

**RULES OF PRACTICE AND PROCEDURE  
IN THE CIRCUIT, CHANCERY, AND CRIMINAL COURTS  
FOR THE  
FIFTEENTH JUDICIAL DISTRICT**

**RULE 1. RULES OF COURT: APPLICABILITY, PURPOSE AND DEFINITIONS**

**§ 1.01 Adoption of Rules**

These rules shall replace all previous local rules.

**§ 1.02 Applicability**

- a. **General Applicability.** Unless otherwise indicated by a particular rule, Rules 1 through 5 apply to all types of cases in the Circuit, Chancery, and Criminal Courts of the Fifteenth Judicial District. When a rule applies only to a particular type of case (e.g., civil or criminal cases) it applies to all cases of that type regardless of which court is hearing the case. The Tennessee Rules of Civil Procedure, Rules of Criminal Procedure, the Rules of the Tennessee Court of Appeals, and of the Court of Criminal Appeals, and the Rules of the Tennessee Supreme Court are applicable to the Fifteenth Judicial District although not specifically set out herein. The aforementioned rules take precedence over any of the local rules mentioned herein if they are in conflict.
- b. **Rules Applicable to Civil Cases Only.** Rules 6 through 23 pertain only to civil cases unless expressly stated otherwise in these rules.
- c. **Rules Applicable to Criminal Cases only.** Rules 24 through 33 only apply to criminal cases unless expressly stated otherwise in these rules.

**§ 1.03 Purpose of Rules**

These rules will be construed to secure simplicity in procedure, fairness in administration, and elimination of unjustifiable expense and delay.

**§ 1.04 Suspension of Rules**

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

**§ 1.05 Definitions**

The following definitions apply to terms used in these rules:

Clerk means: The Circuit Court Clerk or the Clerk & Master of the Chancery Court.

T.R.C.P. means: Tennessee Rules of Civil Procedure.

T.R.Crim.P. means: Tennessee Rules of Criminal Procedure.

T.R.E. means: Tennessee Rules of Evidence.

**Trial Judge:** Means a Circuit Court Judge, Criminal Court Judge, or Chancellor as the context so requires.

**§ 1.06 Citation**

These rules may be cited at “Local Rule § \_\_\_\_\_.”

**RULE 2. ASSIGNMENT AND DISPOSITION OF CASES**

**§ 2.01 Interchange of Judges**

When necessary for the efficient administration of justice, a chancellor or judge may hear and determine any matter by interchange for another chancellor or judge without the necessity of transferring the case from one court to another. A chancellor or judge may hear or determine any matter by interchange for any other chancellor or judge.

**RULE 3. COURT SESSIONS**

**§ 3.01 Regular Sessions**

Regular sessions of Court will open at 9:00 A.M. or at such other time as the court directs. Attorneys shall be prompt at all sessions. Regular Court terms of each county in this District are as follows: **See Appendix 1 for the Chancery Court schedule; see Appendix 2 for Circuit Court, Division I schedule; see Appendix 3 for Circuit Court, Division II schedule; and, Appendix 4 for Criminal Court schedule.** The scheduling of cases outside the above regular terms shall be on a first come first serve basis due to the shortage of courtroom space throughout the 15<sup>th</sup> Judicial District. Prior to the setting of cases outside the regular term, the Trial Judge and the attorneys shall confirm through the clerks that courtroom space is available. The Circuit Court Clerk and Clerk and Master of each county shall coordinate and maintain a master calendar that will show the scheduling of cases outside the regular terms.

**§ 3.02**

The following holidays have been designated by the State of Tennessee as legal holidays. Court will not be heard on these days, to wit:

1. New Year's Day
2. Martin Luther King, Jr. Day
3. Washington Day
4. Good Friday
5. Memorial Day
6. Independence Day
7. Labor Day
8. Columbus Day, unless this date is exchanged with the Friday after Thanksgiving.
9. Veterans Day
10. Thanksgiving Day
11. Christmas Day

If any of these holidays are in conflict with any of the opening days of court or arraignment days, opening day of each court term and arraignment days shall be held on the next Court day for the Court at the same hours herein set out.

**§ 3.03 Courtroom Seating Procedures**

The party with the burden of proof shall sit at the counsel table located nearest to the jury box.

**>RULE 4. APPEARANCE AND CONDUCT OF COUNSEL**

**§ 4.01 Professional Conduct.**

All attorneys shall comply with the rules of Professional conduct at all times as adopted by the Tennessee Supreme Court.

**§ 4.02 Space Within the Bar Reserved**

The space within the bar shall, at all times be reserved for members of the bar, officers attending court, the clerk, the witness in the witness box, and such other persons as are designated by the State's attorney, the plaintiff's attorney, and the defendant's attorney as being necessary aids in the prosecution or the defense of the case, and who shall be seated at the respective tables of the state, the plaintiff, or the defendant.

**§ 4.03 Media Guidelines**

Rules for media coverage are controlled by Supreme Court Rule 30.

**§ 4.04 Children in Court**

Small children shall not be brought into court that are not parties or witnesses in the case. Attorneys are directed to apprise their clients and witnesses of this rule.

**§ 4.05 Examining Witnesses**

Counsel will stand when examining and cross-examining witnesses and when addressing the court or the jury except those who are physically handicapped or otherwise incapacitated, and except attorneys voicing objection when there is insufficient time to rise, or unless otherwise excused by the court.

**§ 4.06 Proper Attire**

Counsel, litigants, witnesses, court reporters, and court officers shall not dress in a manner which distracts from the proper decorum in the court.

**§ 4.07 Forbidden Conduct**

Reading, smoking, chewing gum or tobacco, eating, or drinking beverages in the courtroom is forbidden at all times except counsel and witnesses may have water provided by the court.

**§ 4.08 Approaching the Bench**

Attorneys will not approach the bench without permission of the court.

#### **§ 4.09 Familiarity with Participants**

During trial, counsel shall not exhibit familiarity with witness, jurors, or opposing counsel, and the use of first names for adults shall be avoided. No juror shall be addressed individually by name except upon voir dire.

#### **§ 4.10 Jury and Bench**

In no case shall any person other than officers in charge of the jury and attorneys when presenting or arguing a case be allowed to stand, walk or be seated in the immediate vicinity of the jury box or the jury room while a case is pending before a jury occupying the same. The court officer shall strictly enforce this rule, and it shall be the duty of the clerk and the attorneys involved to cooperate in such enforcement period. During the trial of a case no person other than parties to the case may be permitted to walk between counsel table and the bench occupied by the trial judge. The bailiff shall handle all exhibits between counsel, the witness and the jury.

