

RULES OF CHANCERY COURT PROCEDURE 17TH JUDICIAL DISTRICT

These rules are to be used for informational purposes only. To obtain an official copy, please contact the Circuit Court Clerk for the 17th District

GENERAL RULES

Rule 1010. Sessions of Court. Regular sessions of Chancery Court will be held in Bedford County on the third Monday of May and November; in Lincoln County on the second Monday of March and September; in Marshall County on the first Monday of February and August; and in Moore County on the third Monday of March and September. The chancellor will maintain regular days in each county and said regular days shall be posted with the clerk and master in each county. The regular days are subject to change in the event of holidays, judicial conferences and other events that may necessitate deviation from the regular days. The chancellor will notify the clerk and master of the affected county of the changes.

Rule 1011. Docket Call. The Court will call the docket at the opening of its regular sessions. The Court may hold docket calls at other times to ascertain the status of cases and set deadlines for their disposition. The Court may dismiss old cases for failure of prosecution where they have been dormant without cause shown for an extended time. The Court will dismiss any case, unless family law related, that has been filed for two years or more unless counsel of record enters a scheduling order setting out deadlines for the completion of all discovery, the argument of pre-trial matters, and the setting of a pre-trial conference and trial date at the first call of the docket subsequent to the two year anniversary date. In all family law related cases, the scheduling order must be entered at the first call of the docket subsequent to the one-year anniversary from file date. It is the responsibility of the counsel of record and/or parties without representation by counsel to confer prior to the call of the docket in order to arrive at agreement as to the dates to be included in the scheduling order. If no such agreement can be reached regarding the scheduling order, the Court will rule on the dates/matters/issues in controversy regarding the scheduling order at the call of the docket. If an order of dismissal is entered under this rule, copies of the order of dismissal will be mailed to counsel of record for each party and to any party without counsel of record by the Clerk and Master. Said order shall be mailed if the clerk can ascertain the whereabouts of such party upon reasonable inquiry.

Attorneys with family law cases less than six months old, and attorneys with non-family law cases less than one year old are excused from attending the docket call. All other attorneys with pending cases shall attend the docket call.

Rule 1012: Docketing of cases. The Chancellor's calendar will control the docketing of all contested matters. Attorneys should schedule all contested matters with the Chancellor or the Chancellor's secretary and uncontested matters with the Clerk and Master of the county where the action is filed.

Rule 1013: Uncontested cases. All uncontested Chancery matters, with the exception of probate matters may be heard by either Circuit Judge or the Chancellor at the convenience of the bar and may be scheduled by the Clerk and Master of the county where the action is filed.

Rule 1014: Contested cases. All contested Chancery matters filed or reopened after the adoption of these rules shall be heard by the Chancellor, unless a significant portion of the suit in question has been heard by either of the Circuit Judges prior to the adoption of these rules. Any cases docketed prior to the adoption of these rules under the previous rules shall remain on the docket of the judge who scheduled the case. A significant portion of the suit shall be defined as that portion of a prior contested case that would require transcription of the record of prior proceedings in order to afford the parties complete relief. The Chancellor will decide any dispute that arises as to whether a significant portion of a case has been heard by another judge.

Rule 1020. Interrogatories. Interrogatories shall be limited to one hundred (100) questions in any given set. Subparts of a question shall be counted as additional questions for the purpose of determining the overall

number. Leave of court must be obtained to submit more than one hundred (100) interrogatories or to submit additional sets of interrogatories beyond the first set with notice to adversary parties. 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 its likelihood to lead to relevant information, and the fact that it cannot readily be obtained from other sources.

Rule 1021. Mandatory Pre-Trial Conference. In all contested cases not being tried before a jury (except for domestic or family law cases) counsel for the parties shall schedule a pre-trial conference with the Court at least one week in advance of the commencement of the trial. This conference may be held in person or by telephone as counsel desires. It is the responsibility of counsel to set up the pretrial conference with the Court, either directly with the Chancellor or Chancellor's secretary. If a party is not represented by counsel, opposing counsel must make reasonable effort to notify the party of the scheduling of the pre-trial conference.

Rule 1023. 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 prior to the entry of judgment. The Court may decline to make written findings and conclusions if findings and conclusions have been stated from the bench.

Rule 1030. Contested Divorce Cases. In all contested divorce cases, each party shall prepare, send to the other party, and file 72 hours before trial, a sworn statement of income and expenses adjusted to monthly amounts. Each party shall also prepare, send to the other party and file 72 hours before trial, a sworn financial statement of assets, liabilities and net worth with separate columns for husband, wife, joint and total. A party may apply to the Court for such protective orders as may be reasonably necessary to avoid unreasonable and unnecessary disclosure of information required by this rule. Each party shall also prepare, send to the other party and file with the Court 72 hours before trial a short statement identifying the contested issues to be presented to the Court and a short statement identifying issues which have been settled, or agreed to, by the parties. Counsel may submit these statements jointly or individually as they desire. Cites of case law or statutes upon which counsel expects to argue/rely shall also be submitted in this same manner at the same time.

