

**RULES OF PRACTICE FOR THE CIRCUIT AND CHANCERY COURTS
FOR COFFEE COUNTY, TENNESSEE, FOURTEENTH JUDICIAL
DISTRICT, SITTING AT MANCHESTER**

It is ordered that all the Rules of Practice and Procedure now on the Minutes of the Circuit and Chancery Courts of Tennessee, Fourteenth Judicial District, held in Coffee County, Tennessee, at Manchester, be stricken and in lieu thereof the following Rules will be observed in the conduct of the business of the Circuit and Chancery Courts of Tennessee for the Fourteenth Judicial District of the State of Tennessee, sitting at Manchester, the same to be spread upon the Minutes of the Courts.

RULE I

COURT RECORDS

A. All papers and records of the Courts shall at all times be kept under the strict control and custody of the Clerks who will be responsible for their safe-keeping, and no person except the Clerks or Deputies Clerk shall be allowed access to the filing cabinets, vault, or other receptacles wherein such papers and records are kept.

B. When it is necessary for any person, other than the Clerks or Deputies Clerk or attorneys to examine any paper or record under the Clerk's control and custody, the Clerk or one of the Deputy Clerks will obtain the paper or record for such person and same shall be examined within the confines of the appropriate Clerk's office.

C. Only attorneys admitted to practice in this Court, or their employees, will be

allowed to remove any paper or record from the Clerks' offices, and only then after executing a receipt therefore. If not the attorney of record, a request must be submitted for approval, and the Clerk will have seven (7) days to redact protected information to comply with statutory requirements.

D. Recordings of proceedings in the General Sessions Court that have been filed in the Circuit Court will be handled in accordance with this Rule. In addition to the aforesaid, the Clerk will remove the tabs from cassettes of General Sessions proceedings so that accidental erasure of said tape will not occur.

E. In accordance with Rule 36 of the Rules of the Supreme Court of the State of Tennessee (effective July 1, 2003) the standard paper size for documents filed in this Court shall be 8 ½ x 11 inches.

RULE II

MOTIONS, PLEAS, TRANSCRIPTS OR STATEMENTS OF THE EVIDENCE

PROCEEDINGS

A. All motions for a new trial must be reduced to writing, the original filed with the appropriate Clerk, and counsel shall transmit one copy to the appropriate Judge and one copy to adversary counsel. All motions for a new trial and all other motions will be set down for argument by the Clerk at the appropriate civil or criminal motion day more than five days after the filing of said motion.

B. All transcripts or statements of the evidence or proceedings shall be abridged by counsel pursuant to Rule 3 of the Rules of the Supreme Court of the State of Tennessee and

no such record will be approved by the Trial Judge which contains voir dire or argument or any matter no longer controverted which does not bear upon any ground assigned in the Trial Court for a new trial, unless counsel has received permission of the Court to include any such matters prior to the preparation of said transcript.

C. All motions to continue cases are to be in writing, filed with the Clerk, and shall be accompanied by an affidavit setting forth the grounds for such request. The Judges will only consider continuance motions when same are based upon legal grounds as set forth in the statute or on account of great personal hardship to the attorneys involved in the respective cases or for other good cause appearing. It is the individual responsibility of each attorney to keep advised of the civil jury trial docket calls held in May and November of each year, and therefore absence from a docket call shall not be grounds for a continuance; failure to obtain medical proof and failure of attorneys to be prepared for trial in other respects through lack of diligence on their part will not be adequate excuses for obtaining a continuance, and although all counsel for all parties to a cause may agree to a continuance same will not be granted unless this Rule is complied with. No continuance shall be effective until such order is signed by all litigants and/or their counsel and the appropriate Judge. Any expense generated by failure to prepare the order, such as the unnecessary summoning of jurors to try a case, will be assessed to counsel personally. In civil cases if once set for trial and continued for any reason, except personal hardship, all cases at issue filed subsequent to the case which is continued shall have priority in the setting of cases for trial at a subsequent term. Counsel are admonished not to insist on setting a case for trial unless it is actually ready for trial and counsel are hereby advised that in accordance with

this Rule the failure of the parties to have reached the maximum recovery in personal injury cases, possibly being sufficient grounds for continuance, will result in that particular case losing its place on the trial docket.

RULE III

MOTIONS DAYS

Criminal motion days and civil motion days will be set by the Judges at least six months in advance and placed on the court calendar with notice to all Court Clerks. All motions filed more than five days prior to a motion date, civil or criminal, will be heard on the next succeeding appropriate motion day.

