

LOCAL RULES OF PRACTICE FOR GENERAL SESSIONS AND JUVENILE COURTS OF CARROLL COUNTY, TENNESSEE

The following rules are hereby adopted as the local rules of practice for the General Sessions and Juvenile Courts of Carroll County, Tennessee. In the Event of conflict between these rules and statutory provisions, statutory provisions shall prevail. It is the intent of the Court to provide a fair and impartial forum for the speedy and inexpensive resolution of disputes presented to the Court. Subsequent additions, amendments, or changes to these rules shall be in writing.

In response to the Access to Justice Initiatives of the Tennessee Supreme Court and Tennessee Bar Association, local rules of practice for pro se litigants are also adopted and available in the Office of the Clerk or visit carrollcountyttn.gov for a copy. Pro se litigants are expected to comply with these local rules of practice. The rules of practice for pro se litigants are generally in the nature of explanations of the legal process and do not amend or supersede these rules.

The Business of this Court is hereby divided into a criminal division (delinquent divisions for Juvenile Court) and a civil division. These rules apply to both divisions of the Court, unless otherwise designated. Rules applying exclusively to Juvenile Court will be so designated.

Rule 1 – Court Sessions

(A) The Civil Division of General Session Court will convene at 9:00 a.m. each Tuesday, except for the third Tuesday of each month. Special settings at other times may be scheduled by special permission of the Judge. All witnesses, parties, and attorneys shall be present for the beginning of court at 9:00 a.m., unless excused by special permission of the Judge. Excuses will not be freely given and an application must be supported by good cause. The following order of proceedings will be followed:

1. Docket Call/Entry of Default Judgments
2. Uncontested Motions
3. Contested Motions
4. Request for Orders of Protection
5. Contested Trials

(B) The Criminal Division of General Sessions Court will be held on Wednesday starting at 8:30 a.m. each week, with a trial docket at 9:00 a.m. and 1:00 p.m. The Court may perform initial appearances and bond hearings on such additional dates as necessity requires. Other special set criminal hearings may be scheduled by special permission of the Court. The following sequence of proceedings will be followed during all sessions of criminal court:

8:30 a.m. Traffic Citations

9:00 a.m. Trial Docket

1. Docket Call
2. Initial Appearances/Video Initial Appearances
3. Miscellaneous Docket
4. Guilty Pleas
5. Contested Hearings

1:00 p.m. Trial Docket

1. Docket Call

2. Guilty Pleas
3. Contested Hearings

- (C) The Juvenile Delinquency Session of Juvenile Court will be held on the first and last Tuesday of each month, at 1:00 p.m. Initial appearances for delinquency cases may be scheduled either day. The following sequence of proceedings will be followed in Juvenile Court:
1. Announcements
 2. Docket Call
 3. Arraignments
 4. Contested Hearings

Other Juvenile Court Delinquency Proceedings may be special set by permission of the Court.

- (D) The Civil Sessions of Juvenile Court will be held on the first and last Thursday of each month, beginning at 9:00 a.m. Initial appearances for delinquency cases may be scheduled either day. The following sequence of proceedings will be followed in Juvenile Court:
1. Announcements
 2. Docket Call
 3. Uncontested Matters
 4. Contested Motions
 5. Contested Trials

All IV- D child support cases shall be scheduled for the last Thursday of each month at 9:00 a.m. Other Juvenile Court cases may be special set by permission of the Court.

- (E) Parties to criminal proceedings are required to appear at Initial Appearance, either personally or by an attorney. An attorney may not represent a client until a notice of appearance has been filed with the Clerk. Children charged with delinquent acts must be present with a parent or guardian and, preferably both parents.
- (F) Attorneys shall file a notice of appearance immediately after being retained in divisions of both General Sessions and Juvenile Court. Entry of an appearance in the Criminal Division of General Sessions shall be on such forms as are furnished by the Clerk. Upon the filing of a Notice of Appearance, the name of the attorney shall be entered in the designated area on each warrant by a Deputy Clerk. No communications, agreements, continuances, etc. by an attorney will be honored by the Court until a Notice of Appearance has been filed by the attorney. Conditional appearances are not accepted. Attorneys should avoid scheduling conflict whenever possible.

