian, conservator, or attorney in fact under a power of attorney.~~

~~If any names, addresses, ages, or relationships are unknown to the petitioner, the petition must include an explanation of the reasonable efforts made to obtain the information.~~

~~The petition must state the approximate value of the probate assets (real property and personal property) unless (i) the testamentary instrument expressly waives bond as to the proposed personal representative, or (ii) all residuary beneficiaries under the testamentary instrument have filed written waivers of bond, or (iii) the petition seeks only the probate of the testamentary instrument as a muniment of title and without the issuance of letters of authority.~~

A copy of the testamentary instrument must be attached as an exhibit to the petition. The original testamentary instrument must be tendered to the Circuit Court Clerk within 5 business days after filing the petition.

(b) Petitions to Administer Intestate Estates. A verified petition to administer an intestate estate must include all of the information required by statute and these Rules.

The petition must contain a paragraph that identifies the names, addresses, ages, and relationships to the decedent of all the decedent's intestate heirs under Tenn. Code Ann. § 31-2-104. The petition must include sufficient explanation to enable the court to understand why the petitioner asserts that such persons are intestate heirs. For example, to the extent that the circumstances require further explanation, the petitioner must provide details such as the decedent's (i) marital status at the time of death, (ii) surviving spouse and children, (iii) predeceased children who left surviving descendants, (iv) surviving and deceased parents, (v) surviving siblings, (vi) predeceased siblings who left surviving descendants, (vii) surviving grandparents, and (viii) deceased grandparents who left surviving descendants.

The petition must inform the court if any heir is under disability and represented by a parent, guardian, custodian, conservator, or attorney in fact under a power of attorney.

If any names, addresses, ages, or relationships are unknown to the petitioner, the petition must include an explanation of the reasonable efforts made to obtain the information.

The petition must state the approximate value of the probate assets (personal property) unless (i) all intestate heirs have filed written waivers of bond, or (ii) the petition seeks only the appointment of an administrator ad litem for the limited purpose of litigation and without the issuance of letters of authority.

(c) Review on Record (Without Hearing). If the petitioner is represented by an attorney, the attorney may file a request for review and approval of the petition without a hearing. The request must conform to all applicable guidelines and forms issued by the court. The review on record option is not available beyond the limited circumstances and types of proceedings described and authorized in the court's guidelines. An attorney may obtain a copy of the guidelines from court staff or the Circuit Court Clerk.

(d) Hearing of Petition. All petitions must be set for hearing under Local Rule § 39.11, unless the attorney requests review on record. The petitioner must serve Notice of the hearing to all Interested Parties.

(e) Service of Process. Petitions to probate testamentary instruments in common form or to administer intestate estates are not Adversary Proceedings and do not require Service of Process. Petitions to probate testamentary instruments in solemn form are Adversary Proceedings and require Service of Process.

(f) Status Report Requirement. All persons who have been issued letters of authority, other than to administer small estates, must file a status report updating the court on what is left to be done to fully administer the estate, and estimating how much time it will take, on the date which is 15 months after the date of the appointment, and then annually thereafter until the court enters an order closing the estate.

39.04—Trusts:

a) ~~**Termination of Trust:** Petitions to terminate a trust must be heard by the Court. Service of Process shall be given to all Interested Parties who do not join in the petition. The petition shall be verified and set forth facts concerning the creation of the trust, the purpose of the trust, the beneficiaries of the trust and the nature of their beneficial interest, the reasons for the termination of~~

the trust, the appropriate share of each beneficiary who is to share in the proceeds of the trust upon termination, and whether the termination has been agreed upon by all Interested Parties.

- b) ~~**Other Trust Proceedings:**~~ Any ruling that may affect a substantive right of an Interested Party under a trust shall require due process of law prior to the determination of such rights by the Court. Whether motions for instructions, or requests for the Court to construe a trust, to determine whether a bequest has lapsed, or to remove or replace a fiduciary, etc. require the filing of a Petition with service of process or whether the matter may be attended to routinely upon routine Notice as distinguished from the requirements of Service of Process shall depend on the substantive nature of the underlying rights to be determined.

~~§ 39.04 [Deleted]~~

~~39.05—Conservatorships:~~

- a) ~~**Petition for Conservatorship:**~~ The petition shall be verified and contain the information required by statute and these Rules. Service of Process shall be provided to the respondent as required by statute and petitioner shall additionally provide Notice to all Interested Parties who do not receive notice from the Clerk. an order (in the form required by the Court) shall be submitted with the petition containing the appropriate blanks for the appointment of a Guardian ad litem and the setting of a hearing. the Court will appoint a licensed attorney as the Guardian ad litem and designate the hearing date. The Property Management Plan does not need to be filed with the Petition; however, the Property Management Plan shall be filed with copies provided to all Interested Parties including the Guardian ad litem no less than three (3) days prior to the hearing on the Petition, unless good cause is shown why such could not be done.
- b) ~~**Orders Creating Conservatorship and Awarding Initial Fees:**~~ To expedite the issuance of Letters of Conservatorship, counsel for the petitioner may submit two orders, one pertaining to the appointment of the conservator and a second which pertains only to fees.

