

LOCAL RULES OF PRACTICE FOR THE GENERAL SESSIONS COURT
OF
HENRY COUNTY, TENNESSEE
[Amended July 9, 2013]

The following rules are hereby adopted as the local rules of the practice for the General Sessions Court of Henry County, Tennessee. In the event of conflict between these rules and statutory provisions, statutory provisions shall prevail.

It is the intent of the Court to provide a fair and impartial forum for the speedy and inexpensive resolution of disputes presented to the Court. Subsequent additions, amendments or changes to these rules shall be in writing.

The business of the Court is hereby divided into a criminal division and a civil division and these rules apply to both divisions of the General Sessions Court, unless otherwise designated.

RULE NO. 1

COURT SESSIONS

- (A) The civil division of the Henry County General Sessions Court will convene at 9:00 a.m. each Monday, except the 1st Monday of each month. Court will convene on the 5th Monday of each month as scheduled. Special settings at other times will be granted only by special permission of the Judge of the General Sessions Court. All witnesses, parties and attorneys must be present for the beginning of the court at 9:00 a.m. and the following order of proceeding will be followed:
1. Calling of the docket for the day's business and entry of the default judgments
 2. Uncontested motions
 3. Contested motions
 4. Contested matters
- (B) The criminal division will meet Tuesday and Thursday of each week at 9:00 a.m. The following sequence of proceedings will be followed at the all sessions of court:
1. Announcements
 2. Arraignments and docket call
 3. Break for plea bargaining
 4. Guilty pleas
 5. Contested cases
- (C) Parties to criminal proceedings are required to appear at arraignment either personally or through an attorney. An attorney may not represent a client until a Notice of Appearance has been filed with the Clerk. All persons charged with worthless checks must appear personally or through an attorney and no checks will be paid prior to court appearance by either the party or his/her attorney.

- (D) As soon as an attorney is retained, the attorney shall file a Notice of Appearance. Upon such filing, the Clerk shall enter the name of the attorney on each warrant filed against the defendant in the designated area. No communications, agreements, continuances, etc. by an attorney will be honored by the Court until a Notice of Appearance has been filed by the attorney. Conditional appearances are not allowed.
- (E) At the initial appearance on civil matters, either party can request the setting of a trial date, which will be considered date certain.

RULE NO. 2

CASE SETTINGS

- (A) Civil division – Each attorney or party filing a civil action will be responsible for the setting of his/her case at the time of filing, before service of process. Each attorney or litigant, if not represented by an attorney, is responsible for the setting of the case and it shall not be the responsibility of the Clerk’s Office to notify parties of the setting of the case except by specific directive from the Judge. Each attorney or litigant, if not represented, shall provide the Clerk with a complete and current telephone number and mailing address at the time of filing for the purpose of notification of motions, potential continuances and other matters.
- (B) Criminal division – Arraignments on criminal charges will be held the 1st Tuesday or Thursday after issuance of a citation or arrest of the defendant. Criminal cases will be set for trial at arraignments. It is the responsibility of the prosecutor to contact the Clerk’s Office to determine a trial date. Failure to determine a trial date may result in dismissal of the case and assessment of costs against the prosecutor. It shall not be the responsibility of the Clerk’s Office to give notice of trial dates except by specific directive from the Judge.

RULE NO. 3

CONTINUANCES

Ex-parte continuances will not be granted in either the civil or criminal divisions, unless service of process has not been obtained on the other party. Continuances by agreement will be allowed once without intervention of the Court. However, in the event of a continuance by agreement, each party shall notify the Clerk’s Office and his/her witnesses of such continuance. In the event that a continuance cannot be agreed upon, the matter must be presented to the Judge on the next scheduled court date, unless that date is the day set for trial or preliminary hearing. Continuances shall be requested as far in advance of the scheduled trial or preliminary hearing date as possible in order to avoid unnecessary appearances by attorneys, prosecutors and witnesses. Continuances will not be granted because of the absences of a witness unless the witness

has been personally served with a subpoena. If contact cannot be made with an attorney or litigant at the address and telephone number given at the time of filing, an ex-parte continuance may be granted.

RULE NO. 4

SUBPOENAS

Attorneys representing parties either division of General Sessions Court shall be responsible for the issuance of subpoenas by contacting a Deputy Clerk of that particular division of General Sessions Court. The Court encourages caution in the issuance of subpoenas so that unnecessary witnesses are not required to appear. Subpoenas shall be issued at least ten (10) days prior to the assigned hearing date.