Rule 1031. Pendente Lite Hearings. Complaints, counterclaims or motions which include request for pendente lite custody, visitation, child support, and/or alimony, shall include a statement of facts justifying the relief sought. When the relief sought is child support and/or alimony, a sworn statement shall be filed including statements of income and expense adjusted to monthly amounts. Testimony by witnesses at the hearing shall be allowed, but limited to the temporary issues only.

Rule 1032. Submission of Orders. All orders resulting from all hearings, whether pendente lite, hearings on the merits, or uncontested proceedings, shall be submitted to the Court for approval and entry no later than ten (10) working days from the conclusion of the hearing.

ADOPTION MATTERS

Rule 1040. Rules of Adoption Cases. Adoption petitions or complaints may be filed in Chancery or Circuit Court.

Rule 1042. Presentation of Testimony. The testimony of adopting petitioners will be heard in chambers, if desired. In the event an adopting petitioner is not within the state of Tennessee at the date of adjudication, such petitioner's testimony may be presented by interrogatory, deposition, or affidavit, if good cause is shown that petitioner could not be available within a reasonable period of time.

Rule 1043. Attendance of Adoptive Child. All involved children shall attend the hearing. The chancellor should be notified in advance of the hearing of the child's understanding of the adoption proceedings.

Rule 1044. Setting of Hearing. When an adoption case is ready to be set for hearing, counsel for the adoptive parties shall notify the Court. In uncontested adoption proceedings, a copy of the proposed decree of adoption shall be forwarded to the Chancellor for review at least 48 hours in advance of its anticipated submission to the Chancellor for execution and entry.

SPECIAL PROCEDURES FOR EXTRAORDINARY INTERLOCUTORY RELIEF

Rule 1051. Filing of Complaints. Complaints for writs of certiorari, restraining orders, or other extraordinary relief shall be first filed with the clerk and then presented to the judge.

Rule 1052. Restraining Orders. Proposed restraining orders shall be prepared by counsel prior to submitting the request for relief to the judge. The restraining order, except in domestic cases, shall provide for a hearing for temporary injunction and shall provide a place therein for the Court to set a date, time and location for such a hearing. The proposed restraining order shall also provide a place for an amount of the bond to be filed with the clerk before the restraining order is issued by the clerk for service on an adverse party. In domestic (family law) cases, the Court will not issue a temporary restraining order that modifies a pre-existing custody order of any court, unless the moving party shows, to the Court's satisfaction, that extraordinary and exigent circumstances exist which cannot otherwise or appropriately be remedied by existing DCS / DHS, agency or police avenues.

Rule 1053. Setting Hearing for Interlocutory Relief. Hearings on applications for temporary injunctions and other forms of extraordinary, interlocutory relief shall be set as provided in Rule 1052, above, 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.

JURY TRIALS IN CHANCERY COURT

Rule 1060. Notification to Court of Jury Demand. When a case in Chancery Court is to be tried by a jury, counsel shall call that fact to the personal attention of the chancellor, when the case is being set for trial.

Rule 1061(a). Draft Jury Instructions. A minimum of seven (7) days before the trial is to begin, the party first demanding a jury shall file with the clerk and the Court a draft set of jury instructions on all substantive issues to be decided by the jury. An adverse party may, but is not required to, submit a responsive set of draft instructions before trial selection of a jury begins. The parties may submit additional or modified draft instructions after presentation of all the evidence in the case and before argument of counsel.

Rule 1061(b). Requests for Special and/or Specific Jury Instructions. Requests for special jury instructions and requests for specific instructions from the Tennessee Pattern Jury Instructions are entirely optional with counsel. If, however, counsel want to request special jury instructions, specific TPI charges, requests for special

verdicts or interrogatories to the jury, such requests should be filed whenever practical at least seven working days before the trial, with one copy filed with the clerk, one with Chancellor Cox at his Fayetteville mailing address and one served on adversary counsel by that same date. If counsel want to request specific TPI charges, reference should be made to the TPI number and the entire text of the particular charge does not need to be set out. All requests made pursuant to this section should be numbered. When counsel submits special requests pursuant to Rule 51, T.R.C.P., copies shall be furnished to adversary counsel. When a request for an instruction is made and the request is for a Tennessee Pattern Jury Instructions verbatim, the request shall be made by reference to "TPI (Civil) No. _____", or "TPI (Criminal) No. _____". 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. When a request for an instruction is made and there is no instruction on the subject in the Tennessee Pattern Jury Instruction, this fact and the authority relied upon must be stated in the request. Such requests shall be filed with the Court and served upon opposing counsel and/or party without counsel a minimum of seven days prior to commencement of trial unless the necessity of said request arises unexpectedly during the course of the trial.