~~§ 39.05 Conservatorships and Expedited Limited Healthcare Fiduciaries~~

~~A petition to establish a conservatorship or for the appointment of an expedited limited healthcare fiduciary must be verified and contain the information required by statute and these Rules.~~

~~The petitioner must effect Service of Process on the respondent as required by statute.~~

~~The petitioner must provide Notice to the respondent's closest relatives, defined by statute, and the person or institution having care and custody of the respondent, or with whom the respondent lives. The petitioner must also provide Notice to any other Interested Parties.~~

~~The court will enter an order either appointing or waiving a guardian ad litem and an attorney ad litem and setting the petition for hearing.~~

~~39.06—Guardianships:~~

- a) ~~**Petition for Guardianship:**~~ The petition shall be verified and shall contain the information required by statute and these Rules. Notice shall be provided to all Interested Parties. Unless the petitioner is a parent of the minor or is a court appointed guardian of the person, the Court will appoint a licensed attorney as Guardian ad litem. When applicable and to facilitate such appointment, an order (in the form required by the Court) shall be submitted for the appointment of a Guardian ad litem. If the petitioner is a parent of the

~~minor or court-appointed guardian of the person, the petitioner may set the matter for hearing prior to the appointment of a guardian ad litem; however, if the Court determines at the hearing that the appointment of a Guardian ad litem may be in the best interest of the minor, the matter shall be set for further hearing following the appointment of a Guardian ad litem.~~

- ~~b) **Orders Creating Guardianship and Awarding Initial Fees:** To expedite the issuance of Letters of Guardianship, counsel for the petitioner may submit two orders, one pertaining to the appointment of the guardian and a second which pertains only to fees.~~

§ 39.06 Guardianships

A petition to establish a guardianship for a minor must be verified and contain the information required by statute and these Rules.

The petitioner must effect Service of Process on the minor as required by statute.

The petitioner must provide Notice to the minor's closest relatives, defined by statute, and the person or institution having care and custody of the minor, or with whom the minor lives. The petitioner must also provide Notice to any other Interested Parties.

The court will enter an order either appointing or waiving a guardian ad litem and setting the petition for hearing.

§ 39.07 – Sale of Real Property

The real property interests of decedents, respondents under conservatorships, and minors under guardianships may be sold as follows:

(a) Decedent's Estate – When Court Approval Not Required.

~~a) Petition to Sell Real Property: Fiduciaries who desire (i) If the decedent's estate is testate and solvent and the instrument admitted to probate expressly brings the decedent's real property into the probate estate subject to administration by the personal representative, then court approval is not required to sell real property of.~~

(ii) If the decedent's estate is testate and solvent and the instrument admitted to probate does not expressly bring the decedent's real property into the probate estate subject to administration by the personal representative, then the personal representative does not have the authority to sell the real property and the beneficiaries of the real property may sell the real property without court approval.

(iii) If the decedent's estate is intestate and solvent, then the personal representative does not have the authority to sell the real property and the decedent's heirs may sell the real property without court approval.

(b) Decedent's Estate – When Court Approval Required.

(i) If the decedent's estate is testate and insolvent and the instrument admitted to probate does not expressly bring the decedent's real property into the probate estate subject to administration by the personal representative, then the personal representative may petition the court to bring the real property into the probate estate to be sold to pay the estate's financial obligations. This is an Adversary Proceeding.

The petitioner must effect Service of Process on all beneficiaries of the real property under the instruments admitted to probate and anyone else who claims an interest in the real property, and give Notice to all Interested Parties.

(ii) If the decedent's estate is intestate and insolvent, then the personal representative may petition the court to bring the real property into the probate estate to be sold to pay the estate's financial obligations. This is an Adversary Proceeding.

The petitioner must effect Service of Process on all heirs and anyone else who claims an interest in the real property, and give Notice to all Interested Parties.

(c) Respondent Under Conservatorship – Court Approval Required.

A conservator may not sell a decedent or ward respondent's interest in real property without court approval. The conservator must file a verified petition to obtain Court approval. However, executors expressly authorized under sell real property. The petition must establish that the proposed sale either (i) is in the respondent's best interest, or (ii) is necessary to pay the respondent's financial obligations.

The petitioner must effect Service of Process on anyone who claims an interest in the real property, and give Notice to all Interested Parties, including the respondent.

(d) Minor Under Guardianship – Court Approval Required.

A guardian may not sell a will to sell real estate are not required to obtain Court approval. minor's interest in real property without court approval. The guardian must file a verified petition to sell real property. The petition must establish that the proposed sale either (i) is in the minor's best interest, or (ii) is necessary to pay the minor's financial obligations.

1. Decedent's Estate: The personal representative petitioner must file a verified petition which establishes that the personal property is insufficient to pay debts and/or costs of administration of the decedent's estate. effect Service of Process shall be given to all persons on anyone who would inherit the real property if not sold and all persons claiming claims an interest in the real property-, and give Notice to all Interested Parties shall receive Notice.-.

2. Conservatorship/Guardianship: The Conservator or Guardian must file a verified petition which establishes that the proposed sale is in the best interest of the ward or is necessary to pay the debts, taxes and/or expenses of the ward. Service of Process shall be given to all persons who have an interest in the real property. Interested Parties shall receive Notice.

