Supreme Court of Kentucky

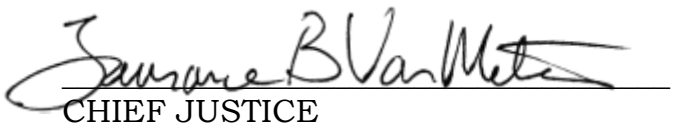
ORDER

IN RE: ORDER APPROVING THE RULES OF COURT PRACTICE AND PROCEDURE FOR THE 24TH JUDICIAL CIRCUIT, DIVISION II, JOHNSON, LAWRENCE, AND MARTIN COUNTIES

Upon recommendation of the Judge of the 24th Judicial Circuit, Division II, and being otherwise sufficiently advised,

The Rules of Court Practice and Procedure for the 24th Judicial Circuit, Division II, Johnson, Lawrence, and Martin counties, are hereby approved, effective April 1, 2023, and until further orders of this court.

Entered this the 2nd day of March 2023.



CHIEF JUSTICE

LOCAL PRACTICE AND PROCEDURE RULES
TWENTY-FOURTH (24TH) JUDICIAL CIRCUIT, DIVISION II
JOHNSON, LAWRENCE, AND MARTIN COUNTY
(GENERAL CIVIL AND CRIMINAL DIVISIONS)

RULE 1: GENERAL PROVISIONS AND EFFECTIVE DATE

1.1 All Local Rules of Practice and Procedure previously in effect in the Twenty-Fourth (24th) Judicial Circuit are hereby repealed.

1.2 These Local Rules of Practice and Procedure shall govern all civil and criminal proceedings in Division II of the Twenty-Fourth (24th) Judicial Circuit to the extent they comply with all relevant laws and rules of practice and procedure of the Commonwealth of Kentucky and the United States of America.

1.3 These rules shall become effective on April 1, 2023, subject to the approval of the Chief Justice of the Commonwealth of Kentucky, prior to the aforementioned date.

1.4 In the event these rules do not address a specific situation, the presiding Judge will act in his discretion with respect thereto.

1.5 These rules and any amendments made hereafter shall be filed with the Circuit Court Clerk of each county in the Twenty-Fourth (24th) Judicial Circuit and may be provided to any member of that county's bar upon request.

1.6 These rules shall be cited as "LRC-24TH _____".

RULE 2: MOTIONS, MOTION DAYS AND MOTION DOCKETS

2.1 The regular Motion Days for the Twenty-Fourth (24th) Judicial Circuit shall be as follows:

JOHNSON COUNTY CIRCUIT COURT – MONTHLY

- **First and Third Friday**
  Civil Motion Hour and Hearings – 9:00 A.M. EST

- **Second and Fourth Friday**
  Criminal Motion Hour and Hearings– 9:00 A.M. EST
  Criminal Pre-Trial Conferences (Informal)– 11:30 A.M. EST

LAWRENCE COUNTY CIRCUIT COURT – MONTHLY

- **Second and Fourth Thursday**
  Civil Motion Hour – 9:00 A.M. EST
  Criminal Motion Hour and Hearings– 10:00 A.M. EST
  Criminal Pre-Trial Conferences (Informal) – 11:30 A.M. EST

MARTIN COUNTY CIRCUIT COURT – MONTHLY

- **First and Third Thursday**
  Civil Motion Hour – 9:00 A.M. EST
  Criminal Motion Hour and Hearings– 10:00 A.M. EST
  Criminal Pre-Trial Conferences (Informal)– 11:30 A.M. EST

2.2 In addition to regular motion days, the Court may set special hearing days to accommodate the public holiday schedule, schedules of the parties, the caseload of the Circuit, or other relevant considerations. Additionally, the Court reserves the right to set motions on regular motion hour days as well as non-motion hour days.

2.3 The Circuit Clerk of each county shall keep a Motion Docket and shall docket in order all motions assigned for hearing.

2.4 All motions, civil and criminal, except those that are permitted to be filed *ex parte,* shall be filed with the Clerk of the appropriate county and served on opposing counsel by delivery no later than closing time in the Clerk's office five (5) business days immediately preceding the motion docket on which the motion is to be heard. Responses to said motions shall be filed in the Clerk's office two (2) business days immediately preceding the motion docket on which the motion is to be heard.