Rule 1063. Pre-Trial Conference. A pre-trial conference shall be scheduled with the Court a minimum of seven days in advance of the scheduled jury trial. It is the responsibility of counsel for the parties to schedule said pre-trial conference with the Court, either directly through the Chancellor, Chancellor's secretary, or the Clerk and Master of the county in which such trial is scheduled.

Rule 1064. Special Verdicts in Chancery Cases. Request for special verdicts or written interrogatories made pursuant to Rule 49, T.R.C.P., must be made seven (7) days before commencement of the trial and must be accompanied by proposed verdict forms, written interrogatories, and proposed instructions, which will be given to the jury along with the special verdict forms or interrogatories. The Court shall inform counsel of its proposed action on the requests prior to their arguments to the jury.

**SPECIAL PROCEDURE FOR PROBATE MATTERS
FOR ALL COUNTIES IN THE 17TH JUDICIAL DISTRICT**

Rule 1070. Petitions to Probate Wills and Appoint Executors and Petitions to Appoint Administrators. Petitions to probate a will or codicil and appoint an executor or administrator with will annexed, and petitions to appoint an administrator shall:

1. State separately the approximate value of the following as then known or estimated by the petitioner:
 - a) Real property owned solely by the decedent;
 - b) Personal property owned solely by the decedent;
 - c) Real and personal property owned jointly by the decedent and another or others; and
 - d) Life insurance proceeds payable on death of the decedent to the estate.
2. Have attached thereto as an exhibit a copy of any will or codicil to be probated;
3. Have attached thereto as an exhibit any affidavit of a subscribing witness to any will or codicil, which affidavit has been made after the decedent's death and is not attached to the original will or codicil;
4. Have attached thereto a proposed order; and
5. Have attached thereto as an exhibit a copy of any waiver or renunciation which is relevant to the appointment of a personal representative.

Rule 1071. Hearings and Determinations by Clerk and Master. The Clerks and Masters of all counties in the Seventeenth Judicial District are authorized and empowered to grant letters of administration and letters testamentary, appoint administrators and executors, probate wills in common form, take and state all accounts and settlements, and to do those duties enumerated pursuant to Tennessee Code Annotated 16-16-201(b). Despite the authority granted to the various Clerks and Masters within the district, any one of them shall have the discretion to refer any matter he/she is empowered to hear under said section to the Chancellor for determination.

Rule 1072. Attorneys. An attorney who files a petition commencing a probate proceeding, or otherwise becomes the attorney of record for an estate or its personal representative, shall, by reasonable and diligent effort, cooperate with and encourage the personal representative in properly and punctually managing, administering, distributing and closing the estate. The attorney may not withdraw except by motion joined by the personal representative, or after reasonable notice to the personal representative, and then only in accordance with Ethical Consideration 2-32 and Disciplinary Rule 2-110 of the Code of Professional Responsibility, adopted as Rule 8 of the Supreme Court of Tennessee.

Rule 1073. Specially Set Hearings. The Chancellor will set for hearing at a certain day and time petitions for the following:

- 1) To sell and encumber real estate;
- 2) To ratify unauthorized encroachments;
- 3) To admit wills to probate in solemn form;
- 4) On exceptions to reports or others of the Clerk and Master;
- 5) On motions or petitions to review and modify determinations and order of the Clerk and Master;
- 6) All other contested matters; and
- 7) Any other matter deemed proper by a Judge or by the Clerk and Master due to the amount of time required or the questions involved.

Before any such hearing, a minimum of five (5) days notice shall be given by the Clerk and Master to the personal representative, unless such personal representative is the petitioner, notice shall be to all beneficiaries of the estate.

Rule 1074. Closing Estate on Petition and Order in Lieu of Final Settlements. In lieu of a final settlement itemizing receipts and disbursements, a solvent estate of a deceased person may be closed upon a sworn petition of the personal representative alleging or attaching, and an order finding, the following:

- 1) The time for filing claims with the clerk and expired;
- 2) No beneficiary is under disability;
- 3) Written evidence of satisfaction and release of all claims filed against the estate, which written evidence shall be attached to the petition unless previously filed with the clerk's office;

- 4) Every beneficiary or trustee has received his or her full share of the estate, and has either joined in the petition, or signed a receipt, in which the beneficiary waives notice of and filing of a final settlement, which receipt shall be attached to the petition;
- 5) A certificate from the Commissioner of Revenue and where applicable the Internal Revenue Service showing full payment of inheritance taxes or non-taxability of the estate, which certificate shall be attached to the petition, or upon filing of statement pursuant to TCA 67-8-409(g)(1), that said estate is exempt from filing an inheritance tax return;
- 6) A proper sworn statement that no part of the estate escheats under the laws of Tennessee;
- 7) Solvent estates may be closed pursuant to Chapter 643 of the Public Acts of 1984; and
- 8) A statement from the personal representative and each beneficiary that he/she has been notified of their potential liabilities under TCA 30-2-307(a)(2), if applicable.

