

**Rules For The General Sessions Court
Of CARROLL County, Tennessee
For People Representing Themselves**

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Purpose of Rules

The General Sessions Court for CARROLL Co., Tennessee, adopts these rules for cases where people represent themselves in court.

This court has been encouraged by the Tennessee Supreme Court's "Access to Justice Commission" to create rules for dealing with self-represented litigants. This court adopts these rules due to the fact that more people are serving as their own lawyer because they cannot afford a lawyer.

This court encourages parties to use a lawyer for help when possible. Lawyers have legal training and can be very helpful. You may be able to get free legal aid.

Foundation of Local Rules

Judges have a duty to seek justice in courts of law. Judges should make an honest and strong effort to seek the right result. It is important for courts to be flexible when parties do not have lawyers. Self-represented parties may not know about court rules. The ethical rules for judges allow them to have rules which are friendly to self-represented parties as long as the judges act with integrity, fairness, neutrality and impartiality at all times. The court will treat all parties and their attorneys with respect if the parties and attorneys are polite and respect the court.

Rule 1. Read the Court Rules

Each court of law has certain rules. You can get a copy of the local rules for your county at the Court Clerk's office. You need to read the local rules.

The rules in this document are for people who don't have a lawyer. If you speak for yourself in General Sessions Court, you need to follow these rules.

It is your job to know the rules for your case. If you don't follow the rules, your case can be thrown out. Or it can make you lose the case.

Important Rules

- You can't talk to the judge alone. The person on the other side of your case must be there, too. This means no calls, letters, emails or texts. No waiting around in public to try to talk to the judge. If you run into the judge outside court, don't say a word. This protects both sides. You know the judge only talks about your case when you are there.
- Show respect and be polite to everyone in the court building. No threats, cursing, yelling, arguing or screaming. Don't give anyone the finger or use other rude signs. If you do, you can go to jail or have to pay a fine. Tell your witnesses to follow these rules, too. If they don't, the judge may not believe their testimony. Turn off your cell phone while you are in court.
- All witnesses swear to tell the truth. Any person who tells a lie on purpose in court can go to jail.
- Read the papers served on you very carefully. Follow any directions on your papers such as appearing in court on the date or dates given to you. If you don't understand the papers, get advice from an attorney (if possible) or contact the Court Clerk and point out any part you don't understand. The Clerk cannot give legal advice but may give helpful information.

You can get a copy of all the court rules from the Court Clerk's office. They also may have the court papers you will need. Check with the Clerk to see if they have forms for you to use. Fill out all of the paper.

The Clerk is not a lawyer and can't give you legal help. Nothing the Clerk tells you is legal advice.

You can also talk to a lawyer about the rules. They can explain the rules without taking your case. Ask how much it will cost.

Rule 2. It May Help to Have a Lawyer

Lawyers are trained in the law and know the court rules. This can make a big difference in your case. If you want a lawyer but can't pay, you may be able to get one for free. Check with Legal Aid or Legal Services. Or call the local lawyer group called a "bar association."

If you don't have a lawyer, you can speak for yourself in court. If you show respect and are polite, the judge will do the same for you. The judge will follow the law and be fair to everyone. But you must follow the same rules that lawyers follow in court.

Rule 3. Your Proof

When you come to court, bring all your proof. The court calls these exhibits. **You have to show the other side all your proof before the trial.** They must show you all their proof, too. Proof can be:

- Pictures or videos
- Any papers like leases, contracts, estimates or other written papers
- Drawings
- Any proof you plan to use in court

Seeing the proof ahead of time saves time in court. The judge does not want to wait while you look at each other's proof. This gives you a chance to see what proof the other side will use.

Bring the original of your proof for the court to keep. Bring a copy for yourself and enough copies for the other side.

