

**UPDATED AND RESTATED  
LOCAL RULES OF PRACTICE AND PROCEDURE  
IN THE CIRCUIT, CHANCERY, AND CRIMINAL COURTS FOR THE  
FIFTEENTH JUDICIAL DISTRICT  
Effective April 1, 2026**

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

**Section 1.01 Adoption of Rules**

These rules shall replace all previous local rules.

**ORDER FILED**

APR 01 2026

**Section 1.02 Applicability**

DEBBIE MOSS  
CRIMINAL COURT CLERK  
WILSON COUNTY, TN

- (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.

**Section 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.

**Section 1.04 Suspension of Rules**

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

**Section 1.05 Definitions**

The following definitions apply to terms used in these rules:

- (a) Clerk means: The Circuit Court Clerk or the Clerk & Master of the Chancery Court.

**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.

### **Section 3.02 Holidays**

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. President's Day
4. Good Friday
5. Memorial Day
6. Juneteenth
7. Independence Day
8. Labor Day
9. Veterans Day
10. Thanksgiving Day and Friday thereafter
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.

### **Section 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**

### **Section 4.01 Professional Conduct.**

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

### **Section 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.

#### **Section 4.03 Media Guidelines**

Rules for media coverage are controlled by Supreme Court Rule 30. Cell phones or electronic recording devices are prohibited inside the courtroom unless allowed by the court.

#### **Section 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.

#### **Section 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.

#### **Section 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.

#### **Section 4.07 Forbidden Conduct**

- (a) Vaping, 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.
- (b) No individuals, witnesses, or parties to a matter are permitted to enter the courtroom with a cell phone unless permitted by the Court Rules or the Court.
- (c) Cell phones shall be permitted in the court for Chancellors, Judges, attorneys, officers of the court, and court reporters.
- (d) All cell phones are to be silenced.
- (e) No court proceedings shall be recorded unless permitted by Court Rules or the Court.

#### **Section 4.08 Approaching the Bench**

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

#### **Section 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.

#### **Section 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**

#### **Section 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.

#### **Section 5.02 Filings**

- (a) All fax filings, including Motions and Orders, shall be in accordance with T.R.C.P. Rule 5A and 5B.
- (b) All pleadings, motions, and responses to motions shall be filed with the Clerk with all supporting material. Depositions and other discovery material shall not be filed with the Clerk unless specifically ordered by the Court, as part of the original pleadings, or as part of a motion.
- (c) All pleadings must include current address, phone number and email address(es) for any *pro se* party, or counsel of record. Every page of papers filed with the Clerk must contain a page number in the format of "Page \_\_," e.g. "Page 2", "Page \_\_\_ of \_\_," e.g., "Page 1 of 13." All motions and orders may be original hard copies, electronically or by facsimile with the clerk.
- (d) Parties may submit electronic PDF copies of filed and served motions and memoranda of law by email to the Chancellor's or Judge's judicial assistant. Chamber copies of supporting evidentiary material filed with the Clerk should not be submitted in advance but may be tendered to the court when the motion is heard.

- (e) Filed documents shall be redacted as required by court order or state statute, including but not limited to, Tenn. Code Ann. §20-6-102 and may not otherwise be redacted. It is the sole responsibility of filers to ensure all documents comply with redaction requirements. The Clerk will not review documents for redaction compliance. The Clerk shall not file a document under seal except pursuant to court order. Documents requested to be filed under seal shall be filed with the Clerk with a filed, served, and properly noticed motion to file the submitted documents under seal.
- (f) *Pro se* parties shall provide a photo identification to the clerk upon their filings with proof of current address, current telephone number, and email address, if available. With consent of the *pro se* party then the clerk may retain a redacted copy of the photo identification omitting the date of birth, and driver's license number, if any. If the *pro se* does not provide consent, then the *pro se* party shall be prepared to provide photo identification upon request of the Court.
- (g) Attorneys and self-represented litigants are **required** to acknowledge if AI is used in the promulgation of any pleading and that he or she has confirmed that the information is authentic.

### **Section 5.03 Docket Call and Status Conferences Notice**

Pursuant to T.R.C.P. Rule 5.02 the Circuit Court Clerk directed by the Court may provide electronic notice of docket call and judicial status conference to *pro se* party (ies) and counsel of record via email address affixed to pleadings as required by **Section 5.02**. Any *pro se* party (ies) and counsel of record shall provide to the Circuit Court Clerk a valid email address for themselves or any staff member they desire to receive electronic notice.

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

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

#### **Section 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.

#### **Section 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).

#### **Section 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**

### **Section 7.01 Interrogatories to Parties**

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

### **Section 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.

### **Section 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 complete set of interrogatories or requests;
- (b) State the reason supporting the motion; and
- (c) The moving party by Rule 72 declaration or affidavit must certify that no less than two (2) "good faith" efforts to resolve the discovery dispute(s) have been made prior to filing motion to compel the discovery.

### **Section 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, emailed, or faxed to the Chancellor or 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.

#### **Section 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**

#### **Section 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.

#### **Section 8.02 Procedure for Case Settings**

All cases shall be set for trial by:

- (a) 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.
- (b) At docket call with an order being entered which sets out all information provided in subparagraph (a), above;.
- (c) By motion and notice of hearing to set for trial.
- (d) By the court with notice to all parties.
- (e) In Chancery Court the Clerk and Master of each county shall set all trial date.
- (f) The Circuit Judges and Chancellor may set case for trial at docket calls and status conferences at their discretion.