Rule 1075. Minimum Time for Filing Inventories and Final Settlements.

(a) An inventory as required by Statute shall be filed with the clerk, unless excused pursuant to Chapter 644 of the Public Acts of 1984, within three (3) months after Letters of Testamentary or Letters of Administration have been granted, unless within said three (3) months, the judge grants an extension of time for filing on written motion of the personal representative stating good cause for the extension accompanied by a preliminary inventory as complete as due diligence of the personal representative and his lawyer permits, and accompanied by a draft order suggesting a specific date for the filing of the inventory, not to exceed nine (9) months from the granting of the Letters.

(b) A final settlement itemizing receipts and disbursements or a sworn petition and order in lieu of final settlement as provided in Rule 1074 shall be filed with fifteen (15) months, unless extension is granted by the judge. Said extension may granted

upon motion of the personal representative stating good cause for the extension accompanied by an accounting to date of all receipts, disbursements and assets possessed or claimed by the personal representative accompanied by a draft order suggesting a specific date and order in lieu of final settlement not to exceed the original deadline by more than twelve (12) months. Additional extensions may be granted on good cause shown by the same procedure.

(c) If a personal representative fails to comply with the requirements of either (a) or (b) above within the original or extended time, the Clerk and Master shall send to the personal representative and his attorney a notice for the personal representative and his attorney to personally appear before the Judge of this Court at a certain place, day and time to show cause why the required action has not been taken, which show cause hearing shall be held not less than five (5) days nor more than thirty (30) days after the mailing said notice with return receipt requested. At such show cause hearing, the personal representative and his attorney shall file with the Court the most complete inventory, or the most complete accounting to date, as the case may be, by due diligence of the personal representative and attorney. If the Court is not satisfied after said show cause hearing of the good faith efforts and diligence of the personal representative or attorney, either may be removed by the Court with possible loss of compensation for services rendered and with possible liability for expenses and damages incurred by the estate for lack of diligence. Willful violations of the rules and orders of the Court may also be punished as contempt.

**RULES OF THE CIRCUIT COURT PROCEDURE
SEVENTEENTH JUDICIAL DISTRICT**

I. CRIMINAL

Rule 2000. Criminal Cases. All criminal cases including appeals from juvenile court involving delinquent acts shall be initially filed in Circuit Court, Part I. Class C, D, and E felonies and misdemeanors in Bedford County shall then be assigned to the Circuit Court, Part II.

Rule 2001. Regular Days. Regularly scheduled days of court shall be designated by the respective courts. The clerks of the court shall post the regular day schedule in a conspicuous place.

Rule 2002. Scheduling of Cases. All matters shall be scheduled by operation of these rules or by the Court. The respective Circuit Court Clerks shall notify the Court whenever any process of the Court has been served which may require a court hearing including but not limited to capias, revocation warrants, and show cause orders. All defendants shall be required to attend court on the next regular day after service of process on any case which may require a hearing.

The court docket schedule will be available in the office of the Circuit Court Clerk for inspection. It shall be the duty of all attorneys and defendants to know when their case is next scheduled. Failure to attend court on the day a case is scheduled on the docket schedule, available in the Circuit Court Clerk's office, by either attorneys or defendants may be grounds for granting a conditional forfeiture or other appropriate sanctions.

Rule 2003. Motions. All pre-trial motions must be in writing. All motions for Pre-Trial Diversion shall be filed within fourteen (15) days from arraignment. All motions to question the charging process or the Indictment shall be filed within fourteen (14) days of arraignment. Motions for discovery shall be filed within ten (10) days of arraignment. Motions for a Bill of Particulars, or to Suppress Evidence shall be filed before the next regular day after arraignment. Requests including but not limited to individual voir dire, sequestered juries or special instruction to the jury shall be filed at least fourteen (14) days before trial. All other motions shall be filed no less than thirty days after arraignment.

It shall be the duty of the movant to request the Court to set a date to hear their motion at the next regular day after a motion has been filed. Failure to request a hearing date may constitute a waiver of the motion.

No hearing on motions will be heard unless opposing counsel has been given at least five days notice. Unless for good cause shown, no motions will be heard on the day of trial.

Rule 2004. Grand Jury. Grand Juries shall be formed in each county in January and July of each year. Grand Jury forepersons shall be selected by the Circuit Judge, Part I.

Unless otherwise directed by the Court, the Grand Jury in each county shall meet on the last regular day of each month for each county respectively except in Moore County which shall meet at the direction of the Court.