3. Listing Agreement: **(e)** Order Granting Petition to Sell Real Property; Contract Requirements.

Unless the Court court expressly orders directs otherwise, if any order granting a petition to sell real property must authorize the fiduciary to obtain an appraisal, list the real property for sale, market the property, and enter into a petition to sell contract for sale of the real property of a deceased's estate or. Any contract for sale of a ward in a the real property must list the fiduciary as the seller (on behalf of the decedent's estate, respondent under conservatorship, or minor under guardianship is granted, the order granting the petition shall authorize the fiduciary to market and/or to list the real property for sale by a licensed real estate agent or auctioneer. The auction and/or listing agreement and the resulting contract for the sale of the subject property must expressly-). Any contract for sale of the real property must expressly and conspicuously state that the proposed sale of the real property is **Subject to Court Approval.** The fiduciary must sign the contract for sale in a fiduciary capacity and not in an individual capacity.

4. **(f)** Motion to Approve Sales Contract: Once When Court Approval Required; Post Closing Requirements.

For sales of real property in which court approval is required, when the fiduciary enters into a proposed sales contract to sell real estate is obtained, the fiduciary must file and serve a motion must be filed and served pursuant to approve the contract under Local Rule Rules §§ 26 to obtain Court approval and 39.13, and give

Notice shall be given to all Interested Parties, A, including the respondent if in a conservatorship.

The fiduciary must attach to the motion, (i) a copy of the sales contract shall be attached to, and (ii) the motion along with a County Assessor of Property's report of the real property's assessed value of the property by the County Assessor of Property. The Court may also require one or more or a professional appraisals appraisal of the real property. Any proposed

The fiduciary may not close the sale of the real property until the court approves the sales contract of sale must be approved.

Except in a decedent's estate in which inventory is waived by the Court prior to court order, within 30 calendar days after closing of the sale, the fiduciary must file (i) a copy of the HUD-1 or ALTA settlement statement and (ii) an inventory showing the amount and location of the funds received from the sale of real property.

39.08 Name Change:

- a) **Adult:** The verified petition must comply with the statute and shall state the full legal name of the Petitioner, all prior names by which the Petitioner has been known, the place of residence of the petitioner(s), the birth date, age, social security number of the individual whose name is to be changed, and the State where the original birth certificate was issued. Copies of the original birth certificate, social security card and official photo identification shall be submitted with the petition. The individual whose name is to be changed must appear in Court at the hearing.
- b) **Minor:** The verified petition to change the name of a minor must comply with the statute and be sworn to and signed by both parents and include copies of the original birth certificates of the child and both parents, social security card and official photo identification of both parents, photograph of the minor and social security card of the minor, if any. Both parents and the minor must appear in Court. If both parents do not join in the Petition or if the identity or location of a parent is unknown, the petition must be specific as to all pertinent facts including all efforts to identify or locate the parent who did not join in the Petition. If the father is not identified on the birth certificate, legitimation proceedings must be completed prior to filing of a petition to change the name of the minor child. Service of process is required for any parent or guardian who does not join in the petition. The verified petition must establish by clear and convincing evidence that the proposed name change is in the best interest of the minor, otherwise the petition shall not be granted.

§ 39.08 [Deleted]

§ 39.09 Adversary Proceedings

Adversary Proceedings are civil actions to which the Tennessee Rules of Civil Procedure, Tennessee Rules of Evidence, and these Local Rules apply. A party may initiate an Adversary Proceeding/Civil Action by the filing of a petition or complaint pursuant to T.R.C.P. 3, with service of process served or petition and effecting Service of Process on all defendants/respondents pursuant to T.R.C.P. 4. Additionally, the party initiating an Adversary Proceeding/Civil Action shall serve Notice on all other Interested Parties (those not plaintiff or defendant) that the Adversary Proceeding has commenced. No further notice of such action need be given to any Interested Party who is not a plaintiff or defendant in or respondents under Tenn. R. Civ. P. 4.

The party who initiates the Adversary Proceeding must also serve Notice of the Adversary Proceeding on all Interested Parties who are not defendants or respondents, but is not required to provide any further notice to Interested Parties unless they intervene in the Adversary Proceeding. The caption of pleadings concerning Adversary Proceedings/Civil Actions arising out of an estate pending in Probate Court, shall include the name of the original estate and that of

~~the first petitioner and first respondent in the related Adversary Proceeding. The Court may assign a derivative docket number to separately identify the~~

If an Adversary Proceeding/Civil Action is filed under the same docket number as a pending decedent's estate, conservatorship, or guardianship, the court may require the Adversary Proceeding to be assigned a new docket number and separately litigated.

§ 39.10—Guardian ad litem: Guardians Ad Litem

~~a.~~ **(a)** ~~The Court will~~may appoint a ~~Guardian ad litem~~ upon the filing of a petition to appoint a conservator or guardian; provided, however, in proceedings to appoint a guardian, the Court may waive the appointment of a ~~Guardian~~guardian ad litem if good cause ~~when a petition is shown~~is shown filed to appoint a guardian, conservator, or expedited limited healthcare fiduciary.