(g) Mediation is a proven and effective method of alternative dispute resolution. Engaging in mediation promotes settlement and enhances the just and efficient resolution of civil litigation. The Court's encourage mediation to take place after discovery and disclosure or expert witnesses, but prior to evidentiary proof. Accordingly, **no civil action calling for trial by jury** shall be set for trial unless the parties have:

1. mediated in good faith without success;
2. scheduled mediation for a date certain; or
3. obtained a scheduling order with a deadline for mediation.

(h) Circuit Civil Division I requires both parties to sign a Certificate of Readiness and notify the Judge's Secretary in writing to obtain trial dates. If the parties cannot agree on a Certificate of Readiness and/or trial dates, the Court will decide the court date upon proper motion. The Certificate of Readiness is a certification that all parties, their counsel, their clients, and necessary witnesses are ready to proceed to a trial date, that all discovery has been completed, and mediation has been attempted.

(i) Once a trial date is set the parties shall submit a scheduling order that shall include pre-trial deadline for a pre-trial conference, a deadline and hearing for all motions in limine, deadline for submission of jury instructions, no less than two (2) weeks prior to the trial.

### **Section 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.

### **Section 8.04. Pretrial Conferences**

(a) Pretrial conferences may be had upon Order of the court or upon Motion of either party no later than two (2) weeks prior to trial.

(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.

### **Section 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, Chancellor, 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**

Rule 9 does not apply to domestic, juvenile, *ex parte*, or emergency motions.

#### **Section 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.
- (b) All pretrial motions must be filed and scheduled for hearing no later than the court's last regular motion day before the scheduled trial date. No motions, including motions in limine to exclude testimony, will be heard on the day of trial, unless emergency or approved by the Court.
- (c) Unless in emergency, as defined in Section 2.01, *ex parte* motions, or domestic motions, all other pretrial motions other than motions for summary judgment must be filed and served with all supporting material, including without limitation, all affidavits, deposition excerpts, discovery responses, proposed temporary parenting plans, sworn statements of income, and all other factual material on which the moving party relies for the relief requested, no later than fourteen (14) days prior to the date set for the hearing on the motion. The moving party must give written notice of the hearing of any motion no less than fourteen (14) days prior to the hearing.
- (d) Notice of hearing shall be provided conspicuously in the motion or in a separate writing filed with the Clerk and served on all parties no later than fourteen (14) days prior to the hearing date. The notice shall state the date, time, and place of the hearing and advise the non-moving party that the failure to file and serve a written response may result in the motion being granted without further hearing. The following template complies with this rule:

**THIS MOTION IS SET TO BE HEARD ON [DATE] AT [TIME] AT THE  
[WILSON, SMITH, TROUSDALE, JACKSON, MACON] COUNTY  
[JUDICIAL CENTER OR COURTHOUSE],  
LOCATED AT[ADDRESS],  
BEFORE THE HONORABLE [NAME]CHANCELLOR OR JUDGE**

- (e) At the Judge's or Chancellor's approval motions without proof or other documents for the court to review may be heard by telephone or video conference if all parties agree and if approved by the Court.

- (f) If, at the time a motion is filed, the moving party does not set the motion to be heard, the motion shall conspicuously advise the non-moving party that the motion has not been set for a hearing. Thereafter, the moving party, or the parties by agreement, shall, by written notice timely filed and served on all parties, set the motion to be heard within the time constraints established by these rules.

**No written responses are required to non-dispositive motions.** Only dispositive motions pursuant to T.R.C.P. Rules 12 and 56 **require** written responses. In the event a non-moving party desires the Court to consider a written response, the response with all supporting documents shall be filed with the Clerk and a chamber copy delivered to the Chancellor or Judge no later than four (4) business days prior to the hearing of the motion this is applicable to Rule 12 motions. The required timeframe pursuant to T.R.C.P. Rule 56 will be applicable to Motions for Summary Judgment. Untimely filed written responses may not be considered by the Court. There shall be no reply in support of a motion or in rebuttal to a response.

For example, if any motion, other than pursuant to T.R.C.P. Rule 56, is set to be heard on a Friday, then any written response shall be filed with the Clerk, with a chamber copy sent to the Chancellor or Judge, and a copy served upon all parties no later than the close of business the Monday prior to the hearing date.

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

- (a) Legal analysis and argument may be provided in the motion or by separate memorandum of law. If a party relies on unpublished authority, the party shall provide a copy of the authority, subject to the following exception: If a party relies on an unpublished court decision, in lieu of filing a copy the party may provide the full legal citation, including title, court, court case number, Westlaw or Lexis case number, and full date.
- (b) 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.
- (c) 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.

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

- (a) Motions may be stricken, withdrawn, or continued by notifying the Chancellor's or Judge's Secretary by email, by filing a pleading with the Court Clerk no less than three (3) business days before the date of the motion and notifying opposing counsel by letter or notice either electronic mail or facsimile.
- (b) 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.

- (c) Counsel who will be late for a motion shall notify the Court Clerk, Clerk and Master, or Chancellor's or Judge's secretary in advance of the hearing or have an announcement to that effect made at the call of the motion docket.

#### **Section 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.

#### **Section 9.05 Summary Judgment Motions**

- (a) All summary judgment motions will be heard sixty (60) days before trial. Seven (7) 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 set with Judge's office. Sufficient time shall be set aside for the court to read all writings and to hear argument of the parties.
- (c) It shall be the responsibility of the attorney 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.
- (d) The moving party shall file and serve the motion and all supporting material with sufficient time to allow the court to set a hearing date at least thirty-seven (37) days after the motion was filed and served.