Rule 2005. Arraignment. All persons who are bound over from General Sessions Court and indicted by the Grand Jury shall appear in court on the day of indictment for arraignment. All other cases shall be arraigned on the next regular day following service of process.

In the event a case is bound over from the General Sessions Court and not presented to the grand jury at its next regular meeting, the defendant shall be required to attend court at the next date the Grand Jury is to meet. If their case is not presented to the Grand Jury on that day or the Grand Jury fails to return a True Bill of Indictment, unless a motion is made to the contrary by the defendant, the case shall be dismissed without prejudice and the defendant shall be required to appear no further and their sureties dismissed.

Rule 2006. Bonds. Unless otherwise provided by statute, all persons charged with a criminal offense shall be required to post an appearance bond.

Appearance bonds may be posted in cash or by surety. If by surety, the sheriffs or their designated representative of each county are authorized to approve any bond posted by the signature of two (2) property owners of the county in which the offense is alleged to have occurred if the amount of the bond is ten thousands dollars (\$10,000.00) or less.

Any other property bond posted will only be approved after there has been filed with the respective Court a deed of trust for the subject property to the Circuit Court Clerk, a title opinion certifying the property is free of encumbrances, and verification the property is valued at least one and one half (1 1/2) times the amount of the bail.

No other surety bond will be approved unless posted by an bonding entity approved pursuant to the local rules of the Seventeenth Judicial District.

If a defendant posts a bond in a jurisdiction outside the Seventeenth Judicial District, he or she shall comply with these rules within seven days after their first appearance in court.

Rule 2007. Discovery. If counsel for the defendant files a standard discovery motion, counsel may file a copy of such motion with the Court Clerk. After filing such standard motion, the Court shall consider as filed the standard discovery motion in any case upon written notice to the state of counsel's reliance upon his or her previously filed standard motion.

Discovery shall be made available to the Defendant within seven days from the date of request by the defendant.

Rule 2008. Disposition Day. Thirty days after arraignment, the parties will be called upon to announce to the Court any negotiated settlement. If no negotiated disposition is announced at this disposition day the case may be set for trial. Counsel should be prepared for trial within forty-five (45) days from Disposition Day. Once a case has been set for trial no negotiated disposition will be accepted by the Court unless the interest of Justice dictates otherwise.

Rule 2009. Subpoenas. All request for subpoenas to be served by the sheriff shall be submitted to the Circuit Court Clerk at least fourteen (14) days before trial in writing, listing the full name of the witness, address, and telephone number when known. All other subpoenas may be obtained at any time pursuant to law.

Rule 2010. Continuances. No case set for trial or hearing shall be continued unless for good cause shown. No case will be continued indefinitely without being placed on the retired docket. Unless otherwise specified, all cases placed on the retired docket shall be dismissed one year from the date said case is placed on the retired docket.

No case will be continued due to the absence of a witness unless an attempt to subpoena the witness has been made pursuant to these rules.

Rule 2011. Court Room Dress and Demeanor. All persons attending court shall be appropriately attired. No person appearing before the Court shall be attired in shorts, tee shirts, tank tops or other like dress.

All persons shall disable any ringing or beeping device while inside the court room.

Counsel shall not approach a testifying witness or the Jury without permission of the Court. During trial, counsel shall maintain a distance of at least two feet from the Jury Box.

Rule 2012. Orders. Unless the Court directs counsel to prepare an order for entry by the Court, all Orders and Judgments shall be prepared by the District Attorney General, or by the Court when appropriate.

BONDING COMPANIES

Rule 2200. Applications.

Rule 2200.01. Any individual, partnership, corporation, joint venture, or other business organization that desires to become a professional bail bond maker, hereinafter referred to as bonding entity, must file an application and receive approval of the Circuit Court, Part I

Rule 2200.02. All bonding entities shall be required to reapply for qualification on each even numbered year . All approvals shall expire on the first day of July of each even numbered year.

Rule 2200.03. Application to make professional bonds shall be in the form of a petition on forms which shall be supplied by the Circuit Court Clerk.

Rule 2200.04. All petitions shall be filed in Part I of the Circuit Court.

Rule 2200.05. No individual, partnership, corporation, joint venture, or other business organization shall be either a principal or an agent for more than one bonding entity.

Rule 2200.06. All petitions shall designate the security and method and manner of pledging the security which the bonding entity proposes to secure its bonds with the court. The Court will only approve deeds of trust, cash, certificates of deposit, letters of credit, or other liquid assets.

Rule 2200.06(A). In the event the proposed security is in the form of real property, the petition to qualify shall have attached thereto an appraisal from a real estate agent doing business in the county in which the property is located or a certificate of appraisal of the County Assessor of Property and a title opinion. All real property pledged to secure bonds shall be located within the Seventeenth Judicial District.

