

## **I. Brief Biography**

C. David Briley presides over the First Circuit Court in Davidson County, Tennessee. He was elected in August of 2022.

Prior to being elected, Judge Briley primarily engaged in personal injury and products liability, commercial and class action litigation. He represented clients in a wide variety of matters in state and federal court in Tennessee and California. Immediately prior to joining the bench he was an attorney at Spencer Fane Bone McAllester. He is a Master of the Bench member of the Harry Phillips American Inn of Court.

Judge Briley previously served as an At-Large Member, and Vice Mayor of the Metropolitan Council of Nashville and Davidson County. During that service, he focused on ethics, budget, solid waste and government efficiency issues. He also served as the City's 7<sup>th</sup> Mayor where he championed efforts to make Nashville a more equitable city, focusing on eliminating racial disparities in educational, housing, and socio-economic systems.

An eighth generation Nashvillian, Judge Briley graduated from Montgomery Bell Academy in 1982 and then moved to Washington, D.C. to attend Georgetown University. Following graduation, he lived in Latin America, where he worked on a volunteer project, taught English and became fluent in Spanish. He earned his JD at Golden Gate University School of Law 1995.

## **II. Preliminary General Matters**

### **A. Familiarity with Local Standards**

Judge Briley expects all attorneys who appear before him to be familiar with, and to abide by, all local rules, standing orders, and local standards of practice and civility.

### **B. Correspondence with the Court**

Scheduling of matters outside normally scheduled dockets may occur by telephone with the Judge's judicial assistant at 615.862.5901 or in any manner directed by the Court. Otherwise, Judge Briley prefers that all communication be by pleadings, notices, memoranda, and briefs. Written correspondence should not replace or augment pleadings, motions, or other papers that may be filed with the Court.

### **C. Telephone Conferences**

With advance approval of the Court, remote participation in hearings is permissible. Judge Briley may conduct emergency motions remotely whenever it is necessary or appropriate.

### **D. *Pro Hac Vice* Admission**

The Court follows Tennessee Supreme Court Rule 19 if a lawyer not licensed to practice law in Tennessee wishes to appear or participate in a proceeding before the court *pro hac vice*.

## **III. Case Management**

### **A. Matters to Be Tried by a Jury**

In jury cases, the First Circuit Court will schedule an in-person Case Management Conference with Judge Briley typically within 6 months from the date the case was initially filed. A Scheduling Order will be entered at the Case Management Conference. Any modifications to original Scheduling Orders must be approved by Order of the Court even if agreed to by the parties. Remote participation is allowed on a case by case basis if sought sufficiently in advance of the Conference. Once a case is set for trial, the parties must file a motion for the Court to consider rescheduling the trial.

#### B. Matter to Be Tried without a Jury

The Plaintiff in non-jury matters must set the matter for trial in compliance with the time limitations set forth in the Local Rules. If the parties are in agreement that the matter should be set and that it will take one day or less to try, they may reach out to the Court to obtain dates *in lieu* of appearing at the regular Friday Motion Docket. For matters that will take more than a day, the parties should appear at the Friday Motion Docket on a Motion to Set where the Court will determine if a Case Management Order is required in the context of selecting a date for trial. Once a case is set for trial, the parties must file a motion for the Court to consider rescheduling the trial.

### IV. Motions

#### A. Motion Dockets

Parties filing and responding to motions in First Circuit should comply with Rule § 26. First Circuit's Motion Docket is heard on Fridays at 9:00 a.m.

#### B. Expedited Hearing of Motions

If the parties have agreed to an expedited hearing of a motion, they may call the Court at 615.862.5901 to see when the Court is available for a hearing. To schedule a motion on an expedited basis without the agreement of the parties, the moving party must file a Motion for an Expedited Hearing and attach the underlying motion. The party shall also E-file a Proposed Order granting the Motion for Expedited Hearing, leaving the date blank for the Court to complete. The Motion for Expedited Hearing should explain why Local Rule § 26.03(a) or (b) should be waived. If Judge Briley grants the Motion for Expedited Hearing, he will enter an Order and schedule a hearing on the underlying motion. All parties will be notified of the expedited hearing date by email or telephone.

