



GENERAL SESSIONS COURT HANDBOOK

Although hiring an attorney to help you in the event that you are being sued – or that you need to sue because you need the court's help in recovering money or property that is owed to you – often it is not an option because of the cost of legal fees. There are some helpful things you need to know that will help make the process easier.

Keep in mind that this information covers procedures that only relate to what is referred to as "general sessions" court in Shelby County. The court of general sessions in Tennessee only hears matters that involve money judgments less than \$25,000.00. This limitation does not apply to any actions for forcible entry and detainer (explained in a separate brochure) or to the possession of personal property (not covered in this brochure). In Shelby County, the courts of general sessions are located on the first floor of the courthouse at 140 Adams, Memphis TN 38103 (on the corner of Third Street and Adams).

Also, please note that this handbook is designed to provide general information only. Each case is factually different, and special rules may apply to your case that are not specifically outlined here. For more information, you may log onto the Memphis Area Legal Services website at <http://www.malsi.org> or Memphis Bar Association's community website, at <http://legalthelp.memphisbar.org>. If you do not have access to the internet or are unfamiliar the internet, you can access the internet for free at any public library in Shelby County, where librarians can assist you.

HOW TO KNOW IF YOU ARE BEING SUED

Though an angry neighbor or a business that you have an account with may tell you they are going to sue you, you will only be sued if you receive a **civil warrant**. This document may be titled as "Civil Warrant," "Detainer Warrant," or "Writ of Possession." If you receive a document but are unsure what the document is and whether

you need to respond, the General Sessions Clerk's Office on the first floor of the courthouse will be able to assist you. An example of a civil warrant is included at the end of this handbook.

How You Receive a Civil Warrant

Typically, a civil warrant will be "served" on you or someone at your home. This means that a person authorized by the court will physically hand the warrant to you. Read the document carefully, looking for dates and times. For general sessions court, the warrant requires that you appear at the court on the date and at the time listed before the judge. **It is extremely important that you appear at the court on the date and time of the hearing to protect your rights.** The party that filed the lawsuit or the party's attorney will be at court, too. The party filing the suit is typically referred to as the plaintiff and the person being sued is the defendant.

Another document you may have "served" on you is called a subpoena. A subpoena is not a civil warrant and does not mean that you have been sued. Instead, the subpoena is served on you because a party to a lawsuit in general sessions has told the court that you have information about the case. In some instances, the subpoena will actually command you to appear and bring specific documents or items in your possession with you, but in most cases, you will be subpoenaed to testify about something that relates to the lawsuit. The names of the parties will be included at the top of the subpoena and subpoena will indicate which party has called you to testify. Either the plaintiff or the defendant can use a subpoena to get information about the case.

If You are Unable to Attend the Hearing on the Date and Time You Are Summoned to Court

It is very important for you to appear on the date scheduled at the court **anytime** you are served with documents from the court telling you to appear. The language used in the court documents does not say you are "requested" or "asked" to come to court. Instead, the documents "command" or "summon" you to appear before the court, and this is not optional.

If you are not ready for court (e.g. you are not sure yet if you are going to be able to get an attorney or you need time to prepare your defense), you still must appear at court on the scheduled time. However, you have the right to ask the court for more time to respond. This is called a **continuance**. When the judge calls your case, you may stand up and let the judge know you are not ready for your case to be heard. Ask the judge if you may have a continuance. The local rules of general sessions (Rule 6.0) entitle you to ask for a continuance at the initial setting of your case. The judge will determine how long to allow your case to be continued, but you may ask the judge for a specific amount of time. For example, if you think you would like to hire an attorney, you can tell the judge you are looking for an attorney and would like thirty (30) days to find one. After this initial setting, be aware that a continuance will only be granted at the court's discretion, and you would need to show the court a legal reason that would entitle you to a continuance.

If you have another conflict that prevents you from appearing before the court, you have options. If you are unable to appear because you are scheduled to work, you should provide your employer with a copy of the court documents and explain that you have been commanded by the court to appear. However, if you still cannot appear, you may have other options. The warrant will include the name and telephone number of the plaintiff and the plaintiff's attorney if the plaintiff is represented. You may call the plaintiff or his attorney **prior** to the scheduled date and explain that you are not available to appear that day. It is common practice for Shelby County attorneys to be flexible with you within reason, and the attorney may agree to reschedule the date and can make the arrangements with the court for setting a date when you are available.