### **RULE 5. COURT FILES AND FILINGS**

#### **§ 5.01 Obtaining Court Files**

All papers and records of the court shall be in the custody of the clerk. Files may not be withdrawn by any person other than attorneys, or their employees. Any files withdrawn shall not be retained for more than five (5) days without leave of court. The person withdrawing the file shall be responsible for maintaining its contents and returning it to the clerk. Copies of files shall be furnished by the clerk at a reasonable cost.

#### **§ 5.02 Filings**

All motions and orders filed with the court clerk must be original hard copies. Facsimiles will not be accepted for filing.

### **Rules 6 THROUGH 23 SHALL APPLY TO CIVIL CASES**

### **RULE 6. JURY DEMAND: CIVIL CASES**

#### **§ 6.01 Procedure**

In any civil case in which a jury is demanded, the words "JURY DEMAND" shall be typewritten in capital letters on the first page of the pleadings opposite the style of the case above the space for the case number.

#### **§ 6.02 Number of Jurors**

In all civil cases, the parties may stipulate that the jury will consist of any number of persons less than twelve (12). Unless otherwise expressly demanded, a jury demand is a stipulation for a six (6) person jury. Failure to demand a twelve (12) person jury in the last T.R.C.P. Rule 7.01 pleading filed is a stipulation for a six (6) person jury.

### **§ 6.03 Challenges**

Any stipulation regarding the number of jurors shall not affect the number of challenges nor the manner of making them.

## **RULE 7. DISCOVERY**

### **§ 7.01 Interrogatories to Parties**

(a) No party shall serve on any other party more than twenty-five (25) single question interrogatories including sub-parts. If a party serves more than the allowed number of interrogatories on another party the party served with the interrogatories shall answer or respond to only the first twenty-five (25) questions and sub-parts.

(b) Any party who desires to serve additional interrogatories must seek leave of court. The motion shall include the additional interrogatories the party wishes to serve and an affidavit and memorandum setting out reasons which would establish the necessity and good cause for the service of additional interrogatories.

### **§ 7.02 Order and Response to Discovery**

Any discovery properly propounded and served on the opposing party shall be answered by said opposing party before the party first serving the discovery request is required to answer any discovery or submit to depositions.

### **§ 7.03 Motions to Compel Discovery**

Motions to compel discovery shall:

- (a) Either (1) quote verbatim the interrogatory, request, or question and any objection or response thereto, or (2) be accompanied by a copy of the interrogatory, request or excerpt of a deposition which shows the question and objection or response. This requirement shall not apply where a party has submitted no response or objection to the entire set of interrogatories or requests; and
- (b) State the reason supporting the motion.

### **§ 7.04 Motions for Protective Orders; To Quash Subpoena**

Motions for protective orders filed pursuant to rule 26.03, T.R.C.P., motions to quash subpoenas for discovery filed pursuant to rule 45.02, T.R.C.P., or any motion asking that deposition or discovery be postponed or restricted shall:

- (a) Either (1) quote verbatim the interrogatory, request, question, or subpoena, or (2) be accompanied by a copy of the interrogatory, request, subpoena, or excerpt of a deposition which shows the question;
- (b) State with particularity the grounds for the motion;
- (c) Be accompanied by an affidavit or other evidence showing the need for the order;

- (d) The motion and the accompanying document shall be mailed or faxed to the trial judge along with filing with the clerk; and
- (e) Time requirements provided by the T.R.C.P. or these rules for filing and arguing motions shall be suspended if necessary by the court as justice requires.

**§ 7.05 Motion to Compel; Exhibits to Depositions**

Agreements to furnish exhibits made during the taking of depositions may be enforced by motion made pursuant to Rule 37, T.R.C.P., and rule 8.03 of these rules.

**>RULE 8. TRIAL CALENDAR**

**§ 8.01 General**

Counsel are encouraged to set cases for trial by agreement and in a timely manner. Counsel shall bring their trial calendars to docket settings. In compliance with the applicable statutes workers' compensation cases shall be given preference in setting.

**§ 8.02 Procedure for Case Settings**

- (a) All cases shall be set for trial by:
  1. Obtaining dates from the trial Judge's Secretary and entering an agreed order which sets out the date, time, place, and duration of the trial;
  2. At docket call with an order being entered which sets out all information provided in subparagraph (a), above; or,
  3. By motion and notice of hearing to set for trial; or,
  4. By the court with notice to all parties.
  5. In Chancery Court the Clerk and Master of each county shall set all trial dates.
- (f) The Circuit Judges of Division I & II shall call and set the docket for cases assigned to that Judge on the first day of each term of court in Jackson, Macon Smith and Trousdale counties. Wilson County shall be established by the trial judge in each division.

**§ 8.03 Deadline for Trial Preparation**

When a party objects to having a case set because trial preparation is not complete, the court may establish a deadline for completing trial preparation. Provided however, the objecting party must show good cause as to why preparation is not complete and that they have made a good faith effort to prepare the case for trial in a timely manner.

**§ 8.04. Pretrial Conferences**

- (a) Pretrial conferences may be had upon Order of the court or upon Motion of either party.
- (b) Objections to any or all parts of deposition testimony sought to be introduced at trial shall be presented and ruled upon at the pretrial conference.
- (c) Motions in limine shall be presented at the pretrial conference and ruled upon.

- (d) Prospective special jury charges and special verdict forms shall be presented at the pretrial conference.
- (e) At the pretrial conference the parties shall enter into stipulations on all uncontested matters which shall be filed with the court and admitted into evidence.

#### **§ 8.05 Notice Immediately Upon Settlement**

If a case is set for trial and the parties subsequently reach a settlement, the parties shall give immediate notice of the settlement to the clerk and Judge and shall promptly file an agreed order. Strict adherence to this requirement will allow the court to better plan for the trial of other pending cases.

### **RULE 9. MOTIONS IN GENERAL**

#### **§ 9.01 Scheduling Motions**

- (a) All motions shall be scheduled by obtaining date, place, and time from the Judge's Secretary or in the Chancery cases by scheduling through the Clerk and Master. All motions shall include a notice that sets out the date, place and time that the motion will be heard.
- (b) Motions without proof or other documents for the court to review may be heard by telephone if all parties agree and it is convenient to the court.
- (c) Motions may be stricken or continued by notifying the Judge's Secretary before the date of the motion and notifying opposing counsel by letter or notice either faxed or delivered by the U.S. Mail.