Rules 2 - Case Settings

- (A) Civil Division- The attorney or party filing a civil action will be responsible for scheduling a trial date for his/her case at the time of filing. Each attorney or litigant, if not represented by an attorney, is responsible for scheduling his/her case for trial and it shall not be the responsibility of the Clerk's Office to schedule cases for trial or notify parties of the setting of a case, except by specific directive from the Court. Each attorney or litigant, if unrepresented, shall provide the Clerk with a complete and current mailing address, telephone number, and email address at the time of filing of a case for the purpose of notifications as may be necessary.

(B) Criminal Division- The initial appearance for criminal charges will be held the Wednesday immediately following the arrest of the defendant. If the arrest occurs prior to 8 a.m. on Tuesday, the initial appearance will be held Wednesday. If an arrest occurs after 8 a.m. on Tuesday, the initial appearance will be held on Wednesday of the following week, unless the defendant is unable to post an appearance bond within twelve (12) hours of arrest. In such an event, the initial appearance shall be held on the first session of criminal court following the arrest of the defendant. All criminal warrants shall be delivered to the Clerk's Office no later than 10 a.m. on the Tuesday prior to the initial appearance, except in those situations where the defendant is arrested after 8 a.m. on Tuesday and cannot post an appearance bond within twelve (12) hours of arrest. The Court at its discretion may dismiss warrants for failure to follow warrant procedures.

With respect to citations issued by the Carroll County Sheriff's Department, service of arrest warrants shall occur at the time of booking and initial appearances shall be scheduled as stated above as if a defendant had been arrested and posted an appearance bond. Warrants for violation of probation shall be promptly served at the first opportunity and shall not be held for later service.

Defendants, who are represented by counsel, may waive their initial appearance by filing a completed Waiver of Initial Appearance, on the form provided by the Clerk of the Court, and along with a Notice of Appearance by the attorney. The Waiver of Initial Appearance and Notice of Appearance must be filed with the Clerk of the Court on or before 10 am on the Tuesday preceding the initial appearance. Failure to complete these instructions or consult with the District Attorney and law enforcement as required by the Waiver of Initial Appearance will result in a *capias* being issued for failure to appear.

(C) Juvenile Court- Juvenile civil cases shall be set on the first and last Thursday of each month at 9:00 a.m. Delinquency petitions shall be set at 1:00 p.m. on the first and last Tuesday of the month. Delinquency petitions may be held on Thursday afternoon, with permission of the Court.

(D) Special Set Cases- If a trial or hearing will likely take more than two (2) hours, Attorneys shall promptly notify the Court and a special setting may be scheduled at the Court's discretion.

Rule 3 - Continuances

Ex parte continuances will not be granted in either the civil or criminal divisions of General Sessions Court or in Juvenile court. Continuances by agreement will be allowed once, without intervention of the Court. However, in the event of a continuance by agreement, each attorney or party, if pro se, shall promptly notify the Clerk's Office and his/her witnesses of such continuance. In the event a continuance cannot be agreed upon, the matter must be presented to the Judge on the next scheduled court date or by telephone conference, if the next court date is the day set for trial or preliminary hearing. Continuances shall be requested as far in advance of the scheduled trial or preliminary hearing date as possible to avoid unnecessary appearances by attorneys, prosecutors, and witnesses. Continuances will not be granted because of the absence of a witness unless a reasonable effort has been made to subpoena the witness. If contact cannot be made with an attorney or party, if pro se, at the address and

telephone number given to the Clerk at the time of filing, an ex parte continuance may be considered by the Court.

If a case is continued, it is the responsibility of each attorney or party, if pro se, to notify his/her witnesses of the continuance. Additionally, it shall be the responsibility of the party seeking the continuance to pay the cost of reissuing subpoenas.

Rule 4 - Form of Pleadings

All Pleadings filed or presented to the Court shall be on letter-sized (8½ x 11) paper, unless forms furnished by the Clerk are used. An original pleading shall be filed in all cases, and it shall be accompanied by sufficient copies necessary for service upon all parties.

All pleadings, whether original or standard forms provided by the Office of the Clerk, shall contain the name of the filing attorney or party along with a mailing address, telephone number, e-mail address of the filing attorney or party, and the Board of Professional Responsibility Number for all attorneys. Should such information change during the course of the litigation, the Clerk's office shall be notified of the change immediately. All notices shall be forwarded to an attorney or pro-se party at the address provided by that person to the Clerk's office. Deposit with the United States Postal Service of any notifications, motions, amendments, or other applicable written documents to the address on file with the Clerk's office, with sufficient pre-paid postage, shall be considered actual notice to the attorney or party, if pro-se. Service shall be considered complete upon mailing.

