

LOCAL RULES OF PRACTICE FOR THE 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 No. 1

Court Sessions

(A) The Civil Division of General Session Court will convene at 9 AM each Tuesday, with the exception of 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 AM, 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 proceeding 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) Sessions of the Criminal Division for General Sessions Court will be held on Wednesday and Thursday of each week, beginning at 9 AM. Wednesday will be reserved primarily for Initial Appearances and DUI trials. Other trials may be scheduled on Wednesday, at the discretion of the Judge. Thursday will be reserved primarily for criminal trials, but may also be used for initial appearance. The following sequence of proceedings will be followed at all sessions of criminal court:

1. Docket Call
2. Tennessee Highway Patrol citations
3. Initial Appearance
4. Miscellaneous Docket
5. Video Initial Appearances
6. Guilty Pleas

7. Contested Trails

(C) Sessions of Juvenile court will be held each Tuesday, excluding the 3rd Tuesday of each month, at 1 PM (primarily for civil and child support cases) and Thursday at 1 PM (primarily for delinquency cases). Initial appearances for delinquency cases may be scheduled either day. The following sequence of proceeding will be followed in Juvenile Court:

1. Docket Call- civil cases
2. Docket Call- Delinquency cases- Initial Appearance
3. Announcements
4. Trials of contested matters

All IV- D child support cases shall be scheduled for the fourth Tuesday of each month at 1 PM. Other Juvenile Court cases may be set on the fourth Tuesday only with permission of the Court.

(D) 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.

(E) An attorney shall file a notice of appearance immediately after being retained. Entry of appearance in criminal division 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. All attorneys are admonished to avoid scheduling conflicts.

Rules No. 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 Judge. 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 that may become necessary.

(B) Criminal division- Initial appearance for criminal charges will be held the Wednesday immediately following the arrest of the defendant, if the arrest occurs prior to 10 AM Tuesday. If an arrest occurs after 10 AM Tuesday, initial appearance shall be held on Wednesday one week from the Wednesday immediately following the arrest, if the defendant posts an appearance bond and is released from jail. Should the defendant be unable to post an appearance bond within 12 hours of arrest, initial appearance shall occur on the Wednesday immediately following the arrest of the defendant. All criminal warrants shall be delivered to the Clerk's Office no later than noon on Tuesday on the day prior to initial appearance. Warrants not delivered in a timely fashion shall be subject to summary dismissal for failure to follow warrant procedures. If an arrest occurs on Wednesday, initial appearance shall be held

on the following Thursday, if the defendant has not posted bond by noon Thursday. Arrest warrants, under such circumstances, shall be delivered to the Clerk's Office before 10 AM on Thursday for initial appearance on Thursday afternoon. If an arrest occurs on Wednesday and the defendant posts bond prior to noon the following Thursday, initial appearance shall occur the following Wednesday.

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 appearance 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.

- (C) Juvenile Court- Civil cases and initial appearances for delinquency petitions shall be set on the 1st, 2nd, and 5th Tuesdays of each month at 1 PM. Delinquency petitions shall be set for trial at 1 PM Thursday afternoon. Initial appearances for delinquency petitions may be held on Thursday afternoon, at the discretion of the Juvenile Office.
- (D) Complex/protracted cases- If, in the opinion of the attorneys involved, the trial of a case will likely take more than two hours, the court shall be notified promptly and a special setting will be scheduled.

Rule No. 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 that a continuance cannot be agreed upon, the matter must be presented to the Judge on the next scheduled court date unless that date is the date set for trial or preliminary hearing. If the next court date is the day set for trial or preliminary hearing, the attorneys or parties, if pro se, shall contact the judge by telephone conference and present their respective positions. Continuances shall be requested as far in advance of the scheduled trial or preliminary hearing date as possible in order to avoid unnecessary appearances by attorneys, prosecutors and witnesses. Continuances will not be granted because of the absence of a witness unless the witness has been subpoenaed. 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 by agreement, it is the responsibility of each attorney or party, if pro se, to notify his/her witnesses of the continuance.

Rule No. 4

Form of Pleadings

All Pleadings filed or presented to the court shall be on letter-sized (8 1/2X11) 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, as the case may be, along with a mailing address, telephone number, and e-mail address of the filing attorney or party. 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.

Electronic filings shall not be permitted at this time. Service of motions, etc., excluding leading process, may be served on another party or attorney electronically, with a hard copy files in the Office of the Clerk. The certificate of service on such document shall state the manner of service and time of service.

Rule No. 5

Subpoenas

Attorneys representing parties in either division of General Sessions' Court or Juvenile Court or pro-se parties, as the case may be, shall be responsible for the issuance of subpoenas by requesting same from the Deputy Clerk in charge of that particular division of the 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.

Rule No. 6

Representation by non-Lawyers

Non-lawyers shall not be allowed to represent another party, business entity or corporation in General Session or Juvenile Courts. The Tennessee Supreme Court has rules that engaging in such activities constitutes the practice of law without a license. The Tennessee Supreme Court has ruled that engaging in such activities constitutes the practice of law without a license. The practice of law without a license is also a criminal offense. All persons have a constitutional right to represent themselves in court, but not to represent other persons, business entities, or corporations.

Rule No. 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 be 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 of 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, if the process or documents complies with the appropriate statute, promptly and without delay.