(b) The Court may also appoint a ~~Guardian~~guardian ad litem in ~~matters~~any matter:

~~(b)~~ **(b)** ~~involving the sale, improvement, or mortgage of any real property in which a minor or other person under disability has an interest; in matters involving the sale or disposition of a ward's personal property; in matters involving possible impropriety by a fiduciary; in matters concerning unauthorized encroachments or questionable management of a decedent's estate or a ward's assets under guardianships or conservatorships; in any matter the Court believes to be in the best interest of a minor, incompetent, absentee, unknown heir or Interested Party or to further the administration of justice.~~

~~- involving the sale or disposition of personal property;~~

~~- involving possible impropriety by a fiduciary;~~The Guardian

~~- concerning unauthorized encroachments or questionable management by a fiduciary; or~~

~~- in any matter if the court believes appointment of a guardian ad litem shall to be in the best interest of a minor, incompetent, absentee, unknown heir, or Interested Party, or to further the administration of justice.~~

~~c.~~ **(c)** ~~The guardian ad litem must~~ conduct an inquiry and file a report with the ~~Court~~court at least ~~three (3)~~ business days ~~prior to~~before the hearing. The report ~~shall~~must contain the information required by statute and these Rules, and ~~such~~any additional information the ~~Court may require~~court requires or the ~~Guardian~~guardian ad litem deems necessary. ~~Reports are to~~The report should be brief ~~and to the point~~ unless the complexities of the case require ~~greater detail~~otherwise.

§ 39.11—Setting, Striking, and Continuing Hearings

~~(a)~~ **(a)** ~~The secretary to the Judge will designate available hearing dates for all matters that will require more than twenty (20) minutes. the Clerk may set matters that are reasonably expected to require no more than twenty (20) minutes on the regular court docket.~~

~~(b)~~ **(b)** ~~All matters may be set by agreement of counsel, subject to confirmation by the Judge's secretary for matters anticipated to require more than twenty (20) minutes or by the Clerk if the matter is not expected to exceed twenty (20) minutes.~~

~~(c)~~ **(c)** ~~Notice of the date and time the hearing is set shall be given to all Interested Parties by the attorney who applied for the setting of a hearing. If the hearing is reasonably expected to take more than twenty (20) minutes, the Order shall state the time required for the hearing.~~

~~(d)~~ **(d)** ~~If all Interested Parties agree, a matter presently set for hearing may be continued. Notice of such continuance and the new hearing date shall be promptly provided to all Interested Parties by the attorney who requested the continuance. If all Interested Parties do not agree to the requested~~

~~continuance, the Court will endeavor to conduct a telephone conference with all Interested Parties to discuss the requested continuance.~~

~~(e) For good cause shown, the Court may hear any matter, including but not limited to the above matters, without a special setting.~~

- (a) The Judge's staff schedules hearings on petitions to appoint guardians, conservators, and expedited limited healthcare fiduciaries. The court enters orders setting these hearings.
- (b) Attorneys and self-represented litigants may schedule hearings of their motions (other than dispositive motions) and petitions (other than petitions to appoint guardians, conservators, and expedited limited healthcare fiduciaries) on the court's recurring dockets so long as the hearing is expected to take no more than 20 minutes. Hearings are set by Notice to all Interested Parties. The attorney or self-represented litigant who scheduled the hearing may also strike or continue the hearing by Notice to all Interested Parties.
- (c) Any hearing that is expected to take more than 20 minutes and all hearings for dispositive motions must be specially set. The Judge's staff will designate available special settings by e-mail or online calendar. If all Interested Parties agree to schedule a hearing on an available special setting, they may submit an agreed order (signed by all Interested Parties or their counsel of record) to schedule the hearing. Otherwise, the attorney or self-represented litigant who wishes to schedule the specially set hearing must file a motion to set the hearing, with Notice to all Interested Parties.
- (d) If a hearing has been specially set, no attorney or self-represented litigant may unilaterally strike or continue the hearing. If all Interested Parties agree to strike or continue the hearing, they may submit an agreed order (signed by all Interested Parties or their counsel of record) striking or continuing the hearing. Otherwise, the attorney or self-represented litigant who wishes to strike or continue the hearing must file a motion to strike or continue the hearing, with Notice to all Interested Parties.

§ 39.12— Petitions for Elective Share, Year's Support, Homestead, and Exempt Property*

- ~~a. (a) Notice and Initiation of Petition. Notice shall be given to the and Notice. When a surviving spouse requests an elective share, year's support, homestead, or exempt property, the surviving spouse must give Notice to the estate's personal representative of the estate, the attorney of record, and all interested parties (Interested Parties, including any creditors if the estate is or may become insolvent) that. If the surviving spouse intends to assert a claim for an Elective Share, Year's Support, Homestead, and/or Exempt Property. If the is the estate's personal representative is, the surviving spouse, court may appoint an administrator may be appointed ad litem.~~
- (b) Prerequisites for Final Hearing. In all claims for Elective Share, Year's Support, Homestead, and/or Exempt Property, each party shall be and is required to submit to the court and to the opposing party (and all interested parties) no . No later than 72 hours prior to 3 business days before the final hearing an estimate of any petition for an elective share, year's support, homestead, or exempt property, each party must submit to the court, the opposing party, and all Interested Parties:
- a calculation of the value of the net estate ~~and~~
 - a written ~~proposal reflecting~~ proposed amount to be awarded to the surviving spouse, that includes
 - the amount and percentage for of an Elective Share, elective share,
 - the amount for ~~Year's Support,~~ year's support,
 - the amount of ~~Homestead, and~~ homestead,

- ~~the amount of Exempt Property which the surviving spouse should be awarded. This proposal shall contain~~exempt property, and
- ~~(b)▪~~the parties' stipulations by the parties, if any, as to the values attributable to ~~of the assets to be considered in computing the Elective Share, Year's Support, Homestead or Exempt Property~~arriving at the proposed award.