#### **§ 9.02 Writings Supporting or Opposing Motions**

- (a) All affidavits or other documents intended to be used to support or oppose motions shall be served on the opposing party prior to the day of the motion hearing.
- (b) All Motions may be supported by briefs or legal authority. Any briefs containing a cite to an unreported decision shall have a copy of the case appended.

#### **§ 9.03 Failure to Appear at a Motion Hearing: Late Appearance**

If any party does not appear at a scheduled hearing on a motion or any other matter scheduled to be heard on the motion docket, the court may strike or adjudicate the motion. Counsel who will be late for a motion shall notify the Judge's secretary in advance of the hearing or have an announcement to that effect made at the call of the motion docket.

#### **§ 9.04 Motions for New Trial-hearings**

- (a) Motions for new trial and/or modification of an order/judgment shall be docketed by the movant for hearing within thirty (30) days of the date of filing of the motion.
- (b) The failure to docket a hearing within thirty (30) days shall be considered a waiver of the motion and an order overruling said motion may be entered by the court, unless enlarged by the court for good cause shown.

#### **§ 9.05 Summary Judgment Motions**

- (a) All summary judgment motions will be heard sixty (60) days before trial. Three (3) days before the Motion is to be argued the parties shall submit to Judge/Chancellor's office a copy of all documents, pleadings, depositions, briefs and or other writings that the parties intend to rely upon in presenting or defending the motion so that the court may review same if his or her schedule permits. All such writings shall also be filed with the clerk on or before the time it is filed with the Judge.
- (b) All summary judgment motions shall be heard on regular session days unless set otherwise by the court. Sufficient time shall be set aside for the court to read all writings filed and to hear argument of the parties.
- (c) It shall be the responsibility of the party who is the proponent of the motion for summary judgment to obtain and bring the court file to the hearing for summary judgment if the hearing is held in a county other than where the suit is filed.

#### **RULE 10. USE OF AUDIO/VISUAL RECORDINGS**

When a party intends to offer an audio and/or visual recording as evidence in any jury trial, counsel shall provide written notice to all adverse counsel at least forty (40) days before trial. Adverse counsel shall be permitted to review the recording in the form in which it is intended to be offered at trial. Additionally, counsel, at his/her expense, shall be allowed to copy said recording. The attorneys shall then attempt in good faith to resolve such matters among themselves. If the attorneys cannot resolve the objections, then they shall advise the trial court sufficiently before trial in order that said objections may be ruled upon in time to allow editing of the recording. By way of example only, this rule applies to video taped depositions, "Day in the Life" recordings, surveillance films, interviews and statements. This rule applies to rebuttal and impeachment evidence.

#### **RULE 11. COURT REPORTERS**

It is the responsibility of litigants to arrange for court reporters in civil cases. Proceedings will not be postponed or delayed because of a court reporter's absence or tardiness where counsel have not been diligent in this regard.

#### **RULE 12. GENERAL SESSIONS APPEALS IN CIRCUIT COURT**

It shall be the duty of the Appellant and/or their attorneys to notify opposing parties or counsel at the time a General Sessions Court case has been appealed to Circuit Court. The Clerk shall also notify opposing parties or counsel that a case has been appealed and the date same will be on the Circuit Court docket.

## **RULE 13. CONTINUANCES**

### **§ 13.01 Procedure for Continuance**

Cases may not be continued by agreement unless approved by the court. In such instances, continuances may be granted. All other motions for continuances shall be on motion and notice and only upon a showing of good cause.

### **§ 13.02 Grounds for Continuance**

- (a) If a witness has been served with a subpoena and fails to appear in court, it is a ground for continuance. Otherwise absence of a witness will not be considered as a ground for a continuance.
  
- (b) When a case has been set, failure to have completed discovery, inability to take a deposition, or failure to have completed any other trial preparation will normally not be grounds for a continuance. The Court should be timely notified of problems in scheduling depositions or other preparation (such as refusal of a deponent to promptly schedule a deposition) and the court may take such action to ensure that depositions are given in a timely fashion so as to ensure that parties are ready for trial on the scheduled trial date. The court will only consider any of the above as a basis for continuance if the party can show their prompt diligence in scheduling depositions and such.

### **§ 13.03 Rescheduling Case after Continuance**

(a) If a case is continued, a new trial date will be assigned at the time of the continuance if practical.

## **RULE 14. SUBPOENAS**

### **§ 14.01 Issuance of Subpoenas**

- (a) All subpoenas for witnesses, except for subpoenas issued in “blank”, shall be issued and signed by the clerk in triplicate. One copy shall be designated “service copy” and it is to be left with the witness. One copy shall be designated “file copy” and retained in the file. The original shall be the return copy.
  
- (b) Subpoenas issued in blank shall be signed by the Clerk, shall be completed by the party requesting it and three (3) copies shall be filed with the clerk within the time frame set out in Rule 19.03(a)(b).

### **§ 14.02 Clerk’s Duty upon Issuing of Subpoena; Removal of File Copies**

When a subpoena is issued, the clerk shall:

- (a) Place the file copy of the subpoena in the file of the case;
- (b) Deliver the service copy and original to the Sheriff or other authorized person for service; and
- (c) When the original subpoena is returned to the clerk, the Clerk may remove the file copy and discard it.

#### **§ 14.03 Time for Issuing Subpoenas**

- (a) Non-Jury Cases: Subpoena for a local witness must be issued and dated by the clerk no later than five (5) days before the date of trial. If the witness is out of county, the subpoena must be issued by the Clerk and mailed or otherwise transmitted to the out of county sheriff or other authorized person no later than seven (7) days before the date on which the case is set for trial.
- (b) Jury Cases: Subpoenas for a local witness must be issued and dated by the clerk no later than seven (7) days before the trial and ten (10) for out of county.

#### **§ 14.04 Responsibility of Counsel**

Counsel of record shall be responsible for insuring the subpoenas are issued in accordance with this rule and the applicable rules of Civil Procedure. Nothing prohibits counsel from preparing subpoenas. The clerk may not refuse to issue a subpoena requested by counsel at any time.

### **RULE 15. PRE-TRIAL PROCEDURE**

#### **§15.01 Required Procedure**

At least seventy-two (72) hours (excluding weekends and holidays) prior to the trial of a case, opposing counsel shall notify each other, in writing, of:

- (a) the name and address of all witnesses expected to be called by a party in its case in chief;
- (b) identify and make available for viewing all proposed exhibits.

