

ELEVENTH JUDICIAL DISTRICT  
LOCAL RULES OF PRACTICE  
(HAMILTON COUNTY)

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**RULES OF CIVIL PRACTICE, CHANCERY  
AND CIRCUIT COURTS FOR THE  
ELEVENTH JUDICIAL DISTRICT**

**Adopted Effective September 1, 2018**

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**RULE 1. EFFECTIVE DATE, APPLICABILITY, SUSPENSION, AND CITATION OF RULES**

**1.01 EFFECTIVE DATE**

Effective 1 September 2018, the Chancery and Circuit Courts of the Eleventh Judicial District (Hamilton County, Tennessee) abrogate all existing local rules of practice and adopt these rules.

[Adopted effective September 1, 2018.]

**1.02 APPLICABILITY**

Rules 1 through 14 apply in Chancery and Circuit Courts. Rules 15 through 18 apply in Chancery Court only.

[Adopted effective September 1, 2017.]

**1.03 SUSPENSION**

The Judges of the Court retain discretion to suspend any of these rules for good cause.

[Adopted effective September 1, 2017.]

**1.04 CITATION**

These rules may be cited as LRCP.

[Adopted effective September 1, 2017.]

**RULE 2. DEFINITIONS AND FORMS**

**2.01 DEFINITIONS**

As used in these rules, the term “Clerk” shall include the Clerk and Master and the term “Judge” shall include Chancellor.

[Adopted effective September 1, 2017.]

**2.02 FORMS**

These rules require the filing or lodging of various forms. Parties and their attorneys may use the forms available from the Clerk or forms equivalent in content and format thereto.

[Adopted effective September 1, 2017.]

**RULE 3. PLEADINGS AND OTHER PAPERS**

**3.01 COST BONDS**

For every pleading, which seeks affirmative relief, including counterclaims, cross-claims, and third-party complaints, a surety shall execute a bond for costs in the following form:

**COST BOND**

I hereby acknowledge and bind myself for the payment of all non-discretionary costs that may be adjudged herein against \_\_\_\_\_, the principal, in the event that the principal does not pay them.

Witness my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Signature  
\_\_\_\_\_

Name

Address

Telephone

The bond shall be attached to the pleading or filed separately. The surety shall not be released from the obligation as surety until there is provision for a substitute surety.

[Adopted effective September 1, 2017.]

### **3.02 CIVIL COVER SHEET**

A fully completed Civil Case Cover Sheet shall accompany every pleading which seeks affirmative relief. Parts VI and VIII of a Civil Case Cover Sheet shall be completed and accompany every answer or other initial responsive pleading. Civil Case Cover Sheets are required solely for administrative purposes, and matters appearing only on cover sheets have no legal effect in the action.

[Adopted effective September 1, 2017.]

### **3.03 FACSIMILE NUMBER**

In addition to the identifying information that Rule 11.01 of the Tennessee Rules of Civil Procedure requires, pleadings and other papers shall bear the facsimile telephone number, if available, of the filing attorney or *pro se* litigant.

[Adopted effective September 1, 2017.]

### **3.04 ORIGINAL SIGNATURES**

Papers to be filed or lodged that require the signature of a party, the party's counsel, or other individual or entity shall contain the original signature, preferably in blue ink unless they are filed or lodged by facsimile or electronically pursuant to Rule 5A or Rule 5B of the Tennessee Rules of Civil Procedure.

[Adopted effective September 1, 2018.]

### **3.05 EXTRAORDINARY RELIEF**

Complaints for writs of certiorari, writs of attachment, restraining orders, or other extraordinary relief shall be first filed with the Clerk and verified. Otherwise they must be accompanied by affidavit setting forth the facts justifying the relief sought.

[Adopted effective September 1, 2017.]

### **3.06 EX PARTE APPROVALS**

Petitions for the approval of workers' compensation claims, minors' claims, name changes, and other similar matters shall be prescheduled with the Court or filed with the Clerk before being presented to the Judge for approval.

[Adopted effective September 1, 2017.]

## **RULE 4. CERTIFICATES OF SERVICE, SUBMISSION OF PAPERS, AND FILES**

### **4.01 CERTIFICATES OF SERVICE**

(a) After suit is commenced, all papers required to be served on a party by any person except the Clerk shall contain a certificate of service that recites the name and address of each person served and the date and method of service.

(b) In *ex parte* matters, copies of motions and other papers shall be mailed to interested parties. Such papers must contain a certificate of service that includes the name and address of the interested parties served and the date of service.

(c) Any notice of appeal from a judgment of the Court shall be served on the court reporter, if any, and the certificate of service accompanying the notice shall so reflect.

[Adopted effective September 1, 2017.]

#### **4.02 SUBMISSION OF PAPERS AND COPIES**

All papers to be filed or lodged, including pleadings, motions, briefs, and proposed judgments and orders, shall be filed or lodged with the Clerk. Such papers shall not be mailed to or left with the Judge but shall be submitted to the Clerk for proper handling. No copy of any paper shall be provided to the Judge unless the Judge so requests.

[Adopted effective September 1, 2017.]

#### **4.03 FILES**

All files and records of the Court shall at all times be under the custody and control of the Clerk. Files may not be withdrawn without permission of the Clerk and the Judge.

[Adopted effective September 1, 2017.]

#### **4.04 FILING OF DISCOVERY**

Filing of discovery is not mandatory unless in support of a motion.

[Adopted effective September 1, 2017.]

#### **4.05 E-FILING**

Pursuant to Tennessee Rules of Civil Procedure 5B the Circuit Courts and Chancery Courts allow certain papers to be filed by electronic means that comply with technological standards promulgated by the Tennessee Supreme Court. Please consult the Chancery Court or Circuit Court website for case types and document types that can be filed electronically, as well as for instructions for e-filing and the requisite fees. Instructions are also available for review in both the Clerk & Master's office and the Circuit Court Clerk's office.

[Adopted effective September 1, 2018.]

### **RULE 5. ORDERS AND COSTS**

#### **5.01 PREPARATION**

(a) Unless otherwise ordered, in every case or motion disposed of by an oral ruling of the Court, counsel for the prevailing party shall prepare the Order or Judgment, and the Clerk shall prepare, in probate cases, orders confirming reports of the Master on accountings and settlements, authorizing the initial issuance of letters, and referring exceptions to claims, year's support, homestead, exempt property, and elective share to the Master.

(b) Unless the Court allows a greater time, the Order or Judgment shall be prepared and forwarded to adversary counsel within five (5) business days of the hearing or trial. *Ex parte* orders shall be lodged with the Clerk within five (5) business days of the hearing. Orders shall not be lodged granting or denying any relief before the Court passes on the issue, except for agreed orders signed by all counsel or *pro se* parties.

(c) If counsel fails to prepare and lodge Orders with the Court within fourteen (14) days of the announcement of an agreement or a ruling, the Court may strike or dismiss the subject motion or pleading.

[Adopted effective September 1, 2017.]

#### **5.02 APPROVAL**

(a) Unless waived by the Court, all orders proposed to be entered shall be submitted to all parties or their counsel for approval. Counsel shall promptly review a proposed order and approve it if it accurately reflects the ruling of the Court or notify the adversary of specific objections.

(b) In matters involving five (5) or more parties, the Court will, upon application and in proper circumstances, allow orders to be filed in accordance with LRCP 5.03.

[Adopted effective September 1, 2017.]

#### **5.03 PROPOSED ORDERS**

(a) No proposed order may be lodged with the Clerk until it has been submitted to all other parties or their counsel and they have refused to approve it or failed to respond within five (5) business days of service, unless waived by the Court. Orders lodged under this rule shall bear the word "PROPOSED" at the top of the Order.

(b) After the proposed order is lodged, adverse parties having objections to the proposed order shall file specific objections thereto, accompanied by their own proposed order, within three (3) business days.

(c) Nine (9) business days after the initial proposed order is lodged under this rule, the Clerk shall deliver all proposed orders including any exception or objection to the Judge for action. Additional time may be requested by conference call with all counsel or by agreement of the parties. "Business days" shall be computed in accordance with

Rule 6.01 of the Tennessee Rules of Civil Procedure.

[Adopted effective September 1, 2017.]

**5.04 TAXING OF COSTS**

(a) All final orders shall provide for the assessment of court costs.

(b) Orders for payment of costs shall be rendered jointly against the party and the party's sureties, if any.

[Adopted effective September 1, 2017.]

**5.05 RE-TAXING OF COSTS**

For good cause, the Clerk may move the Court for a re-taxing of court costs pursuant to Tenn. Code Ann. § 20-12-137.

[Adopted effective September 1, 2017.]

**RULE 6. MOTIONS**

**6.01 AUTHORITY**

All motions shall be in writing and cite the rule, statute or other authority for the relief sought. Motions not citing proper authority or citing only Rule 7.02 of the Tennessee Rules of Civil Procedure shall be stricken.

[Adopted effective September 1, 2017.]

**6.02 SCHEDULE AND CALL**

(a) In Chancery Court, Part 1, motions will be heard at 1:30 p.m. on the first (1<sup>st</sup>) and third (3<sup>rd</sup>) Mondays of each month. In Chancery Court, Part 2, motions will be heard at 1:30 p.m. on the second (2<sup>nd</sup>) and fourth (4<sup>th</sup>) Mondays of each month. When a motion day falls on a holiday, motions will be heard on the next business day, unless another date is announced and posted. Motions may be heard at other times with the consent of the Judge. In both parts of Chancery Court, motions will be called at the Court's first regularly scheduled motion day occurring no less than five (5) business days after the filing of the motion. Notice of the date and time of the hearing shall be placed on the motion.

(b) Motions in Circuit Court will be heard on Mondays except on holidays, commencing in Division I at 9:00 a.m. Motions may be heard at other times with the consent of the Judge. Motions filed by 4:00 p.m. on Thursday will be called the second following Monday.

[Adopted effective September 1, 2017.]

**6.03 EXHIBITS**

The underlying document(s) that are the subject of the motion shall be an exhibit(s) to the motion.

[Adopted effective September 1, 2017.]

**6.04 RESPONSES**

Responses to motions are allowed but not required, except responses to motions citing Rules 12, 26 through 37, and 56 of the Tennessee Rules of Civil Procedure. Failure to file a required response by 4:00 p.m. at least two (2) business days preceding the date that the motion is to be called may result in the granting of the motion.

[Adopted effective September 1, 2017.]