PREPARING FOR COURT

If possible, the best preparation for court is to speak to an attorney. You may consider asking friends or relatives for names of any attorneys they have used, look through advertisements or on the internet to find an attorney, or call local attorneys to see what they would charge to take your case. In addition, Memphis Area Legal Services will be able to answer questions for you and provide helpful advice about your case.

Memphis Area Legal Services Office
109 North Main, Suite 200
Memphis, TN
(901) 523-8822
or
899-A Highway 51 South
Covington, TN
(901) 476-1808

Finally, below is contact information for area **free legal clinics**, where you will be able to meet with an attorney and discuss your case. The attorneys and paralegals are only there to give you legal advice and resources and are not there to take on your case.

Memphis Area Legal Services & Memphis Bar Association Access to Justice Legal Clinic

When: Every Thursday, 1:30 p.m.

Where: General Sessions Courthouse, Room 134

How: People will be assisted on a first-come-first-served basis.

Memphis Bar Association & Memphis Area Legal Services Saturday Legal Clinics

When: One Saturday each month

Where: Various Locations

How: People will be assisted on a first-come-first-served basis.

For More Information: <http://legalhelp.memphisbar.org>. Click on the link, "Free Legal Clinic." Information on the next clinic and where it will be is located on this page.

Memphis Bar Association holds a free legal clinic every Thursday at 1:30 p.m. in Room 134 of the courthouse. These attorneys will try to answer legal questions for you. The Memphis Bar Association also holds a monthly legal clinic on Saturday mornings at various locations. The date, time and location can be found by logging on to the Memphis Bar Association website at <http://legalhelp.memphisbar.org> and clicking on "Free Legal Clinic." The Memphis Area Legal Services office at 109 N. Main, Suite 200 in Memphis or at 899-A Highway 51 South in Covington may also be able to answer questions for you and provide helpful advice about your case. The Memphis office number is (901) 523-8822, and the Covington office number is (901)476-1808.

If you choose not to hire an attorney or seek help from the free legal service offices listed above, you still will need to prepare yourself for court. The rules of general sessions court are different from most courts in Tennessee, and

the plaintiff is not required to provide much information on the warrant. If you know the plaintiff and know what it is that you are being sued for, be prepared to explain your side of the story to the judge. Some tips you should use are:

- Take time to write out important facts or other information to have with you.
- Gather and organize important documents relating to the dispute and take them to court with you. For example, if your dispute involves a contract or a repair bill or some sort of account, bring the contract, repair bill, or account information with you.
- Organize all of your information so that you can easily explain key facts of your case. For example, if you have a credit card account or had car repairs done and the plaintiff is claiming that a bill was not paid, you should gather together any receipts, bank statements, or other documents and take them with you to court.
- Practice what you plan to say to the judge about the account or bill and write it out so you can remember everything you would like to say.
- **Witnesses:** If you have someone you know that witnessed an event or knows something about the case, you may bring them with you to court to testify. You may also have the person write out what they know about the case. The person can then have the statement notarized by signing it in front of a notary for you to take with you to court. A notary is a person that witnesses someone signing a document and is authorized by the state to verify the signature. Notaries are listed in the telephone book. Some banks and package shipping stores also employ notaries as well.

You may arrive at court and not know exactly what the plaintiff has claimed you did from reading the warrant. In this case, you may want to tell the judge when your case is called that you do not have enough information to know what you are being sued for. The judge will likely explain what the warrant says or ask the plaintiff to explain to the court why you are being sued. Remember, you have a right to a continuance, so if you are not prepared to talk about your case because you did not know what you were being sued for, explain that to the judge and ask for a continuance.

WHAT TO DO ON THE COURT DATE

The civil warrant will include your court time, but the particular court room information will not be available until twenty-four (24) hours before the court date. Your appearance before the judge is called a hearing. You can locate your hearing in two ways, by going to the general sessions website or by arriving at court early and locating the **docket**. A docket is the posted court schedule and is probably the simplest way to find where your hearing is located. The docket will be posted in the corner of the first floor near the staircase by the entrance, and it lists the docket for each court room. You may also walk through the hallways and there will be a docket posted outside each court room. As you enter the building, the officers at the metal detector will also be able to tell you where to find the docket of all cases if you are unsure where to go.

