

SPECIAL MASTER MARY ASHLEY NICHOLS
Room 501

I. Brief Biography

Mary Ashley (Marsh) Nichols was appointed Special Master for the Davidson County Circuit Courts in January, 1998. She was born September 9, 1956 in Jackson, Mississippi. She holds a B.A. in Communication from Mississippi State University (1979) and a J.D. from the Nashville School of Law (1988). She practiced with the law firm of Parker & Allen from 1988 to 1995 when she took maternity leave. She served as law clerk to the Honorable Hamilton Gayden from August, 1996 to the time she received this appointment.

II. Preliminary General Matters

The special master position was created by T.C.A. section 17-2-123 (Full-time master in certain counties), which confers the powers set out in Rule 25 and T.C.A. section 17-2-118 (Substitute judges).

The special master, essentially, wears three hats:

- Substitute Judge
- Special Judge
- Special Master

The Special Master will sit as substitute judge for the circuit court judges from time to time. The Special Master is appointed as Substitute Judge pursuant to T.C.A. section 17-2-118 and order of the particular court. All orders must reflect that the case came on to be heard by the Honorable Mary Ashley Nichols, Substitute Judge for the Honorable (FILL IN THE BLANK) pursuant to T.C.A. section 17-2-118 and upon Order of Judge (FILL IN THE BLANK).

The Special Master also may sit as special judge by agreement of the parties. All orders must reflect that she is sitting by agreement of the parties.

As Special Master, recommendations are made to the trial judge. Pursuant to Rule 25, upon Order of Reference, she makes findings of facts and conclusions of law for the court.

The Special Master also calls the non-jury docket each month. The non-jury docket call is held in the Third Circuit Court and begins promptly at 9:00 a.m. Upon the call of your case, please stand, identify yourself, inform the court of the number of witnesses, the number of depositions, if any, whether all witnesses are present, the expected length of trial and whether there is any reason that this case cannot go to trial immediately. Cases will be assigned to the available courts. Workers Compensation cases always receive priority in daily scheduling.

The Special Master conducts status conferences for Second and Eighth Circuit Courts. [See V. below].

III. Correspondence

All pleadings, notices, motions, etc. should be filed with the Circuit Court Clerk's office, which will direct the document to the secretary of the appropriate court, who then will contact the special master. Please note that the special master is hearing the case. **DO NOT DELIVER THE ORIGINAL TO THE SPECIAL MASTER'S OFFICE.** The special master appreciates complimentary copies delivered to her office.

The Special Master's mailing address is 611 Metro Courthouse, Nashville, Tennessee 37201.

IV. Telephone Conferences

The Special Master's telephone number is 880-2555. Please contact her directly to schedule any matters EXCEPT matters which she is hearing as special or substitute judge. To schedule those matters, contact the secretary of the particular court for which she is sitting. Assume the matter will be heard in the courtroom to which it is assigned unless you are notified differently.

The Special Master strongly encourages members of the Bar to contact her with any matters pertaining to the Circuit Courts. If she cannot assist you directly, she may be in the position to refer you to the proper person. Do not hesitate to call.

V. Case Management/Status Conferences

The Special Master conducts case management/status conferences for Second and Eighth Circuit Courts. Attendance is mandatory unless prior arrangements have been made with the Special Master. Out of county attorneys are permitted to attend by telephone so long as arrangements are made prior to the conference. You may not enter an agreed scheduling order to avoid the status conference.

The first conference is held four to six months after filing the complaint. You will receive an initial notice from the court scheduling the conference. Please make every effort to accommodate the Court by keeping this schedule. If you cannot attend, please do not send an associate unless the associate is familiar with the file and can agree upon scheduling, trial v. Mediation track, etc. A follow-up conference will be scheduled at an agreed time after the initial conference. If you must reschedule the INITIAL conference, this is the procedure for the individual court:

Second Circuit: Contact the Special Master at 880-2555. She will give you a new date and time. It is your responsibility to notify opposing counsel and to draw the order. Please place a signature line for Judge McClendon and a signature line for the Special Master on the document.

The procedure during the informal conferences is as follows:

The Special Master will ask the procedural history of the case and the status of discovery. She will want to know the issues as to liability, causation and damages. She will want to know whether the attorneys believe the case should be on an ADR or a trial track and if there is any reason the case cannot be resolved within 12 months of filing. She will seek to enter a scheduling order with an eye to ADR unless counsel disagrees. Counsel who disagree with the recommendation of the Special Master to the court are encouraged to file a motion to place the issue before the court.

Please do not fail to appear at a status conference. Always assume the conferences will be held in the jury room of the individual courts unless notified differently by notice placed outside the courtroom. All conference calls should be placed to the particular judge's chambers and not to the special master's office, unless advance arrangements are made. Never wait until the date and time of the conference to notify the special master you cannot attend as this inconveniences opposing counsel.