RULE IV

ATTORNEYS - NOTICE TO CLERK

All attorneys, other than those appointed by the Court to represent indigent defendants, will, upon their employment to represent a defendant, immediately notify the Clerk's office of their representation of such defendant in order that their name as counsel may be entered on the rule docket.

No attorney will be allowed to withdraw his representation of a litigant except upon written motion to withdraw reciting that all the requirements of Rule 1.16 of the Rules of Professional Conduct have been complied with and said motion granted as evidenced by a written order of the Court.

RULE V
SUBPOENAS

All subpoenas for witnesses must be placed in the hands of the Sheriff or other process server not less than five days before the date on which the case is set for trial, and unless this is done the absence of a material witness shall not be grounds for a continuance.

All requests to the Clerk for subpoenas for witnesses to be issued henceforth shall contain the full name and last known address and telephone number of the individual to be subpoenaed. The clerks will henceforth require all persons requesting subpoenas to furnish said information and individuals who receive subpoenas in blank shall insert the above information in the subpoena in addition to the name of the individual to be subpoenaed before they are delivered to an officer for service. Further, rural route addresses shall be supplemented by information indicating the name of the road, highway, etc., and routing directions for the subpoena officers. Post Office box numbers will not constitute compliance with this Rule.

The portion of this Rule pertaining to location of the witness shall apply only to subpoenas to be served by Coffee County Sheriff's Department or other authorized law enforcement agencies inside or outside of Coffee County.

An exception to this Rule will be allowed only upon presentation of the affidavit from the individual seeking the subpoena that the above information is not available to the affiant after the exercise of due diligence.

RULE VI

PICTURES, PHOTOGRAPHS, ETC.

The taking of pictures or photographs in the courtrooms, by still, motion picture or television cameras, while the Court is in session, will be governed by the appropriate Supreme Court Rule.

RULE VII

**ADOPTION OF RULES OF PROFESSIONAL CONDUCT AND
CODE OF JUDICIAL CONDUCT**

The Rules of Professional Conduct as adopted by Rule 8 of the Rules of the Supreme Court of the State of Tennessee (effective March 1, 2003) and the Code of Judicial Conduct, as adopted by Rule 10 of the Rules of the Supreme Court of the State of Tennessee now in force and as hereafter modified and supplemented are adopted by this Court as far as they relate to matters within the jurisdiction and cognizance of these Courts.

RULE VIII

COURTROOM PROCEDURES AND DECORUM

A. The space within the Bar is reserved for the parties engaged in the case on trial, attorneys, court officials, and representatives of the various news media. No one else shall be permitted in this area at any time, which includes recess periods.

B. At each opening of each session of the Court, all persons in the courtroom will rise, and, with the Judge, remain standing until Court is formally opened by the Sheriff, Deputy Sheriff, or a Bailiff.

C. Spectators will be seated outside the Bar. No standing will be permitted. All such seats are on a first-come, first-served basis. After all seats are filled, the Sheriff or Bailiff shall see that no other person is admitted without express permission of the Court.

D. All litigants, witnesses, attorneys, and spectators shall conduct themselves with proper decorum at all times. There shall be no demonstrations, noise, loud talking or any act of misconduct permitted either inside the Courtroom or outside the Courtroom in any other area close enough to interfere with or to disrupt the orderly proceedings of the Court.

E. Each attorney as an officer of the Court shall be expected to insure the orderly behavior of their client, and such attorney shall be held personally accountable to the Court for any unruly conduct or other acts of misconduct on the part of the client.

F. The sessions of the Court will convene each morning, Monday through Friday at 9:00 o'clock a.m.

G. Counsel will not approach the Bench without first requesting permission to do so, and no conference shall take place at the Bench without counsel for both sides being present.

H. All attorneys will wear appropriate dignified attire while in attendance upon the Court.

I. Whenever addressing the Court, counsel, if physically capable, shall rise and remain standing while making any objection argument or statement to the Court, including such time as the Court may be interrogating counsel or making observations to counsel.

J. Counsel, if physically capable, are required to stand while interrogating witnesses.

K. The Bailiff and other officers serving the Court will be charged with the responsibility of requiring compliance with these standards of courtroom conduct and decorum.

RULE IX

MISCELLANEOUS

A. Petitions for re-hearing or re-consideration on matters decided by the Court sitting without intervention of a jury, including the granting of motions for a directed verdict and motions for a new trial in cases decided by the Court sitting without intervention of a jury, will be presented to the Court without argument, and if the Court determines that the matter shall be re-heard on argument, counsel will be notified and the point or points on which re-argument is desired will be indicated, and the time for re-argument designated.