### **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 thirty (30) 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 videotaped 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**

### **Section 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.

### **Section 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.

### **Section 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**

### **Section 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).
- (c) Any party causing issuance of a subpoena shall provide a copy of the issued subpoena to all parties the day of issuance.
- (d) Copies of any and all documents resulting from a subpoena shall be provided to all parties within five (5) business days of receipt and no later than 72 hours prior to trial.

### **Section 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.

### **Section 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.

### **Section 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**

### **Section 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; and
- (b) identify and make available for viewing all proposed exhibits.

## **RULE 16. - EXHIBITS**

### **Section 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. and T.R.E.

### **Section 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**

### **Section 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.

### **Section 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**

### **Section 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.
- (b) For Circuit Court proposed orders shall not be submitted directly to Judge through his/her assistant for review prior to entry. For Division I Circuit Civil Court, hard copies with original signatures are preferred for all orders. For Chancery Court all orders shall be sent directly to the Clerk and Master for review by the Chancellor prior to entry. Orders shall not be filed by the Clerk until signed by the Chancellor or Judge.
- (c) If said order is signed by all parties or counsel, it shall be submitted directly to the Chancellor or Judge for signature within ten (10) days of the date of the court's decision.
- (d) Orders in contested matters containing the signatures of less than all the parties or their attorneys shall be submitted to the Chancellor or 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 Chancellor or Judge immediately in writing of any objection to the same. Counsel shall immediately mail their objection or an alternative order to the Chancellor or Judge. If the Chancellor or Judge receives no objection within the three (3) day period, the Court will sign the order. 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.
- (e) 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.

### **Section 18.02 Costs**

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

### **Section 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 disburse the funds.

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

### **Section 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 Tenn. Code Ann. §36-4-103, the statutory requirements regarding service will be strictly construed.

### **Section 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 ninety (90) 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 sixty (60) days have expired from the date of service of process; unless service is had by publication the thirty (30) days does not commence to run until the date of the last publication.

### **Section 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.

### **Section 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.

### **Section 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 by the Court. 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**

### **Section 20.01 Appointment**

- (a) Guardian Ad Litem shall be appointed 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.
- (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.

### **Section 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.

### **Section 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.

### **Section 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, Chancellor, 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,

Chancellor, 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 Chancellor or Judge if the delay cannot be avoided.

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

### **Section 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. - MEDIATION**

### **Section 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 all civil cases, mediation is required to obtain a jury trial date pursuant to 8.02(h). Mediation may be requested by motion of any party at any time.

### **Section 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 ARE FOR CRIMINAL CASES**

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

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

Regular session of court shall start on Monday - Thursday at 8:30 a.m. in Wilson County and 9:00 a.m. in Jackson, Macon, Smith and Trousdale counties. Friday sessions shall start at 10:00 a.m. throughout the District.

### **Section 24.02 Criminal Docket Setting**

Cases shall be set for trial by the Court. Setting of the docket for criminal cases not set in the above-styled manner will be made at the discretion of the Court. Any case which is crowded off the

docket by a trial shall be immediately assigned a new date by the Court so that all criminal cases are assigned a day certain for their disposition at all times. Continuances requested by Counsel must be made by motion and Defendant=s appearance is required unless excused by the Court. Orders to continue must state the grounds for the continuance requested.

### **Section 24.03 Grand Jury**

The Grand Jury will be selected throughout the year at a time set by the Criminal Court Judge. The Grand Jury is to consist of twelve qualified jurors and a sufficient number of qualified alternates to serve in this capacity for a period of one year in the counties of Jackson, Macon, Smith and Trousdale and a period of three months in Wilson County. After being empaneled, sworn and qualified, the Grand Jury will commence its duties. The schedule for the Grand Jury to meet for each county in the 15<sup>th</sup> Judicial District is as follows:

#### **Jackson County**

April - 3<sup>rd</sup> Monday  
August - 3<sup>rd</sup> Monday  
November- 1<sup>st</sup> Monday

#### **Macon County**

February - 1<sup>st</sup> Monday  
April - 1<sup>st</sup> Monday  
June - 1<sup>st</sup> Monday  
August - 1<sup>st</sup> Monday  
October - 1<sup>st</sup> Monday  
December - 1<sup>st</sup> Monday

#### **Smith County**

April - 1<sup>st</sup> Monday  
August - 1<sup>st</sup> Monday  
December - 1<sup>st</sup> Monday

#### **Trousdale County**

February - 3<sup>rd</sup> Monday  
June - 3<sup>rd</sup> Monday  
October - 3<sup>rd</sup> Monday

#### **Wilson County**

Each month - 2<sup>nd</sup> Monday and Tuesday

### **Section 24.04 Trial Dates**

Jury trial dates will be set according to the caseload. 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. This provision may be waived for good cause shown.

No trial shall be continued without prior Court approval.

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

### **Section 24.05 Notice to Victims**

In cases where Tenn Code Ann. §40-38-101 (Victim(s) Bill of Rights) applies, the Court may refuse to accept the plea unless the prosecuting attorney states on the record that he or she has, before the plea communicated with the victim regarding the plea or made a good faith effort to communicate with the victim.

### **Section 24.06 - Court Responsibilities**

In accordance with the Tennessee Rules of Criminal Procedure, no plea agreement will be binding on the Court. In the event a plea agreement is rejected by the Court, the Court will so advise the parties, and that rejection shall be binding on the other parts of the Circuit Court, and no other Judge shall accept such plea agreement without the knowledge and consent of the rejecting Judge.