2.5 Any withdrawal or remand of motions or cancellation of hearings shall be made by the filing party directly to the Circuit Judge and to the Clerk and must be by agreement of all parties.

2.6 Parties may e-mail or fax motions to the Circuit Judge prior to the hearing date for informational purposes, but e-mailed or faxed motions shall not be recognized by the Court until the original is received and entered in the record by the appropriate Circuit Clerk. This Rule in no way precludes a party from filing motions in compliance with the e-filing system. Motions filed in compliance with the e-filing protocol shall be deemed properly filed.

RULE 3: REMOTE PROCEEDINGS

3.1 All proceedings before the Twenty-fourth Judicial Circuit shall be in person, unless otherwise specified by the judge or these Rules. However, any proceeding may be offered as either a remote or hybrid proceeding at the discretion of the judge, with the following exceptions:

- No jury trial, whether criminal or civil, shall be conducted remotely;
- No probation revocation hearing (excepting first appearances) shall be conducted remotely, unless the Defendant is already in custody and leave is given by the presiding judge to conduct the hearing remotely;
- No final sentencing shall be conducted remotely, unless the Defendant is already in custody and leave is given by the presiding judge to conduct the hearing remotely;
- No substantive adversarial hearing in a criminal matter wherein witness testimony will be taken shall be conducted remotely;
- No contempt hearing or show-cause hearing shall be conducted remotely.

3.2 Any part/counsel desiring a Remote Court Proceeding shall consult with the Circuit Judges Office, Circuit Clerk and the other(s) party/counsel no later than five (5) business days prior to the proceeding so that the feasibility of a Remote Court Proceeding can be determined. Nothing herein shall prevent the Circuit Judge from deviating from this timeline, if the interests of justice dictate such.

RULE 4: CIVIL DISCOVERY AND PRACTICE

4.1 No depositions shall be taken on any Saturday, Sunday, or holiday, except upon prior agreement among counsel.

4.2 All civil motions shall be filed on the date and time specified in these rules. Hearings on Civil Motions shall be conducted following the first call of the Civil Motion docket, however, the Court reserves the discretion to schedule any Civil Motion on a Separate Hearing date, as it deems necessary.

4.3 Any party who receives a notice of possible dismissal pursuant to CR 77.02 shall strictly comply with the notice and with the terms of CR 77.02. Failure to do so may result in dismissal of the action without prejudice.

RULE 5: APPEARANCES BY COUNSEL

5.1 Upon being retained, counsel shall forthwith file a written entry of appearance, unless counsel's entry of appearance is apparent from pleadings filed.

5.2 On pleadings and in the entry of appearance, counsel shall set forth counsel's office address, mailing address, telephone number, fax number, and e-mail address.

5.3 Once having entered appearance, counsel shall remain of record, unless relieved of responsibilities by the Court upon written motion and notice (with copy of said motion served on the client), until expiration of the time for filing a notice of appeal after the entry of a final judgment or order. For good cause shown, the Court may permit oral motions to withdraw so long as the interests of the litigant are not adversely affected.

5.4 Unless counsel specifies otherwise on the record, an entry of appearance is considered to be a general appearance for all purposes. An entry of appearance for a limited purpose shall specify the limited nature of counsel's representation of the client.

RULE 6: ENTRY OF ORDERS AND JUDGMENTS

6.1 All orders and judgments of the Court shall, at the request of the Court, be prepared by counsel in whose favor the order or judgment is rendered

6.2 In civil actions, proposed orders shall be tendered with each motion.

6.3 If such order or judgment is not satisfactory to opposing counsel, counsel shall immediately make any objections known to the Court and present that party's alternative version of the order or judgment.

6.4 In all matters taken under advisement, the Court may direct the parties to submit proposed orders or judgments for consideration. All such proposed orders or judgments shall be submitted via e-mail to the Court in a Word (or compatible) document format, with a hard copy submitted to the Clerk. Counsel shall transmit a courtesy copy to opposing counsel. At such time that the Court becomes able to sign orders electronically, the Court may direct parties to submit proposed orders in that fashion.

