

TO: ATTORNEYS AND SUPPORT STAFF
CC: CIRCUIT COURT CLERK AND DEPUTY CLERKS
FROM: EIGHTH CIRCUIT COURT
DATE: DECEMBER 20, 2024

COURT APPROVED SETTLEMENT PROCEDURES

The Davidson County Circuit Court Clerk’s Office recently implemented electronic filing for Court Approved Settlements. Attached hereto are step-by-step instructions for e-filing a new Court Approved Settlement.

Effective January 1, 2025, the following procedures shall be in place for Settlement Approvals in the Eighth Circuit Court:

(a) **Settlement Involving a Minor – Following Litigation.** This subsection (a) shall govern court approval of a settlement involving a minor, pursuant to Tenn. Code Ann. § 29–34–105, for all actions commenced pursuant to Tenn. R. Civ. P. 3 by the filing of a complaint.

(1) *Motion.* The parties shall file a motion for approval of a settlement involving a minor among the papers in the case with the Circuit Court Clerk.

(2) *Hearing.* The motion shall be heard by the Circuit Court to which the case was assigned.

(i) Settlements that do not require a hearing under Tenn. Code Ann. § 29–34–105 may be reviewed on the pleadings and may not require a hearing. If filed in the Eighth Circuit Court, the parties should file the motion for approval of the settlement and a proposed order to be reviewed on the pleadings. If filed in another Court, the parties should contact that Court’s staff for further instruction.

(b) Settlement Involving a Minor – Prior to Litigation. This subsection (b) shall govern court approval of a settlement involving a minor, pursuant to Tenn. Code Ann. § 29–34–105, for all disputes in which no complaint has been filed.

(1) *Petition.* The parties shall file a petition for approval of a settlement involving a minor with the Circuit Court Clerk as a court approved settlement. The petition shall contain:

- (i) a brief statement of facts regarding the underlying claim and dispute;
- (ii) the initials of the minor, consistent with Local Rule § 6.06;
- (iii) the age of the minor at the time of the transaction or occurrence giving rise to the dispute and settlement, consistent with Local Rule § 6.06; and
- (iv) the terms of the settlement, including, but not limited to, recitation of the entire settlement amount, any liens or subrogation interests, attorney’s fees, attorney’s case expenses, the amount to which the minor is entitled, and any other terms.

(2) *Notice.* A notice shall be filed, either with the petition or as a separate document, to set the matter for hearing. The notice, accompanied by a certificate of service, must be served on all parties at least three (3) days before the date of the hearing. The Eighth Circuit Court hears Settlement Approvals on Thursdays at 10:30 a.m. A calendar of available dates for approval of settlements involving minors before the Eighth Circuit Court is available on the Circuit Court Clerk’s website. If a special setting is needed, the parties may contact the Eighth Circuit Court to select a date.

(i) Settlements that do not require a hearing under Tenn. Code Ann. § 29–34–105 may be reviewed on the pleadings and may not require a hearing. The parties should file the motion for approval of the settlement and a proposed order to be reviewed on the pleadings.

(3) *Hearing.* The petition shall be heard by the Eighth Circuit Court. At least one parent or legal guardian must attend the hearing. However, the Eighth Circuit Court, in its discretion, excuses the minor from attending the hearing. Defense counsel does not need to attend the hearing when the petition and proposed order are agreed and signed by the parties.

(c) **Attorney’s Fees.** Any request for attorney’s fees shall be accompanied by a sworn affidavit describing the reasonableness of the fee requested by addressing the factors listed in Tenn. S. Ct. R. 8, RPC 1.5 and *Wright ex rel. Wright v. Wright*, 337 S.W.3d 166 (Tenn. 2011).

(d) **Guardian ad Litem.** In the event a minor or incompetent person is not represented by counsel, the court may require a guardian ad litem be appointed for the person if the court is not satisfied with the proposed settlement, and in that event, the fee of said guardian ad litem will be taxed as part of the costs.

(e) **Settlements Involving Worker’s Compensation.**

(1) *Petition.* The parties shall file a petition for approval of a settlement involving a worker’s compensation claim with the Circuit Court Clerk as a court approved settlement.

(2) *Notice.* A notice shall be filed, either with the petition or as a separate document, to set the matter for hearing. The notice, accompanied by a certificate of service, must be served on all parties at least three (3) days before the date of the hearing.

The Eighth Circuit Court hears Settlement Approvals on Thursdays at 10:30 a.m. A calendar of available dates for approval of settlements involving a worker's compensation case before the Eighth Circuit Court is available on the Circuit Court Clerk's website. If a special setting is needed, the parties may contact the Eighth Circuit Court to select a date.

- (3) *Hearing*. The petition shall be heard by the Eighth Circuit Court. The petitioner-employee is required to attend the hearing unless the petitioner-employee submits an affidavit containing a waiver of presence.
- (f) **Proposed Order**. Any petition filed pursuant to these procedures shall be accompanied by a proposed order consistent with Local Rule § 33. For settlements involving a minor, the proposed order shall state where the settlement proceeds will be held until the minor reaches the age of majority.