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

### **Section 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.

### **Section 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.

### **Section 25.03 Attendance of Parties**

Attendance of parties shall be governed by Rule 43 of the Tennessee Rules of Criminal Procedure. Inmates in custody out of county may waive attendance by person and appear by Zoom, Microsoft Teams or other virtual means subject to full consent of the inmate, at the request of Defense Counsel/Public Defender, and District Attorney upon motion filed ten (10) days prior to the hearing.

## **RULE 26. - WITNESSES**

### **Section 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.

### **Section 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**

### **Section 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 attorney's fees to be valid grounds for withdrawal after the matter is set for trial.

### **Section 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. Whether it be the Public Defender's Office or private counsel which has been appointed, said appointment shall continue for any appeal which might follow the resolution of the case.

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

### **Section 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.

### **Section 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.

### **Section 28.03 Use of Email and Faxed Orders**

If it is necessary to make use of electronic mail or facsimile for the purpose of obtaining the signature of a Judge on an Order, the colored ink printed copy of the electronic mail or facsimile will be recognized by the Court as the original.

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

Pre-trial motions in all 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. Written motions shall be provided to opposing counsel no later than five (5) workdays prior to the scheduled hearing date unless waived by opposing counsel.

### **Section 28.05 Copies of Motions to Trial Court**

Copies of motions shall be provided to the office of the trial judge at the time of filing. This is in addition to the original filed with the Clerk's office as part of the file. Standard motions set out herein are exempted from this rule. These exempted motions are:

- (1) Motion for Discovery and Inspection
- (2) Motion for Production of Exculpatory Evidence
- (3) Motion for Tenn. R. Crim. P. 26.2 ("Jencks") Statements to be Produced Prior to Trial
- (4) Motion to Compel Disclosure of Witnesses Not Listed on the Indictment
- (5) Motion for Notice of Evidence for State's Case-in-Chief
- (6) Demand for Timely Written Notice of Evidence of Prior Bad Acts Under Tenn. R. of Evid. 404, 608 and 609
- (7) Motion to Instruct Witnesses Not to Mention Any Alleged Prior Bad Acts, etc., of Defendant Prior to Jury-out Hearing
- (8) Motion to Instruct Jury Regarding State's Right to Both Open and Conclude Closing Argument
- (9) Motion for Leave to File Additional Motions

Any Motion not provided to the Judge's office in accordance with this rule is subject to continuance in the Trial Judge's discretion. A pretrial motion index shall be filed with the Clerk with a copy provided to the Trial Judge's office at the time of filing. See Clerk for sample copy of Index of Motions.

All motions requiring proof and witness testimony must contain the wording "Counsel anticipates witnesses will be called" or "Motion will require proof." Any motion requiring the Court to review a video or audiotape before the hearing must submit the tape to the Court five (5) days prior to the hearing.

All evidentiary motions requiring testimony (including but not limited to suppression motions or motions made pursuant to Tennessee Rules of Evidence 404, 405, 412, 608 or 609) must be filed no less than fourteen (14) days prior to trial.

### **Section 28.06 Failure to Appear**

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.

### **Section 28.07 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.

### **Section 28.08 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.

### **Section 28.09 Motions for Mental Evaluation**

Motions for mental evaluations shall be filed prior to the Defendant's first disposition date.

### **Section 28.10 Orders for Mental Evaluation**

In all mental health evaluations under the provisions of Tenn. Code Ann. § 33-7-301, a separate form shall accompany the order. This form, to filled out by counsel, shall at least include the reason for the request, observed behavior, nature of charges, social history (including a history of prior treatment), a prior criminal record, copy of arrest warrant or indictment and, if available, the arrest report. The Clerk shall provide the completed form to the individual or agency doing the evaluation. Where the evaluation is requested by the Defendant, orders will be prepared by counsel for the Defendant, and where the evaluation is requested by the State, the District Attorney or his designee will prepare the order. The Clerk will then send a copy of the orders to the agency to perform the evaluation. This rule is applicable in General Sessions criminal court.

### **Section 28.11 Motions in Limine**

Motions in limine shall be filed at least ten (10) judicial days prior to the trial unless otherwise ordered by the Court and must be heard before the trial date, absent a showing of good cause.

### **Section 28.12 Expungements - Notice Requirement**

Any Defendant seeking to have a case expunged pursuant to pre-trial diversion Tenn. Code Ann. §40-15-102 - 40-15-107, judicial diversion Tenn. Code Ann. §§40-32-101(g) shall submit a copy of any petition, motion, or request for expunction to the office of the District Attorney General of the 15<sup>th</sup> Judicial District, or otherwise notify the same, at least five (5) business days prior to any

court proceeding related to the expunction request. Failure to provide adequate notice may result in a delay in the adjudication of the expunction request.

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

### **Section 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**

### **Section 30.01 Plea Agreement Procedures**

Rule 11 of the Tennessee Rules of Criminal Procedure shall govern negotiated plea agreements. In all felony cases, the Defendant must file a written negotiated plea agreement signed by the District Attorney or his representative, the Defendant and defense counsel if the Defendant is represented.

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 or upon the term's motion date immediately preceding the trial date. 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.

### **Section 30.02 Violation of Probation**

Violation of probation cases shall be set for hearing at the earliest probation violation date that allows for adequate preparation time for each attorney. The pendency of "triggering" criminal cases shall not be grounds for continuance. Each side is directed to subpoena any witnesses necessary for resolution of the probation violation allegations for the scheduled hearing date. Wilson County cases will be set on the specified probation violation date of each term. Macon and Smith County cases will be set on the second Monday of each county's term. Jackson and Trousdale County cases will be set on the Friday of each county's term.