#### **§ 15.02 Workers' Compensation Cases – Pre-Trial form and Procedure**

- (a) In addition to the above, a copy of all medical or expert depositions, C-32's or other expert proof to be relied upon by a party as proof at trial shall be mailed or delivered to the Judge's office at least five (5) days prior to the trial so that the trial Judge may review the proof submitted before trial if his or her trial calendar and schedule permits. Condensed versions will not be accepted.

(b) All parties shall fully complete the Pre-Trial Stipulation and Memorandum Form for contested workers' compensation cases appended to these Rules. See Appendix 5.

Counsel for the employee shall complete the form and submit it to opposing counsel seven (7) days before trial. Defense counsel shall complete the form and submit a copy to the Judge at his/her office and file the original with the clerk of the court at least five (5) days before trial.

(c) Failure of the parties to stipulate or admit to facts, which should be stipulated or otherwise complete the Pre-Trial Memorandum Form shall be subject to sanctions as the court deems just.

## **RULE 16. EXHIBITS**

### **§ 16.01 Depositions and Discovery Material**

Depositions and discovery material submitted to the court as evidence which are not read to the court shall be made trial exhibits to the extent they are admissible under the T.R.C.P.R. and T.R.E.

### **§ 16.02 Custody of the Clerk**

All trial exhibits shall be accounted for and placed in the custody of the clerk unless otherwise directed by the court.

## **RULE 17. REQUESTS FOR SPECIAL INSTRUCTIONS AND SPECIAL VERDICT**

### **§ 17.01 Requests for Special Instructions**

When counsel submits special requests pursuant to Rule 51, T.R.C.P. copies shall be furnished to adversary counsel. When a request for an instruction is made and the request is for a Tennessee Pattern Jury Instructions verbatim, the request shall be made by reference to TPI (Civil) No: \_\_\_\_". If the request is for a modification of an existing instruction, the request shall identify the instruction to be modified by number and identify the deletion or addition. When a request for an instruction is made and there is no instruction on the subject in the Tennessee Pattern Jury Instructions, this fact must be stated in the request. Any request which seeks to alter or modify a Tennessee Pattern Jury Instruction shall cite authority relied on and be accompanied by a complete copy of such authority.

### **§ 17.02 Special Verdicts**

Requests for special verdicts or written interrogatories made pursuant to Rule 49, T.R.C.P. must be made before commencement of the trial and must be accompanied by proposed verdict forms, proposed written interrogatories and proposed instructions which will be given to the jury along with the special verdict forms or interrogatories. The court shall inform counsel of its proposed action on the requests prior to their arguments to the jury.

## **RULE 18. ORDERS AND JUDGMENTS**

### **§ 18.01 Preparation and Submission of Orders and Judgments**

- (a) Unless the Court directs otherwise, in all cases wherein orders or judgments are granted in contested matters, the attorney for the prevailing party shall prepare the order for signature by the court. If said order is signed by all parties or counsel, it shall be submitted directly to the Judge for signature within ten (10) days of the date of the court's decision.
  
- (b) Orders in contested matters containing the signatures of less than all the parties or their attorneys shall be submitted to the Judge within ten (10) days from the date of the court's decision and the same shall not be entered immediately, but will be held by the Judge for three (3) days. When opposing counsel or party receives a copy of a proposed order, he or she shall notify the Judge immediately in writing of any objection to the same. Counsel shall immediately mail their objection or an alternative order to the Judge. If the Judge receives no objection within the three (3) day period, the order will be signed by the Court. Where there is a disagreement as to the terms of the order, the court shall:
  - 1. enter the order which reflects the court's ruling;
  - 2. enter his or her own order, or;
  - 3. request a transcript of the findings and direct an order be entered in compliance with same.
  
- (d) All orders prepared by counsel and not signed by all parties or their counsel shall be accompanied by a certificate of counsel that copies of the order or judgment have been served on all parties or counsel of record.
  
- (e) All orders shall be mailed directly to the Judge for his/her signature and shall be accompanied by an envelope properly addressed to the clerk of the county in which the action is filed or to the attorney submitting the Order with sufficient postage affixed thereto to carry it to its destination. Alternatively, orders may be lodged with the clerk for the court's signature. Orders shall not be filed by the Clerk until signed by the Judge.

### **§ 18.02 Costs**

All final judgments shall provide for the taxing of court costs.

### **§ 18.03 Payment and Satisfaction of Judgments**

- (a) Funds paid to the Clerk by check on local banks will not be disbursed until five (5) days after the clerk receives the check. Funds paid to the clerk by checks drawn on out of town banks will not be disbursed until ten (10) days after the clerk receives the check. Alimony and child support checks may be disbursed sooner at the discretion of the Clerk.
  
- (b) Orders for disbursing funds, other than agreed orders, must be final before the clerk will disburse the funds.

## **RULE 19. DIVORCE: SPECIAL PROCEDURES**

### **§ 19.01 Uncontested Divorce Cases**

- (a) When a party in default desires to be heard on any matter other than the basic cause of action, he or she shall notify the court at least seven (7) days prior to the hearing of the matters upon which he or she desires to be heard and shall file a brief statement setting forth the nature of the matter.
- (b) If a property settlement agreement in a divorce action based on irreconcilable differences is delivered through personal service, as allowed by T.C.A. 36-4-103, the statutory requirements regarding service will be strictly construed.

### **§ 19.02 Time for Hearing**

- (a) No divorce case where the parties have children under 18 years of age not otherwise emancipated, shall be heard until the same shall have been filed at least sixty (60) days unless the court finds some compelling reason why the same should be so heard.
- (b) No divorce shall be heard in any case until thirty (30) days have expired from the date of service of process; however, the Court may waive this thirty (30) day requirement. When service is had by publication the thirty (30) days does not commence to run until the date of the last publication.

### **§ 19.03 Contested Divorce Cases**

In all contested divorce cases the parties shall submit an affidavit in conformity with Appendix 6 of these rules. At least 48 hours before the day of trial, the parties shall file with the clerk these affidavits.

### **§ 19.04 Contested Divorces and Custody: Order of Proof**

In contested divorce cases, the court will hear the parties to the action before hearing other witnesses unless, for good cause appearing, the court finds it desirable to proceed otherwise.

### **§ 19.05 Pendente Lite Child Support and Alimony Hearings**

Motions and applications for child support and alimony pending the final hearing of a case will be submitted and heard on affidavits. The moving party shall include in the complaint, petition or motion allegations in support of such child support or alimony justifying the relief sought, and prior to the hearing, the parties will submit affidavits in support or opposition to the relief sought. Testimony by witnesses in support or opposition to the motion or application shall not be allowed except by leave of the court for good cause shown.