The foregoing rule shall not apply to service of leading process, either by personal service or by certified mail pursuant to the Tennessee Rules of Civil Procedure or applicable statutes.

Service of motions, notices, etc., excluding leading process, may be served on another party or attorney electronically, with a hard copy filed in the Office of the Clerk, in compliance with the Tennessee Rules of Civil Procedure. The certificate of service on such document shall state the manner of service and time of service.

Rule 5 - Subpoenas

Attorneys representing parties in either division of General Sessions' Court or Juvenile Court or pro-se parties shall be responsible for the issuance of subpoenas by requesting the same from the Deputy Clerk in charge of that particular division of court. All subpoenas shall be accompanied by the physical address of the person to whom the subpoena is directed. The Court encourages caution in the issuance of subpoenas to avoid the appearance of unnecessary witnesses. Subpoenas should be issued at least ten (10) days prior to the assigned hearing date. If a party does not issue a subpoena for a witness, the Court will not grant a continuance for failure of a witness to appear.

Rule 6 - Representation by Non-Lawyers

Non-lawyers are not allowed to represent another party, business entity, corporation, or public entity in court. The Tennessee Supreme Court has ruled that engaging in such activities constitutes the unauthorized practice of law, see TN Supreme Court Rule 7, Section 1.01. The practice of law without a license is a criminal offense, pursuant to T.C.A §23-3-103. All persons have a constitutional right to represent themselves in court, but not to represent other persons, business entities, corporations, or public entities.

Rule 7 - Clerks Duties

It shall be the duty of the General Session Court Clerk to designate a Deputy Clerk to assist the Court in each division of General Sessions Court and Juvenile Court. The Clerk shall certify the name of such Deputy Clerk to the Judge and a written order will be entered designating such Deputy Clerk responsible for each respective division. In the event that the designated Deputy Clerk is no longer associated with the General Sessions Court Clerk's Office, the Clerk shall immediately certify another Deputy Clerk for such position and a written order will be entered to that effect. All correspondence or communications with each particular division of the General Sessions Court or Juvenile Court shall be addressed to and directed to the Deputy Clerk in charge thereof.

It shall be the responsibility of the Clerk's Office to promptly issue any and all process of other documents requested or authorized by law, assuming the process or documents comply with the appropriate statute.

Rule 8 - Application of Procedural Rules

The Tennessee Rules of Civil Procedure are hereby adopted as local rules of practice for the Carroll County General Sessions Court, with the exception of the requirement of a responsive pleading to a civil complaint. Protective orders may be sought, in addition to those reasons specified in the Tennessee Rules of Civil Procedures, if the cost of discovery is 20% or more of the amount in controversy. Subsequent experience may indicate the wisdom of deleting certain civil procedure rules from the local rules of practice and, in such event, such deletion shall be done by formal written order. A time limitation of thirty (30) days or more established by the Tennessee Rules of Civil Procedure (TRCP) is hereby reduced to ten (10) days for the purpose of the rules of local practice of this Court. Upon motion of a party and for good cause shown, the requirements of TRCP may be altered, deleted, or found not applicable on a case by case basis.

Criminal proceedings in General Session Court shall be conducted in accordance with applicable provisions of the Tennessee Rules of Criminal Procedure and statutory requirements.

Juvenile court proceedings shall be conducted in accordance with the Tennessee Rules of Juvenile Practice and Procedures and such sections of the Tennessee Rules of Civil Procedure as may be made specifically applicable to Juvenile Court by statute or the rules themselves. The operation of the Office of Juvenile Probation and Supervision shall be conducted in conformance with the Tennessee Rules of Juvenile Practice and Procedure. All actions taken by the Juvenile Court must be confirmed by a written order.

All civil actions in General Sessions and Juvenile Courts shall be commenced by the filing of a complaint containing a concise statement of the facts and must state a claim upon which the relief sought may be granted. Form pleadings are available in the office of Clerk of the Court. However, such forms, when completed, must meet the requirements of this rule and state a claim upon which relief may be granted. An answer must be filed to a claim only when required by statute or procedural rule. An answer may be filed, in the discretion of a party, when such filing may clarify the issues. The Clerk or Deputy Clerks shall not prepare pleadings or any other documents for any person. It is the responsibility of a party or the attorney representing a party to prepare all pleadings, motions, or other papers to be filed with the Court.

