Supreme Court of Kentucky

IN RE: ORDER APPROVING AMENDED LOCAL RULES (NON-DOMESTIC) FOR ALLEN AND SIMPSON COUNTIES, 49th JUDICIAL CIRCUIT

The Amended Local Rules (Non-Domestic) for Allen and Simpson Counties, 49th Judicial Circuit, are hereby approved by the undersigned.

ENTERED February 4, 1994.

Robert F. Stephens

Chief Justice

LOCAL RULES (NON-DOMESTIC) OF THE 49TH JUDICIAL CIRCUIT

RULE 1 - INTRODUCTION

1.1 These local rules supplement the Kentucky Rules of Civil Procedure, the Kentucky Rules of Criminal Procedure, all statutory procedural requirements of the Kentucky Revised Statutes, and all Rules and Orders of the Supreme Court of Kentucky governing procedures in the Court of Justice.

1.2 These rules shall become effective on March 1, 1994, subject to approval by the Chief Justice of Kentucky prior to that date.

1.3 These rules may be cited as "LR 49".

RULE 2 - APPLICABILITY

2.1 These rules are applicable to all non-domestic civil cases and to all criminal cases in the 49th Judicial Circuit.

2.2 All domestic proceedings shall be governed by the separate Domestic Relations Local Rules of the 49th Judicial Circuit.

2.3 All attorneys practicing in the 49th Judicial Circuit are expected to adhere to the Code of Professional Courtesy, and to be familiar with the provisions of the these Local Rules.

RULE 3 - APPEARANCES BY COUNSEL

3.1 Forthwith upon being retained, counsel shall file a written entry of appearance, unless counsel's entry of appearance is apparent from pleadings filed.

3.2 On pleadings and in their entry of appearance, counsel shall set forth their office address, mailing address, and telephone number.

3.3 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 upon the client), until expiration of the time for filing a notice of appeal after the entry of Final Judgment or Order.

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

RULE 4 - SERVICE OF PLEADINGS AND NOTICES

4.1 All pleadings and notices of hearing are to be served on opposing counsel not less than five days before the hearing and all responses and replies thereto are to be filed and served on opposing counsel not less than two days prior to the date of the hearing. For good cause shown, the Court may grant relief from these notice requirements.

RULE 5 - SCHEDULING OF HEARINGS AND TRIAL

5.1 Hearings on motions are to be scheduled through the office of the clerk. The person requesting the hearing must be able to tell the clerk the probable amount of time which the hearing will require. The clerk will schedule the hearing for the next available Rule Day, unless the clerk believes the hearing will take more than thirty minutes, in which event the clerk will direct

counsel to contact the Judge to schedule the hearing. If there is adequate time available on the Rule Day, the clerk may schedule a hearing which will exceed thirty minutes in the discretion of the clerk.

5.2 Jury trials and bench trials will be scheduled by the Court upon motion and notice. When a trial date is set, the Court will also set a date and hour for a pre-trial conference in accordance with Rule 8 hereinbelow, normally not less than four weeks nor more than eight weeks prior to the trial date.

RULE 6 - DEFAULT JUDGMENTS

6.1 Motions for Default Judgment must be accompanied by a certification that to the best of the counsel's knowledge the defendant is not in the military service of the United States. This is in addition to the certification requirements of CR 55.01.

RULE 7 - RULE DAYS

7.1 In accordance with CR 78, regular motions days (known locally as "Rule Days") shall continue to be held in the Allen Circuit Court on the first, second, and third Tuesdays of each month and in the Simpson Circuit Court on each Monday, subject to cancellations which may be necessitated by jury trials or other matters from time-to-time.

7.2 It is the responsibility of counsel to contact the clerk and keep informed as to the rule day schedules from time to time.

RULE 8 - PRE-TRIAL CONFERENCES AND DEADLINES (CIVIL CASES)

8.1 In all civil cases (both jury and non-jury), when the case is scheduled for trial the Court will also schedule a pre-

trial conference to be held approximately four to eight weeks before the trial date.

8.2 At the pre-trial conference, trial counsel for each party shall appear in person, with his or her schedule calendar, or by substitute counsel who must have authority to speak for trial counsel in all respects regarding the case, and who must be familiar with trial counsel's schedule.