RULE 7: ASSIGNMENT OF CASES IN CRIMINAL MATTERS

7.1 At arraignment, upon Defendant's entry of a not guilty plea, all cases shall be set for a Pretrial Conference (Informal). Informal Pretrial Conferences may be reset to a subsequent date(s) should the interests of justice dictate such. If no resolution of a criminal case is reached at the Informal (or subsequent) Pretrial Conference, then the case shall be set for a Final Pretrial Conference before the Court. At the Final Pretrial Conference, the Court will assign a Jury Trial date for the case (should the case not be resolved at the Final Pretrial Conference) and will address any evidentiary or other matters regarding the case.

7.2 A Discovery/Reciprocal Discovery Order shall be entered at arraignment unless otherwise requested by the defendant.

7.3 The Commonwealth and the defendant shall work toward a resolution of the case, to be presented at the final Pretrial Conference. Nothing herein shall prevent the resolution of the matter prior to or following the final Pretrial Conference.

7.4 The Court retains the discretion to refuse a plea of guilty pursuant to a plea agreement if a jury has reported. Any such plea of guilty will be an open plea, accepted without recommendation from the Commonwealth.

ASSIGNMENT OF TRIALS IN CIVIL MATTERS

8.1 Upon motion to set for trial, the Court shall schedule a trial date if the case is reasonably ready for trial. The Court may also schedule a Pretrial Conference, at which trial counsel shall be present.

8.2 When a jury trial is requested, a Jury Trial Order shall be entered by the Court directing the parties to furnish to the Court and each other, at least one week prior to trial, a Pretrial Compliance Statement containing the following:

- A statement of the kind of action and a report on the status of mediation efforts;
- Stipulations;
- A statement of disputed issues with citation of authorities;
- A confirmation that discovery is completed, or if not completed, the probable completion date;
- A list of expected witnesses and brief summary of their testimony;
- A separate list of expert witnesses and brief summary of their testimony;
- A list of marked exhibits;

- A list of all special damages and supporting documents; and

- Proposed Jury Instructions

8.3 The Court reserves the authority to tailor its trial order to fit the requirements of each case. If any such order differs in any material respect from the above, the Jury Trial Order entered by the Court in a given case shall take precedence over these general rules.

8.4 When a bench trial is requested, the Court will enter a Bench Trial Order which may contain provisions similar to the above pretrial compliance rules for jury trials. However, the Court will tailor the terms of any such order to the particulars of the case.

8.5 Except for good cause shown, failure to comply with any trial order may result in sanctions, and deviations will not be allowed to the disadvantage of opposing parties.

8.6 All attorneys should examine their files prior to trial to ensure that all interrogatories and requests for admission have been answered and updated. Failure to furnish discovery material required by the civil rules shall result in sanctions.

RULE 9 : JURY TRIALS

9.1 Civil and Criminal Trials in Johnson, Lawrence and Martin Counties shall begin at 9 A.M EST.

9.2 Unless otherwise specified, counsel shall meet in chambers at 8:15 a.m. to discuss preliminary matters, motions, and jury instructions. No motions may be filed on the morning of trial without leave of Court.

9.3 Counsel in civil actions shall comply with the terms of any Jury Trial Order or other order regarding pretrial compliance.

9.4 Counsel in criminal actions may tender proposed jury instructions at any time prior to trial.

9.5 Jury Trials shall be scheduled according to the following monthly schedule, however nothing in this rule shall prevent deviation from this schedule as the Circuit Judge and counsel for the litigants deem necessary:

- **JOHNSON COUNTY:** January, April, July, October
- **LAWRENCE COUNTY:** February, May, August, November
- **MARTIN COUNTY:** March, June, September, December

RULE 10: SETTLEMENT OF CASES

10.1 Parties shall notify the Court and the Circuit Clerk prior to 3:00 P.M. EST on the day before the case is scheduled for trial if they settle a case, so jurors will not be summoned.

10.2 At the request of a party, the Court may schedule a settlement conference.

RULE 11: MEDIATION

11.1 All mediations shall be conducted in conformity with CR 99 and CR 100 of the Kentucky Rules of Civil Procedure,

11.2 Mediations in civil matters shall be considered settlement negotiations for the purposes of KRE 408, and in criminal matters shall be considered plea discussions for the purposes of KRE 410.

Submitted by the undersigned this 24th day of January, 2023.

HON. JOHN KEVIN HOLBROOK (CHIEF CIRCUIT JUDGE)
24TH JUDICIAL CIRCUIT JUDGE, DIVISION II
(GENERAL CIVIL AND CRIMINAL DIVISION)