

REVISED LOCAL RULES

OF

PRACTICE

METROPOLITAN

GENERAL SESSIONS COURT

DAVIDSON COUNTY, TENNESSEE

Civil Division

Effective May 7, 2008

GENERAL SESSIONS RULES

EFFECTIVE May 7, 2008

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CIVIL RULES

RULE 1. APPLICABILITY AND SUSPENSION OF RULES

1.01 Former Rules Void

All former rules of local practice except as readopted herein are void.

1.02 Applicability

Each rule is applicable in all General Sessions Court proceedings in Davidson County, Tennessee. Each rule is applicable in all types of cases unless otherwise indicated by a particular rule.

1.03 Suspension of Rules

Whenever the Court determines that justice requires it, the Court may suspend any of these rules.

1.04 Appropriate Attire Required for Court The New Adopted Dress Code

All parties, including Counsel and witnesses, shall dress appropriately for Court.

Please do not enter the Courtroom wearing a halter, t-tops, or see through tops, shorts, no exposed midriff, no underwear exposed, hats or any other inappropriate clothing.

RULE 2. APPEARANCE OF COUNSEL

2.01 Counsel of Record; Entry of Appearance

Counsel must be licensed in the state of Tennessee in order to practice law or represent others in the General Sessions Courts. A non-licensed person will not be permitted to represent anyone other than him or herself in the General Sessions Courts.

All Counsel who have entered an appearance in a case will be recorded as Counsel of record. Counsel shall enter an appearance at the earliest practicable time by notifying opposing Counsel and the Civil Court Clerk's office.

2.02 Withdrawal of Counsel

Prior to entry of a judgment or disposition in General Sessions Court, no attorney shall be allowed to withdraw except for good cause and by Leave of Court upon motion after notice to his/her client and opposing Counsel or party if without Counsel.

2.03 Conduct of Counsel

During trial, Counsel shall not exhibit familiarity with witnesses or opposing Counsel and shall not use first names of adults. Counsel, parties and witnesses shall be expected to conduct themselves with appropriate decorum at all times in the Courtroom.

When addressing the Court, Counsel shall introduce herself/himself to the Court.

Counsel shall stand while examining witnesses, addressing the Court or making objections.

Counsel who anticipate being late for Court shall promptly notify the Clerk of the Court or anyone designated by the Judge and the opposing Counsel or pro-se party.

RULE 3. FILING AND SERVICE OF PAPERS

3.01 Filing Companion or Third-Party Civil Cases

Upon the filing of any civil action, which is, related to a pending action in General Sessions Court (e.g., Cross Warrant to Third Party Complaint), the party filing such companion case shall note the new warrant is a companion case to a pending General Sessions Court case. All companion or third-party cases shall be consolidated for trial with the original action.

3.02 Filing of Briefs of Memorandum of law

All Post-Hearing Briefs or Memoranda of Law shall be filed with the Civil Court Clerk of the Court, and a copy shall be delivered to the Judge in open Court or in the General Sessions office in the A. A. Birch Building to the Judge before whom the case is pending and a copy contemporaneously mailed to the opposing Counsel of party, or to the pro-se party.

RULE 4. TRIAL CALENDAR

4.01 Docket Calls

At the first call of the civil docket, in the absence of the trial Judge, the Courtroom Deputy is authorized to call the docket to determine which parties are present and ready for trial. All cases requiring entry of a default judgment, a dismissal for nonappearance of a party, or resolution of a disputed matter including a request for a continuance where the opposing party objects such request, shall be reserved for action by the trial Judge. At the conclusion of the docket call, Courtroom Deputy shall announce a recess and advise those present in the Courtroom of the opportunity to discuss settlement with the opposing party or Counsel, the Courtroom Deputy shall further advise those present that they are not required to settle their case and they will be given a trial if they are unable to agree on a settlement.

When a case is dismissed without a trial for want of prosecution, said dismissal shall be without prejudice to either party's right to re-file.

RULE 5. SETTING CASES

5.01 Setting of Cases

Cases shall be tried on the date they are set on the Court's docket unless, for good cause shown or upon agreement of the parties, the Court resets case for trial at a later date or continues case indefinitely. In civil actions the Court may liberally grant a continuance on the first setting of a case or on the first setting after an indefinite continuance.