Rule No. 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 requirements 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 or 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 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 short and plain statement of the claim showing that the person is entitled to relief and demand for judgment for the relief sought. Form pleadings, available in the office of Clerk of the Court. However, such form, when completed, must meet the requirements of this rule. An answer must be filed to the 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 of 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 in this Court.

Each Litigant served with process from the civil division of General Sessions Court shall have a period of 10 days from service to prepare a defense to the claim. Such party shall be entitled to one (1) continuance, as a matter of right, if a case is set for a time period that is less than 10 days from the date of service of process, if requested. 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 10 days, unless an

emergency exists which may affect the welfare of the child. The designated 10 day period may be shortened in the event of an emergency.

If a case involves contested questions of law, the parties are required to submit, in writing, the authorities upon which they rely to support their respective positions at least five days prior to the trial date. If a case involves construction of or reference to written documents, such as leases, contracts, deeds, etc., the party relying upon such written document shall furnish a copy of same to the court no less than five days prior to 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 No. 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 notify the designated Deputy Clerk of the representation and the Clerk shall note the same on the Civil Warrant or a prominent place on the file. An attorney must notify all parties of the entry. Attorneys representing defendants in criminal division or juvenile in 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 appointments of private attorneys will be handled on a rotating basis 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 may withdraw as counsel without permission of the Court, after reasonable notice to the client and the opportunity for the client to be heard.

Attorneys appearing in the General Sessions Court or Juvenile Court of Carroll County, Tennessee, shall 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, unless placed on call. If a witness is placed on call, the witness shall be able to appear in Court within 30 minutes from notification of the necessity for their appearance. "On call witnesses" shall be kept to a minimum. "On call" arrangements should be reserved for professional personnel (doctors, nurses, attorneys, etc.) or

witnesses who will suffer undue and unique hardship by their continued presence while waiting to testify. There shall be not presumption that a case will settle.

Rule No. 10

(A) Ex Parte Communication with the Judge

No person shall contact or attempt to contact the Judge, 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. Ex parte contact with the Judge or attempts to make ex parte contact is unethical and is prohibited, except as allowed 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 and allege and describe 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 or record, the party seeking the ex parte Order shall make all reasonable efforts to give counsel notice of the request for an Order. If the welfare of the children is likely to be endangered by a delay for the purposes of notice, the Court may waive the notice provision. However, the party seeking an ex parte Order, under such circumstances, shall present the Court with an affidavit showing why the child/children'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 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 issuance of a search warrant. By their very nature, search warrants must be obtained without notice and are not subject to the ex parte provision of Rule 10.

Rule No. 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) Drivers license number and date of birth
- (2) Social Security number or;
- (3) Copy of drivers 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. Same may be provided as a part of the affidavit of complaint on the warrant or by separate affidavit.

Rule No. 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 A.M., to receive a card listing these rights plus a listing of agencies and telephone numbers where victims may seek help outside of the courtroom 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 only be issued, as a condition of bail, after a judicial commissioner has reviewed the facts of the arrest and the detention of the defendant and has determined that the defendant is a threat to the alleged victim or other family or 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. The Court is unlikely to dismiss such conditions of bail, except in the most compelling cases. The Court has not and may not review the facts of a case until trial, and, therefore, has insufficient information to alter such an order. 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 requesting party must provide clear and convincing evidence to the Court that the defendant is not a threat to the alleged victim and the defendant has no prior history of domestic violence.

Rule No. 13

Weather or Emergency Court Cancellations

Should weather or emergencies require cancellation of court, attorneys, law enforcement personnel, bailiffs, clerks/deputy clerks or other professionally interested personnel may be notified of such cancellation by text message. If such persons elect to receive such notification, he/she shall provide the judge of the court a cell telephone number where text messages may be sent. Notification of cancellation and, possibly, a new court date will be provided to such persons electing to receive text notification. Notification that court will be held as scheduled will not be provided. Ex Parte communication concerning a case, other than as provided in this rule, will not be accepted by the court. Upon receipt of notice of cancellation, the Clerk of the Court shall notify any media she deems necessary.

Rules No. 14

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 be provided to all attorneys practicing in court. A copy of these rules plus the rules for pro se litigants shall be provided to any person desiring to represent themselves. Copies of these rules governing practice and procedure in the General Sessions/Juvenile court of Carroll County, Tennessee shall also be available to members of the general public requesting such copies, at the expense of the requesting party.

IT IS ORDERED that these rules are adopted as the local rules of court for the General Session/Juvenile Court of Carroll County Tennessee and shall be effective July 1, 2019.



Larry J. Logan, Judge

IN THE GENERAL SESSION COURT OF CARROLL COUNTY, TENNESSEE
IN RE: LOCAL RULES OF COURT AND 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 shall certify a Deputy Clerk to serve each division of General Session Court; and

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

It is, therefore, ordered that the following persons are hereby certified by the Court to serve the respective divisions of General Sessions Court:

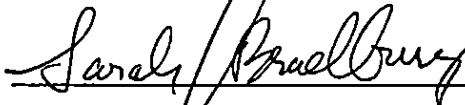
Civil Division: Carissa French

Criminal Division: Jill Taylor

Juvenile/Child Support: Angela Stockdale

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

Signed the 1 day of Oct. 2019



Sarah Bradberry, Clerk

Signed the 1st day of Oct 2019


Larry Logan, General Sessions Judge