Each Litigant served with process from the Civil Division of General Sessions Court shall have a period of ten (10) days from service to prepare a defense to the claim. Upon request, a party shall be entitled to one (1) continuance, as a matter of right, if a case is set for trial less than ten (10) days from the date of service of process. This time limitation shall also apply to counterclaims and amendments, if the counterclaim or amendment adds new issues. The phrase "reasonable time" as used in the Tennessee Juvenile Rules of Practice and Procedure shall mean ten (10) days, unless an emergency exists which may affect the welfare of a child. The designated ten (10) day period may be shortened in the event of an emergency.

If a case involves a complex question of law, the parties are encouraged to submit, in writing, the authorities upon which they rely to support their respective positions prior to the trial date. If a case involves the construction of or reference to written documents, such as leases, contracts, deeds, etc., the party relying upon such written document is encouraged to furnish a copy of the same to the Court in advance of the trial date.

The Tennessee Rules of Evidence shall apply to all trials in General Sessions and Juvenile Courts unless the context of the rule clearly indicates that the rule is not applicable.

Rule 9 - Notification of Representation; Appearance in Court

An attorney representing a party in the Civil Division of General Sessions Court or Juvenile Court shall promptly file a notice of appearance with a certificate of service to all parties. The Clerk will note the representation on the Civil Warrant or a prominent place on the file. Attorneys representing defendants in General Sessions Criminal Division or Juvenile Delinquency proceedings shall notify the Court of their representation by notice of appearance filed immediately after being retained. An attorney who has entered an appearance or who has been appointed by the Court shall continue such representation until relieved by Order of the Court.

The Office of the Public Defender shall receive all court appointments, excluding child support cases, unless a conflict of interest prevents acceptance of a case pursuant to ethical considerations. Should a conflict occur, court appointment of private attorneys will be handled on a rotating bases to ensure that court appointments are, to the extent possible, equally divided. The designated Deputy Clerk shall promptly notify any private attorney of the appointment and the scheduled trial date. Any attorney having an ethical conflict shall notify the designated Deputy Clerk immediately of such conflict. An attorney who represents a municipality or other public entity will not be required to accept court appointments when said public body is the prosecuting entity or officers thereof are material witnesses in the prosecution. However, if an attorney accepts employment in criminal cases involving the public entity or when officers thereof are material witnesses, the attorney shall be deemed to have waived the conflict and will be required to accept court appointments involving such public entity or municipality.

Every attorney filing a notice of appearance on behalf of a party shall be required to appear whenever the action is before the Court, unless a continuance is agreed upon or the attorney is excused by the Judge. No attorney of record may withdraw in any case except upon written motion and court order. All motions for leave to withdraw shall include the reasons requiring the withdrawal (unless prohibited by the Rules of Professional Conduct) and the name and address of any substitute counsel. If substitute counsel has not been retained, the motion must contain the client's name, address, and telephone number along with a certificate of service notifying the client of the time, date, and place of

the hearing. Ordinarily, motions to withdraw as counsel will not be granted if withdrawal will delay the trial of the action. If withdrawal is allowed in a case in which substitute counsel has not been retained, the party will be allowed a reasonable time to acquire new counsel.

Attorneys appearing in the General Sessions Court or Juvenile Court of Carroll County, Tennessee, should arrange their schedule of court appearances to avoid appearances in more than one court simultaneously. Police officers, attorneys, and witnesses are expected to be present in court on the date and time the case is scheduled and prepared to proceed with trial. If a witness is placed "on call," the witness shall be available to appear in Court within thirty (30) minutes from notification of the necessity for their appearance. "On call witnesses" should be kept to a minimum. The attorney who issued the subpoena may agree to an "on call" arrangement with a witness. The Court shall not be bound by said arrangement and will not delay a hearing due to said arrangement. It is the responsibility of the attorney to follow the Court's progress through the docket and to ensure that "on call" witnesses are present when a case is called for a hearing.

Rule 10 – Communications with the Court

(A) Ex Parte Communication with the Judge.

No person shall contact or attempt to contact the Judge about a case, except by letter with copies to all parties and the Clerk; by telephone conference with all interested parties present and participating; in open court with all parties present; or as otherwise specifically provided by law.