## **RULE 20. GUARDIAN AD LITEM: SPECIAL PROCEDURE**

### **§ 20.01 Appointment**

- (a) Guardian Ad Litem shall be appointed by the clerk or by the court. The clerks of the respective counties shall maintain a roster of active practicing attorneys from which a guardian ad litem shall be appointed and shall make a notation of the date as to when a particular attorney has been appointed as guardian ad litem in a cause.
- (b) It shall not be permissible for the plaintiff or other parties to the action of their representative to nominate the guardian ad litem; provided, however, if there are peculiar reasons why a particular attorney should be appointed as guardian ad litem in a particular case, it shall not be improper for such reasons to be made known to and considered by the clerk or the court in making such appointment.

#### **§ 20.02 Disqualification as Guardian Ad Litem**

No attorney shall be appointed as guardian ad litem if he or she has pecuniary interest in the outcome of the cause; if he or she is a member of the firm of, partner or associate of any of the other attorneys involved in the cause or if any other facts exist which would in any way interfere with said guardian ad litem fully representing the best interest of the person for whom such appointment is made.

#### **§ 20.03 Compensation of Guardian Ad Litem**

At the conclusion of the matter the guardian ad litem shall file with the clerk a statement detailing the nature and extent of his/her services including the amount of time spent, what he/she considered to be a reasonable fee for services rendered and any other facts which might assist the court in fixing the fee for such services.

#### **§ 20.04 Fees of Guardian Ad Litem**

Fees for guardian ad litem shall be treated and taxed as costs or as otherwise provided by statute.

### **RULE 21. JURORS**

In order to ensure that jury duty is not unfairly avoided by any eligible citizen, prospective jurors shall be excused from jury service only upon a showing of undue hardship or other statutory grounds. Clerks, Judges and counsel should impress the importance of jury trials in our system or justice upon those seeking to be excused from jury service. At the same time, the Clerks, Judges and counsel should be aware of the sacrifices that jury service involves and attempt to make the experience of being a juror as pleasant and productive as possible. Lengthy delays before or during trial that require jurors to wait should be avoided if possible and explained by the Judge if the delay cannot be avoided.

### **RULE 22. TIME STANDARDS FOR THE DISPOSITION OF CASES**

#### **§ 22.01 Dismissal of Cases**

- (a) To expedite cases, the court may take reasonable measures to purge the docket of old cases by entry of orders of dismissal which shall be considered without prejudice unless otherwise indicated.

## **RULE 23. JUDICIAL MEDIATION**

### **§ 23.01 Request for Mediation**

In order to facilitate the expeditious hearing of case, to limit the expense of litigation and to enhance the goals of the judiciary all litigants are encouraged to seek mediation of cases. All workers' compensation cases will be mediated through the Department of Labor if either party requests mediation. In all other cases the parties may seek private forms of judicial mediation.

### **§ 23.02 Scheduling Mediation**

If either party requests judicial mediation, an order may be entered by the trial judge assigning the case for mediation. The parties may agree on a judge to conduct the mediation within or without the 15<sup>th</sup> Judicial District. If the parties cannot agree, then the trial judge may request the assistance of one of the other trial judges in the district as a mediator who shall notify the parties of the time, date and place of mediation. Such assignment shall only be with the concurrence of the other trial judge.

## **RULES 24 THROUGH 33 APPLY ONLY TO THE CONDUCT OF CRIMINAL CASES**

### **RULE 24. SCHEDULE OF TRIALS AND HEARINGS**

#### **§ 24.01 Schedule of Trials and Hearings**

Regular session of court shall start at the time set by the trial judge.

#### **§ 24.02 Non-Jury Trial Schedule**

Non-Jury trials will be set by the Court at the earliest dates available.

#### **§ 24.03 Grand Jury**

The Grand Jury will be selected at 9:00 A.M. on the first day of the court term in each county except in Wilson County. In Wilson County the Grand Jury shall be selected on the second Monday in March, May, July, September and November.

#### **§ 24.04 Jury Trial Dates**

Jury trial dates will be set according to the caseload. Back-up cases will not be set. Once a trial is scheduled, the case may only be resolved by trial, dismissal with prejudice, or on the State's motion for nolle prosequi approved by the Court or plea of guilty to the indictment.

### **RULE 25. TRIALS, HEARINGS AND ATTENDANCE**

#### **§ 25.01 Hearings in Open Court**

Except for informal and purely routine matters, all hearings will be had in open Court including motions for continuance.

**§ 25.02 Hearings to be on Written Motion or Plea**

Except as provided herein or otherwise required, all matters will be heard on written motion, petition, or plea, of the moving party (or the party who otherwise invokes the jurisdiction of the Court) and responsive pleading of adverse parties when required.

**§ 25.03 Attendance of Parties**

Attendance of parties shall be governed by Rule 43 of the Tennessee Rules of Criminal Procedure.

**RULE 26. WITNESSES**

**§ 26.01 Witnesses for Grand Jury**

The Clerk will issue subpoenas for witnesses listed on the indictments to appear and give testimony on behalf of the State at the session to which such cases are assigned. If other and further witnesses are desired by the State, the District Attorney General shall request that such subpoenas be issued by the Clerk.

**§ 26.02 Witness for Trial**

The subpoena for any witness, whether for the State or Defendant, shall be issued at least seven days prior to the date of the trial.

**RULE 27. ATTORNEYS**

**§ 27.01 Withdrawal of Attorney**

An attorney of record can withdraw from a case only by leave of Court upon written motion. Such motion shall be heard pursuant to these rules and it will be the duty of the moving attorney to notify the Defendant that he/she is required to be present in Court for the hearing. The attorney will append a certificate of service to his motion. After a matter is set for trial withdrawal of counsel will only be allowed in the most urgent of cases. The court will not consider failure of the Defendant to pay attorneys fees to be valid grounds for withdrawal after the matter is set for trial.

**§ 27.02 Appointment for Indigents**

All attorneys licensed to practice in the State of Tennessee and holding themselves out to practice in the 15<sup>th</sup> Judicial Circuit are subject to appointment for indigent defendants and petitioners. Appointments may be made in open Court or in chambers following determination of indigency. Indigency will be determined by examination of the defendant in open court, where he may be subject to cross-examination by the District Attorney, and by such proof as is offered. If an attorney appointed has good cause to believe the party is not in fact indigent, he may petition to withdraw from the case on that ground. The decision of indigency by another court shall not be binding upon other Judges of this jurisdiction. Attorneys appointed to represent

indigent defendants shall however continue to appear for that defendant until relieved of representation by the Court in which the defendant's case is currently pending.