§ 39.13 – Motions:

~~Motions will be heard by the court at 10:00 a.m. on Fridays, excluding holidays, and such other days as designated by the Court. Motions must be in writing and shall conform to the requirements of~~ comply with ~~Local Rule § 26. Parties represented by counsel shall provide~~ who are opposed to the motion must file and serve ~~written responses as required by Local Rule 26, otherwise they may not be permitted to oppose the motion. Nevertheless, Local Rule~~ under Rules §§ 26.04(f), which provides that ~~d) and (e), or the court will consider the motion to be unopposed.~~

~~Other than~~ motions shall automatically be granted if a written response is not timely filed, shall not apply in matters involving conservatorships, guardianships, fee requests, encroachments upon assets of an estate and other matters for which discretionary review by the Court is appropriate. With the exception of fee requests which are controlled by Rule fiduciary or attorney fees (see Local Rule § 39.14(b), in)), for all matters which ~~that~~ require the court's discretionary approval of, ~~the Court,~~ movant's attorney (or the movant if the movant is self-represented) should appear at the hearing and be prepared to present the motion with.

~~If no response to a motion is timely filed, and the movant believes the~~ anticipation ~~motion is unopposed,~~ the Court will have questions concerning ~~movant should file a proposed order granting the matter(s) at issue. Unless permission is obtained from~~ motion before ~~the Court, no witness shall testify during~~ scheduled hearing.

~~The court, in its discretion, may grant unopposed motions before the Friday Motion Docket scheduled hearing. If the court enters an order granting an unopposed motion before the scheduled hearing, or if the motion is on the fee docket and no written response is filed, then it is not necessary for the movant or the movant's attorney to appear for the hearing.~~

§ 39.14 – Fiduciary and Attorney Fees of Fiduciaries and Attorneys:

a. (a) Court Approval of Fees:

1. ~~Decedent's~~ Decedents' Estates. In a decedent's estate, and with the exception of instances wherein all residuary beneficiaries of a solvent decedent's estate are competent adults and expressly consent in writing to the specific fee stated in the consent (see Local Rule 39.14(e)) and applications for fees immediately following a hearing in which the Court expressly instructed the applicant(s) to file an application for fees without the necessity of a motion and further hearing (see Local Rule 39.14(e)), any Any request for a fee shall be presented by fiduciary or attorney fees in a decedent's estate must be by motion, supported by affidavits ~~affidavit or declaration,~~ and if/when applicable, billing statements and receipts, with appropriate service of all such Notice of the motion and supporting documents upon to all Interested Parties.
2. ~~Conservatorships and, Guardianships, and Expedited Limited Healthcare~~ Fiduciary Cases. In conservatorships ~~and,~~ guardianships ~~only,~~ any person or party, ~~whether the,~~ and expedited limited healthcare fiduciary cases, no conservator, guardian, attorney, petitioner, guardian ad litem, ~~or whomever,~~ requesting that anyone else, may spend or receive, as fees or, expenses be charged against, ~~or paid by the respondent, ward~~ otherwise, any of a respondent's or their estate, shall obtain ward's funds without court approval of the Court prior to payment or receipt of such fee. Any person,
 2. Anyone who pays any such fee fees or expenses out of the funds of a minor, incompetent, ~~respondent,~~ or ward ~~in~~ otherwise spends a

conservatorshiprespondent's or guardianshipward's funds without express Courtapproval may be personally liable for the funds advanced, and for all reasonable and necessary costs, fees, and expenses resulting from suchthe unauthorized disbursement.

(b) ~~When Motion Is Required. In those matters Unless these rules allow for which a fee application without a motion is required, motions, all requests for fees, expenses and/ or costs to be charged against a ward's or decedent's estate or against an adverse party shall be must be made by motion filed, served, and docketed according to set for hearing under Local RuleRules §§ 26 and 39.13, provided however, such motions shall not be deemed granted merely because a written response is not filed. The Court has the responsibility to determine whether such fees are reasonable and necessary whether or not a response is filed. If a written response is timely filed, a hearing on the motion shall be conducted. If no response is filed, neither the person applying for a fee nor their attorney need appear in Court to present the motion. The Court will review the motion and affidavit(s) supporting the fee request and act upon the fee request without a hearing. After reviewing the motion and affidavit(s), if the Court desires a hearing or additional information, the Court shall notify the applicant of the necessity of a hearing or additional information. Notice of the hearing shall expressly provide _____ in _____ bold:~~

.

