

## CHAMBER RULES

### **I. Preliminary General Matters**

- A. Scheduling - Refer to Section II for procedures regarding scheduling of cases.

- B. Correspondence with the Court:

For scheduling or rescheduling conferences, hearings or trials in Madison County, you may call the Chancellor's Administrative Assistant, Samantha Gibbons (731-423-6072). For Chester County, call 731-989-7171 and schedule with the Court Clerk. For Henderson County, call 731-968-2801 and schedule with the Court Clerk. Generally, Chancellor Maroney prefers communications with the Court to be by pleadings, memoranda or briefs unless he directs otherwise in specific situations, such as telephone conferences.

- C. Telephone conference with the Court:

The Court often handles conferences by telephone in emergency situations, or to accommodate attorneys schedules and out of county attorneys. The Chancellor will not discuss any aspect of a case with only one of the attorneys or litigants. Letters from parties will be returned to the sender or filed with the Clerk and Master, if appropriate. If a conference call is necessary, contact the Administrative Assistant to the Chancellor for Madison County cases and the Clerk's Offices for cases set in Henderson or Chester County.

- D. Telephone conferences with the Administrative Assistant:

The Administrative Assistant will discuss scheduling and administrative matters with attorneys and pro se litigants, but not substantive matters or the merits of any litigation. The Administrative Assistant will not give legal advice to anyone.

- E. The Chancellor's Chambers:

When not on the bench, Chancellor Maroney uses his available time to review upcoming cases, have conferences with counsel, answer mail, signing orders, doing research, drafting rulings and a host of other duties. His chambers and the office of the Administrative Assistant are not visitation areas. Your courtesy is greatly appreciated.

- F. Motions to Ascertain Status:

The Court is happy to have any attorney or pro se litigant call or write and inquire as to the status of a case under advisement, particularly if the case

has been under advisement over thirty days. You will not be penalized if you ask what the status is.

## II. Pretrial Matters

### A. Scheduling Orders:

Chancellor Maroney may contact attorneys or pro se litigants and order a scheduling conference. Out of that conference will come a Scheduling Order which will govern several aspects of the case. The Order will generally be a timeline for completion of certain trial preparation items and will be followed unless excused or modified by the Court, or by Consent Order. The Court encourages counsel to agree on Scheduling Orders on their own initiative.

### B. In cases pending for one year without any activity, the Court will send out a notice of dismissal to counsel for both sides. The notice will indicate the case will be dismissed in thirty days unless good cause is shown. Absent good cause being shown, the Court will enter an order of dismissal without prejudice.

### C. Continuances and Extensions:

#### 1. General Policy:

The general policy of the Court is that trials and contested hearings may not be continued without the permission of the Court. The Court will entertain motions for continuances in open court, or in an emergency, by telephone conference. If all parties are in agreement to continue a contested matter, the parties should notify the Court through the Administrative Assistant for Madison County cases, and the Clerk's offices for Chester and Henderson County Cases. If the Court agrees, an Agreed Order of Continuance must be submitted which includes a new date for the matter to be heard. This may be scheduled as provided in II.D.1 below.

#### 2. Good Cause:

Failure to be prepared for trial or to subpoena witnesses is not good cause.

### D. Pretrial Motions:

1. Scheduling:

Short motions (less than 10 minutes) will be heard Monday through Thursday at 9:00 a.m. and 1:00 p.m. and Friday at 9:00 a.m. Motions dealing with preliminary domestic relations matters will also be heard Monday through Thursday at 9:00 a.m. and 1:00 p.m. and Friday at 9 a.m. when no contested trial is scheduled. In order to be heard, the motion should be filed with the Clerk and Master five days prior to the hearing unless expedited by the Court for good cause. Check with the Administrative Assistant for scheduling Madison County cases and the Clerk's Office for scheduling Henderson or Chester County cases. For Henderson or Chester County cases, counsel should forward a copy of any motions to the Court through the Administrative Assistant at least one day prior to the hearing. This may be accomplished electronically.

2. Motions for Summary Judgment:

Motions for summary judgment generally require more time to be heard. Please follow the local rules. The Court will not hear the motion if copies of the motion, response and supporting documents are not provided to the Chancellor within the time frames provided for in the state and local rules.

3. Oral argument:

Oral argument is not required in support of, or in opposition to all motions. However, attorneys are required to appear before the Court to offer evidence by witnesses and/or exhibits and also on motions for default. Oral argument is generally limited to ten minutes per side unless the Court deems more time is necessary.