A re-hearing or re-argument will be refused where no new matters are presented in the petition or motion and no new authority adduced and no material fact is pointed out as overlooked.

B. In all cases tried and all motions heard and determined by the Court, the successful lawyer shall, within fifteen days after the actual date of the jury verdict or the decision by the Court in cases tried or motions heard and determined without the intervention of a jury, prepare and submit to adversary counsel and the Court the proposed judgment or order on said motion. If counsel for the respective parties cannot agree on the judgment or order on said motion, then each attorney may, within the fifteen days, submit a proposed judgment. Opposing counsel shall have eleven days to respond. The Court may sign for entry such of the two judgments as it deems proper. In all cases the prevailing attorney shall either submit to the Court

the proposed judgment approved by all counsel of record, or his version thereof if adversary counsel has not approved by affixing their signature thereto.

The Clerk will, on the 15th day of each month hereafter, deliver to the appropriate Judge all files in which orders or judgments have not been filed in accordance with this rule, whereupon the court will enter such an order or judgment without notice to counsel interested in the case, and take such other action by citation for contempt, taxing of costs or otherwise as the Court deems appropriate.

C. Pursuant to the mandate of the Supreme Court in *Woodson v. Porter Brown Limestone Company, Inc.*, Et Al, 916 S.W.2d 896, (Tenn. 1996) and in order to provide an opportunity for counsel to object to potential peremptory challenges before the Court announces the exclusion or excuse of a challenged juror, counsel in all jury cases, civil and criminal, are hereby required to submit challenges in writing to opposing counsel before presenting them to the Court. (Once a challenge list is submitted to opposing counsel it cannot be changed to remove a challenged juror or add a challenged juror in that round of voir dire.) Prior to reading the names of the excluded jurors the Judge will inquire as to objections or may simply pause to allow objections, whereupon counsel desiring to contest a challenge on discrimination grounds may do so at the Bench or in a jury-out conference.

If an objection is raised, the court will then ascertain whether a prima facie case of purposeful discrimination has been established. This proffer or discussion will occur outside the presence of the jury, and if the Court finds that a prima facie case has been established the Court will give the opposing party the opportunity to rebut the prima facie case by establishing a neutral

reason or the exercise of the challenge. The objecting party will be allowed to respond as to why the reason is pretextual or inadequate, and the Court will then determine by considering all the facts and circumstances whether the totality of the circumstances support a finding of purposeful discrimination. The ultimate burden of persuasion rests with, and never shifts from, the opponent of the strike. *Woodson, supra*.

D. Henceforth no settlement of a jury case will be approved by the appropriate Judge if reached later than 3 o'clock p.m. on the working day preceding the trial of said cause. This Rule applies with equal force to civil and criminal cases, and to avoid a jury trial or taxing of jury expense counsel must notify the Clerk and Court of settlement prior to the above time.

The Clerk will commence calling a jury at 3 o'clock p.m. on the working day prior to any jury trial unless directed otherwise by the Trial Judge.

RULE X

In matters where a trust is established through the Clerk of the Court, the beneficiary's social security number will be provided to the Clerk as needed to establish the trust.

The Clerk and Master is authorized to appoint a Guardian Ad Litem when required by statute.

RULE XI

Each party shall be allowed a maximum of 20 minutes for oral argument of any motion or non-jury presentation, unless otherwise ordered by the Court. The movant may reserve rebuttal time by notifying the Court before argument begins.

RULE XII

Any and all motions in limine must be filed at least five (5) days prior to the commencement of trial in that particular case.

RULE XIII

DIVORCES

A. No final decree of divorce or annulment will be signed by the Trial Judge until all statistical data required by T.C.A. 36-4-106(b) shall have been provided. As evidence of compliance each decree, upon being submitted to the Trial Judge for approval for entry on the Minutes, shall have affixed thereto a full and complete certificate of divorce on the form prescribed by the appropriate State agency. Further, if a property settlement and/or custody agreement has been entered into at the time of the filing of the divorce complaint the same may be filed with the complaint.

B. No divorce case shall be heard and divorce granted before 60 days from the date the complaint is filed if there are no minor children or before 90 days from the date the complaint is filed if there are minor children.

C. In all contested divorce cases a Joint Stipulation Worksheet will be jointly completed by the parties that sets forth all legal issues of fact and law to be ruled upon by the Court. A Joint Stipulation Worksheet form is available in the Clerk's Office. The Worksheet shall be filed no later than three (3) days before the scheduled trial date.

