

THE LOCAL RULES
FOR THE
GENERAL SESSIONS
COURTS
OF
ROANE COUNTY,
TENNESSEE

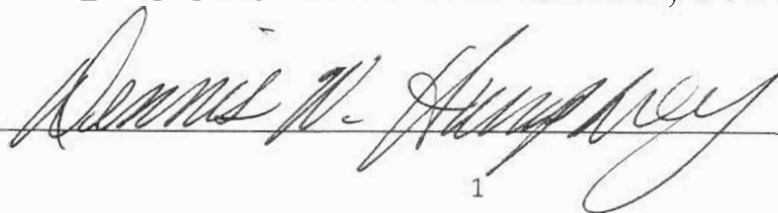
EFFECTIVE: 8-1-2016

AS ORDERED BY JUDGES:

TERRY STEVENS, PART I



DENNIS W. HUMPHREY, PART II



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RULE 1: Authority and Abrogation of prior rules.

- The rules of General Sessions Court of Roane County, Tennessee, are adopted under the authority of TCA § 16-15-406 and § 16-15-714. All former rules, if any, are abrogated unless adopted herein.

RULE 2: Waiver/Amendment of the rules

- If, in the interest of justice, the Presiding Judge deems it necessary to waive or amend any of these local rules, or in the alternative, create any new rules, the Presiding Judge retains the authority to do so, pursuant to T.C.A. § 16-15-406.

RULE 3: Professional Responsibility

- The standards for the practice and administration of law shall be governed by the Code of Professional Responsibility, i.e. Tennessee Supreme Court Rule 8.

RULE 4: Court Records and Dockets

- The Court Clerk shall be responsible for the custody, control and safekeeping of all court records and documents. Accordingly, only the Court Clerk, Deputy Court Clerk or someone designated with such authority by the Court Clerk shall remove civil warrants, criminal warrants or any other court documents from the courtroom or the Clerk's Office.
- All pleadings, orders, judgments and executions shall be filed with the Court Clerk. All of the aforementioned documents shall comply with the forms provided by the Court Clerk as to the information contained therein, paper size, print size, color and the number of copies.
- **ALL ORDERS SHALL BE ACCOMPANIED BY A CERTIFICATE AFFIRMING THAT THE OTHER PARTY HAS BEEN SERVED WITH A COPY OF THE SAME OR SHALL BE SIGNED BY ALL PARTIES OR ATTORNEYS INVOLVED IN THE CASE.**
- The dockets for both divisions of General Sessions Court shall be provided to the Court officers and Judge. Said docket shall be available for review unless prohibited by law.
- Docket Scheduling shall be done through the office of the General Sessions Court Clerk or Clerk and Master, unless the matter has been set by the Court or scheduled through the Court's administrative assistant directly.
- Social Security numbers shall not be recorded on General Sessions Court civil process or any other publicly available court document unless required by state or federal statutes.

- See *Appendix A* for weekly schedule (subject to change at discretion of Presiding Judge)
- See *Appendix B* for example docket for Tuesday, Wednesday and Thursday for Judge Humphrey and Judge Stevens.

RULE 5: Courtroom Decorum and Procedure

- **All Courts open at 9:00am**, unless changed by necessity by the Presiding Judge. All cases will be called at 9:00am, unless the matter has been set for a specific time by the Court. All attorneys and parties shall be on time.
- Failure to be on time may result in a judgment being entered by default or the case being continued. If a case is continued due to the failure of an attorney or party to appear on time, the opposing party or attorney may be granted reasonable attorney fees and the absent/late party or attorney may be assessed the court costs associated with that court hearing.
- All attorneys are expected to make reasonable efforts to discuss their case prior to the court date to reduce any undue delay and inconvenience to witnesses.
- All orders are expected to be submitted to the Court within ten (10) business days of the Presiding Judge's ruling. If a presented order is not agreed to by all of the parties, the presiding Judge will hold the order for five (5) business days to allow for the submission of competing orders. After the passing of the five (5) days, the presiding Judge will sign one of the orders, issue a ruling or set the case for hearing for clarification.
- The area within the bar is reserved for attorneys, participants in the case before the court, witnesses for the case before the court and court officers and personnel. All others shall be seated outside of the bar until called before the court.
- The dress code for court is designated in *Appendix C*. The dress code shall be posted outside of the courtroom. The admittance of any person violating the dress code is at the discretion of the Presiding Judge.
- All attorneys, parties, witnesses and by-standers shall comply with the high level of decency, respect and dignity that are expected in a courtroom.
- All attorneys shall dress in an appropriate manner fitting an officer of the Court.
- All attorneys shall note their representation on civil and criminal warrants.
- When possible, all attorneys shall file a notice of appearance prior to the court date.