E. Orders

1. Generally, Chancellor Maroney requires attorneys to submit orders setting forth his rulings. In the event of a dispute as to the ruling, the disputing party shall submit a competing order within ten days from the date of the hearing with the differences underlined or otherwise highlighted, along with a clean copy for entry. Orders submitted without the approval signature of all counsel will be held ten days prior to entry to allow time for competing orders to arrive.

2. Orders should state the date on which the matter was heard. If there was no hearing, the order should reflect how the matter came before the court. A certificate of service shall be attached to every order. The certificate of service should contain the name and address of the

person to whom service is directed, rather than a general “service on all parties” certificate.

3. Divorce decrees and orders for bill of particulars are discussed in the divorce section.
4. Orders authorizing service by publication should be supported by an affidavit from plaintiff setting forth what reasonable efforts were made to locate and serve actual process on the defendant.
5. All orders should be submitted to the clerk. An attorney requesting immediate attention or ex parte orders should be prepared to inform the clerk or Administrative Assistant of (1) the urgency, and (2) whether there is any opposition to the order.

F. Discovery

1. Discovery shall proceed in accordance with the Tennessee Rules of Civil Procedure and the Local Rules of Practice unless modified by scheduling order or other order of the Court.
2. Discovery disputes shall be resolved by filing the appropriate motion which will be heard during the Court’s normal motion docket.

G. Pretrial briefs

1. Chancellor Maroney welcomes pretrial briefs on legal issues, but they are not required. They are especially appreciated in complex cases. When filed, please submit a copy of your filing to the Court through the Administrative Assistant.

H. Temporary Restraining Orders and Injunctions

1. Temporary restraining orders and injunctions will not be issued without adequate factual basis set forth in the pleading requesting same, sworn to or supported by, sworn affidavit of admissible evidence which is persuasive to the Court that the harm is irreparable and cannot be compensated by money damages or other relief.
2. Hearings on Petitions for Emergency Injunctive Relief may be scheduled with the Court’s Administrative Assistant. Such hearings will be held at the next slot on the Court’s docket (9 a.m. or 1 p.m.).
3. The Court understands that the subject matter of some Petitions may necessitate hearing the emergency petition at a time earlier than the next 9 am or 1 pm slot. If the Petitioner’s attorney feels the matter

needs to be heard at an earlier time, he/she should advise the Administrative Assistant the nature of the situation and why is it so urgent that it needs to be heard earlier. In that circumstance, the Administrative Assistant will consult with the Court, and a time for hearing will be confirmed for the Petitioner's attorney.

4. The Court will hear a Petition for Injunctive Relief *ex parte* only if:
  - a. Specific facts in an affidavit or a verified complaint that has been filed with the Court clearly show that immediate and irreparable injury, loss, or damage will result to the applicant before the adverse party can be heard in opposition; and
  - b. Petitioner's attorney (or *pro se* Petitioner) certifies in writing efforts made to give notice to the Respondent's attorney (if there is one known) or the Respondent (if there is no known counsel), and the reasons why it should not be required.
  - c. If this involves a case that has been active in the past but not currently until the filing of the Petition, and Respondent's current counsel is unknown to Petitioner or his/her counsel, the certification should address efforts to notify the Respondent's last known attorney.
5. The Court would appreciate receiving a copy of the Petition as soon as possible in order to better prepare for the hearing. This can be submitted to the Court's Administrative Assistant in person, or via fax or email.
6. All hearings on Petitions for Emergency Injunctive Relief, regardless of whether or not being heard *ex parte*, will be heard in the Courtroom.

### **III. Trial Procedure**

#### A. Trial Procedure

##### 1. Contested cases

Trials are held Monday through Thursday from 9:30 a.m. until 4:30 p.m. Lunch is usually at noon, but may be adjusted to accommodate witnesses. Adjournment may be extended to accommodate a witness.

##### 2. Uncontested cases

Uncontested cases may be heard any day court is in session at 9:00 a.m. or 1:00 p.m.

##### 3. Default cases

Default divorces will be heard any day court is in session at 9:00 a.m. or 1:00 p.m. Testimony of the plaintiff and one corroborating witness is required. The Court is still required to make an equitable division of marital property, insure COBRA notice requirements are met, allocate separate property, consider requests for attorneys fees and approve, if applicable, parenting plans. If notice is defective or not timely, no hearing will be held.

B. Out of town parties

Chancellor Maroney will allow out of town parties to testify by interrogatories in uncontested cases if cleared by the Court on advance, on motion. In all contested matters, the parties are required to appear before the Court.

C. Out of town witnesses

Chancellor Maroney will accommodate out of county parties and witnesses as much as possible. If it is necessary, a witness may be taken out of order, or even in the middle of an “in town” witness’ testimony.