**6.05 BRIEFS**

A memorandum of law shall accompany every motion or response which may require the resolution of an issue of law. Any motion, response, brief, or memorandum of law that makes reference to a transcript or deposition shall specify the relevant page(s) of the transcript or deposition and attach those pages. Any brief that cites a foreign case shall have a copy of the case attached or the Court may disregard the authority.

[Adopted effective September 1, 2017.]

**6.06 DISPOSITIVE MOTIONS**

Only the relevant portion(s) of any discovery materials used to support a motion for dismissal, judgment on the pleadings, or summary judgment or response thereto shall be filed.

[Adopted effective September 1, 2017.]

**6.07 FAILURE TO APPEAR; LATE APPEARANCE**

Unless otherwise excused, a failure to appear shall result in a motion being stricken or adjudicated as the Court orders. If there is to be a late arrival or attendance in another Court, counsel shall notify the Judge's office and other counsel or request a continuance of the motion and notify other counsel thereof before the hearing.

[Adopted effective September 1, 2017.]

**6.08 PRIORITIES**

Motions requiring oral testimony will be heard after motions not requiring such evidence. Non-jury matters may be heard on a motion day, but motions in any Court take priority over non-jury matters.

[Adopted effective September 1, 2017.]

**RULE 7. CASE MANAGEMENT**

**7.01 CASE ASSIGNMENT AND REASSIGNMENT**

Cases in Chancery Court are assigned sequentially by Part. However, all matters pertaining to guardians, conservators, mental health appointments, and adoptions, when filed in Chancery Court are assigned to Part 1, and all matters pertaining to probate and the construction of trusts are assigned to Part 2. All cases in Circuit Court are assigned sequentially by Division. Any case previously filed and dismissed and then refiled will be assigned to its previously assigned Part or Division. Any related family law matter, including but not limited to an order of protection and/or a divorce, shall be assigned to the Part or Division of the Court in which the case is first filed. If a Court or Courts recuse from a case, then that case will be reassigned pursuant to the procedure adopted by this Judicial District and consistent with the Tennessee Supreme Court Rules. All Petitions for Orders of Protection shall be assigned in rotation such that two (2) Petitions are assigned to Circuit Court followed by one (1) Petition assigned to Chancery Court. This rotation is subordinate to the prior case filed rule contained in this section. If cases controlled by Rule 42.01 of the Tennessee Rules of Civil Procedure are pending in different divisions of Circuit Court and/or Chancery Court, all such cases will be transferred for discovery, unless otherwise ordered, to the Court in which the case with the lowest docket number (case filed first) is pending. The Judges of the courts involved will meet at an appropriate time to decide for what purposes the cases will be consolidated. The Judges may solicit input from the attorneys of record on the consolidation issues.

[Adopted effective September 1, 2017.]

**7.02 SETTING OF CASES**

(a) Cases shall be set by motion, agreed order, or action of the Court. When a case is set on an unopposed motion or by agreement, counsel are deemed to have certified that they are available for trial and the case is in all respects ready for trial.

(b) When a party objects to having a case set because trial preparation is not complete, the Court may issue a scheduling order establishing deadlines for completing trial preparation and setting a trial date.

(c) Conferences, default hearings, and other uncontested matters shall be set by appointment with the Judge's office.

[Adopted effective September 1, 2017.]

**7.03 CONTINUANCES**

Cases may be continued only by leave of the Court by written order or if the case is one referred to the Master, by leave of the Master as provided in LRCP 12.03. Failure to complete discovery or prepare for trial shall not necessarily constitute grounds for a continuance.

[Adopted effective September 1, 2017.]

**7.04 TRIAL DOCKET**

(a) Unless otherwise ordered, trials and other contested evidentiary matters will be assigned for hearing at 9:30 a.m. in Chancery Court and 9:00 a.m. in Circuit Court. Attorneys and parties shall be prompt for all sessions. Unless an Order continuing, settling, or dismissing the matter has been filed prior to the morning of trial, cases set for trial by Order are subject to dismissal or entry of judgment upon the failure of plaintiff to appear or upon failure of defendant to appear respectively.

(b) In the event a case ready for trial on the day assigned is not reached on that day, the case will be reset for trial on the first available trial date or held in line at the Court's discretion.

[Adopted effective September 1, 2017.]

#### **7.05 DISMISSAL OF DORMANT CASES**

(a) If no action is taken in a case for two hundred seventy (270) days, the Court may dismiss the case. Thirty (30) days before such a dismissal, the Clerk or Judge shall notify counsel or post a Procedural Steps List containing the name and docket number of each case to be dismissed. The Procedural Steps List shall be prominently posted in the Clerk's office and on the web site (<http://www.hamiltontn.gov/courts>).

(b) The Clerk shall mail to counsel of record and unrepresented parties whose address can be ascertained from information in the file copies of each order dismissing a case for want of prosecution.

[Adopted effective September 1, 2017.]

#### **7.06 WITHDRAWAL OF COUNSEL**

Once counsel has made a general appearance, counsel may not withdraw except for good cause, by motion and order of the Court.

[Adopted effective September 1, 2017.]

### **RULE 8. TRIAL**

#### **8.01 JURY DEMAND**

When a jury is demanded in accordance with Rule 38 of the Tennessee Rules of Civil Procedure, the document demanding a jury and all subsequent documents filed in the case shall bear the words "JURY DEMAND" in capital letters in the caption of the case above the space for the case number.

[Adopted effective September 1, 2017.]

#### **8.02 PRETRIAL SCHEDULE**

(a) At least ten (10) business days before trial, the parties shall submit to the Court in writing any contested issues of law to be addressed by the Jury or the Court together with citations of authority and/or briefs. A Trial Brief shall be a concise statement of the issues and law supported by appropriate citations. If a citation is to a decision not fully reported in Southwest Reporter, Tennessee Decisions, a copy of the entire text of the decision shall be attached to the brief.

(b) At least ten (10) business days before trial, the party first demanding a jury shall file a proposed jury charge on any issue not addressed by the Tennessee Pattern Instructions and proposed jury verdict forms. At least five (5) days before trial, the other parties shall file any proposed changes to the proposals. This rule shall not preclude the parties from filing jury requests concerning contested issues arising during the trial.

(c) At least ten (10) business days before trial, each party shall file and serve by facsimile or by hand: <sup>1)</sup> a Witness List, including names, addresses, and, if known, telephone numbers of all witnesses, including rebuttal witnesses; and <sup>2)</sup> an Exhibit List, including rebuttal exhibits. Within five (5) business days of the receipt of an Exhibit List, the recipient shall file and, by facsimile or hand, serve any objections to authenticity of any exhibit or such objection shall be deemed waived. At least five (5) business days before trial, the recipient shall file and serve all other objections. Witnesses and exhibits not identified in compliance with this rule shall not be utilized at trial.

(d) If the parties anticipate the use of more than fifty (50) trial exhibits, they shall so notify the Court. Before trial, the parties shall meet to examine or exchange all trial exhibits and, if the Court so directs, pre-mark all trial exhibits in sequential order without designation as to plaintiff or defendant. Any marked exhibit the admissibility of which the parties dispute shall be marked for identification only. Unless a marked exhibit is marked for identification only, its admissibility shall be deemed to be undisputed. The parties shall file a list of any marked exhibits no later than the morning of trial.

[Adopted effective September 1, 2017.]

#### **8.03 RECORD OF PROCEEDINGS**

It is the responsibility of litigants to arrange for court reporters to record the proceedings of the Court.

[Adopted effective September 1, 2017.]

#### **8.04 CONTROL AND DISPOSAL OF EXHIBITS**

(a) All trial exhibits shall be accounted for and placed in the custody of the court reporter unless otherwise directed by the Court.

(b) If no appeal is filed, the parties shall have forty-five (45) days to withdraw exhibits and depositions after entry of the final judgment. The court reporter or Clerk may destroy or dispose of exhibits and depositions not withdrawn from their possession.

[Adopted effective September 1, 2017.]

#### **8.05 SETTLEMENT**

When a case is set for trial and the parties reach a settlement, the parties shall give immediate notice of the settlement to the Court. Counsel shall notify witnesses that they are excused from attending court due to the settlement. In the event that notice is not given, economic sanctions may be imposed.

[Adopted effective September 1, 2017.]

### **RULE 9. DECORUM**

#### **9.01 ATTIRE**

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

[Adopted effective September 1, 2017.]

#### **9.02 BAR SPACE**

The space within the bar in the courtroom is reserved for attorneys, legal assistants, and litigants actually engaged in trial. All other persons will be seated outside the bar.

[Adopted effective September 1, 2017.]

#### **9.03 BENCH CONFERENCES**

Bench conferences should be requested only when absolutely necessary in aid of a fair trial. The conferences shall be conducted in a professional manner.

[Adopted effective September 1, 2017.]

#### **9.04 COUNSEL, LITIGANT, AND SPECTATOR CONDUCT**

When Court is in session, all persons present shall be seated at all times except when addressing the Court and shall not talk, laugh, or otherwise make any noise. All cell phones and beepers must be turned off. All counsel are expected to comply with the Chattanooga Bar Association Guidelines for Professional Conduct that are incorporated herein by reference and are attached hereto as Appendix 1 to these rules.

[Adopted effective September 1, 2017.]

#### **9.05 FORBIDDEN CONDUCT**

Counsel and witnesses are prohibited from using curse or swear words even when quoting others. When quoting others, counsel and witnesses shall omit any offensive word and state only the first letter of the word. Any deviation from this rule requires prior permission from the Court.

[Adopted effective September 1, 2017.]

#### **9.06 JUROR CONTACT**

No attorney, party, witness, or any other person interested in a case being tried shall engage in any conversation with any juror until such juror's service for the term has ended.

[Adopted effective September 1, 2017.]

### **RULE 10. DOMESTIC RELATIONS**

#### **10.01 FINANCIAL STATEMENTS**

(a) Both parties in all domestic relations cases in which support is an issue shall file and serve an affidavit,

stating all income as of the date of execution, at least ten (10) days before trial. This affidavit is available from the Clerk. A party shall compile and file an affidavit stating expenses only if: i) alimony is sought or resisted; ii) a deviation from child support guidelines is sought; or iii) it is contended the income statement is not representative of future income. If a party fails to file a statement of income required herein, the other party shall file an affidavit containing a good-faith estimate of the income of the defaulting party.

