**Sixth Circuit Chamber Rules**

**Effective July 1, 2023**

The Sixth Circuit Court adopts the following Chamber Rules pending further orders from this Court. All remaining Chamber Rules will not be affected.

1. **General Guidelines**
   1. **Scheduling**

All scheduling is handled by Judge Brothers’ administrative assistant, Lori Hawkins, at 862-5917.

* 1. **Correspondence with the Court**

No *ex parte* communications are allowed. Any communication with the court should be contained in pleadings, notices, memoranda and briefs. If letters are absolutely necessary, the letter should also be filed them in the Circuit Clerk’s Office and they must indicate that all parties have received copies.

* 1. **Telephone Conferences with the Court**

In extraordinary situations, motions to continue and disputes during the course of depositions may be handled by telephone conference.

* 1. **Telephone Conferences with Law Clerk**

Allowed for administration, not for legal advice.

* 1. **Pro Hac Vice Admission**

Pro Hac Vice Admission permitted by Motion.

**F.** **Audio-Visual Court Recording**

While court reporters are welcome in court, the official record of the 6th Circuit Court is the audio-visual recording made by the Court itself. DVD Copies will be made available immediately after a proceeding to any party requesting it. Copies can be provided at later dates as well. Copies cost $50.00 each if ordered the day of the proceeding or $100.00 each if ordered at a later date. Payments are payable to he State Trial Court Administrator.

The Court encourages parties to prepare an appendix to any appeal with a transcription of the pertinent portions of the proceeding being challenged. The transcription does not have to be prepared by a court reporter. Citations to the record should be in the following format: **“month/day - hour/minute/second”** using the on screen date/time stamp. Some panels of the Court of Appeals may request a full transcription.

**II. Pretrial Matters - Civil Cases**

* 1. **Scheduling Orders**

Parties are required to enter Scheduling Orders when setting cases for trial if not already done. Scheduling orders shall contain a cut-off date for discovery.

* 1. **Continuances and Extensions**

1. Extensions of Scheduling Order deadlines are generally granted if requested *before* the deadline has passed and there is no unfair prejudice to the opponent.

1. Trial continuances granted only upon showing of just cause, supported by affidavit. Parties may not agree to continue without Court permission.
   1. **MOTION DOCKET.**

All motions will be decided upon written briefs unless oral argument is requested by either party or the Court determines that oral argument is necessary. A party may request the opportunity to be heard by oral argument by filing a written request. Said request shall be filed when the motion or response is filed. If the Court determines that oral argument is required, then the motion will be heard in-person, by teleconference, or video-conference as scheduled by this Court.

This applies to the Assignment Dockets for setting Jury trials as well as the regular motion docket. All matters shall be decided on briefs unless otherwise directed by the Court.

The following Motions normally require an appearance. The Court will examine these motions and determine whether they should be granted, regardless of whether a written response is filed:

• Motion to Set Aside Order or Notice of Dismissal. Must submit affidavits supporting the request.

• Motion to Withdraw as Counsel – Not just substitute

o Submit an Order that includes language that client will be proceeding pro se if Counsel is not retained within 30 days of entry of the Order to Withdraw. Include current contact information for client including email and telephone.

• Motion to Continue Trial. Must submit affidavits supporting the request.

• Motion for New Trial

• Motion for Additur/Remittitur

• Motion for Directed Verdict (within 30 days of trial)

• Motion to be Exempted from One Year Rule. Must submit affidavits supporting the request.

• Motion for Discretionary Costs. Must submit affidavits supporting the request.

• Motion to Compel – Discovery

• Motion to Dismiss

• Motion for Default Judgment

• Motion for a Show Cause Hearing. Must submit affidavits supporting the request.

Motion Dockets are heard on Fridays at 9:30 AM. Each side is limited to twenty (20) minutes for oral argument unless leave of court is granted.

Motions in Limine – On *Evidentiary* matters, not intended to be dispositive of issues. Absent extraordinary cause, the Court does not entertain motions in limine on its regular motion docket. If numerous, contact the court or Special Master about setting up a hearing to have them heard at a pretrial conference before trial. This will allow for prompt jury selection on the morning of trial.

Objections to any deposition testimony must be filed before the pretrial conference and at least five (5) days in advance of trial.