RULE 6. CONTINUANCES

6.01 Indefinite Continuances

Civil cases which have been continued indefinitely shall only be reset for trial and placed on the Court's docket by the Civil Court Clerk upon the agreement of the parties or after written notice to the opposing party twenty-one (21) days in advance. No resetting cases which have been continued indefinitely will be allowed by e-mail. When resetting such cases by agreement, an original Agreed Order, signed by both Counsel or pro-se parties, signature by agreement shall be permitted, shall be filed with the Civil Court Clerk and a copy shall be forwarded to opposing Counsel or the opposing pro-se party. Alternatively, a case may be reset by agreement by sending a letter to the Clerk specifically stating the case is being reset by agreement and sending a copy of the letter to the opposing pro-se party or attorney.

6.02 Multiple Continuances

After a civil case has been set on the Court's docket three (3) times and has been continued, whether by agreement or for good cause, the case shall be tried or continued indefinitely and taken off the Court's docket and shall be reset on the docket only upon notice or agreement of the parties in writing, as set out in Rule 6.01.

When a case is continued indefinitely, all parties and Counsel shall notify the Civil Court Clerk and opposing party or Counsel of any changes in their mailing address. All parties must be notified by certified mail.

6.03 Detainer Warrants

Detainer warrant cases which have been continued indefinitely shall be reset on the docket after giving notice in writing to the opposing party seven (7) calendar days in advance of the proposed date for the case to be reset on the docket.

RULE 7. NONSUITS

7.01 Non-Suits

When a defendant satisfies a civil judgment prior to the Court date by paying the monies to the Civil Court Clerk's office and the plaintiff's attorney takes a Non-Suit, the plaintiff's attorney shall prepare an Order entering formal written notice of said Non-Suit and requesting disbursement of funds.

RULE 8. DISMISSALS

8.01 Slow Pay Motions

When the moving party on a Slow Pay Motion fails to answer at the first call of the docket, such Motion shall be subject to dismissal at the expiration of 20 minutes after the commencement of the docket call.

RULE 9. NEGOTIATIONS AND SETTLEMENTS

9.01 Settlement Discussions

At the end of the first docket call, all parties and attorneys shall be allowed a brief opportunity to discuss possible settlement of their cases before trial. The Court shall advise those present in the Courtroom of the opportunity to discuss settlement with the opposing pro-se party or the opposing Counsel. The Court shall also advise those present a trial will be given to them if the parties or Counsel are not able to agree on a settlement and they are not required to settle their cases. Prior to trial all parties must exchange exhibits and prepare copies for the opposing party and the court.

9.02 Judgments

All judgments which contain more than a single element must list damages and attorney's fees separately before the total.

All parties or their attorneys shall sign all Agreed Orders or Judgments which are presented to the Court or the party presenting the Order or Judgments shall sign the Judgments, thereby certifying that the opposing party has been notified of the entry of the Agreed Order or judgment, its terms and the date of entry.

All judgments on Orders prepared by Attorneys/parties subsequent to hearing shall be returned to trial Judge for signature within five (5) working days.

9.03 Minor Settlements

In all cases where parties propose to settle a personal injury claim brought on behalf of a minor, the Court shall conduct a hearing to chambers at which the minor and his/her guardian are present. At such hearing, Plaintiff's Counsel shall provide the Court with documentation reflecting the medical expenses incurred in connection with the claim, and describing the minor's present medical condition.

9.04 Agreed Orders

Agreed judgments must be signed by both parties and/or their attorneys.

RULE 10. DOCKET INFORMATION

Rule 10.01 Civil Dockets

Civil dockets are currently heard Monday through Friday at 9:00 a.m. in Courtrooms 5C and at 9:00 a.m. and 10:00 a.m. in Courtroom 5D on the 5th floor of the A.A. Birch Building, 408 2nd Avenue North, Nashville, Tennessee, 37219.

RULE 11. LANGUAGE INTERPRETERS

11.01 Language Interpreters

Pursuant to Supreme Court Rule 42, the appointing of a language interpreter is a matter of judicial discretion. If the Court determines that justice requires an interpreter to be appointed, said appointment and scheduling of the interpreter shall be coordinated with the General Sessions Court Administration Office. Pursuant to Supreme Court Rule 42, section 7 (a), the costs for the interpreter shall be taxed as court costs to whichever the party the Court deems appropriate. In the event an indigent party is taxed with the court costs, the Court may exercise its discretion to waive said costs.

Cases involving an interpreter will be heard at the beginning of the docket provided the interpreter is prepared for trial.

11.02 Hearing /Sign Interpreters

Sign interpreters are provided for civil proceedings at the Court's expense but notification is to be given to the Court Administration Office as soon as the need is determined. Cases involving an interpreter will be heard at the beginning of the docket provided the interpreter is prepared for trial.