## **RULE 31. - DISCOVERY**

### **Section 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**

### **Section 32.01 - General**

Rule 32 shall be applicable in the General Sessions Court of each county and Courts of record in all counties exercising criminal court jurisdiction within the 15<sup>th</sup> Judicial District.

### **Section 32.02 Petitions for Approval of New Company**

- A. The Judge of the Criminal Court shall approve each person or company who petitions the Court for permission to write bonds within this judicial district. The petition shall contain the following information.
1. The business name under which the new company will be operating and the street address and the business telephone number for the bonding company office, which shall be located in the 15<sup>th</sup> Judicial District.
  2. A copy of the business license issued for the bonding company in said county where such business is located within the 15<sup>th</sup> Judicial District.
  3. A copy of the bonding entity's agents school certificate (annually with first semi-annual report only).
  4. A copy of an Oral Fluid Testing drug screen of each owner, and each prospective agent, as required by the Court to be conducted by a certified facility, and which shall be performed within forty-eight (48) hours of the date of filing the petition for permission to write bonds, and petitioners are responsible for the cost of testing.
  5. A copy of all organizational documents (e.g. corporate charter, partnership agreement) and all other agreements or documents pertaining to the identity of the owners and interest holders in the said company, the distribution of profits from the said company, the source of all funds used to establish the company, and the names and signature of those persons who accept personal liability for forfeiture judgments.
  6. List all disciplinary actions, such as suspension or termination as a bonding

person or agent.

7. A statement of whether the company or any of its owners, shareholders, or partners write bonds in other jurisdictions, the application shall identify those jurisdictions and attach a listing identifying any surety posted with that jurisdiction, a copy of the last semi-annual reports filed with the said jurisdictions along with a listing of all pending conditional forfeitures and final forfeitures.
8. Identify the funds and source of said funds to be filed with the Clerk to establish the bonding capacity.
9. For all person identified in paragraph 7 above attach a sworn statement from each individual stating the following:
  - a. A list of all prior criminal charges, whether resulting in a conviction or not, along with the disposition of the charge and the jurisdiction, as well as all other information required by Tenn. Code Ann. §40-11-317.
  - b. Describe all relationships to any other owner, interest holder or agent of a bail bond company authorized to do business in the 15<sup>th</sup> Judicial District.
  - c. A statement as to whether such person has ever been an owner, interest holder or agent for any other bail bond company in this state or any other state.
  - d. A statement as to whether such person is related, by blood or marriage to any person who works for the Circuit Court Clerks or Sheriffs of the 15<sup>th</sup> Judicial District.
  - e. A statement of personal liability of the applicant for the bonding companies' liability.
10. A copy of the proposed bail bond contract shall be attached.
11. A statement that the officers/owners of the bonding company and its proposed agents have read and are aware of the requirement of T Tenn. Code Ann. §40-11-301, *et seq.*, pertaining to the Rules Governing Professional Bondsmen and Requirements for Continuing Education, and the Rules of the Court governing bonding companies.
12. The petition for approval shall include proof of current state licensure or registration in the form of a certificate or letter from the Department of Commerce and Insurance. Any loss, suspension, revocation, or non-renewal of state licensure or registration shall automatically terminate local approval to

write bonds in the 15th Judicial District.

- B. No person or bonding company shall be approved to write bonds in the 15th Judicial District unless and until such person or company is duly licensed or registered with the Tennessee Department of Commerce and Insurance and the Tennessee Board of Professional Bondsmen as required by state law and remains in good standing with said licensing authority.
- C. The bonding company must immediately notify the Circuit Court Clerk and Criminal Court Judge in writing within three(3) business days of any action by the state licensing authority to suspend, revoke or otherwise limit the company's or agent's state license. Upon such notification or upon the Court's discovery of loss of state licensure, the company shall cease writing bonds immediately until state licensure is reinstated and local approval is restored by orders of the Criminal Court.
- D. All petitions for approval of a new company shall be served upon the District Attorney General at least two (2) weeks prior to the hearing on the petition and shall be heard by the judges of the courts of record exercising criminal court jurisdiction. The District Attorney General or his designee or the Sheriff's Department for that county. Shall conduct a criminal history and background investigation of the owner of the bonding company and its agents. The results of this background investigation shall be furnished to the Court at least one (1) week before the date of the qualification hearing. The applicant shall submit to a criminal history background check by the Tennessee Bureau of Investigation, pursuant to T Tenn Code Ann. §38-6-109. The applicant shall be responsible for any fees for the criminal history background check. The results shall be submitted to the Circuit Court Clerk at least one (1) week before the date of the qualification hearings. The District Attorney General or his designee shall be present and represent the State of Tennessee at the qualification hearing. The petition shall have an attached affidavit disclosing the criminal history and all criminal charges, if any, of the petitioner. If the affidavit is found to be inaccurate, the petitioner shall be immediately disqualified as a professional bonding person.

### **Section 32.03 Collateral**

- A. The amount of funds pledged by the bonding companies as a condition precedent to writing bonds will vary from county to county based upon population. The amounts required to be pledged are as follows:

Jackson County - \$25,000.00  
Macon County - \$50,000.00  
Smith County - \$50,000.00  
Trousdale County - \$25,000.00  
Wilson County - \$100,000.00

Notwithstanding the above, any approved bonding company who has posted the minimum security for any one county within the 15<sup>th</sup> Judicial District shall be allowed to write a bond or bonds up to fifteen (15%) percent of the deposited security in any

other county of the 15<sup>th</sup> Judicial District. At the time of doing so they must provide a letter signed by an officer or agent of said company stating that they are in good standing with the Clerk of the Court in which county or counties they do write bonds to the Sheriff and Circuit Court Clerk within a twenty-four (24) hour period or the next business day.