(b) In all divorce cases, when a trial date is set, a pretrial conference shall also be set. Attendance is mandatory unless excused for cause. In all divorce cases, at least fifteen (15) days before trial, both parties shall serve verified financial statements, as set forth in Exhibit A attached hereto in Appendix 2 to these rules. The parties shall file a joint asset and liability statement for division of property that is not disputed at least ten (10) days before trial, as set forth in Exhibit B attached hereto in Appendix 2 to these rules. For assets and liabilities that are disputed as to division, at least ten (10) days before trial, the parties shall also file a proposed division of marital property and liabilities, as set forth in Exhibit C attached hereto in Appendix 2 to these rules, and jointly executed agreed stipulations, as set forth in Exhibit D attached hereto in Appendix 2 to these rules.

(c) Failure to file the statements required herein shall result in dismissal or continuance of the case, entry of default judgment against the non-complying party, or other appropriate sanctions in the Court's discretion.

(d) At least ten (10) days before trial of any contested divorce is scheduled, counsel shall file a memorandum, as set forth in Exhibit E attached hereto in Appendix 2 to these rules.

[Adopted effective September 1, 2017.]

#### **10.02 PENDENTE LITE HEARINGS**

(a) *Pendente lite* hearings for child support shall be heard only on motion accompanied by an affidavit containing the income of the custodial party with supporting documentation, a good-faith estimate of the income of the non-custodial party, the amount of time that the child spends with each party, and the number of persons who reside with each party. If the non-custodial party contests any such estimate, within five (5) business days after receipt of the motion from the custodial party, that party shall file and serve his or her own affidavit with supporting documentation. The parties shall also file with their affidavits a proposed Child Support Worksheet.

(b) *Pendente lite* hearings for alimony shall be heard only on motion accompanied by an affidavit stating income and expenses. Within five (5) business days after receipt of the motion, the non-moving party contesting alimony shall file an affidavit delineating all income and expenses.

[Adopted effective September 1, 2017.]

#### **10.03 DEFAULT DIVORCE SETTING; FAILURE TO APPEAR**

Any uncontested divorce passed for good cause must be passed to a day certain by order with at least ten (10) days notice to the other party. Failure of the plaintiff or plaintiff's counsel to appear, ready for trial, will result in the case being passed or dismissed, in the discretion of the Court.

[Adopted effective September 1, 2017.]

#### **10.04 SIGNATURE REQUIREMENTS IN AGREED DIVORCES**

All counsel of record and any self-represented litigant must sign any proposed, agreed Final Order of Divorce. All parties must execute and submit a Marital Dissolution Agreement and, where applicable, a Permanent Parenting Plan, including a Child Support Worksheet.

[Adopted effective September 1, 2017.]

#### **10.05 ATTORNEY FEES**

In awarding attorney fees in domestic relations cases, the Court shall consider, in addition to the factors set forth in Rule 1.5 of the Rules of Professional Conduct and any other appropriate authority, the attorney's contract with the client, the financial resources of the parties, and the good-faith efforts of the parties to resolve the case consistent with existing law.

[Adopted effective September 1, 2017.]

#### **10.06 FAMILY LAW MEDIATION**

Counsel shall comply with all statutes regarding mediation in divorce cases including, but not limited to, those involving assets, liabilities, alimony, and parenting plans. Both parties shall make a good-faith effort to exchange at least one (1) day prior to mediation, and no later than the date of mediation, asset and liability statements, income and expense statements, proposed division of assets and liabilities, and proposed parenting plans with supporting documentation. Pursuant to the applicable mediation statutes, these documents shall not be admissible in

court and shall be used for settlement negotiation purposes only. These documents shall contain a statement to that effect.

[Adopted effective September 1, 2017.]

## RULE 11. FUNDS

### 11.01 FUNDS PAID INTO COURT

(a) No litigant funds shall be paid into court without the Court's order. Funds paid into court are not invested for the benefit of the litigants unless the Court so directs.

(b) All orders directing investment of funds shall contain the full legal name and address of each person or entity to whom the funds belong. Orders pertaining to minors shall state the dates of the minor's birth and majority. Social security and taxpayer identification numbers may be requested by the Court for administrative purposes. Such numbers, if requested, shall not be part of the public record.

(c) It is the duty of the attorney or litigant seeking investment of funds to call to alert the Clerk that the funds are to be invested.

[Adopted effective September 1, 2017.]

### 11.02 FUNDS PAID OUT OF COURT

Before funds will be released by the Clerk, social security or taxpayer identification number must be furnished by the recipient to the Clerk, and a receipt or ledger for the funds must be signed.

[Adopted effective September 1, 2017.]

## RULE 12. MASTERS

### 12.01 REFERENCE

At the time a case is set for trial, counsel shall inform the Court of any issues which may be the proper subject of reference to a Master, such as accounting, damages, and validity and priority of liens. Reference to the Master shall be consistent with Rule 53.01 of the Tennessee Rules of Civil Procedure and appointment may be obtained upon motion of a party or upon the Court's own initiative.

[Adopted effective September 1, 2017.]

### 12.02 NOTICE OF HEARING

Following the entry of an Order of Reference, the Master will notify all parties involved of a hearing date to take proof on the matter referred. The Master, if necessary, may schedule a meeting with counsel in order to determine the procedure on the reference.

[Adopted effective September 1, 2017.]

### 12.03 CONTINUANCES

Hearings will only be continued by leave of the Master for good cause, which shall be brought to the attention of the Master as soon as practicable before the hearing date. The absence of a witness shall not be grounds for a continuance unless the witness has been subpoenaed in accordance with Rule 45 of the Tennessee Rules of Civil Procedure. Requests for continuances shall be made by telephone conference call involving all interested parties.

[Adopted effective September 1, 2017.]

### 12.04 EVIDENCE EXCHANGE

At least ten (10) days before the hearing, the parties shall exchange exhibits upon which they wish to rely at the hearing.

[Adopted effective September 1, 2017.]

### 12.05 COURT REPORTER OR STIPULATION

The parties shall either i) stipulate in writing prior to the hearing that the Master's findings of fact shall be final or ii) employ a court reporter to attend the hearing and prepare a transcript of the proceeding. This transcript shall be filed with the Clerk for preparation of the Master's Report and filing pursuant to Rule 53.04(1) of the Tennessee Rules of Civil Procedure.

[Adopted effective September 1, 2017.]

#### **12.06 OBJECTIONS TO MASTER'S REPORT**

Objections shall be supported by a transcript of proceedings before the Master and shall state specifically the grounds for the objections by specific references to the transcript, except in matters stipulated pursuant to LRCP 12.05.

[Adopted effective September 1, 2017.]

### **RULE 13. ADOPTIONS**

#### **13.01 SURRENDERS**

(a) Surrenders may usually be scheduled as *ex parte* matters.

(b) In Chancery Court all surrender documents shall be reviewed by the Clerk's office before the surrender occurs.

(c) Counsel shall inform the Court's secretary if more than one (1) child is the subject of surrender or circumstances exist that will require an unusually lengthy hearing.

(d) There shall be a separate surrender for each child.

[Adopted effective September 1, 2017.]

#### **13.02 PETITIONS FOR ADOPTION**

A separate verified petition must be filed for each adoptive child. Separate docket numbers shall be assigned to each petition, and there shall be a separate final order in each case. Cases involving the same petitioner shall be assigned to the same Judge.

[Adopted effective September 1, 2017.]

#### **13.03 WAIVERS**

The law allows the Court to waive certain procedures and time requirements in appropriate circumstances. Counsel or parties may not assume that the Court will routinely waive such procedures or requirements. Anyone seeking waiver shall, in a motion or proposed order, cite the statutory authority thereof and state the circumstances justifying relief.

[Adopted effective September 1, 2017.]

#### **13.04 ADOPTIONS - FINAL HEARINGS – MINORS**

(a) In an adoption by relatives or a step-parent, the Court usually waives or shortens the six-month waiting period after filing if the child has lived in the home for more than one (1) year.

(b) In other adoptions, the Court is unlikely to waive or reduce in the six-month waiting period after filing the petition unless the child has lived in the home for more than one (1) year and there are compelling reasons.

(c) In no event is a final hearing to be scheduled less than ten (10) days after the petition is filed.

(d) The child and the parents shall appear before the Court for the final hearing unless specifically excused by the Court. Appropriate dress is required.

[Adopted effective September 1, 2017.]

#### **13.05 TERMINATIONS**

If a proposed termination is contested or either natural parent is incarcerated, counsel shall so advise the Court. Parents whose rights are subject to termination may be eligible for an appointed attorney. Lawsuits to terminate parental rights shall be concluded before the adoption is set.

[Adopted effective September 1, 2017.]

#### **13.06 FINAL REPORT ON ADOPTION**

The final report in response to the Court's Order of Reference shall be filed at least three (3) days before the final hearing. The purpose of the Court's Order of Reference is to bring the status of the prospective adoptive home and the child up to date immediately prior to finalization of the adoption.

[Adopted effective September 1, 2017.]

## RULE 14. GIFTS AND GRATUITIES

### 14.01 COURT OFFICERS AND DEPUTY SHERIFFS

No attorney or party shall offer, nor shall any court officer or deputy sheriff accept any money or other thing of value for acting within the scope of one's duties.

[Adopted effective September 1, 2017.]

### 14.02 CLERKS

No attorney, litigant, bank, title insurance company, or any other person regularly doing business in or with the office of the Clerk shall offer, nor shall any Clerk receive, any gifts, money, or other thing of value, except the fees, taxes, and costs authorized by statute, rule, or order.

[Adopted effective September 1, 2017.]

## RULE 15. JUDICIAL REVIEW OF ADMINISTRATIVE DECISIONS – SPECIAL PROCEDURES

### 15.01 BRIEFS REQUIRED

Briefs must be filed in all cases heard by the Court upon the record from an administrative tribunal or agency. If a petitioner fails to file his or her brief within the time provided by this rule or within the time ordered by the Court, the action may be dismissed and the agency decision affirmed. If the defendant has not filed his or her brief within the time provided by this rule or within the time ordered by the Court, the Court may decide the case solely upon the record and the petitioner's brief.

[Adopted effective September 1, 2017.]

### 15.02 FILING AND SERVICE OF BRIEFS

The petitioner must file and serve a brief within thirty (30) days after the record is filed. The defendant must file and serve a brief within thirty (30) days after service of the brief of the petitioner. Reply briefs may be filed at the option of a party and must be filed and served within fourteen (14) days after service of the preceding brief. Upon motion of a party or upon its own motion, the Court may enlarge or shorten the time for filing briefs.

[Adopted effective September 1, 2017.]