- All attorneys shall rise and remain standing, if possible, when addressing the court or the opposing party/counsel and questioning a witness.

RULE 6: Representation and Attorney's

- Representation shall only be by a licensed attorney, owners of sole proprietorships, someone with the legal authority to act on behalf of another or individuals representing themselves. No persons, corporations, LLC's or any other legal entity shall be represented in court by anyone other than a licensed attorney.
- All attorneys must be currently licensed in the state of Tennessee or be otherwise permitted by law to practice in the courts of the state of Tennessee.

RULE 7: Security

- The Presiding Judge of each division of General Sessions Court may require all persons entering the courtroom to consent to a search of their person and belongings to ensure the safety of all parties, witnesses and court personnel. Sheriff Deputies have the authority to deny entry into the courtroom of anyone refusing to be searched.
- The Presiding Judge of each division has the authority to grant or deny permission into Chambers or adjacent areas. Secure access cards may be given, recalled or denied at the discretion of the Presiding Judge of each division. The admission into the Clerk's office is at the discretion of the Clerk.

RULE 8: Civil Case Docket Special Rules

❖ General Rules

- Cases shall be docketed not less than seven (7) days from the date of issuance of a civil warrant, unless both parties agree to an earlier date or an earlier date is mandated by law.
- Civil warrants filed on a pauper's oath shall be accompanied by an Uniform Affidavit of Indigency, which is available at the Court Clerk's Office. The Court may require the affiant to appear and answer questions on the application.
- All motions for installment payments on judgments and motions to stay executions of garnishments shall be filed with the Clerk, must be signed by the defendant and sworn to before a notary or Court Clerk.
- Sworn accounts shall be filed with civil warrants and served on the defendant(s) in order to be the basis for a default judgment.

- Parties shall file a notice that interrogatories have been submitted to the opposing party and accordingly, answered and submitted to the requesting party. Actual copies of the interrogatories and the responses to said interrogatories shall not be submitted to the court, unless entered as an exhibit at trial.

❖ **Continuances**

- When both parties fail to appear, the matter will be reset, upon the Court's motion, for trial in approximately four (4) weeks. If neither party appears at the second setting and the Court Clerk does not receive a written request by either party for a continuance **PRIOR** to the scheduled court date, the matter shall be dismissed with the costs taxed to the Plaintiff.
- If the plaintiff fails to appear, without filing a motion to continue **PRIOR** to the scheduled court date, and the defendant appears, the case may be dismissed, even on the first setting of a case.
- Continuances for other reasons shall be at the discretion of the Presiding Judge.
- No matter pending for more than six (6) months shall be continued without Court approval.

❖ **Garnishments**

- An execution may be issued only on the written garnishment application by the plaintiff, the plaintiff's attorney or agent of record. Applications must be completely filled out. The Clerk shall not fill out a garnishment for anyone.

RULE 9: Domestic Case Docket Special Rules

- The Tennessee Rules of Civil Procedure shall apply.
- Each party shall provide the court with a proposed property management plan no less than five (5) business days prior to a trial, unless the division of property is agreed upon. A copy of the same shall be served upon the opposing party no less than five (5) business days, as well.
- Each party shall provide the court with a proposed permanent parenting plan no less than five (5) business days prior to a trial, unless the parties enter an agreed permanent parenting plan. A copy of the same shall be served upon the opposing party no less than five (5) business days, as well.
- Any request for temporary spousal support, custody and/or child support shall be done by a motion to be filed with the clerk and set for hearing by the clerk.

- When required by law, the parties can not waive mediation without court approval.
- The court, upon its own motion or a motion by either party, may refer any case to mediation. The decision to refer to mediation, unless required by law, is in the sound discretion of the court.