When looking at the docket, locate your case by searching for the name of the person listed as the plaintiff on your warrant and match up the warrant number with the number listed on the docket. The court rooms have room numbers that are in order in the hallways even if the division numbers are not in order (for example, in Circuit Court, Division 1 is located in room 204, but Division 2 is in Room 235). If you have another court hearing scheduled after the first hearing, it may not be in the same courtroom or in front of the same judge as your first hearing. Be sure and check the docket each time you go to court to make sure you are in the right room. Also, the

hearing may be scheduled at a specific time, but your case will not be the only one scheduled in that time slot on the docket, so you may be required to wait for several other cases to be heard before your case is announced.

When you enter into the courtroom, there are several rules and tips you should follow:

- **Be respectful to the judge**, even if you are unhappy about going to court. This is the most important thing to keep in mind. For instance, always say “your honor” when addressing the judge and do not interrupt the judge.
- **Cell phones** should be left in your car or turned off. In some court rooms, if your phone rings or makes any noise while inside the court room, you may be asked to leave by the bailiff (the court room officer) or even fined for what is called "contempt.”
- Remove your hat and/or overcoat.
- Do not take any food or drink into the court room.
- Do not chew gum.
- Dress appropriately. Although lawyers are required to wear a suit, you are required to dress "appropriately.” You may wear a suit or dress in your "Sunday best.”
 - Do not wear shorts, flip-flops, revealing clothes, or other inappropriate attire.
 - If you have to come from work, the court understands if you are required to wear a uniform or other clothes specific to your workplace, like scrubs or coveralls. But you should take a change of clothes with you if you wear shorts to work or anything else that would be considered inappropriate.
 - Keep in mind that having respect for the court means that you need to be neatly dressed and you want to make a good impression, which will also help you feel more confident.

Inside the courtroom, you will see an area on one side where the judge will sit (the "bench") and chairs or benches along the walls, where you should sit. There are tables and usually a microphone facing the judge's bench and a row of chairs directly behind the tables. This area is reserved for the lawyers that will be speaking during the hearing. If you arrive at the courtroom and it is locked, simply wait outside until the bailiff unlocks the door. If the judge is already on the bench when you arrive, and the hearing has already started, look to see if you see the bailiff inside the courtroom or standing outside the door. Typically, you may enter the court room quietly and sit in the nearest empty chair in the back, but watch the bailiff to make sure you are not being told to wait outside. If the bailiff is outside the court room, ask if it is alright for you to go inside.

Once the judge enters the room, you will need to put away any reading material that is unrelated to your case, such as a newspaper, book, or crossword puzzle. Additionally, stand up when the judge enters the room and listen carefully for the bailiff's instructions. As the judge or his court room clerk begins calling out the cases, listen carefully for your name, the plaintiff's name, or the docket number listed on your warrant. When you hear that your case is being called, stand up where you are so the judge or bailiff can see you are present. At this time, the judge may speak to you or to the attorney for the other party. The bailiff or judge will tell you whether or not to come forward. Often, the judge is simply going over the docket to find out which cases are ready, and you may be asked to be seated until the court is ready to hear your case.

If you do not hear your case called after the judge has finished with all of the cases, be sure to listen for the judge to ask if there is anyone else that has not been called. At that time, simply stand where you are and tell the judge the warrant number (also called the "docket number") of your case, which is listed at the top of your warrant. If the

judge does not ask for anyone that has not been called and appears to be ending court for the day, speak to the bailiff or the judge's clerk and let them know that your case was not called, and they can instruct you on what to do.

When the judge is ready to hear your case, stand and wait for the bailiff to direct you where to go to speak with the judge. The plaintiff will usually be allowed to speak first, so be respectful and do not interrupt. The judge will give you an opportunity to speak, at which time you can either ask for a continuance or tell the judge your side of the story. Following these tips will ease your experience:

- Speak to the judge and not to the plaintiff.
- Do not argue with the plaintiff or with the judge.
- You may look at your notes to help you and if you have brought any receipts or statements or other documents, you may bring them with you.
- If you have anyone with you that can testify about the case, let the judge know that the person is there; or if the person could not come to court that day, let the judge know that you have a notarized statement from the witness and ask if you can give it to the judge. The bailiff will take any documents you have that the judge would like to see and give them to the judge for you.
- Remember that the judge cannot give you legal advice or help you prove your case, but you can ask the judge if you do not understand something the judge says to you.

AFTER THE CASE

After the judge has heard the from both of the parties, the judge will either set another hearing date, ask that you or the plaintiff do something else, give you some further instructions, or will make a ruling. If you do not understand what the judge is asking you to do or is telling you, you may ask questions. Once the judge has ruled, you may not present more facts or tell the judge anything else about the case.