8.3 All discovery is to be completed not less than twenty days before the pre-trial conference, unless the Court has expressly authorized a different date for completion of discovery.

8.4 Not less than ten days before the pre-trial conference, counsel shall file with the clerk and serve upon opposing counsel a single document titled "pre-trial compliance", which must contain the following:

(a) The names and addresses of all proposed trial witnesses;

(b) Proposed jury instructions (with citation of supporting authorities); and

(c) A list and description of proposed trial exhibits

The pre-trial compliance may also include such other matters as counsel may deem appropriate and beneficial to the Court.

8.5 All pending motions will be heard at the pre-trial conference. Motions may be noticed for hearing at the pre-trial conference, provided however that no motion shall be filed or served upon opposing counsel less than five days before the pre-trial conference. Time permitting, the Court will consider and

rule upon objections in evidentiary depositions at the pre-trial conference.

8.6 At the pre-trial conference, counsel shall produce the original of all proposed trial exhibits and make same available for identification and for examination by the Court and by opposing counsel. To the extent practical, the clerk will mark and identify proposed trial exhibits at the pre-trial conference, but the Court will not rule on the admissibility of exhibits at the pre-trial conference except in the absence of objection.

8.7 Counsel appearing at the pre-trial conference will be expected to be familiar with the case and shall be prepared to discuss the issues of law and fact which are in controversy, the anticipated length of the trial, the likelihood of settlement, and anticipated procedural or evidentiary issues.

8.8 Following the completion of the pre-trial conference, the Court will enter a "Pre-Trial Conference Order" which, inter alia, will: reflect stipulations of counsel and rulings of the Court at the pre-trial conference; confirm or reschedule the date for trial; impose such further discovery deadlines as the Court may deem appropriate; impose deadlines for the taking of evidentiary depositions; and impose a deadline for the filing of any further motions.

8.9 Since it is the Court's belief that full compliance with these pre-trial conference rules will greatly facilitate the disposition of cases, relief from the provisions of these rules will be granted only upon good cause shown.

RULE 9 - PRE-TRIAL CONFERENCES (CRIMINAL CASES)

9.1 Absent objection by the defendant, a pre-trial star discovery order will be entered in each criminal case at arraignment of a defendant who pleads not guilty.

9.2 Unless otherwise ordered by the Court, a pre- conference will be held before the trial of any criminal case. date for the pre-trial conference will be scheduled at arraign The defendant, defendant's counsel, and the Commonwealth's Att or Assistant Commonwealth's Attorney must be present at the trial conference.

9.3 All pre-trial motions must be filed before the pre conference, and noticed for hearing at or before the pre conference. If the motion requires an evidentiary hearir Court may continue the hearing to another date or time.

9.4 Unless the Court has earlier set a trial date upon of the Commonwealth or of the defendant or upon the Cour motion, a date for trial will be assigned at the pr conference.

9.5 The Court expects counsel to use reasonable dili their efforts to reach agreed disposition of criminal case cases which are not tried can be concluded by a plea of g the pre-trial conference. The Court will be reluctant t plea agreements which are not finalized before completi pre-trial conference.

RULE 10 - JUROR QUALIFICATION FORMS

10.1 Juror qualification forms shall be maintained by the clerk and shall be available for inspection and/or copying by counsel.

RULE 11 - SETTLEMENT OF CASES

11.1 Unless the Court is notified of settlement at least seventy-two hours in advance of the start of trial, the clerk will notify the jury panel to report for trial. Only the Judge shall be authorized to direct the clerk to release the jury panel.

11.2 If the Court is advised of the settlement of a case more than seventy-two hours before the scheduled start of the trial, no juror fees will be assessed as a cost of the action; if the Court is notified of settlement less than seventy-two hours before the scheduled start of trial, then in the Court's discretion juror fees may be assessed as a cost of the action.

11.3 "Juror fees" as used in this Rule means the daily fee and expense payment for each reporting member of the jury panel, which, collectively, presently amounts to $12.50 per juror reporting.

Dated January 31, 1994.

William R Harris
WILLIAM R. HARRIS, Judge
49th Judicial Circuit

Approved this February 4, 1994.

Robert F Stephens
ROBERT F. STEPHENS
Chief Justice of Kentucky