RULE 10: Criminal Case Docket Special Rules

❖ **General Rules**

- All defendants have the duty to:
 - Know when they are scheduled to appear in court
 - Appear at each court date (unless their appearance has been waived by the court)
 - Remain in court until the matter has been resolved or the defendant has been released by the Court, defense counsel or the District Attorney General handling the case.
 - Behave in an orderly and respectful manner. **(Failure to do so may result in the defendant being removed from the court room, pursuant to Tennessee Rule of Criminal Procedure, Rule 43)**
- As Officers of the Court, attorneys shall take all reasonable steps to assure the orderly and respectful conduct of their client.
- All attorneys shall file a notice of appearance with the Court Clerk, and said appearance shall be noted on the warrant by the Clerk. When reasonably possible, the notice of appearance shall be filed with the Clerk prior to any appearance on behalf of the defendant.
- Motions are not required to be made in writing at the first court appearance. However, any future motion shall be made in writing and served upon the opposing party at least five (5) days prior to the next scheduled court hearing, if reasonably possible. The Court, at its own discretion, may waive this requirement if good cause is shown.

❖ **Continuances**

- Motions for continuance prior to a court date may be granted by the Court upon agreement of the District Attorney General and the defendant or defense counsel. Otherwise, Clerks of Court are not authorized to grant continuances.
- Motions for continuance should generally be in writing and will be heard in open court, unless unavoidable circumstances require otherwise.

- A continuance will generally not be granted for the lack of appearance of a witness unless a subpoena has been issued to assure the appearance of the witness. If a matter is continued, it is the duty of the party that has subpoenaed witnesses to notify the witnesses as soon as possible.
- In consideration of a motion to continue, the court will consider, among other factors, if the attorneys have discussed the case and issue in controversy prior to the present court date.
- Any case pending for more than six (6) months shall not be continued without Court approval.

❖ **Criminal Summons**

- Anyone seeking to have a criminal summons issued must first report the matter to the appropriate law enforcement agency and shall bring a copy of said report with them upon application for a criminal summons. A judicial commissioner or deputy clerk may call the appropriate law enforcement agency to confirm that a report has been made, if necessary.
- All criminal summons shall be reviewed by a judicial commissioner, if available. If a judicial commissioner is unavailable, a deputy court clerk shall review the summons. A judicial commissioner and deputy court clerk have the authority to refuse to sign a criminal summons if they do not find probable cause that a crime was committed and that the alleged defendant committed said crime. Anyone denied a criminal summons may have the matter reviewed by one of the Presiding Judges within seven (7) business days. Said review shall be set by the court clerk.

RULE 11: Juvenile Case Docket Special Rules

❖ **General Rules**

- The Tennessee Rules of Juvenile Procedure will be followed and will prevail over any of these local rules as it pertains to Juvenile Court.
- All attorneys shall file a notice of appearance with the Court, unless the attorney is appointed by the court. The filing of a pleading is sufficient notice.
- Prior to the trial of the matter, upon motion of any party or its own motion, the Court may, at its own discretion, refer any appropriate case to mediation.
- Attorneys shall be present and prepared to have their case heard at the call of the docket or at the specified time the matter has been set. All attorneys are expected to be familiar with these local rules. Particular attention should be given to how cases will be handled if a party or attorney fail to appear or fail to appear on the appropriate time on the date a matter is set.

- Dispositional hearings will be held immediately after the Adjudication of a matter, unless good cause is shown as to why the disposition should be set for a later hearing.

❖ **Continuances**

- The Clerk's do not have the authority to continue cases, unless all parties are in agreement to the continuance and have a date for the case to be reset.
- All continuances shall be documented in an order which is to be submitted to the Court detailing, at a minimum, when the case was to be heard and to when the matter is reset.
- No case shall be continued indefinitely.
- The Court may set any motion for continuance to be heard in open court, at its own discretion.
- It is the responsibility of the party requesting the continuance to notify all parties and witnesses of the continuance.
- When a case is set without objection, the matter will **NOT** be rescheduled or delayed unless good cause is shown.
- No matter pending for more than six (6) months shall be continued without Court approval.

RULE 12: Subpoenas

- Subpoenas shall be issued not less than seven (7) days prior to the trial date in all civil and criminal cases, if possible. If not, the party issuing the subpoena may be denied any continuance request due to the non-appearance of a witness.

RULE 13: Media Coverage

- All media coverage is governed by Tennessee Supreme Court Rule 30. All requesting parties are expected to be familiar and comply with the requirements therein.

RULE 14: Bonding Companies

- Bonding companies must comply with the duties and obligations of the law.
- Any request for relief from a bond shall be accompanied by proof that the defendant has either availed himself to the Court or is detained.

- No demands shall be made of the Court Clerks or other court personnel. All requests for relief from bonds shall be filed with the clerk.