- (1) *Davidson County Clerk of Court Interest-Bearing Account*. It is the standard practice of the Court to place the remaining Minor Settlement funds directly into an interest-bearing account with the Davidson County Circuit Clerk of Court until the minor reaches the age of majority.
- (g) **Interpreters**. The Eighth Circuit Court follows Tennessee Supreme Court Rule 42 and the AOC guidelines which state an interpreter shall be a court-appointed, state certified court interpreter, if one is reasonably available.

- (1) The parties may request a state registered court interpreter if a state certified court interpreter cannot be located. A non-credentialed court interpreter may only be utilized if neither a state certified court interpreter nor a state registered court interpreter is available and pursuant to Tenn. Sup. Ct. R. 42, § 3(d) and (e).

(2) Parties shall request State Trial Court Interpreter Services at <https://trialcourts.nashville.gov/interpreter/>.

(3) To locate a state certified court interpreter or a state registered court interpreter, parties can refer to the court interpreter roster on the AOC's website: <https://tncourts.gov/programs/court-interpreters/find-court-interpreter>.

(4) Should the parties be unable to secure a state certified court interpreter or a state registered court interpreter pursuant to Tenn. Sup. Ct. R. 42, the parties must notify the Court prior to the hearing.

(h) **Remote Testimony.** All parties shall make requests for Remote Testimony according to the Eighth Circuit Court's policies and procedures.

(i) **Eighth Circuit Court Staff.**

Holly Vila: Judicial Assistant
(615) 880-2591
HollyMVila@jnsnashville.gov

John Roberts: Law Clerk
(615) 880-2591
JohnRoberts@jnsnashville.gov

Emily Sanders: Staff Attorney
(615) 880-2592
EmilyASanders@jnsnashville.gov

To File a Court Approved Settlement

- Select NEW CASE in the efile system.

The screenshot shows the efile system's home page. At the top, there is a navigation bar with tabs for Home, eFile, Cases, My Profile, and Log Out. Below the navigation bar, the word 'Home' is displayed. A list of menu items is shown, each with a button and a description. The 'New Case' button is highlighted in yellow. The other items are: Existing Cases (Perform case actions: eFile, Search, View History, Service List), My Filings (Check the status of my filings), Draft Filings (11) (Finish filing an incomplete filing), Notifications (213) (Review your Notifications), and View Queues (7) (List of entries in my queues).

Button	Description
New Case	File new case
Existing Cases	Perform case actions: eFile, Search, View History, Service List
My Filings	Check the status of my filings
Draft Filings (11)	Finish filing an incomplete filing
Notifications (213)	Review your Notifications
View Queues (7)	List of entries in my queues

- Select CIRCUIT

Jurisdiction

	Description
Circuit	Circuit - Mental Health General Sessions - Civil (Small Claims Court) General Sessions - Mental Health Probate

- Select SETTLEMENT

Case Category

Description
ADOPTION/TERMINATION OF PARENTAL RIGHTS
APPEAL (GENERAL SESSIONS/JUVENILE CT.)
CHILD SUPPORT ENFORCEMENT FILINGS
CIVIL
CIVIL (FILED ON COSTBOND)
CONDEMNATION
DISTRESS WARRANT
DOMESTIC/DIVORCE
FOREIGN COURT SUBPOENA
HOSPITAL LIEN
MISCELLANEOUS
ORDER OF PROTECTION
SETTLEMENT (file same-day approvals w/8th Circuit)
TRANSFERS - CIVIL/PROBATE
TRANSFERS - DOMESTIC

[E-Filing Manual](#) [E-Filing Rules](#) [Circuit Local Rules](#) [GS-Civil Local Rules](#) [Probate Local Rule](#)

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- Select COURT APPROVED SETTLEMENT

[Home](#) ⇒ [New Case Filing: Jurisdiction](#) ⇒ [Case Category](#) ⇒ [Case Type](#)

Case Type

Description
COURT APPROVED SETTLEMENT
COURT APPROVED SETTLEMENT - FILED BY METRO
STRUCTURED SETTLEMENT APPLICATION
WORKERS COMPENSATION SETTLEMENT
WORKERS COMPENSATION SETTLEMENT - FILED BY METRO

[Back](#)

- From this screen, you will be able to enter the plaintiffs and defendants.
 - Be sure that ALL parties listed in the style of the case are added.