D. Courtroom decorum

1. Chancellor Maroney expects each attorney to treat the Court as well as all other attorneys with respect, even in the midst of a heated legal argument. Attorneys should address the Court, rather than each other. Chancellor Maroney will listen respectfully to each side, but does not expect one attorney to interrupt the attorney speaking until that attorney has completed their statement.
2. Litigants should be properly attired. The Court does not allow litigants to appear in shorts, tank tops, cut-up shirts, or wearing sunglasses, head covers or flip-flops. No food or drinks are allowed in the courtroom. Water is furnished to counsel and participants. Attorneys are responsible for making their clients aware of these rules.
3. Cell phones should be in the “off” mode in the courtroom.

E. Exhibits

Exhibits should be handed to the court officer who will pass them to the witness. After identification and admission, they will be marked by the court reporter, or the court officer as the case may be. The Court and opposing counsel shall be supplied a copy of the document so they can follow along with the witness. The Court considers it appropriate to

highlight specific information on an exhibit to avoid the witness and the Court being required to conduct an archeological dig to locate the information on the document and wasting time.

#### IV. **Contested Divorce Trials**

##### A. Trial Procedure

Although not mandatory, your client's divorce case will flow more smoothly if the order of proof follows the following pattern:

1. Grounds for divorce.
2. Parenting Plan and residential issues, if applicable.
3. Child support factors and worksheets, if applicable.
4. Separate and marital property.
5. Alimony issues, if applicable.
6. Other issues.
7. Application for award of attorneys fees.

##### B. Documents

1. The Court expects the parties to have (1) a proposed Parenting Plan and child support worksheets, if applicable; (2) a Balance Sheet describing the asset, any debt amount, computation of equity and proposed equitable division. If you do not have the Court's preferred form, please request it.
2. Where the income and expenses of a party are relevant, the Court expects to have this information available in typed format. If you do not have the Court's preferred form, please request it.
3. The Court expects discovery to be completed prior to trial and will not allow counsel to engage in discovery during the trial.
4. Chancellor Maroney appreciates having a proposed Balance Sheet and Financial Affidavit emailed to him prior to trial in WordPerfect format, which is more user friendly than Word or Excel. However, all will be accepted.

5. Opening statements will be limited to ten minutes per side. The Court is looking for a brief history of the marriage, and a list of the issues to be decided.
6. The Court seldom entertains closing statements at the close of proof.
7. If you have been requested in discovery to disclose documents, expert witness information and/or to name witnesses with relevant or discoverable evidence, and you fail to do so, do not expect the Court to allow the witnesses testimony, or the document into evidence over the timely objection of opposing counsel, absent extenuating circumstances.

C. Divorce Decrees and Orders

1. Preliminary orders should state the date of the hearing, and a description of the motion the order relates to.
2. All divorce decrees shall contain a section or paragraph that contains the following information:
  - a. The date the original complaint was filed.
  - b. How service or leading process was obtained.
  - c. How the acquired COBRA notice has been complied with.
  - d. Whether or not the parties have completed the parenting class if children are involved.
  - e. Date or dates of the trial or hearing.
  - f. At the end of the order, there should appear the name, address, BPR number and telephone number of each attorney or self-represented litigant. Below that should appear the current name and mailing address of each party.

D. New Language for Final Decree and Marital Dissolution Agreement

In 2009, the legislature enacted a statute requiring certain language reference allocation of joint debts to be put into every Final Decree and Marital Dissolution Agreement. It went into effect January 1, 2010. The language for the respective documents that is suggested by the Court is set forth below. Any Decree that does not contain the language will be returned to the preparer for inclusion of the language.

Language for Marital Dissolution Agreement:

The parties hereto certify that they understand that the agreements in this Marital Dissolution Agreement decree do not necessarily affect the ability

of a creditor to proceed against a party, or a party's property, even though the party is not responsible for an account or debt, and any debt associated with an account, or any debt under the terms of this Marital Dissolution Agreement and the Final Decree of Divorce. The parties also understand that it may be in a party's best interest to cancel, close, or freeze any jointly held accounts.

Language for Final Decree:

The parties hereto have been advised that the agreements in their Marital Dissolution Agreement or the allocation of debts in this decree do not necessarily affect the ability of a creditor to proceed against a party, or a party's property, even though the party is not responsible under the terms of their Marital Dissolution Agreement and/or this Final Decree of divorce for an account, and any debt associated with an account, or any debt. The parties have been notified that it may be in a party's best interest to cancel, close, or freeze any jointly held accounts.