If the judge has ruled in favor of the plaintiff, the judge will tell you what it is that the plaintiff is entitled to receive from you. The judgment may include personal property or money, or it may require that you do something. If you do not agree with the judge's decision, do not argue with the judge. The law allows you to have another court hear your case again if you file what is called an appeal. You must file the appeal within **ten** (10) days from the general sessions court's ruling and post an appeal bond. If you wish to appeal your case to be heard in the Circuit Court of Shelby County, go to the General Sessions Clerk's Office before 10 days have passed and ask for the fee and form that you need to file your appeal.

If you do not choose to appeal your case, and a judgment for money has been entered against you, the court may be able to help you make payment arrangements to satisfy the judgment. For example, you can ask the court to let you set up a payment plan. If your wages have been garnished, you can also ask the court to delay the garnishment and may be able to change the amount taken from your pay based on your income and living expenses. To prevent your personal property from being seized to satisfy the judgment, you can file a list of items that you are claiming as exempt.

Attached to this brochure are examples of forms you can get from the clerk's office to help you. To request a payment plan, you will need to file a motion with the court by filling out the Affidavit of Income and Property, and the court should hear your motion within five days. If your wages are already being garnished for the judgment, filing the motion for an installment plan will stay (temporarily stop) the garnishment until your motion is heard and

decided by the court. Bring to the hearing proof of anything you include in the affidavit for your monthly expenses. This includes:

- Rental Agreements or mortgage bills
- Child Support documentation
- Documentation of payments you make each month (for example, utility bills and other bills)
- Proof of your income, like tax forms or paycheck stubs.

Also be prepared to tell the judge how much money you will be able to pay each month toward your judgment. You can obtain an Affidavit of Income and Property from the clerk's office. The clerk's office can also provide you with an Affidavit of Exemption to list your personal property up to a total value of \$4,000 to prevent the items from being seized to satisfy the judgment.

Always remember, Memphis Area Legal Services is a free resource you can contact for help with any questions you may have or for advice when you have been sued!

**Memphis Area Legal Services, Inc.
Memphis Service Office
109 N. Main Street, Suite 200
Memphis, TN 38103
(901) 523-8822**

**Rural Service Office
899-A Highway 51 South
Covington, TN 38019
(901) 476-1808**

<http://www.malsi.org>

State of Tennessee, County of Shelby

CIVIL WARRANT NO. _____

To Any Lawful Officer to Execute and Return:

Summon to appear before the Court of General Sessions of Shelby County, Tennessee, Room 106 Shelby County Courthouse, 140 Adams Ave., Memphis, Tennessee

Defendant _____ Defendant _____ Defendant _____

Address _____ Address _____ Address _____

on DAY _____ DATE _____ 20 _____ TIME _____ A.M./P.M. _____

to answer in a civil action brought by the Plaintiff (s) _____

for _____

Issued this _____ under _____ Dollars _____ day of _____ 20 _____

Otis Jackson, Jr, Clerk of General Sessions Court

By _____
Deputy Clerk

Atty. For Plft. _____
Address _____
Phone _____
Code No. _____
B.P.R. No. _____

JUDGMENT

Judgment for _____

_____ and Cost of suit and litigation
taxes, for which Execution may issue.

This _____ day of _____ 20 _____

Judge of Division _____

SERVICE

Came to hand same day issued and executed as commanded on _____ Came to hand same day issued and executed as commanded on _____

This _____ day of _____ 20 _____ This _____ day of _____ 20 _____

Sheriff/Process Server

Sheriff/Process Server

SEE OTHER SIDE FOR ADDITIONAL SERVICE
AND NOTICE TO DEFENDANT(S)

Came to hand same day issued and executed as
commanded on _____

Came to hand same day issued and executed as
commanded on _____

This _____ day of _____ 20 _____ This
Sheriff/Process Server

_____ day of _____ 20 _____
Sheriff/Process Server

NOTICE

TO THE DEFENDANT (S):

Pursuant to Tennessee code annotated 26-2-114, you are hereby given the following notice:
Tennessee law provides a four thousand dollar (\$4,000.00) personal property exemption from execution or seizure to satisfy a judgment. If a judgment should be entered against you in this action and you wish to claim property as exempt, you must file a written list, under oath, of the items you wish to claim as exempt with the Clerk of the Court. The list may be filed at any time and may be changed by you thereafter as necessary; however, unless it is filed before the judgment becomes final, it will not be effective as to any execution or garnishment issued prior to the filing of the list. Certain items are automatically exempt by law and do not need to be listed, these include items of necessary wearing apparel for yourself and your family and trunks or other receptacles necessary to contain such apparel, family portraits, the family Bible, and school books. Should any of these items be seized, you would have the right to recover them. If you do not understand your exemption right or how to exercise it, you may wish to seek the counsel of a lawyer.