Rule 2200.06(B). In the event the bonding entity is an insurance company, Rule 2200.06 shall apply to all bonding entities approved after February 1, 2002. If an insurance company has been previously approved and has not ever been suspended from doing business by the Court, then the Local Rules in effect at the time of its original approval shall govern the posting of security and bonding limitations.

Rule 2200.06(C). In the event the proposed security is in the form of a Certificate of Deposit, each such certificate shall be in the joint names of the Circuit Court Clerk of the county of the entity's principal place of business and the bonding applicant.

Rule 2200.06(D) All security pledged shall be unencumbered.

Rule 2200.07. All petitions to qualify as a professional bonding company shall bear a certificate that a copy of the petition has been sent to the District Attorney General for the Seventeenth Judicial District.

Rule 2200.08. The District Attorney General shall have twenty (20) days from receiving the application in which to enter any objections on behalf of the state. Any objection to the application of a bonding entity shall be in writing, served upon the bonding entity and filed with the court.

Rule 2200.09. If an objection is filed to the application, the Court shall schedule an evidentiary hearing on the next regular day following the filing of the objection.

Rule 2200.10. Should the District Attorney fail to object within twenty (20) days from receiving the qualifying petition, or should the District Attorney enter into an approved order, the Court may enter an order approving the bonding entity without an evidentiary hearing on the petition.

Rule 2201. Approved Companies.

Rule 2201.01. Approval of a bonding entity in any county of the Seventeenth Judicial District shall constitute approval for each county in the Seventeenth Judicial Circuit.

Rule 2201.02. Upon approval of the qualifying petition by order of the Court, each bonding entity shall furnish to the sheriff of each county in which he wishes to be listed as a bondsman, a laminated sign with a black background and white letters not greater than 2 inches by six inches which shall bear the name and phone number of the bonding entity.

Rule 2201.03. The sheriff of each county shall exhibit in a conspicuous place the signs furnished to him by the bonding entities. The said signs shall be displayed in descending alphabetical order initially and then rotated on the first day of each month with the first listed for the previous month becoming the last listed for that month.

Rule 2201.04. No agent of a bonding entity shall act as any other bonding entity's agent.

Rule 2202. BOND AMOUNTS.

Rule 2202.01 Upon approval of the security by the Court, no one bond shall be made by the bonding entity in an amount exceeding the amount of the approved security.

Rule 2202.02 At no time shall the aggregate amount of all bonds of the bonding entity exceed six times the amount of the approved security.

Rule 2202.03 In the event the bonding entity is an insurance company, no one bond shall be made in an amount greater than seventy five thousand (\$75,000) or in an aggregate amount of three hundred fifty thousand dollars (\$350,000).

Rule 2203. PREMIUMS.

Rule 2203.01. Premium fees shall be in an amount prescribed by T.C.A. 40-11-316.

Rule 2203.02. No person shall be admitted to bond on appeal unless he has executed a new bond in an amount set by the Court.

Rule 2204. SEMIANNUAL REPORTS. Each bonding entity shall file a semiannual report as required by T.C.A. 40-11-303 with the clerk of the Circuit Court in the county in which he filed his application under Rule 2200. A copy of the semiannual report shall also be sent to the office of the Circuit Court Judge, Part I, in lieu of filing a copy in any other county of the Seventeenth Judicial District. The semiannual report shall be filed on forms provided by the Circuit Court Clerk.

Rule 2204. SURRENDER OF PRINCIPAL.

Rule 2204.01. For good cause shown a bonding entity may surrender his principal pursuant to T.C.A. 40-11-132.

Rule 2204.02. Nonpayment of premium shall not be grounds for any bonding entity to surrender a defendant.

Rule 2204.03. Upon such surrender of the principal, the bonding entity shall within twenty-four hours notify the Court in which the bond was made of such surrender and file a written petition with the Court to be relieved of the bond.

Rule 2204.04. A hearing on the petition shall be conducted on the next day the Court is in session in the county of surrender or within three (3) days if requested by the defendant.

Rule 2205. INCARCERATED PRINCIPALS.

Rule 2205.01. Whenever a bonding entity becomes aware that his principal is incarcerated in any other jurisdiction within this State, he may petition the court in which the bond was made for a detainer to be placed against the principal.

Rule 2205.02. The bonding entity may petition the court in which the bond was made to place a detainer against his principal if the principal is incarcerated in another state only if the original bond is for a felony charge.

Rule 2205.03. Should the bonding entity petition the court pursuant to Rule 2205.01 or 2205.02, upon the filing of a detainer, the bonding entity shall not be required to forfeit his bond in any amount greater than the reasonable transportation costs associated with returning the principal to the jurisdiction of the Court.

Rule 2206. FORFEITURES.