~~The notice of hearing of a fee or expense request motion must expressly state in bold print:~~

~~**THIS MOTION IS EXPECTED TO BE HEARD AT 10:00 A. _____ M. CENTRAL TIME ON FRIDAY _____, _____, 20____, IN COURTROOM 408; HOWEVER, _____ IF A WRITTEN RESPONSE IS NOT FILED BY 11:59 p.m. CST ON 4:30 P.M. CENTRAL TIME 7 CALENDAR DAYS BEFORE THE MONDAY PRECEDING DATE OF THE HEARING DATE, THE COURT WILL REVIEW THE FEE REQUEST WITHOUT THE NECESSITY OF A HEARING.**~~

~~Review the chamber rules and other written guidelines for the particular court in which the case is pending to determine the applicable time, date, and courtroom for that court's motion hearings.~~

~~If an opposing party timely files a written response, the court will hold a hearing on the motion and may refer the matter for further proceedings before a Probate Court Master.~~

~~If no response is filed, the court still must determine whether the fees, expenses, or costs are reasonable and necessary, but no one need appear to present the motion. The court will review the motion, affidavit or declaration, and other supporting documents, and act on the fee request without a hearing. If the court needs further information or a hearing, the court's staff will notify the movant's attorney (or the movant if the movant is self-represented).~~

(c) ~~When Motion is Not Required - "Fee Application". On certain occasions (with the prior direction from the Court), fees and expenses may be applied for without the necessity of filing a motion and docketing the matter for a hearing; nevertheless, in all such situations copies of the fee request and all documents attached thereto shall be served upon all Interested Parties even though no hearing is to be scheduled. Specifically, at the conclusion of hearings in which the Court - When the court approves a petition to create a conservatorship, or guardianship or to appoint an expedited limited healthcare fiduciary, and in certain some other instances circumstances, the court may expressly directed by the Court, the Court may direct the a person and parties who wish to be reimbursed their expenses and paid their to file a "fee application" rather than a motion, for reasonable and necessary fees incurred to date, to file a "Fee Application" in lieu and for costs and expense reimbursement.~~

~~The applicant must serve Notice of a motion. The Fee Application shall be served upon Interested Parties, along with the application and supporting documents, with the on~~

~~all Interested Parties, including~~ notice that the ~~Court shall~~**court will** review and act upon ~~on~~ the Fee Application~~application~~ without the necessity of a hearing. Unless one is

~~Fee applications are allowed only when the court~~ expressly directed by the Court to file a Fee Application in lieu of a motion~~directs. Otherwise,~~ all fee and expense requests ~~should~~**must** be presented~~made~~ by motion pursuant to~~under~~ Local Rule~~Rules~~ §§ 26 with appropriate notice of a proposed hearing date~~and 39.13.~~

(d) ~~Form of~~ Motion and Fee Application. Fee requests shall be set forth in a manner similar to the applicable form(s) recommended by the Court, which may be obtained from the Clerk. The Motion or Fee Application shall **All motions for fees and expenses and fee applications must** state:

- ~~the total~~ fee requested~~;~~
- ~~the total~~ hours worked~~;~~
- ~~the~~ hourly rate charged~~, and;~~
- ~~the~~ total of expenses requested, if any~~, along with such other ; and~~
- ~~facts as may be necessary to support the fees and/or expenses requested. The Motion or Fee Application shall be~~

Expense reimbursements should be supported by ~~appropriate receipts.~~

Motions for fees and expenses and fee applications must be supported by affidavits, receipts, if applicable, and billing statement. All ~~or declarations with~~ billing statements or affidavits shall itemize a brief description of the ~~listing the service providers, dates of service,~~ services rendered, the time expended and date of service, respectively. ~~The provided, and time spent.~~

~~The~~ person requesting a fee has the burden of proof ~~to fees and expenses must~~ establish the reasonableness and necessity of the fee~~that they are reasonable and necessary~~ and why such fee and related expenses ~~they~~ should be charged against a decedent's~~the decedent's or ward's~~ estate or a ward of a conservatorship or guardianship~~other party.~~

Written Fee and expense request forms are available from the Circuit Court Clerk.

(e) ~~Written Consent to Fees and Expenses in Solvent Decedents' Estates Only.~~ When a decedent's estate (i) is solvent, and (ii) all its residuary beneficiaries are competent adults or entities or persons represented by authorized fiduciaries (iii) ~~who have consented to specific fees and expenses stated in a signed written consent~~ **To Fees and Expenses (Decedent's Estates Only).** Court, ~~court~~ approval ~~shall of the fees and expenses is not~~ be required if all residuary beneficiaries of a solvent decedent's estate are competent adults and consent to the specific.

~~Alternatively, a fiduciary or attorney may request fees and expenses by~~ fee stated in the consent. However, if Court approval is requested, a motion need not be filed or docketed for ~~application under Local Rules §§ 39.14 (c) and (d), without a motion or hearing provided that all.~~ ~~The fiduciary or attorney must attach the~~ residuary beneficiaries of a solvent decedent's estate are competent adults or entities and expressly consent in writing to the specific fee stated in the consent; nevertheless, a Fee Application should be presented in the fashion stated in the preceding subsections. ~~The beneficiaries' written consents must be supported by an appropriate~~ **to the fee application, and the fiduciary's or attorney's** affidavit or declaration that expressly states:

All residuary beneficiaries are competent adults or entities or persons represented by authorized fiduciaries and have expressly consented to the specific fee ~~fees and expenses~~ requested, the estate is solvent, and the approval ~~and payment of the fees being and to be requested shall~~ **expenses will** not result in an insolvent estate or the inability to pay any valid ~~creditor claims of creditors. The foregoing or any expenses of administration.~~ **creditor claims**

~~e.~~ This procedure ~~shall~~ is not ~~be~~ available if the estate is insolvent ~~(or is reasonably likely to become insolvent) or if any residuary beneficiary is a minor or incompetent.~~

~~f.~~ **(f)** Fee and Expense Requests in Conservatorships ~~and~~, Guardianships, and Expedited Limited Healthcare Fiduciary Cases.