## **RULE 28. FILING OF PLEADINGS, MOTIONS AND CONTINUANCES**

### **§ 28.01 Writing and Paper Required**

All pleadings and motions must be typewritten, double-spaced, in black ink, upon regular legal paper, eleven (11) inches long and eight and one half (8 ½) inches wide, having a blank margin on the left side of every page.

### **§ 28.02 Service and Filing**

The service of all pleadings and motions shall be governed by Rule 49 of the Tennessee Rules of Criminal Procedure.

### **§ 28.03 Use of Faxed Orders**

If it is necessary to make use of a facsimile for the purpose of obtaining the signature of a Judge on an Order, the party presenting such Order shall immediately thereafter mail or otherwise deliver the original of such Order to the appropriate Judge and such original Order shall be signed and entered nunc pro tunc to the time the facsimile was signed and shall be entered in the record of the matter in which the Order was presented.

### **§ 28.04 Time for Hearings and Motions**

Pre-trial motions shall be heard on the second Tuesday of each term of Criminal Court in Wilson County. Pre-trial motions in all other counties of the 15<sup>th</sup> Judicial District shall be on the opening day of court of each scheduled term or on any other date or time as set by the trial Judge. All motions shall be heard prior to the trial of the case. The burden is on the proponent of the motion to schedule their motion on a date and time set aside for motions by this rule.

### **§ 28.05 Failure to Appear at Motion Hearing**

If counsel for movant does not appear at a scheduled hearing on a motion or any other matter scheduled to be heard on the motion docket, the Court may strike, overrule or otherwise dispose of the motion.

### **§ 28.06 Title**

Motions, petitions, and other pleadings will bear a brief title descriptive of or suggesting content. The Court will then use this title for listing such motions on the Judges' dockets.

### **§ 28.07 Oral Motion**

Oral motions may be entertained within the Court's discretion upon adequate notice to adverse or affected parties or without notice when necessary. Such motions can be made in open court and should be made immediately after the opening of Court for the day and may be entertained at other times if necessary and when possible.

## **RULE 29. PREPARATION AND DISSEMINATION OF ORDERS**

**§ 29.01 Preparation and Submission of Orders and Judgments**

Unless the Court directs counsel to prepare an order for entry by the Court, all orders and judgments will be prepared by the District Attorney General.

**RULE 30. NEGOTIATIONS AND SETTLEMENTS**

**§ 30.01**

The State shall make its offer of settlement, if any, to the Defendant as soon as practicable after arraignment. The Defendant shall sign any plea documents before entering Court on disposition dates. Disposition dates may only be continued at the discretion of the Court. The Court shall place all cases not settled or continued on the trial calendar and they shall try the case on the date the Court reserves for jury trials. If a plea or a negotiated compromise is not introduced upon the last disposition date, then the Court shall only accept a plea to crime(s) charged in the indictment and the Court shall thereafter determine the sentence.

**RULE 31. DISCOVERY**

**§ 31.01**

The defendant shall file all discovery motions within ten (10) days from the arraignment date. The State of Tennessee shall file its answer to the motion for discovery within twenty (20) days of service along with any motions the State of Tennessee deems necessary. The defendant shall file a response to the State's motion within twenty (20) days of the State filing a reciprocal motion for discovery.

**RULE 32. BAIL BONDS, FORFEITURES AND RELIEF**

**§ 32.01**

All matters concerning bail bonds, forfeitures and relief are subject to the local rules of practice for bail bonds amended January 1, 2001 and placed in effect March 1, 2001, which are attached hereto as **Appendix 6**.

**RULE 33. GENERAL SESSIONS APPEAL DOCKET**

**§ 33.01**

Upon the filing of a General Sessions Appeal of a criminal matter, the clerk shall docket such appeal on the first day of Criminal Court following the appeal. The attorney and the defendant shall appear at the time docketed and thereafter the handling of the appeal shall be same as all other cases in the Criminal Court and subject to these rules. Failure of the defendant to appear upon the date in which the matter is docketed shall result in the appeal being denied

and the case remanded back to the General Sessions Court for the judgment of that Court to be final.

## **RULE 34. PROBATE**

### **§34.01**

The Tennessee Rules of Civil Procedure and Tennessee Rules of Evidence are expressly adopted by the Probate Division of the Chancery Court of the 15<sup>th</sup> Judicial District. All petitions and complaints filed in Court shall be sworn to and shall be addressed to the Chancery Court, Probate Division, of \_\_\_\_\_ County.

### **§34.02 Petitions to Open Estates**

(a) Under T.C.A. 16-16-201 (b), the Clerk and Master shall be authorized and empowered to grant letters of administration and letters testamentary, letters of guardianship and letters of conservatorship, appoint personal representatives, appoint guardians and conservators, receive and adjudicate all claims, probate wills in common form, determine allowances to the surviving spouse and family of the deceased, preside over the assignment of homestead, preside over the proceedings for the elective share, take and state all accounts and settlements, subject to the approval of the Chancellor, direct and approve final distributions, and hear and determine all probate matters whether herein enumerated or not. The Chancellor shall hear all probates in solemn form and may hear such other probate matters as the Chancellor may deem proper. All accounts, settlements and final orders of distribution shall be made subject to the approval of the Chancellor. All actions taken by the Clerk and Master shall be subject to review by the Chancellor by simple motion, petition or the filing of exceptions as may be appropriate.

(b) Pursuant to T.C.A. 30-1-117, the following information shall be included in petitions to admit a will to probate and petitions for the administration of estates:

The petition and order to probate shall be made to the Clerk and Master.

- (1) The identity of the petitioner.
- (2) The decedent's name, age (if known), date and place of death and residence at time of death.
- (3) In case of intestacy, the name, age (if known), mailing address and relationship of each of the decedent's heirs at law.
- (4) A statement that the decedent died intestate or the date of execution (if known), and the names of all attesting witnesses of the document or documents offered for probate.
- (5) The document or documents offered for probate, or a copy thereof, as an exhibit to the petition.
- (6) The names and relationships of the devisees and legatees and the city of residence of each (if known), and, if the decedent died intestate, similar information for those who are entitled to the decedent's property under the succession statutes, and the names of any minors or other persons under disability.

(7) An estimate of the fair market value of the estate to be administered, unless bond is waived by the document offered for probate or is waived as authorized by statute.

(8) If there is a document, whether the document offered for probate waives the filing of any inventory and accounting or whether such is not otherwise required by law.

(9) If there is a document, a statement that the petitioner is not aware of any instruments revoking the document being offered for probate, if such be the case, and that the petitioner believes that the document being offered for probate is the decedent's last will.