Rule 2206.01. Each bonding entity shall consult with the Clerk of the Courts in each county in which he has an outstanding bail bond on the first business day after the first and fifteenth of each month to determine if any forfeitures have been entered against the entity. If the bonding entity has not been served with a Scire Facia the Clerk shall serve the scire at that time. Failure to consult with the Clerk shall constitute constructive service of any Scire Facia outstanding against the bonding entity.

Rule 2206.02. The Clerks of the various courts of the Seventeenth Judicial District shall notify the Circuit Judge, Part I if any bonding entity has any outstanding final forfeitures.

Rule 2206.03. Upon any forfeiture becoming final, the bonding entity shall be required to pay the bond in full.

Rule 2206.04. A bonding entity shall not carry on its enterprise if it has any outstanding final forfeitures in any court.

II. CIVIL

Rule 3000. Scope of the Rules. All civil matters filed in the Circuit Court of the Seventeenth Judicial District shall be filed by the Circuit Court Clerks in Part II of the Court, and these Local Rules will apply to all civil cases filed in Circuit Court and to the scheduling aspect of any Chancery case which has been assigned to Judge Russell. The purpose of these rules is to deal with the scheduling of civil matters, and as to all other matters, counsel and parties are referred to the *Tennessee Rules of Civil Procedure* for guidance. Unless arrangements are made to the contrary for another judge to hear a particular matter, the counsel of the parties may assume that a Circuit Civil matter will be heard by Circuit Judge Lee Russell, 402 Belmont Avenue, P. O. Box 1005, Shelbyville, Tennessee 37162, telephone number (931) 684-3836, fax number (931) 684-3837.

Rule 3001. Calendar. Judge Russell will maintain at his office and at the offices of the clerks in each county a calendar of his scheduled court appearances for the upcoming five to six month period. Certain dates will be designated "regular" days in each county, and the purpose of the regular days is set out below. Scheduled trials will be noted on the calendar. Any date which is blank on the calendar may be considered by counsel to be available for the setting of a jury trial or a non-jury matter which will require more than half a day to try. Copies of this calendar will be provided by Judge Russell's office to any counsel who requests one.

Rule 3002. Regular Days. (a) Any non-jury trial which is expected to last for half a day or less, or any motion or pretrial conference in either a jury or a non-jury matter, may be set by agreement of counsel on any regular day. If the matter to be heard is uncontested, it may be set at any time from 9:00 A.M. to 5:00 P.M. simply by notifying the appropriate clerk of the agreed time. If the matter is a show cause, a *pendente lite* hearing, or other matter which may or may not be contested, or if the matter is a motion to set or any other matter which could be expected to be brief, the matter may be set at 9:00 A.M. by notifying the appropriate clerk. If the matter is known to be contested and will be relatively lengthy, counsel for the parties should select a time no earlier than 9:30 A.M. and should schedule the matter with Judge Russell's office, at (931) 684-3836, for a specific time slot. If no time slot is available for the date chosen by the parties, the case may be placed on the docket with Judge Russell's office and will be worked into the day's docket with priority given to the cases having a specific time slot. Judge Russell will be available in the courtroom to hear matters between 8:00 and 9:00 A.M., on all regular days as a convenience to counsel, but no attorney will be required by Judge Russell or by notice from adversary counsel to appear before 9:00 A.M. The time slot between 8:00 A.M. and 9:30 A.M. will not be available to be reserved for matters known to be contested and relatively long so that the Court can expeditiously dispose of uncontested and very brief contested matters during that time slot. Any matter for which a time slot has not been reserved will be heard on a first-come, first-serve basis, with priority given to cases for which a time has been reserved.

(b) In the event that counsel cannot agree on the setting of a motion or contempt matter, then the moving party can give the non-moving party notice of at least five working days of an intention to present the matter at a specific date and time. It then becomes the burden of the non-moving party to schedule a hearing or a telephone conference with the judge if the non-moving party requests a continuance of the setting. The moving party is required to cooperate in the setting of such a hearing or conference call. In the event that counsel cannot agree on the setting of a trial date (as opposed to a hearing on a motion or on a contempt matter) on a regular day, then counsel shall file a motion to set and give the non-moving party notice of at least five working days of an intention to present the motion to set at a specific date and time, which notice and any resistance to same will be handled as any other motion filed to be heard on a regular day.

(c) Regular days will be held each Friday in Marshall County and on the first Wednesday of each month in Moore County. Regular days will be held approximately twice per month in Bedford County, generally on designated Thursdays, and will be held approximately twice per month in Lincoln County, on designated Wednesdays.

Rule 3003. Scheduling Jury Trials and Lengthy Non-Jury Trials.