RULE NO. 5

RULES OF CIVIL PROCEDURE

The Tennessee Rules of Civil Procedure are hereby incorporated as local rules of practice for the Henry County General Sessions court, with the exception of the requirements of a responsive pleading to a civil complaint. Subsequent experience may indicate the wisdom of deleting certain civil procedure rules from the local rules of practice and, in such event, such deletion shall be done by formal written order.

All pleadings in General Sessions Court shall contain a short and plain statement of the claim showing that the pleader is entitled to relief. An answer must be filed to the claim only when required by the statutory laws of the State of Tennessee. Neither the Clerk nor Deputy Clerk will prepare pleadings for parties in civil division. The responsibility of preparation of all pleadings, motions or other papers to be filed shall be of that party or the attorney representing that party.

Each litigant served with process in the civil division of this court shall have a period of at least ten (10) days from service to prepare a defense to the claim. Such party shall be entitled to one (1) continuance as a matter of right if the case is set for a time period shorter than ten (10) days from the date of service of process, if required. This time limitation shall apply also to counterclaims and amendments.

In cases involving contested questions of law, the parties are required to submit, in writing, at least five (5) days prior to the trial date, the authorities upon which they rely to support their respective positions. If a case involved construction of or reference to written document, i.e. leases, contracts, etc., the party shall furnish a copy of such documents to the Court no less than five (5) days prior to the trial date.

When interest is awarded as part of a judgment in a civil case, the interest shall be calculated by the plaintiff. It is the responsibility of the plaintiff to update the interest calculation on a regular basis.

The Tennessee Rules of Criminal Procedures shall be applied to the criminal division of this court only as stated in said rules.

RULE NO. 6

Each attorney representing a party in civil division shall promptly notify the designated Deputy Clerk of the representation, by filing a Notice of Appearance, and the Clerk shall note the same on the civil warrant or some other prominent place on the file.

Attorneys representing defendants in a criminal division shall notify the Court of their representation by Notice of Appearance as soon as possible after being retained.

The Office of the public Defender will receive all criminal court appointments, unless a conflict of interest exists so as to prevent acceptance of the case pursuant to ethical considerations. Thereafter, court appearances will be handled on a rotating basis in order to insure that the load of court appointments is, to the extent possible, equally divided.

The Deputy Clerk/Clerk shall promptly notify any appointed private attorney, by phone and mail, of the appointment and the scheduled trial date. Attorneys with conflicts of interest shall, immediately upon receipt of notification of the appointment, notify the Deputy Clerk/Clerk by telephone and confirm by letter, the grounds for said conflict. An attorney who represents a municipality or other public body will not be required to accept court appointment when said public body is the prosecutor or officers thereof are material witnesses in the prosecution.

Every attorney who has filed a Notice of Appearance on behalf of a party shall be required to appear whenever any phase of the action is before the court, unless excused by the Court, and no attorney may withdraw as counsel without permission of the Court and adequate notice to the party.

RULE NO. 7

CONTACTING JUDGE

Unless there is an emergency, neither counsel nor party to pending action shall contact the Judge except by letter with copies to all parties and the Clerk, or in a open court with all interested parties present. The term emergency is used in the narrowest sense. Ex-parte contact with the Judge is prohibited.

RULE NO. 8

WAIVER OR MODIFICATION OF RULES

Any of the rules herein enacted may be waived or modified by special order of the Court when, in the Court's opinion, such waiver or modification is necessary in order for justice to be served or to arrive at the equities of the case between or among the parties involved.

A copy of these rules shall be posted in a prominent place in the Office of the Clerk of the General Sessions Court of Henry County, Tennessee and a copy shall be provided to all attorneys practicing in said court.

IT IS ORDERED that these rules shall become effective immediately.

RULE NO. 9

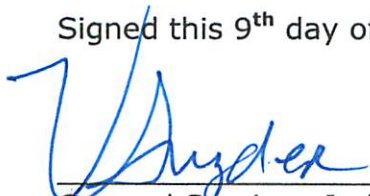
WORTHLESS CHECKS

It is hereby ordered that one or more of the following identifiers must be provided before a worthless check warrant will be issued from the office of General Sessions Clerk:

1. Driver's License number and Date of Birth.
2. Social Security Number or
3. Copy of Driver's License

No warrant will be issued until such information is provided by the person or persons seeking a warrant. Any person requesting such a warrant shall sign an affidavit, under penalty of perjury, containing such information. Same may be provided as part of the affidavit.

Signed this 9th day of July, 2013.



General Sessions Judge, Vicki S. Snyder