RULE 15: Judicial Commissioners

- *See Appendix D*

Appendix A

DAY	JURISDICTION	JUDGE
Monday	Criminal	Both
Tuesday	Probate*	Both
	Juvenile-Custody	
	Juvenile-Delinquency**	
	Domestic***	
Wednesday	Juvenile-Custody	Both
	Domestic	
Thursday	Juvenile Custody	Both
	Domestic	
Friday	Civil****	Both
	Traffic*****	

*Probate cases are heard by Judge Humphrey on the 1st and 2nd Tuesday and by Judge Stevens on the 3rd and 4th Tuesday.

**Juvenile Delinquency cases are heard on the 2nd Tuesday by Judge Humphrey and by Judge Stevens on the 4th Tuesday.

***Domestic Cases shall not be set on Tuesdays unless set by the Court or a magistrate.

****Civil Cases are heard by Judge Humphrey on the 1st and 2nd Friday at 10:00am and by Judge Stevens on the 3rd and 4th Friday at 9:00am.

*****Traffic cases are heard by Judge Humphrey on the 3rd and 4th Friday at 10:00am and by Judge Stevens on the 1st and 2nd Friday at 9:00am and 1st and 2nd Monday at 5:00pm.

Appendix B

		TIME	CASE#	NAME	ATTORNEY OF RECORD
REVIEWS	*Tuesday: Probate & Delinquency (only 2&4 Tues)	9:00			
		9:15			
		9:30			
		9:45			
		10:00			
		10:15			
		10:30			
PRELIMINARY		10:45			
		11:00			
		11:15			
		11:30			
		11:45			
		12:00			
		12:15			
LUNCH UNLESS SETTINGS BY JUDGE		12:30			
		12:45			
		1:00			
TPR ADJUDICATORY		1:30			

GENERAL SESSIONS COURT DRESS CODE

In order to maintain order and uphold the dignity and decorum of the judicial system, rules concerning dress for litigants, counsel, witnesses, court staff and spectators will ensure that persons in the courtroom do not obstruct or interfere with the orderly transaction of court business nor degrade or insult the dignity of the judicial proceedings, judicial officers, witnesses and others in the courtroom.

Shirts and shoes must be worn in the courtroom, and prohibited attire includes:

- * NO SHORTS

- * NO TANK TOPS, HALTER TOPS OR OTHER REVEALING CLOTHING

- * NO CUT-OFF T-SHIRTS

- * NO HATS, CAPS, BANDANAS, ETC.

Clothing cannot contain any obscene or profane language, images, or messages contemptuous or disrespectful of the judicial process. Clothing must cover all undergarments for both men and women.

The Court reserves the right to refuse to hear any case from those who fail to abide by the dress code.

EFFECTIVE _____

Appendix D

JUDICIAL COMMISSIONERS

DUTIES

1. The issuance of misdemeanor and felony arrest warrants, or criminal summons, upon a finding of probable cause and pursuant to requests from on-duty law enforcement officers or private affiants.
2. The issuance of mittimus following compliance with the procedures prescribed by T.C.A. § 40-5-103
3. Preside over the Initial Appearance after a defendant's arrest in accordance with Rule 5 of the Rules of Criminal Procedure. During the initial appearance, the judicial commissioner shall inform the defendant of the following:
 - (a) the charge and the contents of the affidavit of complaint;
 - (b) the right to counsel and the right to appointed counsel if indigent;
 - (c) the right to remain silent and give no statement;
 - (d) the fact that any statement given voluntarily may be used against the defendant;
 - (e) the general circumstances under which the defendant may obtain pre-trial release;
 - (f) the right to a preliminary hearing and the right to have the preliminary hearing scheduled within ten (10) days if the defendant is still in custody and within thirty (30) days if the defendant is released from custody. The defendant may waive the right to have the preliminary hearing within these time frames in writing.
4. The appointing of attorneys for indigent defendants in accordance with applicable law and guidelines established by the presiding general sessions judge of the county;
5. The setting and approving of bonds and the release on recognizance of defendants in accordance with applicable law and guidelines established by the general sessions judges of the county; and
6. The issuance of ex-parte orders of protection in the absence of a general sessions judge.
7. Any other duties as approved and designated in writing by the general sessions judges.

TRAINING CONFERENCES

The judicial commissioners are authorized to attend any four (4) of the following approved conferences to enhance their knowledge in the areas of criminal law and/or procedure and any other function or duty of a judicial commissioner.

1. ETHRA Criminal Law Conference
2. JCAT Mini-Conference
3. JCAT Mini-Conference
4. JCAT Mini-Conference

All requests to attend any conference other than those listed above shall be submitted in writing to a general sessions judge for approval.