(a) Any jury trial, and any non-jury matter which will require more than half a day to try, may be set by agreement of counsel by direct contact with the office of Judge Russell. Counsel are encouraged to identify available trial dates by review of Judge Russell's calendar. In the event that counsel cannot agree on the setting of a trial date, then counsel may file a motion to set and give notice of at least five working days of a date and time on a regular day

(described in Rule 3002) as to when the motion to set will be heard. In the event that the non-moving party resists the notice of the motion to set, then it will be the burden of the non-moving party to schedule a hearing or a telephone conference call with the judge to rule upon the motion to continue. The original moving party is required to cooperate in the scheduling of the hearing or conference call on the motion to continue. The judge will examine the merits of the motion to set the case for trial or will either set the case or decline to set the case and may in either case enter a scheduling order setting discovery cutoff dates. No certification of readiness for trial is required.

(b) When a non-routine matter (e.g., motion for summary judgment) or a response to a non-routine motion is scheduled for hearing, counsel are encouraged to mail a copy of the motion or response and a copy of any supporting documents directly to Judge Russell at his Shelbyville mailing address so that the materials can be reviewed prior to oral argument. As to any jury trial, Judge Russell will review the court file prior to trial and will enter such orders as he deems necessary concerning the filing of briefs or the holding of pretrial conferences. Every effort should be made by counsel to argue all pending motions in a jury case on or before the last regular day before the scheduled jury trial. All matters remaining unresolved on the day of a jury trial (e.g., motions *in limine* and arguments over proposed special jury instructions) shall be presented by counsel to the Court between 8:00 A.M. and 9:00 A.M. on the morning of the trial so that trial can begin promptly at 9:00 A.M., out of respect for the jury panel. Counsel are encouraged to file their expert depositions at least two working days before a scheduled trial, if practically possible, so that Judge Russell can prepare for the trial. Requests for special jury instructions and request for specific instructions from the Tennessee Pattern Jury Instructions are entirely optional with counsel. If, however, counsel want to request special jury instructions, or specific TPI charges, or requests for special verdicts or interrogatories to the jury, such requests should be filed whenever practical at least two working days before the trial, with one copy filed with the clerk, one with Judge Russell at his Shelbyville mailing address, and one served on adversary by that same date. If counsel want to request specific TPI charges, reference should be made to the TPI number but the entire text of the particular charge does not need to be set out. All requests made pursuant to this section should be numbered.

Rule 3004. Docket Calls. It is anticipated that most scheduling will be handled without the necessity of routine docket calls. An annual docket call in each county will be scheduled by Judge Russell at which all civil cases filed more than two and a half years before the docket call will be called and either set, dismissed, or a scheduling order entered. Counsel will be given advance notice of the cleanup docket calls, and any counsel who does not receive such notice may assume that he or she is not counsel of record in a case which will be called. Any counsel may move for a scheduling order regardless of the age of the case, and the motion will be decided on its merits.

Rule 3005. Appeals from General Sessions Courts. Any appeal from any General Sessions Court to the Circuit Court shall be automatically set by the clerk on the earliest possible regular day after the appeal is taken, and on this first date a later trial date will be set. Attorneys may avoid making an appearance on this first date by agreeing with adversary counsel or the adverse party and with Judge Russell's secretary on a trial date. Such an agreement should be reached prior to the appearance date in order to avoid an appearance.

Rule 3006. Continuances. The Court will decide any motion for a continuance on the merits of the motion. A motion for a continuance will be heard by the Judge scheduled to hear the matter sought to be continued.

Rule 3007. Interchange with the Chancery Court and with Circuit Court, Part I. Judge Russell may hear Chancery Court cases which he is allowed to hear under Rules 1012, 1013, and 1014 of the Chancery Court Rules, and Chancellor Cox may hear any civil matter filed in Circuit Court if all parties and Chancellor Cox have agreed for him to do so or if the Presiding Judge has designated Chancellor Cox to hear the case. Judge Lee may hear any Circuit Civil matter where all of the parties and Judge Lee have agreed for him to do so or if the Presiding Judge has designated Judge Lee to hear the case.

Rule 3008. Entry of Orders. (a) **All orders proposed by counsel shall be mailed directly to Judge Russell rather than to the Circuit Court Clerk.** Judge Russell will copy counsel on letters of transmittal when he sends executed orders to the clerk for entry. Orders setting jury cases for trial and final orders following jury trials will be drafted by Judge Russell.

(b) In the event that counsel are unable to agree on the wording of an order in a matter decided by Judge Russell, the counsel for the parties will present argument on their conflicting versions of the order at Judge Russell's

next regular day in that county unless other arrangements are made by agreement with adversary counsel and Judge Russell.

III. GENERAL PROVISIONS

RULE 400. Effective Date. These rules shall become effective April 16, 2001. All prior local rules of the Circuit Court of the Seventeenth Judicial District are hereby abrogated effective on adoption of these rules.

RULE 401. Suspension of Rules. The Court may in a particular case suspend any portion of these Local Rules where justice or judicial efficiency requires it.