- B. Effective April 1, 2026, any person or company filing a petition for approval for a professional bail bond company within the 15<sup>th</sup> Judicial District of Tennessee is required to post a minimum amount of cash with the Circuit Court Clerk as security for bonds to be written in that particular county. Said funds shall be deposited in one of the following methods:
1. A Certificate of Deposit in the sum that is required for that County in the joint names of said Bonding Company and the Circuit Court Clerk of all counties wherein the bonding company writes bonds; or
  2. An irrevocable letter of credit in the amount of not less than the minimum required for the County from any federally insured financial institution located within the 15th Judicial District or any location approved by the Court, that states therein that it shall remain in force until released by the Criminal Court Judge; or
  3. A cash deposit of not less than the sum that is required for the County wherein the bonding company requests to write bonds to said Circuit Court Clerk.
- C. No real property collateral will be accepted by the Court. Surety policies or insurance policies cannot be used as collateral or to increase capacity.
- D. A bonding company granted relief from a bond shall not be permitted to post a subsequent bond for that Defendant during the pendency of that case.
- E. Any bonding company approved by the Court after April 1, 2026, may write total bonds in an amount equal to ten (10) times the amount of cash security posted with the Court Clerk. No bonding company shall be allowed to write any one single or blanket bond in excess of twenty (20%) percent of its available bonding capacity as determined by the Clerk on a weekly basis.
- F. Any bonding company who was approved by this Court prior to April 1, 2026, shall refile their petition for approval to write appearance bonds within each county in which they request to make said bonds with all new requirements being met.
- G. Upon Judgment of Final Forfeiture the bonding company shall pay the full amount within three (3) business days. If the bond has not been paid after three (3) days, the Clerk shall satisfy such Judgment from the posted collateral upon notice to the affected bonding company and the District Attorney General

### **Section 32.04 Forfeitures**

- A. A bonding company shall not be allowed total forfeitures in the Criminal Courts and the General Sessions Court to exceed more than fifty (50%) percent of the amount of collateral posted with the Clerk. Bonding companies approved before April 1, 2026, shall be in compliance with this Rule by June 1, 2026.
- B. Bonding companies which have exceeded their forfeiture limit at the time of the monthly report prepared by the Clerk shall be automatically suspended, be removed by the Clerk from the approved list, and the Clerk shall immediately notify the Criminal Court Judge, District Attorney General, and the Sheriff within each county of this district of said suspension. The bonding company shall not be allowed to write any additional bail bonds until the forfeitures are again within the company=s allowable limits and upon Order from the supervising Judge.
- C. The Clerk shall make a monthly report concerning bonding capacity and the report shall be sent to the District Attorney General and the Criminal Court Judge.
- D. The Court shall have the authority to charge a penalty not to exceed One Hundred Dollars (\$100.00) payable to the Clerk of the Court, together with the cost as a result of a conditional forfeit, or to set aside a forfeit.

### **Section 32.05 Company Changes**

- A. Any changes to a bonding company=s address or telephone number from that noted in the original petition must be sent in writing to the Circuit Court Clerk.
- B. Any changes to a bonding company=s name, ownership, or agents as submitted in the original petition must be submitted in writing and approved by the order of the supervising Judge.
- C. Any request for changes to an approved bonding company=s bonding capacity or collateral shall be submitted to the supervising Judge with notice to the District Attorney General.
- D. Any material changes to the financial statements submitted to the Court must be corrected and filed with the Clerk.
- E. Any changes in the employment status of agents must be submitted in writing within ten (10) days of said change and be approved by the supervising Judge.

### **Section 32.06 Activities of Bail Agents**

- A. As provided by Tenn Code Ann. §40-11-126, no bondsman or bonding company shall solicit business in any place where prisoners are confined. Such places include the Courthouse, Criminal Justice Center, jail and the areas within one hundred (100) feet of the public entrances thereto. No bonding company employee or agent shall initiate contact with a Defendant or their family in order to obtain their business. Contact with

a Defendant who is a potential client will be allowed only after the bonding company has been contacted by the Defendant or someone authorized to act on their behalf. All agents or employees of a bonding company shall conduct themselves in accordance with all the rules and orders of the Sheriff of the county wherein the company is authorized to write bonds, while performing required duties within such buildings. Penalty for first violation of this provision is a suspension of not less than ninety (90) days. Penalty for second violation of this provision is a suspension of not less than six (6) months and the offender must repetition the Court for reinstatement. Penalty for a reoccurring violation of this provision is termination of employment.

- B. A bonding company shall notify the Defendant/Principal of each court appearance and provide a representative to appear as required in each court. Such representative shall be readily available as needed by a court whenever a Defendant fails to appear at the call of the docket.
- C. Each agent will be responsible for providing a copy of their certificate of compliance for their continuing education credits in compliance with Tenn Code Ann. §40-11-401, et seq. to the Clerk of the Court annually. This notice must be provided on or before January 1, 2027, and each year thereafter.