(B) Extraordinary Relief- Juvenile Court.

Persons seeking a protective custody order, ex parte order, or Temporary Restraining Order (Rule 65.03 TRCP) shall file a petition with the Juvenile Court Clerk. Said petition must be verified, allege, and describe in detail the irreparable harm that will occur if the order is not granted. The Court shall determine whether an emergency exists such that the request should be considered ex parte or whether all parties shall be given notice and the opportunity to be heard. When the opposing party has counsel of record, the party seeking the Ex Parte Order shall make all reasonable efforts to give counsel notice of the request for the Order. If the welfare of a child is likely to be endangered by a delay for the purposes of notice, the Court may waive the notice provision. However, the party seeking the Ex Parte Order, under such circumstances, shall present the Court with an affidavit showing why the child's safety would be endangered by the delay necessary for notice.

Attorneys seeking Ex Parte Orders should be aware of the requirements of a probable cause hearing within seventy-two (72) hours and should be prepared to take such steps, as may be necessary, to appear before the Court within said time.

(C) Search Warrants.

Law enforcement officers may contact the Judge at any time to request the issuance of a search warrant. Search warrants are not subject to Rule 10.

Rule 11 - Worthless Checks

In order to facilitate the service of citations and/or arrest warrants for violation of the worthless check statute, one or more of the following identifiers must be provided before a worthless check warrant will be issued by a Judicial Commissioner or the office of the General Sessions Clerk:

- (1) Driver's license number and date of birth
- (2) Social Security number; or
- (3) Copy of driver's license

Any person requesting a warrant for violation of section 39-14-121, Tenn. Code Ann. (worthless check) shall sign an affidavit containing such information. The same may be provided as a part of the affidavit of complaint on the warrant or by separate affidavit.

Rule 12 - Victim's Rights

Victims of criminal acts are guaranteed certain rights by Article 1, Section 35 of the Tennessee Constitution. In an effort to provide information about these rights to victims, any such person may appear in court on Wednesday, one (1) week after the initial appearance of the defendant at 9:00 a.m., to receive a card listing these rights plus a listing of agencies and telephone numbers where victims may seek help outside of court. Victims of domestic assault are strongly encouraged to take advantage of the opportunity to be advised of their rights and informed of the date set for trial in the case. Subpoenas for victims for the purpose of advice of victim's rights are no longer required and appearance for such purpose is voluntary.

An order prohibiting contact between the accused and a domestic abuse victim may be issued, as a condition of bail, after a judicial commissioner has reviewed the facts of the arrest, the detention of the defendant, and has determined that the defendant is a threat to the alleged victim, other family, household members, or a threat to public safety. If the defendant is reasonably likely to appear in court, the judicial commissioner may set conditions for the defendant's release on bail, including a condition of no contact. Defendants may file a motion to modify the conditions of bail along with reasonable notice to the District Attorney for the State of Tennessee, 24th Judicial District. Victims may request dismissal of conditions of bail, including prohibition of contact, by presenting a form for such purpose to the Court in open session. Forms are available in the Clerk's Office. To obtain a defendant's discharge from conditions of bail, the moving party must provide clear and convincing evidence to the Court that the defendant is not a threat to the alleged victim and that the defendant has no prior history of domestic violence.

Rule 13 – Orders of Protection

Applications for an Order of Protection shall be filed on the form provided by the Clerk of the Court and shall be completed in its entirety by the Petitioner. Upon entry of an Order relative to an Application for Order of Protection, whether ex parte or upon notice and a hearing, the Deputy Clerk shall electronically transmit (by facsimile or email) the Court's Order to the Carroll County Sheriff's Department for entry into National Crime Information Center (NCIC) database. All Orders of Protection should be entered into the NCIC database within twenty-four (24) hours of entry by the Court.