**ORDERS.** The Court will prepare orders on matters in which there was a written response and no oral argument was requested. The movant will prepare orders on matters to which no written response was filed. The Court will review all proposed orders.

3. Reply briefs - Allowed

4. Late filings - Sometimes accepted, upon showing of good cause.

**D. Discovery**

1. Special Master

The parties shall contact the Special Master in order to establish a scheduling order and commence discovery as soon as case is at issue.

1. Interrogatory Responses

Clear questions warrant clear answers

1. Resolution of Discovery Disputes

Before the Court will hear any discovery, dispute Parties must submit a statement that the parties have attempted in good faith to resolve the dispute, in accordance with Local Rule 22.08. Genuine effort to resolve any dispute is required. Face to face meetings are encouraged.

* + 1. Depositions

Should be set by agreement. Notice should then be sent to confirm.

* **Trial Procedure**
  1. **Scheduling**

Central Assignment System unless specifically exempted.

* 1. **Witnesses**

Witnesses can be heard out of order with permission of Court

* 1. **Courtroom Decorum**

Attorneys must stand when speaking. Attorneys must introduce themselves to the Court when they first speak. Attorneys must ask permission before approaching witness for any purpose. Attorneys are not required to stand at podium. Attorneys are to address the Court and may not engage in exchanges with opposing counsel. Attorneys are to be respectful of parties, witnesses and opposing counsel and , except for minors, shall address witnesses by their last name (Mr./Mrs./Ms.).

* 1. **Voir dire**

Challenges for cause must be made orally before peremptory challenge slips submitted.

Only one round of voir dire, counsel are permitted to back strike

* 1. **Note taking by Jurors**

Encouraged

Juror questions are allowed.

* 1. **Exhibits**

Use of technology encouraged

Court normally marks them. Numbered consecutively.

* 1. **Side Bar Conferences**

True sidebars are allowed but not encouraged. Court prefers jury out hearings.

**H. Deposition Reading**

The entire deposition does not have to be read

When reading part of a deposition, cite page and line number

**J. Exhibits / Handouts for Jurors**

Use of technology encouraged

Copies of documents for jurors encouraged.

When possible, use Bates numbers on all exhibits/documents.

1. **Proposed Jury Instructions and Verdict Forms**

Submit first day of trial or as directed by Court.

1. **Jury Deliberation**

1. Copy of Instructions given to jury.

2. Access to Exhibits, all are made available to jury

3. Access to Video Transcript

Allowed if asked for, the request must be for a specific piece of testimony

Jury will review the video transcript in jury room

4. Poling the Jury

Allowed

6. Interviewing the Jury

Allowed after Judge Brothers has spoken with the jurors after the trial.

If a juror expresses a desire to not talk, conversation must be immediately ended.

**CONTACT WITH COURT.** Messages may be left on voicemail at 615-862-5917. You may also contact staff via email:

Lori Hawkins – [LoriYHawkins@jisnashville.gov](mailto:LoriYHawkins@jisnashville.gov)

Mark Kelly – [MarkLKelly@jisnashville.gov](mailto:MarkLKelly@jisnashville.gov)

Satchel Fowler – [SatchelRFowler@jisnashville.gov](mailto:SatchelRFowler@jisnashville.gov)

**TRIALS.** Non-Jury trials will be set by the Court.

**VIDEOCONFERENCE INSTRUCTIONS**. The Court conducts videoconference hearings via Cisco WebEx Meetings. On the day before the hearing, parties will receive an email from the Court containing a WebEx access link and additional instructions. Upon accessing the hearing, parties will be directed to a virtual waiting room until such time as the Court is prepared to proceed with the hearing. Participants are asked to remain muted throughout the proceeding unless speaking. Any further questions regarding videoconference hearings should be direct to the Court staff listed above.

**TELECONFERENCE INSTRUCTIONS**: The Court conducts teleconference hearings via a dedicated phone bridge connection. On the day before the hearing, parties will receive an email from the Court containing phone number, access code, as well as further instructions. Parties are encouraged to call at least five minutes prior to the scheduled hearing and will remain on hold until such time as the Court is prepared to proceed. Any further questions regarding teleconference hearings should be directed to the Court staff listed above.