#### **Section 32.07 Premiums**

- A. As provided by Tenn Code Ann. §40-11-126, no bondsman shall accept anything of value from a Principal or anyone acting on their behalf except the authorized premium and initiation fee as set out in Tenn Code Ann. §40-11-316 and as described in the bond contract. If any property other than cash (or negotiable instrument) is accepted for the premium, the agent shall notify the supervising Judge and the District Attorney General in writing. All funds or negotiable instruments accepted in payment or in satisfaction of the premium and the initiation fee shall be recorded and itemized by the bonding company. A copy of said record documenting the premium and initiation fee received shall be provided to the Defendant, or the agent acting in the Defendant(s)' behalf, and shall be maintained as a part of the ordinary daily business of said company. If funds or negotiable instruments are accepted as collateral, the bonding company shall: (1) deposit such collateral into a separate trust account, pending its redemption; (2) shall identify the account or Principal to which the collateral applies; and (3) shall provide the person providing the collateral with the identity of the institution in which the collateral is held. In the event that a bail bonding company receives funds for a premium or initiation fee and elects not to post the bond for the Defendant/Principal then any funds received shall be immediately returned to the Defendant or the person acting on the Defendant(s)' behalf.
- B. Every bondsman and/or agent must use a duplicate receipt book to record all payments for premiums. A copy of the receipt must be given to the Defendant or the person acting on their behalf. Receipts must include:
  - 1. Specific description of all property, including cash or checks, received from the Defendant or someone acting on the Defendant (s)' behalf; and

2. Signature of the Defendant or the person acting on his/her behalf tendering the said funds.
- C. No bond in excess of \$50,000.00 shall be made without a hearing before the Court wherein said case is pending and notice by the bonding company to the District Attorney General, to determine compliance with these rules and the provisions of Tenn Code Ann. §39-11-715 pertaining to the source of said bond. Such hearings shall be conducted in the General Sessions Court or Criminal Court in which the case is pending. State court warrants, which arise out of the same incident, in which the aggregate bond equals or exceeds \$50,000.00 shall also be subject to this rule.
- D. Bonding companies are prohibited from making credit bonds on cases where the total bonds for any Defendant exceed \$25,000.00. No funds or partial payment in satisfaction of the premium may be received following release of the Defendant/Principal from custody for bonds for any single Defendant in excess of \$25,000.00.
- E. No bond may be secured, guaranteed, or otherwise indemnified by a contract which purports to be a promissory note, indemnification contract, hold harmless agreement, or guaranty from a company, bondsman not approved as a bonding company by this Court.

### **Section 32.08 Reports and Required Records**

- A. It shall be the responsibility of the bonding company that all bonds shall be fully completed upon the release from custody of the Defendant/Principal on bond. The bail bond contracts shall:
1. Have the name, address and zip code number of the Defendant legibly printed thereon;
  2. Be signed by the agent making said bond;
  3. Have the name of the bonding company boldly and legibly stamped or printed thereon.
  4. Identify the property used to pay the premium and initiation fee as well as any other property received as collateral for said bond; and
  5. Have a copy of a photo identification of all persons (except the Defendant/Principal) delivering such premiums, fees or collateral to the agent if the bond is \$50,000.00 or above.
- B. Any bonding company authorized by the Criminal Court shall file with the Court Clerk an annual financial report pursuant to Tenn Code Ann. §40-11-303 by January 31 and

July 31 of each year, covering the six (6) month periods ending in December 31 and June 30. A copy of these reports must also be sent to the District Attorney. Such reports shall include, but not be limited to, a listing of:

1. All current, active qualified bonding agents approved for said company;
  2. Any outstanding civil performance or cost bonds;
  3. All persons having financial or managerial interest in a bonding company must be identified annually; and
  4. A certificate of compliance for the continuing education credits for each agent must be furnished annually.
- C. Upon the failure of any company to file this report, or any other record or document required by statute or these local rules, the Court Clerk shall notify the supervising Judge who shall suspend and remove the company from the approved list. In such an event, the company shall not be allowed to write any bonds until such time as all the requirements are met and there has been approval, in writing, from the supervising Judge. In the event the bonding company disputes the suspension, it may petition the Court to reconsider the suspension

#### **Section 32.09 Suspension of Bonding Company or Agents**

- A. Every bonding company acts as an agent of the Court and the conduct of the bonding company constitutes an integral part of the operation of the Court. The Court may impose any limits or conditions necessary to insure the professional standing and reliability of the bonding company. Such measure, if any, shall be made in the public interest to avoid a conflict of interest or an appearance of impropriety on the part of the bonding company. Pursuant to the provisions of Tenn Code Ann. §40-11-125 and Tenn Code Ann. §40-11-126 the Court may take appropriate disciplinary action including the withholding, suspension or termination of the approval to do business if it appears to the Court that it is in the public interest to take such action. For good cause, the Court may issue a restraining order, writ or other process without notice to the company if deemed necessary in the public interest. Any such action will be reviewed at a hearing within five (5) days after notice to the company and the District Attorney General who shall represent the State at the hearing.
- B. Pursuant to the provisions of Tenn Code Ann. §40-11-125 and Tenn Code Ann. §40-11-126 the Court may take appropriate disciplinary action including the withholding, suspension or termination of approval for a bondsman to act as agent for an approved bonding company, if the agent:
1. Has been convicted of a crime of dishonesty, any felony or any alcohol or drug related offense;
  2. Has a final judgment of forfeiture entered against the bonding company that

