

GUIDELINES AND HELPFUL INFORMATION
FOR PEOPLE WITH A CASE
IN GENERAL SESSIONS COURT
SEVIER COUNTY, TENNESSEE

General Sessions Judges
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Sevier County General Sessions Court
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APPROVED BY THE
TENNESSEE GENERAL SESSIONS JUDGES CONFERENCE
AND ENDORSED BY THE TENNESSEE SUPREME COURT

GUIDELINE 1. Read the Court Guidelines.

Each court of law has certain rules. You can get a copy of the local rules for General Sessions Court for Sevier County at the Sevier County General Sessions Clerk's office. You need to read the local rules and these guidelines which can help lead you through a case in court.

The guidelines in this document are especially for people who don't have a lawyer or who have a lawyer but desire more information about how the court works. These suggestions can be of help to you when you appear in court.

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 could cause you to lose the case.

Important Information

- 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 to the judge. No waiting around in public to try to talk to the judge. If you run into the judge outside court, don't say anything except a polite greeting as you would with anyone. 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 (or affirm) that they will tell the truth. Any person who tells a lie on purpose in court can be charged with a crime.
- It is important that you read all 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 General Sessions Court Clerk's office, which is located at 125 Court Avenue, Suite 107E, Sevierville, TN 37862; phone #865-429-5671; website: seviercountyttn.org. They also may have court forms you will need. Check with the Clerk to see if the clerk's office has forms for you to use. Fill out all of the papers provided to you.

The Clerk is not a lawyer and can give you information and forms but not legal advice (that is tell you what to do). Nothing the Clerk tells you is legal advice.

GUIDELINE 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, the judge or clerk will read a list of the cases the judge will hear. This is the docket call. When your name is called 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.

IMPORTANT! If there is an emergency and you can't come to court, call the General Sessions Clerk's office. (Phone: 865-429-5671) Tell one of the clerks about your problem and ask who you need to talk to. Tell that person why you can't come. Give that person a phone number where you can be reached. It is always up to the judge to decide whether the case should be reset.

REMEMBER: If you fail to show up to court on time, you will probably lose your case by a default or dismissal. Your court date is an important date, so be on time!

GUIDELINE 6. Understanding Words You Will Hear in Court

This court will try not to use very many legal words. We want to make sure everyone knows 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 and may well have to pay or do what the other side has asked.
- Dismissal-This is what the judge does if the plaintiff doesn't show up for court. It means the case is over, and the plaintiff has lost.
- Docket Call-The list of cases the judge will hear that day (usually done at the beginning of the court session)..
- Hearsay-When a witness is repeating what someone else said. Witnesses can only testify about what they know for themselves. There are exceptions to this rule, so ask the judge if you have questions about proof you wish to place into evidence.
- Exhibits-Proof like papers, videos, tape recordings, photos
- Continuance-When the judge gives you more time before the trial starts and reschedules all or part of the trial.

done, the defendant can ask these witnesses questions. The defendant may then be allowed by the judge to "rebut" the new proof by testifying again or by testimony of other witnesses.

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. If you have a question for the judge, tell the judge you have a question. The judge will tell you if you can ask the question then or if you need to talk to the clerk of the court.

GUIDELINE 8. Information About Evidence

There are rules about the proof/evidence you can use. The rules make sure witnesses know for themselves what they are talking about. The rules try to make sure questions are about the case before the court and that questions do not improperly suggest an answer.

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 who wrote it should be present in court. If that person is not in court, 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 or suggests 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 that proof.

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