Rule 4. When You Go To Court

Before you come, take a bath and brush your hair and teeth. Wear clean clothes that are not torn. Don't wear hats, coats, raincoats or sunglasses inside the court. Don't wear low cut tops or shorts. Don't wear clothes with writing on them. **FL: 7-1-10**

The courtroom is divided into two (2) main parts. The part right in front of the judge is called "the bar." It is for lawyers, people whose case is being heard and witnesses. People who work for the court are there, too. You only go in this part when the judge calls you up for your case. Everyone else sits in the back of the court. Sit quietly until you are called up for your case.

Be on your best behavior while in the court building. No cursing, yelling, name-calling or being rude. Don't act out, make noises or threats or talk loud. Turn off your cell phone. Don't hang around outside the courtroom or in the hall. Be polite to everyone even if you don't agree with what they say. Do what the judge tells you.

During your case, stand up when you talk to the judge. Stand up when you question a witness or object to something. Standing up shows respect and helps the judge hear you.

Rule 5. Go to Court Early

Be at court at least 15 minutes early. Allow extra time to park, get through security and find the court room. When court starts, they will read a list of the cases the judge will hear. This is the docket call. When they call your name, raise your hand and say "here."

IMPORTANT! The defendant is the person who was sued. If you are the defendant and don't show up, you lose the case. This is called a default judgment.

IMPORTANT! The plaintiff is the person who filed the lawsuit. If you are the plaintiff, your case can be dropped if you aren't there. This is called a dismissal.

If there is an emergency and you can't come, call the Court Clerk's office. Tell them why you can't come. Give them a phone number where they can reach you.

Most of the time, you have 15 minutes after the docket is called to show up. After 15 minutes, the judge will dismiss the case or do a default judgment. That means the case is over.

Rule 6. Words You Will Hear in Court

This court will try not to use very many legal words. We want to make sure you know what is being said. But you will need to know these legal words:

- Plaintiff - the person or company who first filed the lawsuit
- Defendant - the person or company who is being sued
- Cause of Action - what kind of case it is. Examples: Contract disagreement, landlord/renter problems, automobile accident, etc.
- Default Judgment - This is what the judge does if the defendant doesn't show up for court. It means the defendant lost the case.
- Dismissal - This is what the judge does if the plaintiff doesn't show up for court. It means the case is over.
- Docket Call - The list of cases the judge will hear that day.
- Hearsay - When a witness is repeating what someone else said. Witnesses can only testify about what they know for themselves.
- Exhibits - Proof like papers, videos, tape recordings, photos
- Continuance - When the judge gives you more time before the trial continues.

Rule 7. What Happens in Court

(A) Docket Call. When court starts, they will read a list of the cases the judge will hear. This is the docket call. You need to be there before it starts. When they call your name, raise your hand and say "here." The judge can find out if any cases have been settled. The judge can give more time for some cases if it is needed (continuance). Some cases will be dismissed if the plaintiff is not there. Some defendants will lose their case if they are not there. The judge can see how many cases are left and how long it will take.

(B) Try to settle the case before trial. Talk to the person on the other side and see if you can agree. In many courts, you can try and settle until the trial starts. Try and settle before the docket call. If you are close to agreeing when the docket is called, tell the judge. Some judges will give you more time to try and settle. It is up to the judge if you get more time or not.

(C) Trial or hearing. The judge will hear the cases one at a time. Make sure you are there and ready when your name is called.

When your trial starts:

I. Opening Statement. Each side can give a short talk. Say what you expect to prove. This helps the judge know what your case is about.

II. Plaintiff's proof. The plaintiff is the person who filed the lawsuit. If you are the plaintiff, you show your proof first. You must prove you should win. That means that more than half the proof must show you are right. You call each of your witnesses. After they testify, the other side can ask them questions about what they

said. You have a chance to ask follow-up questions. You may ask questions about something new. If you do, the other side can question the witness about the new information. It is up to the judge if either side can ask more questions. After you have given all your proof, you "rest" your case. This means you have shown all your proof and witnesses.