AFFIDAVIT

To the best of my information and belief, after investigation of Defendant's employment, I hereby make affidavit that the Defendant is / is not a member of a military service.

Attorney for Plaintiff or Plaintiff

Notary Public

My Commission Expires



IN THE COURT OF GENERAL SESSIONS
SHELBY COUNTY, TENNESSEE

Plaintiff(s)

VS.

Defendant(s)

Case ID:

AFFIDAVIT OF EXEMPTION

Pursuant to T.C.A. 26-2-114, I _____,
Hereby file the following list of all the items which I own, both
constructively and actually, which I choose and declare under oath to be
exempt, along with the value of such item:

<u>ITEM</u>	<u>AMOUNT</u>
1. _____	_____
2. _____	_____
3. _____	_____
4. _____	_____
5. _____	_____
6. _____	_____
7. _____	_____
8. _____	_____
9. _____	_____
10. _____	_____
11. _____	_____
12. _____	_____

13. _____

14. _____

15. _____

Affiant

Sworn to and subscribed before me this _____ day of _____ 20__.

NOTARY PUBLIC

My commission expires: _____



SHELBY COUNTY
TENNESSEE
OTIS JACKSON
CLERK

AFFIDAVIT OF INCOME AND PROPERTY

Case Number _____

PLAINTIFF

DEFENDANT

vs.

Comes now the Defendant(s) and, subject to the penalty of perjury, makes oath and says that the following facts are true and that there is NO OTHER source of income or property other than that described below:

1. Full name: _____
 Address: _____
 Phone # _____
 Soc. Sec. No. _____
 Employer: _____
 Phone # _____

2. List all dependents:

Name	Age	Relationship
_____	_____	_____
_____	_____	_____
_____	_____	_____

3. List all income from any source:

\$ _____ per/wk /mo
 from _____:

\$ _____ per/wk /mo
 from _____:

\$ _____ per/wk /mo
 from _____:

I receive CHILD SUPPORT in the sum of
 \$ _____ per _____.

4. List all bank accounts:

ACCOUNT	BANK/SOURCE	BALANCE
Checking	_____	\$ _____
Savings	_____	\$ _____
Other:	_____	\$ _____
Other:	_____	\$ _____

5. List all debts:

CREDITOR/ADDRESS	BALANCE
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

6. List all monthly household expenses:

Rent/Mortgage: \$ _____
 Utilities: \$ _____
 Health Insurance: \$ _____
 Transportation Cost: \$ _____
 Food: \$ _____
 Clothing: \$ _____
 Other: \$ _____
 _____ \$ _____
 _____ \$ _____
 _____ \$ _____

TOTAL \$ _____

7. List all land/house/real estate/property you own:

DESCRIBE	VALUE
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

8. List all personal property/cars/trucks/
 furniture/stocks/bonds/tools/equipment you own and its total
 value:

DESCRIBE	VALUE
Cars _____	\$ _____
Trucks _____	\$ _____
Other _____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

9. List all assets/property sold or transferred in the last six
 months:

DESCRIBE	VALUE
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

10. The last income tax I filed was for _____ and it reflected
 an income of \$ _____ and I attach a copy hereto or will
 file the same within seven days.

LIST ALL PROPERTY YOU CLAIM TO BE EXEMPT
 PURSUANT TO LAW:
 All clothing for myself and my family; all receptacles for said
 clothing; family portraits; family Bible; school books; and

VERIFICATION AND OATH: Comes now the
 Petitioner(s) / Defendant(s) and makes oath, subject to the
 penalty of perjury, that the information in this Motion for
 Installment Payment is true to the best of Petitioner's
 knowledge, information and belief.
 Defendant(s) _____

Sworn to and subscribed before me on _____



SHELBY COUNTY
TENNESSEE

OTIS JACKSON
CLERK

AFFIDAVIT OF INCOME AND PROPERTY

Case Number

PLAINTIFF

DEFENDANT

vs.

Clerk/Deputy Clerk/Notary Public

Commission Expires: _____