Case Initiation: COURT APPROVED SETTLEMENT

Suit Amount

Jury Demand

Add Case Participants

Add Plaintiff

Add Defendant

Remove

Participant Name

Back

Save to Draft

Next

- To add a minor as an ON BEHALF OF, select the ALIAS option to the right of the screen under Add Aliases.
- Choose the appropriate type from the drop-down menu, enter the minor's name and

Plaintiff/Petitioner

Company Person

Party Type:

Name Prefix:

First Name: *

Middle Name:

Last Name: * (or Business Name)

Name Suffix:

Main Address: US International Unknown Address

Address Line 1: *

Address Line 2:

City: *

County:

State: *

Zip / Postal Code: *

[Next](#)

Add an Attorney for this Party

Last Name Bar # Type

Add

Add Aliases

Type First Name Middle Name Last/Business Name

Add

Add Alias

Business Person

Type

First Name

Middle Name

Last/Business Name *

Cancel Save

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- Select NEXT and continue adding all parties.
- Once all parties have been added, click NEXT.

- The efilings system will default to the appropriate petition code for a minor settlement. The document type will read COURT APPROVED SETTLEMENT. Upload the petition here.

Case Type : COURT APPROVED SETTLEMENT

Document Category

Document Type *

Additional Text

Sealed Confidential

Acceptable File Format Type(s) (*.pdf)

Document Location No file chosen

Add to Submission

Document Name	View Document	On Behalf of	Edit Data
Case Data	form.xml		<input checked="" type="checkbox"/>

Total Size: 0.0 MB

[E Filing Manual](#) [E Filing Rules](#) [Circuit Local Rules](#) [CC Civil Local Rules](#) [Probate Local Rules](#) [Document Policy](#) [Case](#)

- Once the petition is uploaded, the rest of the documents can be uploaded.

Case Type : COURT APPROVED SETTLEMENT

Document Category

Document Type *

Additional Text

Sealed Confidential

Acceptable File Format Type(s) (*.pdf)

Document Location No file chosen

Add to Submission

Document Name	View Document	On Behalf of	Edit Data	Size	Remove
Case Data	form.xml		<input checked="" type="checkbox"/>		
COURT APPROVED SETTLEMENT	1727888856031-312.pdf	SOME COMPANY:DEFENDANT		0.12 MB	
EXHIBIT AS COLLECTIVE EXHIBIT	1727888856031-312.pdf	SOME COMPANY:DEFENDANT		0.12 MB	
AFFIDAVIT FOR ATTORNEY FEES	1727888856031-312.pdf	SOME COMPANY:DEFENDANT		0.12 MB	
ORDER- GENERAL (PROPOSED) FOR APPROVAL OF MINOR SETTLEMENT	1727888856031-312.pdf	SOME COMPANY:DEFENDANT		0.12 MB	

Total Size: 0.48 MB

TO FILE THE NOTICE TO SET THE SETTLEMENT, FOLLOW THE INSTRUCTIONS BELOW. THIS IS THE ONLY WAY TO BYPASS THE 14 DAY RULE TO SET A HEARING ON THE SETTLEMENT DOCKET

The notice to set a settlement should be filed as a NOTICE TO SET SETTLEMENT. This option can be found under both the CIVIL SETTLEMENT DOCUMENTS CATEGORY or under the NOTICE category.

The document type will be NOTICE TO SET SETTLEMENT.

Davidson County Circuit Court Clerk
Joseph P. Day, Clerk
Circuit / General Sessions / Probate
efiling
user: Chelsia Follett

Home eFile Cases My Profile Log Out
Home » Cases » Add a Document

Case Number : 24CS1 Case Title : HOLLIDAY V ROLFSEN

Case Type : COURT APPROVED SETTLEMENT

Document Category CIVIL SETTLEMENT DOCUMENTS

Document Type * NOTICE TO SET SETTLEMENT (ONLY HEARD ON THURSDAYS)

Additional Text

Sealed Confidential Associate to Previous Filing

Acceptable File Format Type(s) (*.pdf)

Document Location Choose File No file chosen

Add to Submission Add

Document Name	View Document	On Behalf of	Edit Data	Size	Remove
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Back Move to Draft Next

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Home eFile Cases My Profile Log Out
user: Chelsia Follett

Home » Cases » Add a Document

Case Number : 24CS1 Case Title : HOLLIDAY V ROLFSEN

Case Type : COURT APPROVED SETTLEMENT

Document Category NOTICE

Document Type * NOTICE TO SET SETTLEMENT (ONLY HEARD ON THURSDAYS)

Additional Text

Sealed Confidential Associate to Previous Filing

Acceptable File Format Type(s) (*.pdf)

Document Location Choose File No file chosen

Add to Submission Add

Document Name	View Document	On Behalf of	Edit Data	Size	Remove
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Back Move to Draft Next

E-Filing Manual E-Filing Rules Circuit Local Rules GS-Civil Local Rules Probate Local Rules Payment Policy Support

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This will upload the PDF notice to the filing. This will bypass the typical 14 day rule and allow settlements to be set up until noon the Monday before the hearing.

After all the pleadings have been uploaded to the efile system, hit NEXT and follow the prompts to pay the \$159.50 filing fee and file the settlement with the Circuit Court Clerk's Office.