### 15.03 HEARINGS - ORAL ARGUMENT

Hearings on oral argument shall be scheduled as provided in LRCP 7.02 after the record has been filed.

[Adopted effective September 1, 2017.]

### 15.04 WAIVER OF ORAL ARGUMENT

Oral argument may be waived by agreement of counsel. If oral argument is waived, counsel shall notify in writing the Chancellor's office after all briefs are filed.

[Adopted effective September 1, 2017.]

## RULE 16. GUARDIANSHIP AND CONSERVATORSHIP

### 16.01 PETITIONS

A separate petition must be filed for each respondent. Separate docket numbers shall be assigned to each petition, and there shall be a separate Final Order in each case.

[Adopted effective September 1, 2017.]

### 16.02 CONSERVATORSHIPS

The petition shall be verified and shall contain the information required by statute and these rules. Petitioner shall list the names and addresses of all persons to whom notice is required. Notice shall be given by the Clerk. Service of process shall be accomplished by an authorized officer. A verified statement for a physician or psychologist in accordance with Tenn. Code Ann. § 34-3-105 shall be filed, if available, with the petition or, if not then available, before or at the hearing.

[Adopted effective September 1, 2017.]

**16.03 GUARDIANSHIPS**

The petition shall be verified and shall contain the information required by statute and these rules. Notice shall be provided to all interested persons, and service upon the respondent shall be in accordance with the law.

[Adopted effective September 1, 2017.]

**16.04 SUBMISSION OF ORDERS WITH PETITION**

Orders appointing or waiving a guardian *ad litem*, setting a hearing date, and providing for the duties of the guardian *ad litem* shall be submitted with each petition for conservatorship or guardianship. Examples of such orders may be obtained from the Clerk's office.

[Adopted effective September 1, 2017.]

**16.05 GUARDIAN AD LITEM**

(a) The Court will usually appoint a licensed attorney as the guardian *ad litem* upon the filing of a petition to appoint a conservator or guardian. The Court may, however, waive the appointment of a guardian *ad litem* for good cause in accordance with Tenn. Code Ann. § 34-1-107.

(b) The Court may appoint a guardian *ad litem* in matters involving the following: the sale, improvement, or mortgage of any real property in which a minor or other person under disability has an interest, the sale or disposition of a ward's personal property, possible impropriety by a fiduciary, or unauthorized encroachments or questionable management of a ward's assets under guardianships or conservatorships. The Court may also do so any time it believes such an appointment is in the best interest of a minor, incompetent, absentee, or interested party or necessary to further the administration of justice.

(c) The guardian *ad litem* shall conduct an inquiry and file a report with the Court at least three (3) days before the hearing. The report shall contain the information required by statute and these rules and such additional information as the Court may require or the guardian *ad litem* deems necessary. Reports shall be brief and to the point unless the complexities of the case require greater detail.

[Adopted effective September 1, 2017.]

**16.06 ORDERS OF APPOINTMENT**

All orders appointing a guardian or conservator shall contain the information required by appropriate statute and these rules, including the ward's full name and date of birth. The order shall also require or, with the requirement of an annual report, waive an inventory and property management plan within sixty (60) days and an annual accounting. Where required, bonds must be executed prior to the issuance of letters by the Clerk. Forms that provide for most of the requirements can be obtained from the Clerk's office but must be modified to meet the facts of each individual case. Orders appointing a representative shall adjudge the Clerk's cost.

[Adopted effective September 1, 2017.]

**16.07 SUBSEQUENT ORDERS**

(a) Unless other matters are pending, orders approving accounting, sale of real estate, or similar matters shall include provisions closing the matter pending further proceedings and assessing costs.

(b) If an annual accounting is not required, an Annual Report shall be required each year and the Clerk shall send notice when the Annual Report is due. The Annual Report shall contain information as to the condition and location of the ward as well as other information as may be requested by the Clerk, such as the identity and relation, if any, of the caregiver to the ward, and required by law.

[Adopted effective September 1, 2017.]

**RULE 17. PROBATE**

**17.01 HOURS**

The daily session of the Probate Division of Part 2 shall be from 9:00 to 10:30 a.m., Tuesday through Friday, and shall be by appointment only. Please call or e-mail the Probate clerks to set an appointment.

[Adopted effective September 1, 2017.]

**17.02 INTERESTED PARTIES**

(a) Interested parties include a spouse, beneficiary, legatee, devisee, fiduciary, heirs, and income and remainder beneficiaries of a trust.

(b) Notice and service of process is not required for an interested party who joins in a petition as a petitioner or who files a sworn waiver or consent.

[Adopted effective September 1, 2017.]

### **17.03 PETITIONS**

(a) A verified petition to probate a will, codicil, or other testamentary instrument or administer an intestate estate shall set forth such information as is required by statute and these rules. This information shall include the names, addresses, relationships of all legatees and devisees under the testamentary instruments, and the names of the surviving spouse and next of kin.

(b) Notice of petitions for elective share, year's support, homestead and exempt property shall be given to the personal representative of the estate, attorneys of record, and all interested parties, including creditors if the estate may be insolvent. If the personal representative is the surviving spouse, an Administrator *ad litem* shall be appointed.

[Adopted effective September 1, 2017.]

### **17.04 COMMON FORM PROBATE**

Petitions for probate in common form may be heard by the Court or the Clerk.

[Adopted effective January 12, 2022.]

### **17.05 SOLEMN FORM PROBATE**

Petitions for probate in solemn form shall be heard by the Court, after service of notice required by statute, at a time and date set by the Court.

[Adopted effective September 1, 2017.]

### **17.06 SMALL ESTATES**

Estates coming within the provisions of the Small Estates Act may be heard by the Clerk or the Court. Bond shall be required in all small estates.

[Adopted effective September 1, 2017.]

### **17.07 CLAIMS**

Verified claims must be filed with the Clerk in triplicate with any required supporting documents as provided by statute. The Clerk may decline to accept claims submitted without the statutory fee.

[Adopted effective September 1, 2017.]

### **17.08 AUTHORITY OF MASTER**

(a) Unless otherwise ordered by the Court, the Clerk and Master is authorized to act without a specific order of reference as follows:

- (1) hear applications for letters testamentary and of administration;
- (2) adjudicate probate claims and exceptions thereto;
- (3) determine year's allowance to surviving spouse and minor children;
- (4) preside over assignment of homestead;
- (5) determine elective share of surviving spouse; and
- (6) take and state all accounts and settlements.

(b) The Clerk and Master shall file a written report of findings and actions on the above matters.

(c) Rule 53 of the Tennessee Rules of Civil Procedure and LRCP 12 shall govern the procedures for Master's hearings and exceptions to or confirmations of Master's Reports.

[Adopted effective September 1, 2017.]

### **17.09 INVENTORIES AND ACCOUNTINGS**

(a) Inventories and accountings may be waived (i) if the Will so provides or (ii) if all of the residuary beneficiaries or legatees file waivers excusing the personal representative from the requirement. If a residuary beneficiary is under a disability or the estate is insolvent, a final accounting cannot be waived. A Sworn Statement in Lieu of Final Accounting is required even if accountings are waived.

(b) Sworn Statements in Lieu of Final Accounting shall comply with all the requirements of the statutes and shall state the gross taxable value of the estate. Approval of personal representative fees and attorney fees may be included in the Sworn Statement.

(c) Notice of the filing and taking of an accounting must be as provided by law.

(d) The final accounting shall bear a certificate of the personal representative that the estate has been distributed in accordance with the instrument admitted to probate, or, in intestate cases, in accordance with the laws of descent and distribution.

(e) Upon failure to file accountings within the time required by law, the Court may revoke letters issued to a personal representative and appoint the Public Administrator or a successor personal representative.

(f) If an estate is not closed within two (2) years from the date of qualification of the personal representative, additional time to file accountings will be granted only upon motion and notice to interested parties.

[Adopted effective September 1, 2017.]

#### **17.10 SUMMARY REMOVAL AND SANCTIONS**

Failure to comply with statutory requirements or orders of the Court shall constitute grounds for summary removal of the personal representative. In addition, the Court may impose sanctions, such as forfeiture of earned fees and taxation of fees and costs against the defaulting party and its surety.

[Adopted effective September 1, 2017.]

#### **17.11 FEES AND EXPENSES**

(a) Court approval of legal fees and expenses is required in all circumstances unless: (i) they are approved in writing by all interested parties or their legal guardians and (ii) they do not exceed the percentages of the estate value set out in one of the following schedules, which are presumed reasonable in the absence of objection:

| <u>Gross Estate</u>    | <u>Schedule 1</u> | <u>Schedule 2</u> | <u>Schedule 3</u> |
|------------------------|-------------------|-------------------|-------------------|
| 1 <sup>st</sup> 20,000 | 5%                | 2.5%              | 1.25%             |
| next 80,000            | 4%                | 2.0%              | 1.0%              |
| next 150,000           | 3%                | 1.5%              | 0.75%             |
| next 500,000           | 2%                | 1.0%              | 0.5%              |
| over 750,000           | 1%                | 0.5%              | 0.25%             |

“Gross estate” for this purpose is the gross estate for inheritance tax purposes.

##### **(b) Legal Fees and Expenses**

(1) apply Schedule 1 if the personal representative is not regularly engaged in the business of administering estates or

(2) apply Schedule 2 if the personal representative is regularly engaged in the business of administering estates.

##### **(c) Personal Representative Fees and Expenses**

(1) apply Schedule 1 if the personal representative is regularly engaged in the business of administering estates or

(2) apply Schedule 3 if the personal representative is not regularly engaged in the business of administering estates.

(d) If fees and expenses have not been properly approved as required by this rule or if objections are filed by motion, the Clerk shall, on reference, determine a reasonable fee and report such to the Court.

[Adopted effective September 1, 2017.]

### **RULE 18. SALE OF REAL PROPERTY**

#### **18.01 PROPERTY DESCRIPTION**

Complaints seeking a sale by partition, general lienor’s suits, and all other actions to sell real property shall set forth the complete legal description and the street name and number of the property.

[Adopted effective September 1, 2017.]

#### **18.02 ORDERS AUTHORIZING SALE**

Unless otherwise specifically directed by the Court, all orders for the sale of property shall:

(a) state that the sale will be held on the western side of the Hamilton County Courthouse by public outcry to the highest bidder for cash, and

(b) include the following information: (1) map-parcel-group number, (2) street address or, with a statement

that no street address is available, designation of the nearest intersection of public streets or roads, and (3) complete legal description of the property.