D. All complaints for divorce filed in this Court will contain on the first page thereof a completed and filled-in facsimile of the certificate of divorce required to be filed

pursuant to Rule XII of these Rules. This shall be a requirement in addition to said certificate required by Rule XII(A).

E. In any child support case where an indemnity bond under T.C.A. 36-5-101 is required by the Court to ensure the payment of past, present, and/or future support, the bond shall only issue if posted in cash or by way of equity in real property located in Tennessee secured by a Deed of Trust conveying the property in trust to the Clerk of the Court.

F. Pursuant to T.C.A. §36-6-401 et seq., all divorcing parents with minor children are mandated to participate in the Parenting Plan. It is therefore **ORDERED** that in all actions involving custody and support of minor children the provisions of this legislation shall apply. It is further **ORDERED** that the parties shall have the following duties and responsibilities in any domestic cases:

1. Both parents shall attend, within thirty (30) days of service of the complaint, a parent education seminar sanctioned by the Courts of at least four (4) hours duration and shall be required to file with the Court a certificate of attendance.

2. If one or both parties fail to attend a parent education seminar within the allowed time frame a show cause order will issue. An attachment will issue if a party fails to appear.

3. The plaintiff or petitioner shall file with the Complaint or Petition a “parenting plan” defined in the Act (forms included in parenting plan package) agreed upon by both parties, or if no agreement has been reached, the “proposed parenting plan” of the plaintiff or petitioner.

4. The defendant or respondent shall, if no agreement has been reached, file with the Answer to the Complaint or Petition the “proposed parenting plan” of the defendant or respondent.

5. PENDENTE LITE hearings addressing issues other than child support, if requested, will be set on the next available domestic day after Judge assignment and service of process. Proposed temporary parenting plans must be submitted within three (3) days of the hearing. Emergency or temporary mediation will usually be required in appropriate circumstances.

6. Divorces will be set as normal and according to statute if uncontested (M.D.A. with parenting plan attached). All other contested divorces (disputed issues such as: fault, parenting responsibilities, property/debt. etc.) will be set on the first uncontested domestic day ninety (90) days from the filing of the complaint. The parties and their attorneys are the only persons required to attend. In the alternative, attorneys may submit an agreed to Status Report to the Clerk of Court and elect to appear on a subsequent status date to discuss unresolved issues involving discovery, scheduling, and the requirements for mediation and trial dates. Dates for trials will be assigned only after the attorneys certify to the Court that the matter cannot be settled and is ready for trial.

7. Unless a party has sworn under oath that the conduct specified in T.C.A. §36-6-406 exists or other good cause is shown, disputes over the “parenting plan” or other issues shall first be addressed by mediation. Mediation is encouraged by agreement of the parties before the status conference. Before a trial date is set a mediation report shall be filed with the Court.

8. When applicable, completed Child Support Worksheets must be maintained as part of the official record either by filing them as exhibits in the Court file or as attachments to the order.

9. It is further **ORDERED** that a failure to comply with the provisions of this Order shall be treated as contempt and may be punished accordingly.

XIV

DISCOVERY IN CIVIL CASES

A. INTERROGATORIES

1. When answering or objecting to interrogatories, the replying or objecting party shall, as a part of his answer or objection, set forth immediately preceding the answer or objection, the interrogatory with respect to which answer or objection is made.

2. Interrogatories pursuant to Rule 33, TRCP, shall be limited to sixty (60) such interrogatories in any given set. Sub-parts of a question shall be counted as additional questions for purposes of the overall number. Leave of Court must be obtained to submit interrogatories above sixty (60) in number and/or to submit additional sets of interrogatories beyond the first set. Requests for leave shall include copies of such additional interrogatories or sets of interrogatories to be submitted, and a statement of counsel as to the necessity for such information, its relevance, or likelihood to lead to relevant information, and the fact that it cannot readily be obtained from other sources.

3. Answers to interrogatories must be supplemented a sufficient time before trial to the end that no evidence within the scope of the interrogatories will be proffered at trial that has not previously been brought to the attention of opposing counsel. A

violation of this Rule, which expands the duty to supplement imposed by Rule 26.05 of the Tennessee Rules of Civil Procedure, is adopted pursuant to Rule 26.05(3), TRCP and may result in the imposition of serious sanctions, including taxing of costs to the culpable party for any delays caused.

B. REQUESTS FOR ADMISSIONS AND PRODUCTION OF DOCUMENTS

When responding to requests for admissions or requests for production of documents, the procedures set forth in Rule XIV(A)(1) shall apply.

