

JUDGE THOMAS W. BROTHERS

Sixth Circuit Court

I. Brief Biography

Thomas White Brothers was appointed by Governor Ned McWherter to the Sixth Circuit Court for the 20th Judicial District of Tennessee in February 1989. He was elected in 1990 and re-elected in 1998, 2006 and 2014.

His parents were Mack and Sarah White Brothers. He was married to the late Lura Bainbridge Brothers.

He attended Parmer Elementary School and Montgomery Bell Academy in Nashville. He received a Bachelor of Arts Degree with Honors in 1973 from the University of Tennessee, Knoxville. He received his J.D. from Vanderbilt University School of Law and was admitted to the Tennessee Bar in 1977.

He served as Chief Warrant Officer for the Davidson County Sheriff's Department immediately after graduation from law school. Judge Brothers practiced law in Nashville as a solo practitioner (1978-89) in the law offices of Jack Norman.

Judge Brothers has twice served as Presiding Judge for the 20th Judicial District and has been assignment judge for the Circuit Courts from 1990 to present. He is a member of the Tennessee, Nashville and American Bar Associations. He is a member of the ABA Judicial Division's Technology Committee. He has served as a member of the Board of Directors of the Nashville Bar Association (NBA) and has served as chairman of the Minorities Opportunities Committee of the NBA. He is an emeritus Master of the Bench of the Harry Phillips American Inn of Court.

As a member of the Tennessee Judicial Conference he serves as Chairman of the Technology for the Courts Committee and is a member of the Pattern Civil Jury Instructions Committee. He is a past Secretary for the Conference.

He has served as Chair for Justice Information Services (JIS) of Nashville-Metropolitan government as well as being the Circuit Court Representative on the Policy and Operations Committees of JIS. He is a member of the Advisory Commission on Technology reporting to the Tennessee Supreme Court.

II. Preliminary General Matters

A. Scheduling

All scheduling is handled by Judge Brothers' deputy clerk, Lori Stratton, at 862-5917.

B. Correspondence with the Court

Judge Brothers prefers that all matters be communicated to the court in pleadings, notices, memoranda and briefs. If letters are absolutely necessary, the parties should file them in the Clerk's Office and they must indicate that all parties have received copies.

C. Telephone Conferences with the Court

In extraordinary situations, motions to continue and disputes during the course of depositions may be handled by telephone conference.

D. Telephone Conferences with Law Clerk

Allowed for administration, not for legal advice.

E. Pro Hac Vice Admission

Pro Hac Vice Admission permitted by Motion.

F. Audio-Visual Court Recording

The official record of the 6th Circuit Court is the audio-visual recording made by the Court. DVD Copies will be made available immediately after a proceeding to any party requesting it. Copies can be provided at later dates as well. Copies cost \$50.00 each if ordered the day of the proceeding or \$100.00 each if ordered at a later date.

The Court encourages parties to prepare an appendix to any appeal with a transcription of the pertinent portions of the proceeding being challenged. The transcription does not have to be prepared by a court reporter. Citations to the record should be in the following format: **“month/day - hour/minute/second”** using the on screen date/time stamp. Some panels of the Court of Appeals request a full transcription.

III. Pretrial Matters - Civil Cases

A. Scheduling Orders

Parties are required to enter Scheduling Orders when setting cases for trial if not already done.

B. Continuances and Extensions

1. Extensions of Scheduling Order deadlines are generally granted if requested *before* the deadline has passed and there is no unfair prejudice to the opponent.
2. Trial continuances granted only upon showing of just cause, supported by affidavit. Parties may not agree to continue without Court permission.

C. Pretrial Motions

1. Motion Docket is heard on Fridays at 9:30 AM. Each side is limited to twenty (20) minutes for oral argument unless leave of court is granted.
2. Motions in Limine - If numerous, contact the court about setting up a hearing to have them heard before the morning of trial. This will allow for prompt jury selection on the morning of trial.
Objections to deposition testimony must be filed at least five (5) days in advance of trial.
3. Reply briefs - Allowed
4. Late filings - Sometimes accepted, not encouraged.

D. Discovery

1. Discovery Period and Extensions
SEE III(B) above. Discovery should commence as soon as case is at issue.
2. Interrogatory Responses
Clear questions warrant clear answers
3. Resolution of Discovery Disputes
Parties must submit a statement that the parties have attempted in good faith to resolve the dispute, in accordance with Local Rule 22.08, before the Court will hear any discovery dispute. Genuine effort to resolve any dispute is required.
4. Depositions
Should be set by agreement. Notice should then be sent to confirm.

IV Trial Procedure

A. Scheduling

Central Assignment System unless specifically exempted.

B. Witnesses

Witnesses can be heard out of order with permission of Court

C. Motions in Limine

On *Evidentiary* matters, not intended to be dispositive of issues.

D. Courtroom Decorum

Attorneys must stand when speaking. Attorneys must introduce themselves to the Court when they first speak. Attorneys must ask permission before approaching witness for any purpose. Attorneys are not required to stand at podium. Attorneys are to address the Court and may not engage in exchanges with opposing counsel.

E. Voir dire

Challenges for cause must be made orally before peremptory challenge slips submitted.

Only one round of voir dire, you are permitted to back strike

F. Note taking by Jurors

Encouraged

Juror questions are allowed.

G. Exhibits

Use of technology encouraged

Court normally marks them unless more than 20. Numbered consecutively.

H. Side Bar Conferences

True sidebars are allowed but not encouraged. Court prefers jury out hearings.

I. Deposition Reading

The entire deposition does not have to be read

When reading part of a deposition, cite page and line number

J. Exhibits / Handouts for Jurors

Use of technology encouraged

Copies of documents for jurors encouraged.

Bates number all exhibits/documents

K. Proposed Jury Instructions and Verdict Forms

Submit first day of trial or as directed by Court.

L. Jury Deliberation

1. Copy of Instructions
Given to jury
2. Access to Exhibits
If any asked for, all made available to jury
3. Access to Video Transcript
Allowed if asked for, the request must be for a specific piece of testimony
Jury will review the video transcript in jury room
4. Availability of Counsel
Be within five minutes, if outside the courthouse - leave a phone number with law clerk
5. Polling the Jury
Allowed
6. Interviewing the Jury
Allowed after Judge Brothers has spoken with the jurors after the trial.
If a juror expresses a desire to not talk, that ends the conversation.