

# Local Rules - General Sessions Civil Division

Adopted August 20, 2018

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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**

- a. All parties that appear before court, including but not limited to attorneys, litigants and witnesses, shall dress professionally for Court. Please DO NOT enter the Courtroom wearing a halter top, T-top, see-through top, shorts, exposed midriff, exposed underwear, hats, sagging pants, low-riding pants, shirts with inappropriate language, torn clothing, mini-skirts, flip flops other inappropriate clothing and un-tucked shirts or blouses. Exceptions to the following dress code may be allowed for religious attire only.

## **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, in writing, 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 Counselor pro-se party.

## **RULE 3. FILING AND SERVICE OF PAPERS**

### **3.01 Filing with the Clerk**

In addition to traditional paper submission and filing with the Clerk, in accordance with Tennessee Code Annotated, Title 16, Chapter 15, Part 7, electronic filing is adopted for the General Sessions Courts of Davidson County Tennessee. The Electronic Filing Rules and effective date set forth by each Clerk's Office govern the electronic filing of cases, pleadings and other papers. There will be no statute of limitations/filing deadline extensions or exceptions made when the electronic filing system is down or inoperable.

Any day on which the office of the court clerk is closed or on which weather or other conditions have made the office of the court clerk inaccessible, the period of time for filing a paper in court shall run until the end of the next business day.

E-Filing through the eFlex system may not be used to file appeals in any action. All appeals must be filed timely and in paper form with the Circuit Court Clerk's Office.

When confidential information is not required by law to be filed, the filer should redact or leave out the information prior to filing the document(s). Items designated by the Tennessee Code Annotated as Confidential Information not open for public inspection are as follows:

- Social Security Numbers

- Taxpayer IDs
- Employer and Taxpayer Account Numbers/PINs/Info
- Credit/Debit Card Account Numbers/PIN/Authorization Numbers
- Passport/Alien Registration Numbers
- Biometric Data
- Electronic Identification Numbers/Routing Codes
- Driver License Numbers
- VINs

### **3.02 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.

### **3.03 Filing of Briefs or 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 Continuances**

Continuances will only be granted to a date certain. There will be no "indefinite" continuances. All cases MUST be disposed of within one (1) year of the date of the first setting of a case unless good cause is shown to the Court.

## **RULE 7. NONSUITS**

### **7.01 Nonsuits**

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 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 fee 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 the 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**

### **10.01 Civil Dockets**

Civil Dockets are currently heard in the Justice A. A. Birch Building on Monday through Friday, at 9:00 a.m. in Courtroom 5D on the 5th Floor and at 10:00 a.m. in Courtroom 1B on the 1st Floor.

## **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 that an interpreter shall be appointed, said appointment and scheduling of the interpreter shall be coordinated with the General Sessions Court Administration Office. Notwithstanding Rule 42, it is the policy of the General Sessions Court judges to schedule a language interpreter before any court appearance in the interest of allowing limited English proficient persons to exercise their legal rights, and to secure meaningful access to the judicial system. Please contact the General Sessions Court Administration Office to secure a language interpreter for court appearances in a timely manner. Pursuant to Supreme Court Rule 42 section 7(a), the Tennessee Administrative Office of Court compensates foreign language interpreters who provide services in a civil case as follows: any hearing, trial, or other appearance before any juvenile, probate, circuit, chancery, criminal or appellate court, in any action, appeal or other proceeding, including any matter conducted by a judicial magistrate.

### **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 General Sessions 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**

### **12.01 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.