#### C. Motions *in Limine*

Motions *in limine* should generally be filed pursuant to Local Rule § 30 and set according to the Case Management Order or Scheduling Order.

#### D. Motions with Late Responses

Late responses will be considered by the Court, at its discretion, based upon a showing good cause. If the parties agree to allow a non-movant to respond late to a motion, the Court will consider the late response.

#### E. Filing Orders

- i. Proposed Orders

A Proposed Order should be filed by the party designated by the Court, or by the moving party in an unopposed motion, within seven (7) calendar days of the motion hearing, pursuant to Local Rule § 33.01(a).

ii. Objections

If the opposing side objects to the language contained in the Proposed Order, the Court must be notified of the objection within three (3) calendar days of the Proposed Order's submission. A competing Proposed Order must be submitted for the Court's consideration within seven (7) calendar days of the objection.

## V. Trial Procedures

A. Out-of-Town Parties, Witnesses, or Attorneys

If there is a request to be heard out of order, the Court will reasonably accommodate the parties.

B. Courtroom Decorum

i. Attorneys shall treat each other with respect.

ii. Counsel should stand when speaking at counsel table.

iii. Please use the podium when addressing the Court.

iv. Please ask permission before approaching Judge Briley or a witness.

iv. Please wait for the court officer to come forward and receive exhibits. The court officer will pass exhibits to Judge Briley and witnesses.

v. Requests to deviate from this guidance is welcomed to accommodate the specific needs of counsel

C. *Voir Dire*

Typically, the full panel of potential jurors are seated in the jury box and in the gallery. Judge Briley will conduct a short preliminary *voir dire* of all potential jurors. The parties will then address questions to the 14 jurors seated in the jury box. After the parties have addressed the first group of jurors in the box, they should address only the newly seated jurors who replace the excused jurors. You may use your challenges per party against any juror until your challenges are exhausted. Back striking is permitted.

D. Notetaking by Jurors

Notetaking by jurors is encouraged. Pen and paper are provided. Jurors may take their notes into the jury room for deliberation.

E. Opening Statement

Opening statements should not exceed a reasonable time based upon the complexity of the case.

F. Exhibits

The use of courtroom technology is encouraged when presenting exhibits. Once entered, the Courtroom Clerk for the First Circuit will label all trial exhibits.

#### G. Closing Argument

Closing argument should not exceed a reasonable time based upon the length and complexity of the case.

#### H. Side Bar Conferences

Judge Briley will hold side bar conferences to avoid having the jury leave the courtroom unless it is a complicated matter that will take considerable time.

#### I. Proposed Jury Instructions and Verdict Forms

Proposed jury instructions and the verdict form should be provided to the Court no later than three (3) business days in advance of trial. A jury charge conference will be held with the attorneys to discuss the jury instructions and verdict form. Jurors are allowed to refer to a copy of the instructions and the verdict form in the jury deliberation room.

#### J. Jury Deliberations

i. Jury deliberations are conducted in the Jury Room.

ii. A copy of the jury instructions and verdict form are provided to the jurors. The jury is immediately given all exhibits admitted into evidence.

iii. Jurors do not have access to depositions during deliberations.

iv. Counsel do not need to remain in the courthouse during jury deliberations but must remain reasonably close and must let the court officer know how they can be contacted.

v. Jury questions shall be submitted to Judge Briley who will communicate with counsel prior to responding to jurors unless the question is purely logistical.

#### K. Technology

The parties should contact the Court to arrange for an opportunity to familiarize themselves with the Court's technology before trial and be fully prepared in that regard on the morning of trial.

### **VI. Final Orders**

All final judgments must contain language taxing court costs as designated by the parties involved in the case. The Clerk may refuse to enter any proposed final judgments or compromise and settlement orders until such language is added and court costs are paid.