1. Initial Request ~~for Fees:~~ Any person or party desiring. Anyone who wishes to have ~~their~~ fees or expenses paid by the respondent/~~ward shall, minor, or any other party must~~ inform the ~~Court~~ court of ~~such~~ the request at the hearing ~~wherein which~~ the ~~Court~~ court either ~~creates~~ grants or dismisses a conservatorship or guardianship. The Court shall afford sufficient time to present affidavits and billing statements and may direct that such fee requests be presented by Motion pursuant to Local rule 39.14(b) or Fee Application pursuant to Local Rule 39.14(c). the petition.

The court will direct the person to file the fee and expense request either by motion under Local Rule § 39.14(b), or by fee application under Local Rule § 39.14(c).

2. Interim Requests. During the ongoing administration of a conservatorship, guardianship, or expedited limited healthcare fiduciary case, all interim fee and expense requests must be made by motion under Local Rule § 39.14(b), with Notice to all Interested Parties.

Interim fee and expense requests should not be made more than quarterly, unless there is good cause for a more frequent request.

3. Final Request ~~for Fees:~~ When a conservatorship ~~or guardianship is in existence and an interim request~~, guardianship, or expedited limited healthcare fiduciary case is to be closed, anyone requesting that fees or expenses be paid by the respondent, minor, or any other party must file a motion under Local Rule § 39.14(b), with Notice to all Interested Parties, before the case is closed. The court must enter an order or orders determining all motions for fees and expenses either before or concurrent with the order closing the case.

Do not file one motion to both approve fees and expenses and close the case; those matters require separate motions and orders. The court may deny any motion or application for fees or expenses filed after a case is ~~made, such~~ closed unless good cause is shown for the late filing.

~~(g)~~ **(g)** g. Fee and Expense Requests in ~~Decedent's~~ Decedents' Estates.

1. ~~1.~~ Interim Fee Requests: Interim fee and expense requests for fees shall ~~must~~ be ~~presented to the Court made by Motion~~ presented ~~made~~ made by Motion under Local Rule § 39.14(b), with service on Notice to all Interested Parties ~~pursuant to Local Rule 26.~~

Unless good cause is shown to justify otherwise, requests by the personal representative(s) or their legal counsel for fees or ~~for fiduciary or attorney fees~~ and expenses in decedent's estates shall ~~should~~ should be ~~presented~~ made annually ~~following approval of~~ after the most recent annual accounting, ~~is approved~~ or, if accountings are waived, ~~at such time as~~ when an annual accounting would have been made ~~if accountings had not been waived.~~

2. ~~2.~~ Final Fee Requests. All persons or parties desiring to have their Anyone requesting that fees or expenses ~~be~~ paid by or charged against ~~the~~ a decedent's estate ~~shall~~ or by any other party must file a ~~Motion pursuant to~~ motion under Local Rule ~~39.14(b) prior to the closing of the estate. All claims~~ § 39.14(b), with Notice to all Interested Parties, before the case is closed. The court must enter an order or orders determining all motions for fees and expenses ~~are to be determined and set forth in an order prior to~~ either before or concurrent with the order closing the ~~estate. Motions to Set Fees~~ case.

Do not file one motion to both approve fees and expenses and close the case; those matters require separate motions and orders. The court may deny any motion or application for fees or expenses filed after the closing of a decedent's estate may be barred a case is closed unless good cause is shown for the late filing.

~~h.~~ **(h)** Notice to Interested Parties. All Interested Parties shall receive a copy of any Fee Application and attachments thereto, and in the case of a Motion, shall also receive Anyone filing a motion for fees or expenses under Local Rule § 39.14(b) must provide Notice of the motion, all supporting documents, and of the date and time of the proposed hearing and a copy of the motion and attachments to all Interested Parties.

Anyone filing a fee application under Local Rule 39.14(c) must provide Notice of the application, all supporting documents, and that the court will review and act on the application without a hearing to all Interested Parties.

§ 39.15— Inventories, Accountings, and Closing of Decedents' Estates:

~~(a)~~ **(a)** Fiduciaries shall The personal representative must file an initial inventory and thereafter make, then file annual accountings with the Probate Court Clerk until the estate is fully administered and closed. ~~For good cause shown, the Court~~ The court may extend or shorten the time for filing the inventory, interim or final accountings- for good cause.