[Adopted effective September 1, 2017.]

**18.03 ADVERTISEMENTS**

The Clerk, in advertising the sale of real property, shall set out the street address, if available, as well as the description as set forth in LRCP 18.02(b).

[Adopted effective September 1, 2017.]

**18.04 ORDERS CONFIRMING SALE**

Unless otherwise specifically directed by the Court, all orders confirming the sale of property shall:

- (a) attach as an exhibit expressly incorporated in the order by reference the property description required by LRCP 18.02(b);
- (b) contain the address of each grantee;
- (c) contain the name and address for the mailing of tax bills; and
- (d) direct the Clerk to make the following disbursements, where applicable: (1) appraisal fees; (2) attorney fees; (3) brokerage fees; (4) claims or encumbrances such as mortgages, notes, and liens; (5) closing costs; (6) commissions on real estate; (7) court costs; (8) court reporter fees; (9) deed preparation and filing (10) delinquent taxes; (11) guardian *ad litem* fees; (12) property insurance prorated (13) recording fees; (14) rents prorated to closing date; (15) revenue stamps; (16) survey fees; (17) taxes prorated current to closing date; (18) title insurance ordered and paid for; and (19) balance of funds to listed recipients with their complete names, addresses, social security numbers, and percentage of balance of funds to each.

[Adopted effective September 1, 2017.]

## Guidelines For Professional Conduct

Guidelines for Professional Courtesy and Conduct for the Practice of Law in Hamilton County, Tennessee

Whereas, the guidelines herein embody the principles to which most lawyers already adhere but are set forth here for ease of reference to benefit the community, practicing lawyers, the courts, and new members of the bar; and

Whereas, in furtherance of these fundamental concepts, and in the spirit of the applicable rules of civil and criminal procedure and rules of professional conduct, and in keeping with the long tradition of professionalism among and between members of the bar; it is

Resolved, the following guidelines are set forth for the practice of law in Hamilton County, Tennessee :

### Guidelines for Professional Courtesy and Conduct in the Hamilton County Bar

#### 1. COURTESY, CIVILITY, AND PROFESSIONALISM

- 1.1 I will address the Court, members of the court staff, opposing counsel and parties in a courteous, civil, and professional manner.
- 1.2 I will maintain open and respectful communication with opposing counsel or pro se litigant and will strive to avoid creating animosity or contention.
- 1.3 I will allow no client to dictate or influence my conduct, attitude, or demeanor toward opposing counsel or pro se litigant. Even if called upon by a client to do so, I will refuse to engage in abusive or offensive conduct against an opposite party. I will strive to treat adverse counsel, pro se litigants, witnesses, and parties fairly, considerately, and professionally.
- 1.4 I will respect the schedule of opposing counsel or pro se litigant and be truthful about my own schedule.
- 1.5 I will make representations in good faith on behalf of my client. I will make no purposeful misstatement of fact or law, regardless of any pressure to do so.
- 1.6 I will return telephone calls and respond to all correspondence promptly.
- 1.7 I will make no promise or commitment to another lawyer or pro se litigant that I cannot honor.
- 1.8 I will seek no sanction against opposing counsel or pro se litigant for mere tactical advantage.
- 1.9 I will make no unfounded accusation of unethical conduct about opposing counsel or pro se litigant.
- 1.10 I will strive to be punctual for a meeting, deposition, or court appearance.
- 1.11 I will advise my clients at the outset of their obligations of civility, courtesy, fairness, cooperation, and other proper behavior expected of those involved in the legal system.

1.12 I will contribute time and expertise to those unable to afford legal representation.

## 2. SCHEDULING, CONTINUANCES AND EXTENSIONS OF TIME

2.1 I will respect the scheduling commitments of opposing counsel or pro se litigant, clients, and the Court. I will consult opposing counsel or pro se litigant, when practical, before scheduling a trial, deposition, or other Court proceeding. Alternatively, if I am unable to communicate with opposing counsel or pro se litigant prior to scheduling a deposition or hearing, I will be willing to reschedule that deposition or hearing if the time selected is inconvenient for opposing counsel or pro se litigant.

2.2 I will consent to the FIRST request for a reasonable extension of time to respond to a litigation deadline unless time is truly of the essence. With later requests for extensions of time, I will continue to give consideration to an opponent's schedule. I will balance that consideration against the reasonableness of the length of extension requested, opposing counsel's or pro se litigant's willingness to consent to reciprocal extensions, the time actually needed for the task, and whether the Court would likely grant the extension if asked to do so.

2.3 I will inform my client that decisions to consent to extensions of time belong to me and not to the client, except where the rights of the client would be jeopardized.

2.4 I will advise my client against a strategy of granting no time extensions for the sake of appearing "tough".

2.5 I will not seek extensions or continuances for the purpose of delay or harassment.

2.6 I will notify opposing counsel or pro se litigant and the Court immediately if I need to seek a continuance or cancellation of a trial, hearing, or deposition to avoid unnecessary preparation and expense to opposing counsel or pro se litigant, the Court, and other parties.

2.7 I will attach no unfair and extraneous conditions to extensions. I may impose conditions to preserve rights that an extension might otherwise jeopardize and seek reciprocal scheduling concessions. I will not, by consenting to extensions, seek to preclude an opponent's substantive rights.

## 3. DISCOVERY

3.1 I will consult with opposing counsel or pro se litigant in an attempt to resolve matters by agreement before filing motions or requesting hearings.

3.2 I will attempt in good faith to resolve discovery issues with opposing counsel or pro se litigant without protracted negotiation or unnecessary litigation. I will strive to present those issues that cannot be resolved efficiently and without needless litigation to the Court.

3.3 I will refrain from engaging in unnecessary, excessive, or abusive discovery.

3.4 I will comply fully with reasonable discovery requests and will not engage in obstructive or evasive tactics.

3.5 I will attempt to exchange information voluntarily without formal discovery requests.

- 3.6 Upon receiving an inquiry concerning a proposed time for a hearing, deposition, meeting, or other proceeding, I will promptly agree to the proposal or offer a counter-suggestion that is as close in time as is reasonably possible.
- 3.7 I will provide notice of cancellation of depositions and hearings to the Court and opposing counsel or pro se litigant at the earliest possible time to avoid unnecessary preparation and expense.
- 3.8 I will avoid rudeness and other acts of disrespect in all meetings including depositions and negotiations.
- 3.9 I will make service personally or by courtesy copy facsimile transmission when it is likely that service by mail, even when allowed, will prejudice an opposing party.
- 3.10 I will promptly respond to all requests by opposing counsel or pro se litigant to stipulate to matters that are undisputed or where no genuine basis for objection exists.
- 3.11 I will engage in settlement discussions with opposing counsel or pro se litigant at the outset of the case or as soon as practical.
- 3.12 I will consider and discuss with my client the options of arbitration, mediation, or other forms of alternative dispute resolution to more expeditiously and economically resolve the matter.

#### 4. DEPOSITIONS

- 4.1 I will take depositions only when legitimately needed for the purpose of the case in which the deposition is taken.
- 4.2 I will take no depositions to harass, embarrass, or disadvantage an opposing party, or to generate expenses or fees.
- 4.3 I will make reasonable efforts to accommodate opposing counsel or pro se litigant and deponent(s) in scheduling depositions, unless doing so would prejudice my client's rights. Before issuing a notice of depositions, I will attempt to make reasonable contact of all counsel of record or pro se litigant and to agree on a schedule for all depositions.
- 4.4 I will engage in no conduct during a deposition that would be inappropriate in the presence of a judicial officer.
- 4.5 I will engage in no intentional harassment or degradation of a deponent and will endeavor to refrain from repetitive or argumentative questions.
- 4.6 I will make no inquiry into a deponent's personal affairs unless the inquiry is reasonably calculated to lead to the discovery of admissible evidence.
- 4.7 I will seek to limit my objections during a deposition to those well founded and necessary for the protection of my client's interest and will not use objections to harass or merely interrupt opposing counsel or pro se litigant.

## 5. WRITTEN DISCOVERY

5.1 I will pose no objection to an interrogatory unless the objection is based on my good faith belief in its merit and not for the purpose of delay or withholding relevant information. If an interrogatory is objectionable only in part, I will answer the unobjectionable portion.

5.2 I will limit my requests for production of documents to those documents I actually and reasonably believe are needed for the prosecution or defense of an action.

5.3 I will serve no requests for production to harass or embarrass a party or witness or to impose an inordinate burden or expense on the responding party.

5.4 In responding to a request for documents, I will make no effort to interpret the request in an artificially restrictive manner in order to delay or avoid disclosure. I will make no intentional production of documents in a disorganized or unintelligible fashion in an attempt to hide or obscure the existence of particular documents or facts.

5.5 I will delay no document production to prevent opposing counsel or pro se litigant from inspecting documents prior to a scheduled deposition or for any other tactical reason.

## 6. TRIALS AND HEARING

6.1 I will be punctual and prepared for any court appearance.

6.2 I will promptly notify the Court and opposing counsel or pro se litigant of any need for a continuance or cancellation of a trial, hearing, or other court proceeding to avoid unnecessary preparation and expense to the Court and other parties.

6.3 I will submit a proposed order promptly to opposing counsel or pro se litigant and attempt to reconcile any differences before presenting it to the Court. My proposed orders will reflect fairly and accurately the rulings of the Court and nothing more.

6.4 I will respond promptly to a proposed order submitted by opposing counsel or pro se litigant.

6.5 I will serve no paper to take advantage of an opposing attorney's or pro se litigant's absence from the office or to inconvenience the attorney or the attorney's client, such as serving documents requiring prompt reply on Friday afternoon or the day before a secular or religious holiday.

6.6 I will make no attempt to obtain an advantage by informal communication with the Court.

It is further and finally

Resolved, the Chattanooga Bar Association and the undersigned judicial officers in Hamilton County hereby endorse and pledge their participation in educational seminars for the local bar to integrate these guidelines into the practice of law.

Adopted by the Chattanooga Bar Association Board of Governors on this 17th day of October, 2001.

Adopted by the judicial officers in Hamilton County on this 17th day of October, 2001.