- remains unsatisfied which the agent authorized;
3. Has failed to comply with any local rules; or
  4. Is guilty of unprofessional conduct that includes, but is not limited to:
    - a. Loitering about the jail or court premises and within the prohibited areas to solicit business;
    - b. Suggesting or advising the employment of, or otherwise referring, any particular attorney to represent the Defendant;
    - c. Paying a fee or giving or promising anything of value to any Clerk, jailer, police officer, peace officer, committing Magistrate, or any other person who has the power to arrest or hold in custody, or to any public official or public employee to secure a bond, and/or a settlement, compromise, remission or reduction of the amount of any bail bond or the forfeiture thereof; Paying a fee or rebate or giving anything of value to an attorney in bail bond matters, except in the legal representation of any action pertaining to the bail bond company or action;
    - d. Surrendering a Principal without good cause;
    - e. Accepting anything of value from a Principal except the premium provided, however, that the bondsman shall be allowed to collect collateral, security or other indemnity required by the bondsman is reasonable in relation to the amount of the bond and where the said bondsman accepting such collateral delivers a written receipt for the same which receipt describes in detail the collateral received and the term of redemption;
    - f. Accepts anything of value as payment for a premium or collateral after the Defendant/Principal is released from custody, except as authorized under Section 32.07 (D).
  5. The bonding company and agents shall not collect or post a cash bond on behalf of a Defendant.
  6. The bonding company agents shall be prohibited from wearing a uniform or similar attire that would lead a person to believe the agent to be a law enforcement officer.
  7. The bonding company and agents are not allowed to recommend or advise clients on other services related to their case, including recommending particular treatment facilities or programs.

8. The bonding company owner and agents are subject to drug screens at discretion of the Court. Agents are required to have a photo ID badge with their name, county or district and the name of the bonding company. The ID should be visible when the agent is performing his/her duties and should also be presented upon request.
9. The bonding company and its agents should be aware of any and all court orders pertaining to a client, including, but not limited to "no contact orders" involving a potential victim.
10. No company may advertise bail bonding services within the 15th Judicial District unless the company has been approved by the Court.

### **Section 32.10 Individual Bonds**

- A. Any individual who desire to post a real property bond pursuant to Tenn Code Ann. §40-11-122 shall submit a current title opinion for said real property reflecting the encumbrances thereon. The appraised value/equity of the property owner providing said surety must equal one and one-half times the amount of the bond. The property owner providing said surety must comply with all regulations as set for by the Office of the Court Clerk. If the amount of the bond is \$50,000.00 or more then the bond must be made after notice to the District Attorney General and a hearing in open court pursuant to Tenn Code Ann. §29-11-715 pertaining to the source of the bond.
- B. Any individual who desires to deposit a cash bond with the Clerk pursuant to Tenn Code Ann. §40-11-118 shall be notified in writing by the Clerk that such cash deposit shall be returned subject to any fines, court costs or restitution as ordered by the Court. No cash bond may be received in the amount of \$10,000.00 or more without notice to the District Attorney General and a hearing in open court pursuant to Tenn Code Ann. §39-11-175.
- C. Upon release from jail, or at first appearance to booking authorities upon receipt of a citation, the Clerk shall notify the Defendant in writing of the initial court appearance. The Clerk shall retain proof of such notification. Each Defendant shall provide to the Clerk before release on a property or cash bond an address where notification of a court date may be delivered. It shall be the responsibility of the Defendant to notify the Clerk of any change of address.

### **Section 32.11 Official List of Authorized Bonding Companies**

A separate petition for writing bail bonds shall be filed with the Clerk of the Criminal Court in each county in which the bonding company requests approval. If approved, the order approving the bonding company shall be filed with said Clerk and the name, address and phone number of said company is to be placed on the official list of bonding companies approved for that county. A certified copy of the list shall be mailed to the Sheriff of the county in which said bonding company is authorized to write bond.

### **Section 32.12 Amendments**

These rules may be amended from time to time by the Criminal Court Judge. Upon amendment, the Circuit Court Clerk shall notify all approved bonding companies in the 15<sup>th</sup> Judicial District by certified mail, return receipt requested, or by personal delivery with a signed receipt for the same. Upon receipt of notice, all bonding companies shall comply with said amendments.

All cases in which a bond is set in the amount of \$50,000.00 or more shall require a bond source hearing. This provision can be waived by agreement of the District Attorney and the Defendant and/or the Defendant=s attorney.

## **RULE 33. - GENERAL SESSIONS APPEAL DOCKET**

### **Section 33.01**

Upon the filing of a General Sessions Appeal of a criminal matter, the Clerk shall docket such appeal with Circuit Court, Division II, 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 Circuit Court, Division II, 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**

### **Section 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.

### **Section 34.02 Petitions to Open Estates**

- (a) Under Tenn Code Ann. §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 Tenn Code Ann. §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.

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

- (a) As provided by Tenn Code Ann. §§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.

### **Section 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 spoliated 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.

### **Section 34.05 Accountings**

- (a) As provided by Tenn Code Ann. §§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 Tenn Code Ann. §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.

### **Section 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 in Tenn Code Ann. §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.

### **Section 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 the will, then 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 the 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.

#### **Section 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 Tenn Code Ann. §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 Tenn Code Ann. §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 Tenn Code Ann. §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.

**Section 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 31<sup>st</sup> day of March 2026.



HONORABLE C. K. SMITH  
CHANCELLOR



HONORABLE CLARA BYRD  
CIRCUIT JUDGE, DIVISION I



HONORABLE MICHAEL COLLINS  
CIRCUIT JUDGE, DIVISION II



HONORABLE BRODY KANE  
CIRCUIT CRIMINAL JUDGE

## APPENDIX

**The following forms are available in the Court Clerk's office(s):**

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
8. Index of Motions (Criminal Court)