RULE 12. ORDERS OF PROTECTION

11.01 Petitions for Orders of Protection

Petitions for *Ex Parte* Orders of Protection are to be filed with the Judicial commissioner in Night Court who shall issue the *Ex Parte* Order if the allegations meet statutory requirements. All applications shall be sent to the General Sessions Civil Clerk's office for service of process and setting for a hearing.

RULE 13. NO SMOKING POLICY

13.01 No Smoking Policy

Pursuant to Metropolitan Ordinance No. 094-1035 and Public Chapter 410 of 2007 effective October 1, 2007, smoking is prohibited in public buildings.

RULE 14. VIDEO EQUIPMENT GUIDELINES

14.01

All videos played on the General Sessions Court video equipment must meet the following guidelines:

- CD's and DVD's must be viewed by parties prior to coming to court. Video must be playable in a computer video player or DVD player through TV monitor device without having to install additional software.
- No third party software will be installed on General Sessions Court computers to play videos due to network security issues.

- Most standard video formats are as follows and should be used, MPG, MPEG, WMV, AVI, VOB MOV, for computer or DVD compliant formats playable through DVD player.

**IN THE GENERAL SESSIONS COURT FOR METROPOLITAN
NASHVILLE-DAVIDSON COUNTY, TENNESSEE
DIVISION _____**

STATE OF TENNESSEE

vs.

WARRANT NO.(S)._____

DATE OF REQUEST: ____/____/____

REQUESTED BY: _____

BAR ID: _____

SET ASIDE ORDER

It appearing to the Court that there has heretofore a Conditional Forfeiture has been entered by the Court against the above-named Defendant, and it further appearing to the Court that the Defendant has shown to the Court good cause why the Conditional Forfeiture should be set aside;

It is therefore ORDERED, ADJUDGED and DECREED that the Conditional Forfeiture in Division ____ heretofore entered against the Defendant is hereby set aside upon payment of the forfeiture costs.

ENTERED this _____ day of _____, 200 _____.

JUDGE
DIVISION

THE PARTIES SEEKING THE SET ASIDE ORDER SHALL PRESENT A COPY OF THE FILE JACKET AND A COPY OF THE AFFIDAVIT ON THE WARRANT AT THE TIME OF THE REQUEST.

DO NOT WRITE BELOW THIS LINE - CLERK'S USE ONLY

Court Date: ____/____/200__ at _____

**IN THE GENERAL SESSIONS COURT FOR METROPOLITAN
NASHVILLE-DAVIDSON COUNTY, TENNESSEE**

STATE OF TENNESSEE

vs

WARRANT NO. _____

ORDER OF CONTINUANCE

It is hereby Ordered that the above-styled case set for hearing on _____ at ____:____ is hereby CONTINUED to the date and time entered on this Order at the request of the signed.

Counsel _____

State _____ Defense _____

TO THE PARTY SEEKING THE CONTINUANCE: INITIAL PERSONS TO BE NOTIFIED BY THE CLERK:

TO THE CLERK: YOU ARE HEREBY ORDERED TO NOTIFY ONLY THE PERSONS INITIALED BELOW.

1. ____ Notify the victim Witness Office.
2. ____ Send a cancellation and new Court date to all Police personnel previously subpoenaed
3. ____ Notify each witness listed on the warrant.
4. ____ Notify the defendant.
5. ____ Notify the defense Counsel.
6. ____ Notify the Office of the District Attorney.
7. ____ Check for co-defendant(s), and notify co-defendants and Counsel.

If the continuance is granted at least five (5) days prior to the original Court date, mailing notice is sufficient, except for police who must receive a cancellation notice; if fewer than five (5) days, telephone the above-listed persons, in addition to mailing notices.

ENTERED THIS _____ day of _____, 20__.

JUDGE

This case is continued to _____ at _____.
(Month) (Day) (Year) (Time)

COURT ROOM NUMBER _____

_____, Clerk.

To request handicapped accommodations
Please contact (615) 862-4260.

ORDER ADOPTING RULES

These Revised Local Rules of Practice are hereby adopted for the Metropolitan General Sessions Court for Davidson County and will take effect May 7, 2008.

JUDGE GALE B. ROBINSON
Division I

JUDGE WILLIAM E. HIGGINS
Division VII

JUDGE DAN EISENSTEIN
Division II

JUDGE LEON RUBEN
Division VIII

JUDGE ANGELITA DALTON
Division III

JUDGE SUE MCKNIGHT EVANS
Division IX

JUDGE GLORIA A. DUMAS
Division IV

JUDGE CASEY E. MORELAND
Division X

JUDGE DIANNE TURNER
Division V

JUDGE JOHN AARON HOLT
Division XI

JUDGE MICHAEL F. MONDELLI
Division VI