IN THE \_\_\_\_\_ COURT OF THE ELEVENTH JUDICIAL DISTRICT OF  
TENNESSEE

|                            |   |                |
|----------------------------|---|----------------|
| Name (first, middle, last) | * |                |
|                            | * |                |
| <b>Plaintiff</b>           | * | No. _____      |
|                            | * |                |
| vs.                        | * |                |
|                            | * | DIVISION _____ |
|                            | * | OR             |
| Name (first, middle, last) | * | PART _____     |
|                            | * |                |
| <b>Defendant</b>           | * |                |

**LRCP 10 VERIFIED FINANCIAL STATEMENT TO BE SERVED  
ON OPPOSING PARTY AT LEAST FIFTEEN (15) DAYS BEFORE TRIAL**

1. List all joint assets (attach separate document if additional room is needed):

| Assets      | FMV | Encumbrance         | Monthly Payment              | Purchase Price                      |
|-------------|-----|---------------------|------------------------------|-------------------------------------|
| Real Estate |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
|             |     |                     |                              |                                     |
| Assets      | FMV | Date of Acquisition | Appreciation During Marriage | Spousal Contribution to Increase in |



| <b>Assets</b> | <b>Statement Date</b> | <b>Balance</b> |
|---------------|-----------------------|----------------|
| Bank Accounts |                       |                |
|               |                       |                |
|               |                       |                |
|               |                       |                |
|               |                       |                |
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| <b>Liabilities</b> | <b>Date of Incurrence</b> | <b>Remaining Balance</b> | <b>Monthly Payment</b> |
|--------------------|---------------------------|--------------------------|------------------------|
| Mortgage           |                           |                          |                        |
|                    |                           |                          |                        |
| Car Note           |                           |                          |                        |
|                    |                           |                          |                        |
| Car Note           |                           |                          |                        |
|                    |                           |                          |                        |
| Federal Income Tax |                           |                          |                        |
|                    |                           |                          |                        |
| Credit Card        |                           |                          |                        |
|                    |                           |                          |                        |
| Credit Card        |                           |                          |                        |
|                    |                           |                          |                        |

2. Wife's separate property (attach separate document if additional room is needed):

| <b>Assets</b>      | <b>Acquired Before or After Marriage</b> |
|--------------------|--|
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
| <b>Liabilities</b> | <b>Acquired Before or After Marriage</b> |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |

3. Husband's separate property (attach separate document if additional room is needed):

| <b>Assets</b>      | <b>Acquired Before or After Marriage</b> |
|--------------------|--|
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
| <b>Liabilities</b> | <b>Acquired Before or After Marriage</b> |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |
|                    |  |

**III. SIGNATURE AND VERIFICATION**

The foregoing *Asset and Liability Statement* is true and correct to the best of my knowledge, information and belief.

Signed at \_\_\_\_\_ on \_\_\_\_\_.  
(Place) (Date)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

STATE OF TENNESSEE  
COUNTY OF HAMILTON

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_  
\_\_\_\_\_, (BPR #\_\_\_\_\_)

Attorney for \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Order has been duly served upon the following parties by placing in the U.S. Mail with sufficient postage thereon to carry same to its destination.

This \_\_\_\_\_ day of \_\_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_

Tennessee Bar Number: \_\_\_\_\_

[Adopted effective September 1, 2017.]







**III. SIGNATURE**

Signature of Wife

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

STATE OF TENNESSEE  
COUNTY OF HAMILTON

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_

\_\_\_\_\_, (BPR #\_\_\_\_\_)

Attorney for \_\_\_\_\_

Signature of Husband

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

STATE OF TENNESSEE  
COUNTY OF HAMILTON

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_

\_\_\_\_\_, (BPR # \_\_\_\_\_)

Attorney for \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Order has been duly served upon the following parties by placing in the U.S. Mail with sufficient postage thereon to carry same to its destination.

This \_\_\_\_\_ day of \_\_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_

Tennessee Bar Number: \_\_\_\_\_

[Adopted effective September 1, 2017.]

IN THE \_\_\_\_\_ COURT OF THE ELEVENTH JUDICIAL DISTRICT OF  
TENNESSEE

|                            |   |                |
|----------------------------|---|----------------|
| _____                      | * |                |
| Name (first, middle, last) | * |                |
|                            | * | No. _____      |
| <b>Plaintiff</b>           | * |                |
|                            | * |                |
| vs.                        | * |                |
|                            | * | DIVISION _____ |
| _____                      | * | OR             |
| Name (first, middle, last) | * | PART _____     |
|                            | * |                |
| <b>Defendant</b>           | * |                |

**HUSBAND’S / WIFE’S (circle one) LRCP 10 PROPOSED DIVISION OF  
MARITAL PROPERTY AND LIABILITIES TO BE FILED AT LEAST TEN (10) DAYS  
BEFORE TRIAL**

| <b>Joint Asset Proposed to be Awarded to Husband</b>      | <b>Date of Acquisition</b> | <b>Purchase Price</b> | <b>Fair Market Value</b> |
|---|----------------------------|-----------------------|--------------------------|
|   |                            |                       |                          |
|   |                            |                       |                          |
|   |                            |                       |                          |
|   |                            |                       |                          |
| <b>Joint Liability Proposed to be Assessed to Husband</b> | <b>Date Incurred</b>       | <b>Amount Owed</b>    | <b>Monthly Payment</b>   |
|   |                            |                       |                          |
|   |                            |                       |                          |
|   |                            |                       |                          |
|   |                            |                       |                          |
| <b>Joint Asset Proposed to be Awarded to</b>              | <b>Date of Acquisition</b> | <b>Purchase Price</b> | <b>Fair Market Value</b> |



**CERTIFICATE OF SERVICE**

I hereby certify that a copy of this Order has been duly served upon the following parties by placing in the U.S. Mail with sufficient postage thereon to carry same to its destination.

This \_\_\_\_\_ day of \_\_\_\_\_.

By: \_\_\_\_\_

\_\_\_\_\_

Tennessee Bar Number: \_\_\_\_\_

[Adopted effective September 1, 2017.]

IN THE \_\_\_\_\_ COURT OF THE ELEVENTH JUDICIAL DISTRICT OF  
TENNESSEE

\_\_\_\_\_  
Name (first, middle, last)

**Plaintiff**

vs.

\_\_\_\_\_  
Name (first, middle, last)

**Defendant**

\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*  
\*

No. \_\_\_\_\_

**DIVISION** \_\_\_\_\_

**OR**

**PART** \_\_\_\_\_

---

**STIPULATION BY PARTIES**

---

Come the parties, by and through their counsel, and hereby stipulate to the following:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.
- 7.
- 8.
- 9.
- 10.
- 11.

**III. SIGNATURE**

Signature of Wife

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

STATE OF TENNESSEE  
COUNTY OF HAMILTON

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_

\_\_\_\_\_, (BPR #\_\_\_\_\_)

Attorney for \_\_\_\_\_

Signature of Husband

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Print

STATE OF TENNESSEE  
COUNTY OF HAMILTON

Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Notary Public

My Commission Expires \_\_\_\_\_.

Respectfully submitted,

\_\_\_\_\_

\_\_\_\_\_, (BPR # \_\_\_\_\_)

Attorney for \_\_\_\_\_

[Adopted effective September 1, 2017.]

IN THE \_\_\_\_\_ COURT OF THE ELEVENTH JUDICIAL DISTRICT OF TENNESSEE

Name (first, middle, last) Plaintiff vs. Name (first, middle, last) Defendant No. DIVISION OR PART

LOCAL RULE 10.01(d) MEMORANDUM

- i. Certification that the party's Local Rule 10 statements have been filed \_\_\_\_\_initial
ii. Client seeks (please select one): divorce, legal separation, separate maintenance or to remain married \_\_\_\_\_
iii. Whether grounds can be stipulated to avoid proof (T.C.A. §36-4-129) \_\_\_\_\_
iv. The names and ages of any children of the parties \_\_\_\_\_
v. Whether the party seeks primary residential parent status of the child or children \_\_\_\_\_
vi. The amount and specific times of parenting time \_\_\_\_\_
vii. The amount of child support sought (Child Support Guidelines Worksheet must be attached). \_\_\_\_\_
viii. The amount \$ \_\_\_\_\_ and type of alimony sought \_\_\_\_\_
ix. The amount of attorney's fee sought \_\_\_\_\_
x. Certification that the above proposals were submitted to opposing counsel at least ten (10) days before trial. \_\_\_\_\_initial

ELEVENTH JUDICIAL DISTRICT  
HAMILTON COUNTY CHANCERY COURT  
ELECTRONIC FILING RULES  
(E-FILING RULES)

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1. **Authority**
2. **Short Title**
3. **Definitions**
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**1. AUTHORITY**

In accordance with Rule 5B of the Tennessee Rules of Civil Procedure, the Chancery Court of Tennessee, for the 11<sup>th</sup> Judicial District, Hamilton County, adopts electronic filing. Pleadings and other papers filed electronically in the Chancery Court shall be considered the same as written papers.

**2. SHORT TITLE**

These rules may be cited as “Hamilton County Chancery Court E-Filing Rules.”

**3. DEFINITIONS**

“**Authorized Users**” means the following persons who, upon completion of the registration requirements or user account configuration, may E-File documents:

- a. Attorneys licensed to practice law in Tennessee;
- b. Pro Se litigants;
- c. Law Enforcement Officers;
- d. Process Servers;
- e. Agents of Governmental entities;
- f. Special appointed agents for Domestic Violence Support;
- g. All Court judges and their staff; and
- h. The Clerk and all deputy clerks in the Clerk’s Office;

“**Case Management System**” or “**CMS**” means a computer system operated by the Clerk’s Office which maintains all case information. For the Hamilton County Clerk and Master the CMS is TnCIS;

“**Clerk**” means the Clerk and Master of the Chancery Court of Hamilton County;

“**Clerk’s Office**” means the office of the Clerk and Master in the Hamilton County Courthouse;

**“Convenience Fee”** is a statutory fee charged in connection with electronic filing that is in addition to statutory filing fees. *See* T.C.A. § 9-1-108(c)(4)&(5). The Convenience Fee covers the cost of processing the credit card. The amount of that fee will appear with each credit card transaction;

**“Court”** means the Chancery Court of Hamilton County and the Chancellors or Circuit Judges sitting as Chancellors by Interchange thereof;

**“Court Administrator”** means the Chancery Court Deputy Clerk and Master designated by the Clerk to administer TnCIS, the DMS, and internal users;

**“Document”** means a pleading, plea, motion, application, request, exhibit, brief, memorandum of law, paper, or other instrument in paper form or electronic form which is permitted to be filed pursuant to the TRCP and the Local Rules;

**“Document Management System” or “DMS”** means a computer system operated by the Clerk’s Office which maintains all electronic and scanned paper documents filed in the Court in electronic form. For the Hamilton County Clerk and Master, the DMS is Laserfiche.