(10) Personal representatives must appear in person to open estates in order for their oath to be taken before the Clerk.

(11) At the discretion of the Clerk, all costs for the opening and closing of each estate will be paid by the personal representative when the estate is opened. Any additional costs which have accrued while the estate is open will be assessed at the closing and will be included by the personal representative in the final settlement.

### **§34.03 Inventory of Decedents' Estates**

(a) As provided by T.C.A. 30-2-301, an inventory must be filed by the personal representative within sixty (60) days after commencement of administration of a testate or intestate estate.

(b) In intestate estates, and in testate estates when the will does not waive inventory, the inventory may be waived if all heirs or beneficiaries consent thereto, provided all named heirs are sui juris and provided the estate is solvent. If any heir is a minor, or of unsound mind or declines to consent to waiver of the inventory, then an inventory shall be filed. In testate estates, no inventory is required if the will waives it. However, if an interested party requests an inventory in writing, the Court may in its discretion require an inventory.

(c) The inventory should list all probate assets but exact dollar values need not be given nor must an appraisal be obtained. The Court does not require item by item listing of furniture and personal effects unless such an itemization is requested by an interested party.

### **§34.04 Special Settings**

(a) The following matters shall be specially set for hearing at a date and time certain after the pleadings are at issue:

(1) Petitions to sell or encumber real property.

(2) Petitions to ratify substantial or unusual authorized encroachments.

(3) Exceptions to reports of the Clerk.

(4) Petitions for substantial encroachments for support of wards or to pay debts.

(5) Petitions to set a year's support, to set aside exempt property or to determine a surviving spouse's elective share.

(6) Petitions to contest a will.

(7) Petitions to establish lost or spoiled wills.

(8) Petitions to construe provisions of wills.

- (9) Applications for a fee that is in excess of the guidelines set forth in Rule VII
- (10) All contested matters.
- (11) Other matters such as those involving complex legal or factual issues.

(b) It shall be the responsibility of the attorney who requests the special setting to give written notice to all interested parties. Service of process may also be required as provided by law.

(c) Special settings may be heard in Chambers the 1<sup>st</sup> and 3<sup>rd</sup> Friday of each month, provided the amount of time will be under 15 minutes. If additional time is required a special setting may be required, or incorporated into a regular docket in one of the 15<sup>th</sup> Judicial counties.

### **§34.05 Accountings**

(a) As provided by T.C.A. 30-2-601, the personal representative of a decedent's estate is required to make an accounting with the clerk of the Court within fifteen (15) months from the date of qualification and annually thereafter until the estate is fully administered. For good cause shown, the Court may extend the time for filing annual or final accountings. Tennessee law provides that accountings may be waived by the Court if the decedent's will waives the requirement or if all residuary beneficiaries are sui juris and have, in writing, excused the personal representative from filing an accounting. However, this Court's policy is not to waive accountings or extend time for filing accountings unless all interested parties are sui juris and agree, in writing, to waive or extend time for filing accountings. It should also be emphasized that, regardless of whether a waiver of accountings is allowed, the personal representative and his or her counsel are obligated under these Rules to see that the estate is properly managed, administered, distributed and closed without undue delay.

(b) Attorneys are urged to close estates within fifteen (15) months after opening the estate whenever possible. The Clerk of the Probate Court is authorized to approve one extension of time for up to sixty (60) additional days. An accounting should always be filed within fifteen (15) months of opening an estate if a minor or incompetent person is a residuary beneficiary, or if a residuary beneficiary is a competent adult but declines to waive the accounting.

(c) The personal representative of an estate should always furnish either an informal or a formal detailed accounting to residuary distributees of an estate. It is only the formal Court approved accounting that may be waived by the Court. In no event should a personal representative or an attorney use pressure or undue influence to make a beneficiary or heir feel that he or she must sign a waiver. It is therefore unacceptable to suggest that unless the person waives an accounting he or she will have to pay greater fees or that there will be a lengthy delay in receiving a gift or inheritance.

(d) Copies of all accountings, annual or final, are to be furnished to all interested parties by the attorney of record or by the personal representative of the estate

(e) Pursuant to T. C. A. 34-11-111, Guardians and Conservators of minors or disabled persons are required to file annual accountings of assets handled by them, unless accountings are expressly waived by Court order.

### **§34.06 Opening of Accounts**

(a) All fiduciary accounts will be opened at institutions located within the State of Tennessee unless otherwise provided by Court Order

(b) As provided for in T.C.A. 30-2-601(e), the personal representative, unless the representative is a bank, shall furnish the original of all canceled checks written on the estate account in support of the financial information entered in the accounting. If the financial institution does not return the original canceled checks, the original printed statement can be substituted for the original canceled checks. This original statement must clearly delineate the date, payee and amount of the check for each disbursement.

### **§34.07 Fees for Personal Representatives and Attorneys**

(a) The Court will set the fees of personal representatives and attorneys of a decedent's estate upon written sworn petition filed by the personal representative. The petition may be filed by the attorney requesting the fee if the personal representative fails or refuses to file the petition.

(b) The personal representative may be allowed all necessary expenses in the care, management and preservation of the estate and may be allowed compensation, as hereinafter provided, for services rendered, unless the decedent provided for the amount of compensation for the personal representative in the will.

(c) In determining the amount of the attorney's compensation, the Court will consider the amount and character of the services rendered, the complexity of the estate, the time and effort involved, the character and importance of the litigation, the amount of money or value of property involved, the professional skill, expertise and standing of the attorney.

(d) In setting fees, the Court may consider any extraordinary services, including but not limited to sales or mortgages of real or personal property, lengthy or contested litigation involving claims against the estate, complex tax returns or audits by any federal or state agencies, the managing or selling of the decedents business, will contests, or such other litigation or special services that may be necessary for the personal representatives to prosecute, defend or perform

(e) When fixing fees for personal representatives and attorneys when no compensation is provided by the decedent's will the Court shall consider the guidelines hereinafter set forth. If the value of the decedent's gross estate (including the real estate to the extent that services were rendered in connection with the real estate) plus any income earned during the administration of the estate is under \$50,000.00, a fee of \$2,500.00 shall be considered reasonable. For estates totaling over \$50,000.00, the fee may be graduated as determined by the following guidelines;

## VALUE OF ESTATE FEE

Estates over \$50,000.00 to \$100,000.00 5%

Estates from \$100,000.00 to \$1,000,000.00 3%

Estates over \$1,000,000.00 2%

The personal representative or attorney may petition the Court for a higher percentage. The petition to increase will require a court hearing.