~~a.~~ Accountings, or inventories, or both, may be waived (i) by the ~~Court~~ court for good cause ~~shown. Furthermore;~~ ; (ii) by an express provision in decedent's ~~estates~~ accountings may be waived if the decedent's ~~decedent's~~ will waives; or (iii) by the requirement for the personal representative to make court accountings express written waiver of the estate, or if all residuary beneficiaries have in writing excused the personal representative from filing all court accountings. ~~The filing of an inventory may be waived in a like manner.~~

~~(b)~~ **(b)** Copies The personal representative, or the personal representative's attorney, must give copies of all the inventory, interim and final accountings, ~~interim or final, are to be furnished to all Interested Parties by the personal representative.~~

~~b.~~ **(c)** A decedent's estate may be closed without a final accounting or their attorney of record- motion to close if:

~~(c)~~ **(c)** Detailed accountings of solvent estates may be waived and the estate closed on receipt and waiver provided all residuary distributees are sui juris and acknowledge in writing that the estate has been properly distributed to them, that they file the statement in lieu of a more detailed accounting, and provided further that the personal representative, after the period for creditors to file claims against the estate has expired, files the required petition or statement with the Probate Court Clerk.

(i) the estate is solvent; and

(ii) the period for filing creditor claims has expired; and

(iii) the following have been filed in the record:

(a) Statement of proper distribution from each personal representative (also known as Statement in Lieu – Personal Representative);

(b) Specific bequest receipt from each beneficiary of a specific bequest under the testamentary instruments admitted to probate (if any);

(c) Receipt and waiver of final accounting from each residuary distributee of the estate (also known as Statement in Lieu – Distributee);

- _____ (d) Proof of payment, withdrawal, or dismissal (such as a receipt, release, withdrawal, or dismissal order) for each creditor claim;
- _____ (e) Proof of fiduciary's authority to sign (if a fiduciary has signed a receipt or waiver; for example: copy of trust or trust certification if trustee is a beneficiary, copy of letters of guardianship if minor is a beneficiary, copy of letters testamentary or of administration if beneficiary is deceased, or copy of power of attorney or letters of conservatorship if incompetent person is a beneficiary);
- _____ (f) TennCare release (if the decedent was age 55 or older at death);
- _____ (g) Tennessee inheritance tax release (if the decedent died before 2015);
and
- _____ (h) Proposed order to close the estate.

§ 39.16— Orders and Decrees

_____ In addition to ~~other provisions of~~ Local Rule § 33, which ~~apply~~applies to Probate Court:

- ~~a.~~ **(a)** _____ Orders ~~which that~~ waive bond, inventory, or accountings ~~shall~~must expressly ~~set forth~~state the grounds for ~~such~~the waiver.
- ~~b.~~ **(b)** _____ ~~If Any order that states~~ the basis ~~of afor the court's~~ ruling ~~is set forth in an order, such shall be~~must state it correctly ~~stated~~ and without ~~recitation to~~reciting matters ~~which that~~ did not occur or findings ~~which were~~the court did not ~~made by the Court.~~make.
- ~~c.~~ **(c)** _____ All ~~Orders shall~~orders should state the date the matter was heard (or docketed for hearing), and be ~~presented~~submitted to the ~~Court~~court within ~~seven~~ (7) ~~calendar days thereafter~~after the hearing unless ~~the court grants~~ additional time ~~is expressly granted by the Court.~~ If the petitioner or movant expects the petition or motion to be uncontested, the petitioner or movant should file the proposed order before the hearing.

§ 39.17— Instructing Clerk to Invest Funds

_____ The Probate Circuit Court Clerk ~~shall~~will invest funds in an interest bearing ~~accounts~~account only when there is a specific ~~Order~~order directing it to ~~do so.~~ Such orders should suggest the period of time ~~invest~~ the funds ~~should be invested.~~ All such orders in an interest bearing account.

_____ The order must ~~contain~~include the full legal name, ~~address and social security number of~~ of the person whose funds are being invested and, if the person is a minor under a guardianship, the date of the minor's 18th birthday.

_____ The party ordered to deposit funds with the Circuit Court Clerk must also provide certain confidential statistical data regarding the person ~~(s)~~ or persons whose funds are being invested. ~~In guardianships, the date of birth and the date the minor shall become eighteen~~ (on a separate "Statistical Sheet" that is filed under seal. See Local Rule § 6.07. The Statistical Sheet form is available in the Circuit Court Clerk's office or on its website.

§ 39.18 ~~years of age shall be stated in the order.~~ **Chamber Rules**

_____ 7th Circuit Court is designated with probate jurisdiction. However, some probate and related cases may be assigned or transferred to other divisions of the Circuit Court by agreement of the judges. In addition to these Rules, parties and attorneys should review and follow the chamber rules and other written guidelines for the particular court in which the case is pending.

RULE 40 THE BUSINESS COURT DOCKET PILOT PROJECT

In 2015, the Tennessee Supreme Court created the specialized Business Court Docket Pilot Project to expeditiously resolve complex business and commercial disputes and to create a uniform body of business law in Tennessee.

The Business Court Docket is governed by the Tennessee Rules of Civil Procedure, the Tennessee Rules of Evidence, and these Local Rules, as well as the *Guide to the Business Court Docket*, which establishes case eligibility criteria, Business Court Docket designation request procedures, and litigation plan requirements. The *Guide to the Business Court Docket*, Request for Designation forms, Business Court decisions, and other information about the Business Court Docket are available at <https://www.tncourts.gov/bizcourt>.