**“E-File” or “E-Filing”** means the proper electronic transmission of original Documents to the Court, and from the Court, for the purposes of recording information and Court documents to a Court case or other official Court purposes. For purposes of these rules, e-filing does not include the filing of faxed documents;

**“E-Filer”** is an Authorized User who has an E-Filing-approved username and password allowing E-Filing of documents into the Court’s DMS;

**“E-Filing Fee”** is the fee an attorney or pro se litigant pays for using the E-Filing system. This fee is \$5.00 per filing up to a maximum of \$50.00 per case or a \$300.00 flat subscription fee per lawyer, law firm, or pro se litigant for a one-year period starting on the date the flat fee is paid. The flat fee pays all the E-Filing fees for all cases filed by that lawyer or pro se litigant participates in, in any Court in the State using the Tybera E-Filing System. This fee is in addition to the Convenience Fee charged by the credit card processor. The E-Filing Fee shall not be assessed against the State, a party declared indigent or to that indigent party’s legal representative. Tybera will keep an account of the amount of fees paid in each case;

**“E-Filing Rules”** means the Hamilton County Chancery Court E-Filing Rules;

**“Electronic Court Filing System” or “ECF”** means the software and services provided to Authorized Users to E-File, review filings, and process information that is recorded to the Court’s CMS and DMS. For the Hamilton County Clerk and Master the ECF is Tybera.

**“Local Rules”** means the Rules of the Chancery Court of Hamilton County, Tennessee, for the Eleventh Judicial District;

**“Notice of Association”** means a method provided by the ECF that a pro se filer will use to link the ECF Authorized User account to a case participant in TnCIS;

**“Notice of Electronic Filing” or “NEF”** means an electronic notice distributed by the ECF to Authorized Users when court documents are E-Filed to a case. The notices are specific to a case and are distributed to case participants or their legal representatives who are registered in the ECF System, recorded in TnCIS as a case participant, and are linked between ECF and TnCIS;

**“Party” or “Parties”** means any person, including an individual, executor, administrator, or other personal representative, or a corporation partnership, association or any other legal, governmental or commercial entity, whether or not organized under the laws of this State, who is a party in a case pending in the Court and is represented by an attorney or acting pro se;

**“PDF” or “Portable Document Format”** means a computer file format developed by Adobe Systems for representing documents in a manner that is independent of the original application software, hardware, and operating system used to create those documents. Converted Documents must contain the “.pdf” file extension;

**“Public Access Terminal”** means a publicly accessible computer provided by the Clerk for purposes of Allowing E-Filing and viewing of public electronic court records. The public access terminal shall be located in the Clerk’s Office and made available during normal business hours. The Clerk’s Office may also offer printed copies of the electronic court records and apply relevant copying fees as permitted by relevant statutory and court rules;

**“Statutory Fees”** means those normal filing fees charged by the Court to file a lawsuit and other usual fees charged by the Court in the course of the case;

**“System Administrator”** means the Tybera Development Group, Inc., management team that supports the Court Administrator and the registration and support of Authorized Users;

**“Terms of Use Agreement”** means the agreement established by the Clerk(s) that sets forth the parameters for the use of the ECF System by all Authorized Users;

**“TnCIS” or “CMS”** means the Tennessee Case Information System or Case Management System software supported by Local Government, owned and controlled by the Tennessee Administrative Office of the Courts, used to manage and record case information specific to Tennessee;

**“Traditional Filing”** is a process by which a Party files a paper document with the Clerk;

**“TRCP”** means the Tennessee Rules of Civil Procedure;

**“User Guide”** means the recommendations and modification to procedures specific to the court. All E-Filers should periodically check the Clerk and Master’s website, <http://www.hamiltontn.gov/Courts/ClerkMaster/>, for updates to the User’s Guide. The ECF system will provide a Filer’s User Manual specific to how to use the ECF system that will function for state courts in all counties.

#### **4. EFFECT ON EXISTING LOCAL RULES**

These Rules are adopted as an appendix to the Local Rules of Court and do not supersede or replace any other Local Rules of Court. Litigants may continue to engage in Traditional Filing.

#### **5. RULES**

##### **a. Filings.**

Any document may be E-Filed that could be filed in Court as a paper document pursuant to TRCP and the Local Rules, except for the following case and document types:

Case Types:

- a. Adoptions
- b. Conservatorships

- c. Guardianships
- d. Order of Protection
- e. Name Changes
- f. Healthcare Liability/Medical Malpractice
- g. Restoration of Citizenship
- h. Surrender

Document Types:

- a. Notice of Appeal
- b. Confidential Statistical Information
- c. Original Wills in probate matters
- d. Creditor claims in probate matters
- e. Requests for Temporary Restraining Orders pursuant to T.R.Civ. P. 65.03

E-Filing shall constitute the official filing of such documents unless excepted above.

The Court and the Clerk may issue, file, and serve notices, orders, and other documents electronically.

**b. Filings After Effective Date of These Rules.**

Except as expressly provided herein, for all new documents filed on or after the effective date of the E-Filing Rules, the Court shall accept as validly filed all documents that are filed through E-Filing.

**c. Case Files.**

The Clerk shall maintain the original and official case file in electronic format for all new cases filed on or after the effective date of these rules. Existing cases can be converted to e-filed cases at the request of the litigants or their attorneys.

**d. Time and Effect of E-Filing.**

Any E-Filed document shall be considered as filed with the Clerk when the transmission of the entire document is received by the Clerk. Any document received by the Clerk before midnight local time of the Clerk's Office shall be deemed filed on the date of such document otherwise meets all the requirements for filing under the relevant rules of the Court. Upon receipt by the Clerk of an E-Filed document, the Clerk shall electronically transmit a Transaction Receipt indicating that the E-Filing has been received. The Transaction Receipt shall serve as proof of filing.

The clerk may review the document to determine if it conforms with the applicable filing requirements. If the clerk rejects the document for filing because it does not comply with the applicable filing requirements or because any required filing fee has not been paid, the clerk must promptly send notice to the registered user who filed the document; the notice must set forth the reason(s) the document was rejected for filing. If the clerk rejects the filing, the clerk may, in his or her discretion, give the filing party up to 3 days to correct the deficient filing; upon the filing party's timely submission of a corrected filing, the filing shall relate back to the date of the initial filing. Notification that the clerk has accepted the document for filing is not required, however, the notice of rejection requirement applies to all deficiency correction filings.

A document that is required to be signed, verified, notarized, acknowledged, sworn to, or made

under oath may be E-Filed only as a scanned image. The original document shall be maintained by the filing party or attorney and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

If the E-Filing does not occur because of (1) an error in the transmission of the document to the Clerk which was unknown to the sending party; (2) a failure to process the electronic document when received by the Clerk; (3) rejection by the Court or Clerk; or (4) other technical problems experienced by the E-Filer or the Clerk, the Court may, upon satisfactory proof, enter an order permitting the document to be filed *nunc pro tunc* to the date the document was first attempted to be filed electronically and may also extend the date for any response or the period within which any right, duty, or other act must be performed.

#### **e. Redaction and Under Seal Documents.**

E-Filers must be sensitive to confidential and personal information filed publicly, not under seal. E-Filers shall refrain from including, or shall redact as follows where inclusion is necessary, the following personal identifiers from all documents filed publicly with the Clerk, including exhibits thereto, unless required by statute or otherwise ordered by the Court.

It is the responsibility of the Authorized User to redact all documents that are E-Filed. When a document includes sensitive data that otherwise would be redacted, the E-Filer must hand-file the original and e-file the redacted version. Only the redacted version will be stored for public access. The original must be filed with a motion to place the original unredacted document under seal. If an entire document is required to be placed under seal, when no redacted document is E-Filed, it must be hand-filed with the Clerk and accompanied by a motion to place that document under seal.

Exercise caution when filing documents that contain the following:

(a) Social Security Numbers. If a social security number must be included in a document, only the last four digits of that number must be used;

(b) Dates of Birth. If an individual's date of birth must be included in a document, only the year must be used;

(c) Financial Account Numbers. If financial account numbers are relevant, only the last four digits of these numbers must be used;

(d) Names of Minors. If a case includes a minor this information needs to be protected from the public, the Authorized User should use a pseudo name in the documents and then file a sealed document with the actual names.

(e) Personal identifying number, such as a driver's license number;

(f) Medical records, treatment and diagnosis;

(g) Employment history;

(h) Individual financial information;

(i) Proprietary or trade secret information;

It is the sole responsibility of E-Filers to be sure that all documents comply with the rules of this

Court and the law requiring redaction of personal identifiers. The Clerk will not review each document of redaction.

**f. Form of Documents Electronically Filed.**

Each E-Filed document shall be uploaded in a PDF format unless it is a proposed order for a judge to review. The document should be formatted in accordance with the applicable Terms of Use Agreement as well as the TRCP and Local Rules governing formatting of paper documents and in such other and further format as the Court may require from time to time. Proposed orders can be E-Filed in Microsoft Word format.

The E-Filer is responsible for verifying that the documents to be E-Filed are legible. Documents that are not legible or scanned sideways will be rejected and will require the E-Filer to correct the document and E-File them again. The corrected documents will be dated and time-stamped according to the date and time of E-Filing the corrected documents.

In addition to the information required by TRCP 11 and any other Local Rule, the party or attorney signing a document that is being E-Filed shall also follow the requirements in Rule 4.

**g. Registration Requirement.**

Persons who qualify as Authorized Users and who desire to electronically file a Document shall register as an E-Filer on the ECF Website. The registration process requires the prospective user to accept the User Agreement, identify their role for the account, enter their personal information, their username and password, and submit the request. Attorneys must include a valid Tennessee-issued Bar Number. There is an approval process that will occur. Once the approval process is completed, the user will receive an email notifying them that their account is approved. The user must then register their payment options and credit card with the ECF system and to each Court with which the Authorized User will E-File. If the user does not receive an email, the user can try to determine if their account is activated by logging into the ECF website.

E-Filers shall change their E-Filing profile immediately upon any change in firm name, delivery address, phone number, fax number, or email address.

Attorneys who intend to practice Pro Hac Vice are not allowed to register. Out-of-State Attorneys who are not admitted to the Tennessee Bar are required to associate with an attorney who has a Tennessee-issued Bar Number, and they must follow the rules for participating in a case.