Rule 14 - Weather or Emergency Court Cancellations

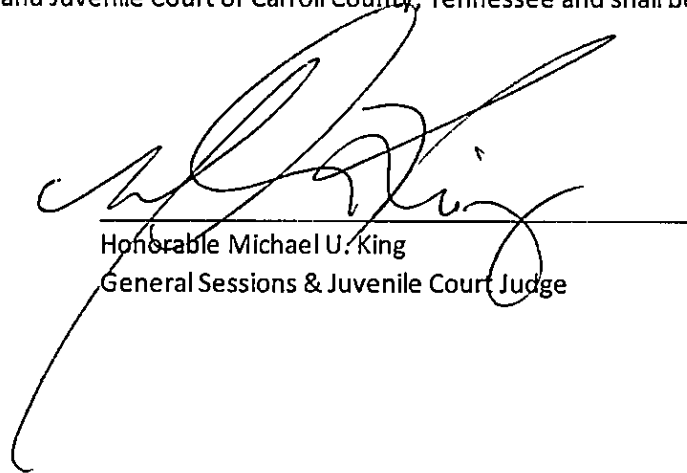
Should inclement weather or emergencies require cancellation of court then the Clerk of the Court will attempt to notify the District Attorney, Public Defender, Sherriff, County Mayor, Carroll County Dispatch, the President of the Carroll County Bar Association, and such other essential personnel as directed by the Court. Any essential personnel not listed above who wish to receive notification shall provide the Clerk a cell telephone number where text messages may be sent. The Clerk of the Court will post a public notice of court cancellations on the Clerk's website, carrollcountytn.gov. Notification that court will be held as scheduled will not be provided. It shall be the responsibility of attorneys to notify their witnesses. Upon cancellation for inclement weather, the Clerk of the Court may choose to notify media outlets.

Rules 15 - Waiver or Modification of Rules

Any of these rules may be waived or modified by order of the Court when, in the Court's opinion, such waiver or modification is necessary to arrive at the equities of a case or accomplish justice.

A copy of these rules shall be posted in a prominent place in the Office of the Clerk of the General Sessions Court of Carroll County, Tennessee and copy shall made available to the public on the Clerk's website, carrollcountytn.gov.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that these rules are adopted as the Local Rules of Court for the General Session and Juvenile Court of Carroll County, Tennessee and shall be effective on September 1, 2022.



Honorable Michael U. King
General Sessions & Juvenile Court Judge

**IN THE GENERAL SESSION AND JUVENILE COURTS
OF CARROLL COUNTY, TENNESSEE**

IN RE: DESIGNATION OF DEPUTY CLERKS PURSUANT TO LOCAL RULE

ORDER APPROVING DESIGNATION OF DEPUTY CLERKS

Whereas, Rule No. 7 of the Local Rules of Court for the General Sessions Court of Carroll County, Tennessee, requires that the General Session Court Clerk certify a Deputy Clerk to serve each division of General Session Court and Juvenile Court; and

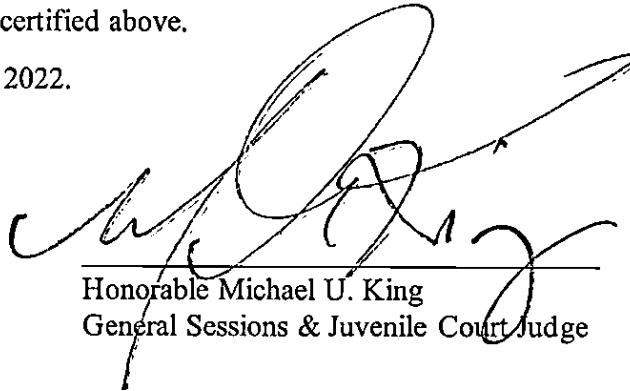
Whereas, the General Sessions Court Clerk has complied with rule No. 7 by certifying the names of such Deputy Clerks to the General Sessions/Juvenile Judge for Carroll County, Tennessee.

It is, therefore, ORDERED, ADJUDGED, AND DECREED that the following persons be certified by the Court to serve the divisions of General Sessions and Juvenile Court:

Civil Division:	Jayden McGee
Criminal Division:	Meagan Mullikin
Juvenile/Child Support:	Angela Stockdale

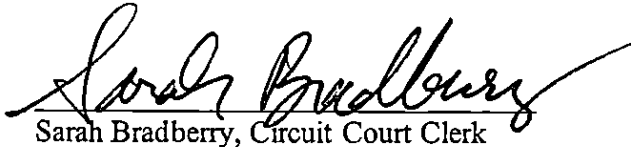
It is further ORDERED that all correspondence, communication, or business with each particular division of the General Session and Juvenile Court shall be addressed to or directed to the Deputy Clerk in charge thereof as certified above.

This the 1st day of September, 2022.



Honorable Michael U. King
General Sessions & Juvenile Court Judge

APPROVED:



Sarah Bradberry, Circuit Court Clerk