RULE XV

A. As mentioned in Rule II C, civil jury trial docket calls for Circuit and Chancery Court are in May and November. At least one civil non-jury day will be dedicated every month on the Court's calendar. Civil non-jury cases, other than domestic relations matters, shall be set for trial in one of the following ways:

1. by joint motion of all counsel stating the case is ready followed by a telephone conference to secure a date from the appropriate Judge to be followed by an Agreed Order; or
2. by motion to set and request to docket filed by either side with notice to all opposing counsel/parties, the motion to be heard on the civil motion day; or
3. by the Court with notice to counsel.

B. Whenever counsel seeks the setting of a case, counsel is deemed to certify the following:

1. the case is at issue;

2. all depositions have been taken or properly scheduled;
3. settlement has been attempted;
4. all pending objections and motions have been disposed of;
5. all necessary witnesses have been located and, insofar as can be determined, will be available; and
6. the case is ready for trial in all respects foreseeable to counsel.

C. All civil cases filed in these Courts must be resolved or set for trial within one year from the date of filing or the same will be dismissed by the Court for failure to prosecute pursuant to Tennessee Rules of Civil Procedure 41.02. To avoid the application of this Rule counsel must petition the Court in writing for an extension. Extensions will be granted only when exceptional circumstances exist.

RULE XVI

Pursuant to Section 10 of the Public Chapter No. 931 of the Public Acts of the 93rd General Assembly, 1984 Session, the Courts shall be held in Coffee County continuously and all terms of Court are hereby abolished.

Further, a grand jury shall be empanelled in Circuit Court on the second Tuesday in January, the second Tuesday in April and the second Tuesday in August. Interim sessions will be held on the first Tuesday in March, the second Tuesday in June and on Tuesday following Columbus Day in October. Exceptions may be made by the presiding judge.

RULE XVII

CRIMINAL CASES

A. Pursuant to Rule 12(c) of the Tennessee Rules of Criminal procedure, all pre-trial motions in criminal cases shall be filed at least five days prior to the hearing date fixed for said motions at arraignment. Motions not filed in accordance with this Rule will not be considered by the Court.

B. All applications pertaining to early release of defendants from the Coffee County Jail and/or workhouse will be reduced to writing, properly filed with the Clerk and no *ex parte* communication with the Judge will be allowed.

RULE XVIII

In all criminal cases notice of intent to file a motion for a new trial must be given to the Court immediately upon sentencing, otherwise said judgment shall be carried into execution without further delay.

RULE XIX

SETTLEMENT DATE OR PLEA DEADLINE

In criminal cases, the Court will, at arraignment, assign a court date for settlement of the case which will be the deadline for acceptance of a negotiated disposition. At the settlement date or plea deadline, by whatever name it may be called, if the case has not been disposed of the Court will set the case for trial. Upon the docketing of the case for trial, no negotiated disposition will thereafter be accepted by the court.

All preliminary matters, including motions that are dispositive of the case, motions

for pre-trial diversion, petition for certiorari from denial of diversion by the District Attorney General, pre-trial probation under T.C.A. 40-21-109, and any and all other procedures allowed by law prior to actual trial must be concluded prior to settlement date/plea deadline or the same will not be considered by the Court.

After settlement date/plea deadline the case may be resolved only by trial, the State's motion for dismissal with prejudice, or the defendant's plea of guilty to the offense(s) charged in the indictment. If a defendant pleads guilty after the case has been docketed for trial, the Court will set the sentence pursuant to statute.

RULE XX

All motions to require the sequestration of juries in criminal prosecutions pursuant to T.C.A. 40-18-116 effective July 1, 1995 shall be filed not later than 3:00 p.m. on the business day preceding the trial date.

The Court may modify or abstain, in its discretion, from applying any of the foregoing rules when to follow the rule would be unfair or would work an injustice.

Upon request the Clerks will furnish all local counsel with a copy of these rules and will, after the effective date hereof and upon request, furnish all out-of-town counsel a copy of these rules upon said counsel filing a pleading in either of these Courts or noting counsel's appearance upon the appearance and rule docket.

Pursuant to Supreme Court Rule 18, the foregoing rules were made available to the members of the public and attorneys thirty (30) days prior to adoption and are adopted and effective as of the 3rd day of November, 2008.

Signed by: L. Craig Johnson
CIRCUIT JUDGE, PART I

Signed by: John W. Rollins
CIRCUIT JUDGE, PART II

Signed and entered on November 3, 2008.