**h. Notice of Electronic Filing (“NEF”).**

When a person E-Files to a case, whether they are a case participant or not, notifications of the E-Filing are distributed to Authorized Users that are recorded in TnCIS as case participants or legal representatives. To receive notifications, participants must be Authorized Users and have an active account in the ECF System. In order for the notification to recognize the association of an Authorized User to a case, they must be recorded on the case in TnCIS as a pro se litigant or as a legal representative with a Bar Number. TnCIS only maintains Tennessee-issued Bar Numbers.

All Authorized Users agree to receive their notices of documents which are E-Filed in their cases electronically through the ECF system.

All Authorized Users must include a Certificate of Service on each pleading filed just as if it had been filed on paper.

Pro se litigants recorded in TnCIS on a case must be registered Authorized Users in ECF and have previously filed a Notice of Association that links the ECF user account to the TnCIS participant ID.

The Court has the ability to configure when NEFs are distributed. Some notifications are distributed when a filer submits the court documents in ECF. Some notifications are distributed after clerk review and approval of the E-Filing. The Court has the ability to configure some documents to not distribute notifications. This last condition may be used when a criminal warrant for an arrest is issued through the ECF system and the Court does not want this information distributed to parties on the case.

The NEF does not replace the need for service of process. The NEF satisfies the responsibility of a filer to send service to other parties that are registered in the ECF System and linked as participants on the case for secondary filings. This service does not replace the responsibility of E-Filers to notify parties physically when they are not registered in the ECF system. The ECF system provides a method to identify what case participants are Authorized Users and recorded in TnCIS as participants in the case.

The NEF is distributed as an email and posted in the ECF web interface for access. The email is not always reliable and considered a courtesy notice. It is the responsibility of each Authorized User to login to the ECF and review their NEFs prior to ninety (90) days from the time the NEF is posted to their user account. After ninety (90) days, the NEFs are cleaned up, and the information is removed from the Authorized User's account.

#### **i. Payment of Filing Fees.**

*Court Costs.* All E-Filed cases subject to statutory filing fees/court costs shall require payment of such filing fees immediately upon filing unless excused by the Court. These filing fees must be paid with a credit card at the time of E-Filing. Use of the E-Filing website constitutes the E-Filer's consent to process or change the credit card supplied. It is the responsibility of the Authorized User to refer to the Clerk and Master's website (<http://www.hamiltontn.gov/Courts/ClerkMaster/>) or call the Clerk and Master's office during office hours for a table of fees for cases and documents filed. The ECF system will not calculate the fees in this release of the E-Filing system (release one). When the ECF system provides an estimate in later releases, the Clerk is still responsible for calculation of the fees which may be different from the estimates. This can occur when the Clerk makes corrections to information entered by the filer.

Refunds due to improper collection will require the E-Filer to contact the Clerk's Office directly. The Clerk will issue checks for refunds. Refunds on a case will be paid to the owner of the credit card used to make the payment.

*E-Filing Fee.* The E-Filing fee is in addition to the statutory filing fees. This fee is \$5.00 per filing up to a maximum of \$50.00 per case or a \$300.00 flat subscription fee per lawyer or pro se litigant for a one (1) year period starting on the date the flat fee is paid. The flat fee pays all the E-Filing fees for all cases filed by that lawyer or pro se litigant in any Court in the State using the Tybera E-Filing System. This fee is in addition to the Convenience Fee charged by the credit card processor. The E-Filing fee shall not be assessed against the State or to a party declared indigent or to that indigent party's legal representative. Tybera will keep an account of the amount of E-Filing fees paid in each case.

*Convenience Fee.* The credit card vendor will charge a convenience fee for using the credit card

services. That fee is paid to the vendor at the time of the charge. Currently the Clerk & Master's Office uses LexisNexis as its credit card vendor. The convenience fee is 2.39% for credit cards. Any charges less than \$83.74 will have a standard convenience fee of \$2.00. The convenience fee for debit cards is a standard \$2.00, and the convenience fee for online e-checks is \$1.00.

*Transaction Fees for Obtaining Copies.* Neither the E-Filing Fee nor the subscription fee shall limit a clerk's authority to charge transaction fees for obtaining copies of documents maintained by the clerk as part of an electronic filing system or a separate document management system.<sup>1</sup>

#### **j. Signatures.**

A document that is required to be verified by a notary public, sworn to, or made under oath, or one that requires multiple signatures may be E-Filed only as a scanned image of the original. The original document shall be maintained by the Party or the attorney E-Filing the document and shall be made available upon reasonable notice, for inspection by other counsel, the Clerk, or the Court. Parties or their attorneys shall retain originals until final disposition of the case and the expiration of all appeal opportunities.

Any document filed with an electronic signature must be filed using the user account of the individual electronically signing the document. Any document signed and filed using the account that matches the signature is considered binding on that individual even if that issuer shares their username and password;

For all other documents that generally include an attorney's or pro se E-Filer's signature the following pattern must be used:

/s/ John Doe (Authorized User's name), TN BPR #0000 (if an attorney)  
123 Main Street (Authorized User's street address)  
City, State, Zip Code

## **6. ELECTONIC EVIDENCE PROCEDURES**

The Chancery Court of Hamilton County, Eleventh Judicial District has approved procedures for electronic submission of evidence. These procedures may be cited as "E-Evidence Procedures" or "EEP."

### *Scope and Application.*

(a) Electronic Evidence as defined below for use in any trial, hearing or motion docket may (temporarily not mandatory) be submitted using Electronic Court Filing System "ECF." These EEP apply in all cases, contested matters and adversary proceedings.

(b) While the Court strongly encourages evidence to be submitted electronically, evidence will be accepted by the Court or Clerk of the Court through traditional methods on a temporary basis until such time that the Court orders that evidence will only be accepted electronically. Ample notice will be given of such a requirement. Evidence that is submitted in Court during a hearing and which is amenable to scanning will be scanned by the Clerk, entered into the electronic file, and returned to the attorney or pro se litigant who submitted it to the Court. Maintaining all original copies of the evidence, whether filed electronically or in paper will be the responsibility of the filer.

(c) Evidence that is impractical or impossible to submit in electronic format—such as physical

---

<sup>1</sup> See T.C.A. §8-21-401(o)(4). With regard to excepted filings, see T.C.A. §8-21-401(i) and §409.

objects, original documents when required and oversized documents not capable of conversion to a format listed below—are not subject to EEP.

*Definitions.*

- (a) ECF. Electronic Court Filing System maintained by the Circuit Court and the Chancery Court.
- (b) Electronic Evidence. Includes, but is not limited to, documents, diagrams, charts, photographs, audio file, video files, emails, texts, and power points that are electronically submitted for use at a trial, hearing, or motion docket.
- (c) Filer. An Authorized User who has an E-Filing approved username and password allowing E-Filing of documents into the Document Management System (DMS) through the ECF.
- (d) Flatten a PDF document. PDF documents may have editable fields. Flattening a PDF document means to eliminate all editable fields from the PDF document so that it cannot be modified other than by adding a date stamp.

*Electronic Format Requirements.*

- (a) Allowable Formats. All electronic evidence must be submitted in one of the following formats:
  - PDF
  - PNG, GIF, JPB/JPEG
  - WMV
  - MP3
  - PPT/PPTX

Any of the allowable formats can be compressed into a ZIP file.

- (b) File size. The maximum file size for exhibits is 10.0 megabytes (MB). Exhibits may be compressed in ZIP format only. Any compressed exhibit file shall not exceed 10 MB. If an exhibit file must exceed 10.0 MB, the file shall be provided to the court clerk on a thumb drive the same day that other exhibit files are submitted. Parties submitting files larger than 10.0 MB must also provide the file(s) on thumb drive to all other parties due to receive them, and must comply with requirements of the Document Management Protocol (DMP) below.
- (c) Disabling of Security Features. Any security features in an exhibit file, such as passwords, locked or editing features, must be disabled.
- (d) All PDF documents must be flattened.

*Document Management Protocol (DMP)*

- (a) For any trial, hearing, or motion docket all parties must access the exhibits using the ECF.
- (b) Timing of Submission—Trials, Hearings, and Motion Dockets. Except as provided in a pretrial order:
  - (1) All evidence must be submitted no later than 48 hours before trial, hearing, or motion docket using ECF;
  - (2) Parties are to confer concerning the admissibility of electronic evidence, and 48 hours

before a trial, hearing, or motion docket designate in ECF exhibits to be admitted by stipulation.

(3) Upon request, originals are to be made available for inspection.

(c) Identifying Exhibits

The following format must be used when submitting electronic evidence:

(1) The Exhibit Number or Letter. Descriptive Exhibit Name. The first component of the file name shall be a number or letter, depending on the party's role.

(a) Plaintiffs/Movants shall use numbers.

(B) Defendants/Respondents shall use letters. If the alphabet is exhausted, then letters will repeat. For Example: "AA" or "AAA."

(2) Descriptive Exhibit Name. The second component of the file name shall be a brief description of the exhibit. It should be sufficiently descriptive to identify the exhibit, and it should not contain any information the filer does not want displayed to the Court or to other parties.

(3) Format of File. The third component of the file name is the extension which shall identify the format of the file as listed above under electronic formats required.

(4) File Name Examples: (File names must be continuous and not have spaces or periods.)

(A) Example of Plaintiff/Movant exhibits:

1\_Deposition\_of\_Jane\_Doe\_pdf

2\_Photo\_of\_John\_Doe\_jpeg

(B) Example of Defendant/Respondent exhibits:

A\_Photo\_of\_Childs\_bedroom\_jpeg

B\_Letter\_from\_Mother\_to\_Father\_pdf

C\_Parties\_2018\_US\_Income\_Tax\_Return\_pdf

(d) Redaction

The Clerk of the Court will not remove or redact any electronic evidence containing personally identifiable information, confidential information or proprietary information. The filer submitting electronic evidence is responsible for redaction of such information, or limiting access to such information.

(e) Equipment

The Court provides audio-video presentation equipment in each courtroom. Any additional equipment required to view and/or listen to electronic evidence is the responsibility of the party offering the evidence.

(f) Failure to Submit Evidence in Compliance with EEP

If a party fails to submit evidence in compliance with EEP, upon request of any other party, the

Court may:

- (1) Prohibit the non-complying party from using the evidence at the hearing, trial, or motion docket unless the failure was substantially justified or is harmless;
- (2) On motion and after opportunity to be heard, order payment of the reasonable expenses, including attorney's fees, caused by the failure, and impose other appropriate sanctions.

**7. EFFECTIVE DATE**

These rules shall become effective on the 12th day of January, 2022.