III. Defendant's proof. If you are the person who was sued, you are the defendant. After the plaintiff rests their case, then you show your proof. You call each of your witnesses. After they testify, the other side can ask them questions about what they said. You have a chance to ask follow-up questions. You may ask questions about something new. If you do, the other side can question the witness about the new information. It is up to the judge if either side can ask more questions. After you have given all your proof, you "rest" your case. This means you have shown all your proof and witnesses.

IV. One last chance to prove the other side is wrong. Both sides rest their case. The plaintiff may think the defendant's proof or witnesses were wrong. The plaintiff can bring in witnesses to testify about this. These witnesses may have already testified once, but now will address things the other side brought up. When they are done, the defendant can ask these witnesses questions.

If these witnesses give new proof, the defendant has a chance to prove them wrong. The defendant can bring witnesses to testify about this.

V. Closing. Each side gets a chance to state the high points of their proof and testimonies. Keep it short and on the main points of your proof. Some judges may put a time limit on how long you can talk. It is up to the judge.

VI. The judge decides who won. The judge will say which side won the case. No matter if you win or lose, keep your cool and be quiet. Be polite to the judge and the other side. No cursing, yelling, arguing or name-calling.

Rule 8. Rules About Proof

There are rules about the proof you can use. The rules make sure that the proof is true and about the case. The rules make sure witnesses know for themselves what they are talking about.

A few rules of evidence are as follows:

(a) Hearsay evidence. One of the rules says you can't use hearsay testimony. Hearsay is when you say what you heard from someone else. Most of the time, you can only testify about what you yourself know. You can't testify about what someone else knows. Example: You want to use a mechanic's repair estimate as proof. You must have the mechanic testify about the estimate. If the mechanic isn't there, you can't use the estimate as proof. The reason for this rule is to give both sides a chance to question the witness. The mechanic is the only one who can answer questions about his estimate.

If you use any written proof, the person it came from must be in court. If they are not, most of the time you can't use the proof. Make sure you have witnesses who know about your case or proof for themselves.

(b) How to question witnesses: There is a rule about how you can question your own witnesses. You can't ask questions in a way that says what the answer should be. This is called a leading question. Example: "Isn't it true that Mr. Green (the other party) said the accident was his fault?" This is a leading question and you can't use it with your own witnesses. BUT you can ask a leading question of the other side's witnesses.

(c) Proof must be important to the case (relevant). Your proof and witnesses must help prove your case. You can't use proof just to embarrass or make the other side look bad. The judge can stop a witness or keep out proof that isn't about the case. The judge will say it is inadmissible. That means you can't use it.

(d) Proof must be real. You must show that papers, tapes, pictures or videos you use as proof are real. This means having a witness who personally knows about the proof. The witness must be able to identify the proof. This means they know someone's signature or voice on a tape or took the video. Or they can say how they know the proof for themselves.

There are many other rules about proof. If the other side in your case breaks one of these rules, you can object. Stand up, say "Your honor, I object." Then say why you object. Example: The witness is saying what someone else told him. This is hearsay. Example: The witness is talking about things that don't prove the case. This has nothing to do with the case. If the judge agrees with you, he will say "sustained." If the judge disagrees with you, he will say "over-ruled." No matter what the judge decides, show respect and be polite. Don't argue or talk back to the judge.

Rule 9. Right To Appeal.

The judge will say who won the case. You may disagree with how the judge decides the case. Or the other side may disagree with what the judge decides. Both of you have 10 (ten) days to appeal to the Circuit Court. An appeal means a different court and judge will hear the case. There are rules for how to appeal. Ask the General Sessions Clerk's Office how to appeal and how much it costs.

If you can't afford to pay the fees, tell the Clerk. If you meet the rules, you may be able to file for free.

<p>NOTE: This paper explains court rules for people who speak for themselves in court. It cannot take the place of advice from a lawyer.</p>