(f) These guidelines reflect what may be considered to be reasonable but are not binding on the Court, the parties or the attorneys. Fees should be reasonable and in accordance with the Code of Professional Responsibility as set forth in Tennessee Supreme Court Rule 8.

(g) If there are two or more personal representatives, the Court shall apportion such compensation pursuant to any agreement between them. If there is no such agreement, the Court shall apportion such compensation according to the services actually rendered by each.

(h) When the attorney also serves as personal representative, only one fee shall be allowed but the Court, in fixing same, shall take into consideration all of the services rendered.

(i) The Court may, in its discretion, set an attorney's fee using an hourly rate rather than setting the fee as a percentage of the decedent's estate

(j) The Court will not allow fees or compensation in excess of \$30,000.00 to be paid to accountants, appraisers or other professionals unless a petition setting forth the facts and requesting approval is filed with and approved by the Court. Court approval shall not be required if all interested parties consent to the payment.

(k) A copy of any petition that requests compensation pursuant to this Rule shall be given to all interested parties. Additionally, the interested parties shall be given not less than ten (10) days written notice of the date and time on which the petition is scheduled to be heard. This notice shall be given to creditors of the estate if the estate is insolvent.

(l) The petition requesting such fees shall include the following:

- (1) A description of the assets of the estate.
- (2) The value of the gross estate.
- (3) The value of the probate estate.
- (4) The amount of income earned by the estate.
- (5) The amount of compensation requested.
- (6) A statement that all interested parties have been properly notified of the proceedings and have been furnished with a copy of the petition.

(m) Normally, fees for personal representatives of the estates and their attorneys will not be heard until the estate is substantially complete and an early closing of the estate is contemplated.

(n) If the interested parties are all sui juris and agree to the fees, the Court will not require a petition for fees to be filed in the cause. Any such fee agreement should be reduced to writing and should otherwise comply with the attorney's ethical responsibilities under DR 2-106 of the Code of Professional Responsibility as set forth in Tennessee Supreme Court Rule 8.

#### **§34.08 Closing of Decedents' Estates**

(a) In order to close an estate, whether or not a final accounting is waived, the personal representative, after the period for creditors to file claims against the estate has expired, shall file a petition or sworn statement with the clerk of the Court stating substantially the following facts together with a qualification or explanation if any statement is not accurate:

- (1) That the personal representative has properly administered the estate.
- (2) That the personal representative has paid or settled all claims that were lawfully presented and that written satisfaction of all claims is attached or filed in the cause (or if the estate has been declared insolvent that the estate has been distributed in accordance with the Plan of Distribution).
- (3) That the personal representative has paid or has set aside funds to pay all expenses of administration, including bond premiums and Court costs.
- (4) That, consistent with all the requirements of T.C.A. 30-2-306, the personal representative has mailed or delivered a copy of the published notice of the requirement to file claims to the creditors of the decedent who were known or reasonably ascertainable by the personal representative.
- (5) That the personal representative has filed in the cause the final receipt and release from the Tennessee Department of Revenue evidencing payment of all Tennessee Inheritance and/or estate tax due from the estate, or, in the alternative, a non-taxable certificate. Also, that a release from the Bureau of TennCare required by T.C.A. 71-5-116 has been filed with the Clerk, or, if no release has been filed that the decedent was not enrolled in the TennCare program at the time of death or other statutory exclusions or waivers do not require the filing of such release.
- (6) That the personal representative has distributed the estate according to the will and has obtained and filed receipts for specific bequests or if the decedent did not leave a will, has distributed the estate according to the laws of intestate succession.
- (7) That the personal representative has complied with T.C.A. 30-2-301, requiring a copy of the will or appropriate portion thereof to be furnished to legatees or devisees under the will or, in case of an intestate estate, that a copy of the Letters of Administration has been sent to the distributees.
- (8) Whether any residuary beneficiary is under a disability.
- (9) That a receipt and waiver from each residuary is attached in which the residuary beneficiary acknowledges that the estate has been properly distributed to him or her and that the residuary beneficiary files the statement in lieu of a more detailed accounting.

(b) It should be noted that annual and final accountings should be filed whenever any residuary beneficiary is a minor, is under a disability, or for any reason has declined to sign a

waiver. A guardian, conservator or custodial parent may waive notice of an accounting but may not waive the accounting itself.

(c) When a trust is a residuary beneficiary, the trustee of the trust may waive an accounting but the receipt and waiver must set forth the assets received from the personal representative. Additionally, whenever the trustee and personal representative are the same person, this fact shall be brought to the attention of the Court and the Court shall determine whether, under the totality of the circumstances, waiver is appropriate. Normally, the Court in such situations will require that the adult beneficiaries of the trust also agree to the waiver of accounting.

(d) Final accountings of solvent estates may be waived and the estate may be closed on receipt and waiver provided that all residuary beneficiaries are sui juris and that they acknowledge in writing that the estate has been properly distributed to them and that they file the statement in lieu of a more detailed accounting.

#### **§34.09 Investing Funds Per Court Order**

(a) The Probate Court Clerk will invest litigant's funds paid into the Court only if there is a Court Order directing it to do so. Unless the Order provides otherwise, the Clerk shall determine in which institution the funds are to be invested and the nature of the payment or when the order is entered, if later, it will be the duty of the attorney seeking investment of the funds to specifically call to the attention of the clerk that the funds are to be invested. The Clerk, upon distribution of the funds held by it, shall be paid a commission equal to 5% of the income realized from the account. If the funds are to be held for less than thirty (30) days, the Clerk will deposit them in its "funds not invested account."

(b) All orders directing the Probate Court Clerk to invest funds must include the applicable social security number or employment identification number of the person or entity responsible for the payment of taxes on the income produced by the investment.

The Local Rules of Practice and Procedure for the Fifteenth Judicial District shall take effect on the \_\_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
HONORABLE C. K. SMITH  
CHANCELLOR

\_\_\_\_\_  
HONORABLE CLARA BYRD  
CIRCUIT JUDGE, DIVISION I

\_\_\_\_\_  
HONORABLE JOHN D. WOOTTEN, JR.  
CIRCUIT JUDGE, DIVISION II

\_\_\_\_\_  
HONORABLE J. O. BOND  
CRIMINAL JUDGE

#### **APPENDIX**

1. Chancery Court schedule
2. Circuit Court, Division I schedule
3. Circuit Court, Division II schedule
4. Criminal Court Schedule
5. Pre-trial Stipulation and Memorandum form
6. Domestic Relations forms
7. Local Rules of Practice for Bail Bonds