

LOCAL RULES OF PRACTICE IN THE GENERAL SESSIONS CIVIL, TRAFFIC AND DOMESTIC COURTS OF PUTNAM COUNTY

EFFECTIVE JANUARY 1, 2001

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RULE 1. APPLICABILITY AND SUSPENSION OF RULES

Sec. 1.01 Former Rules Void

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

Sec. 1.02 Applicability

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

Sec. 1.03 Suspension of Rules

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

RULE 2. APPEARANCE OF COUNSEL

Sec. 2.01 Counsel of Record; Entry of Appearance

Counsel must be licensed in Tennessee in order to practice law or represent others. A non-licensed person will not be permitted to represent anyone else in the Court. All counsel who have entered an appearance in a case will be counsel of record. Counsel shall enter an appearance at the earliest practicable time by notifying opposing counsel or party if without counsel and the clerk's office.

Sec. 2.02 Withdrawal of Counsel

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

Sec. 2.03 Conduct of Counsel

During trial, counsel shall not exhibit familiarity with witnesses or opposing counsel and shall not use first names for adults. Counsel, parties and witnesses shall be expected to conduct themselves with appropriate decorum at all times in the courtroom. Counsel shall stand while examining witnesses, addressing the court, or making objections. Counsel who anticipate being late for court shall promptly notify the clerk of the court and opposing counsel or party if without counsel.

RULE 3. FILING AND SERVICE OF PAPERS

Sec. 3.01 Filing Companion Civil Cases

Upon the filing of any civil action which is related to a pending action in the General Sessions Court, the party filing such companion case shall note that the new warrant is a companion case to a pending General Sessions case. All companion cases shall be consolidated for trial with the original action.

Sec. 3.02 Filing of Briefs or Memoranda of Law

All pre or post-hearing briefs or memoranda of law shall be filed with the clerk of the court. A copy shall be delivered to the Judge and a copy contemporaneously served upon the opposing counsel or party if without counsel.

RULE 4. TRIAL CALENDAR

Sec. 4.01 Docket Calls

A default judgment will be entered at the first call of the civil docket in all cases where the defendant(s) fail to appear to defend the action. A consent judgment will be entered in those cases where the parties have settled the case. A case will be dismissed for nonappearance if the plaintiff without good cause fails to appear. Following the docket call, the court will first hear any motions including a request for a continuance where the opposing party opposes such request. Contested cases will then be heard.

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

Sec. 4.02 Trial of Cases

Cases needing trials will be set for a specific time following the docket call to facilitate the most efficient use of time and to minimize inconvenience and delay to litigants. Priority may be given to those cases which have been filed the longest period of time.

RULE 5. SETTING CASES

Sec. 5.01 Setting of Cases

Cases shall be tried on the date they are set on the court's docket unless, for good cause shown or upon agreement of the parties, the court resets them for trial for a later date or continues them indefinitely. Any case that will take more than one (1) hour to complete must be set by the court and counsel will contact the court in advance of the initial docket setting to request a specific trial setting.

RULE 6. RULES FOR DIVORCE CASES

Sec. 6.01 Chancery Court Local Rules

The Putnam County Chancery Court Local Rules Of Practice relating to domestic cases are hereby adopted for use in all domestic cases filed in the General Sessions Court.

RULE 7. CONTINUANCES

Sec. 7.01 Continuances

Civil cases which have been continued indefinitely shall only be reset for trial and placed upon the court's docket by the clerk upon the agreement of the parties or after written notice is given to the opposing party ten (10) days in advance. A case may be reset by agreement by filing an agreed order signed by all counsel or parties to the cause or alternatively, by sending a letter to the clerk specifically stating that the case is being reset by agreement and sending a copy of the letter to opposing party or his/her attorney.

Sec. 7.02 Multiple Continuances

Once the case has been set for trial, the court expects the trial to go forward as scheduled. Therefore, multiple continuances shall not be granted except for good cause shown by the requesting party.

Sec. 7.03 Detainer Warrants

Detainer warrant cases that require a continuance from the initial docket setting will be given a priority trial setting.

RULE 8. BANKRUPTCY

Sec. 8.01 Notice to Clerk

Any defendant who files a U. S. Bankruptcy petition before judgment is entered by this court, shall give notice of the filing to the clerk by providing a copy of the Notice of commencement of bankruptcy case. The plaintiff's attorney who has notice that the defendant has filed a bankruptcy petition shall likewise notify the clerk. The case shall then be placed upon the continued to be reset docket pending outcome of the bankruptcy.

Sec. 8.02 Disposition of Case

If the defendant receives a discharge of the debt, the case will be dismissed after a copy of the discharge is filed with the clerk by the defendant or plaintiff's attorney. In the event the bankruptcy is dismissed without a discharge, the case may be reset for trial by plaintiff's attorney upon giving proper notice as set forth under Rule 6.

RULE 9. SLOW PAY MOTIONS

Sec. 9.01 Procedure

Any defendant who has a civil judgment entered against him/her and who can not pay the judgment in lump sum may file a slow pay motion by contacting the clerk and completing the form motion. The motion will be set for a hearing by the clerk on the next available civil court docket with a copy of the motion and notice of the date and time for the hearing provided to the opposing party by the clerk.

RULE 10. NEGOTIATIONS AND SETTLEMENTS

Sec. 10.01 Settlement Discussions

After the case is first called on the docket, all parties and attorneys shall be allowed a brief opportunity to discuss possible settlement of their cases before trial. The court shall advise those pro se parties present in the courtroom of the opportunity to discuss settlement with the opposing party or the opposing lawyer. If the parties or the lawyers are not able to agree on a settlement, a trial will be set by the court.

Sec. 10.02 Judgments

All judgments which contain more than a single element must list damages and attorney's fees separately after the total amount on the civil warrant. Any judgment for attorney's fees not provided by statute must be supported by filing a copy of the contract or other legal authority with the clerk on which the request for attorney's fees is made.

RULE 11. COURT DOCKETS

Sec. 11.01 Civil Docket

Civil cases are currently heard on Thursday of each week at 9:00 a.m. in the Circuit Courtroom No. 1, Second Floor, Putnam County Justice Center, Cookeville, TN.

Cases requiring more than one (1) hour to complete may be specially set by the court on other days such as Monday or Wednesday.

Sec. 11.02 Domestic Docket

Domestic cases are currently heard on Tuesday of each week at 9:00 a.m. in the General Sessions Courtroom, First Floor, Putnam County Justice Center, Cookeville, TN. Cases requiring more than one (1) hour to complete may be specially set by the court on other days such as Monday or Wednesday.

Sec. 11.03 Traffic Docket

Traffic cases are currently heard on Friday of each week at 9:00 a.m. in the General Sessions Courtroom, First Floor, Putnam County Justice Center, Cookeville, TN. Contested cases involving law enforcement officers who are not required to be present at the 9:00 a.m. docket call will be heard at 1:00 p.m.

RULE 12 INTERPRETERS

Sec. 12.01 Interpreters in Civil Cases

Interpreters are not provided or paid for by the county in civil cases.

RULE 13 NO SMOKING POLICY

Sec. 13.01 No Smoking Policy

Pursuant to action taken by the Putnam County Commission, smoking is prohibited in public buildings.

RULE 14 DRESS CODE

Sec. 14.01 Dress Code

All parties, attorneys and witnesses, shall dress appropriately for court. Knee length walking shorts are acceptable wear, if otherwise considered appropriate dress, for parties and witnesses appearing in the General Sessions Civil and Traffic Courts.