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@jisnashville.gov

John Roberts: Law Clerk

(615) 880-2591

JohnRoberts@jisnashville.gov

Emily Sanders: Staff Attorney

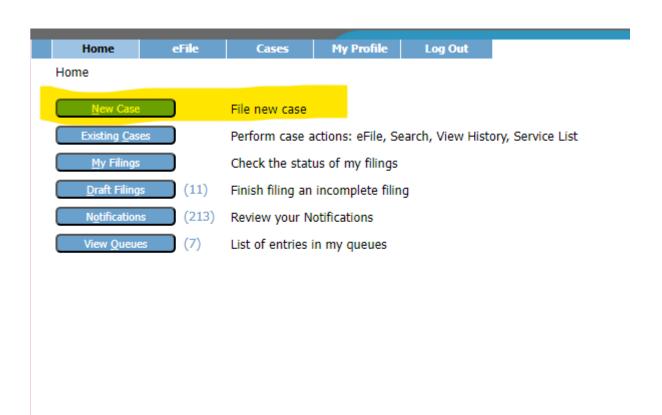
(615) 880-2592

EmilyASanders@jisnashville.gov

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To File a Court Approved Settlement

• Select NEW CASE in the efile system.



• Select CIRCUIT

Jurisdiction

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

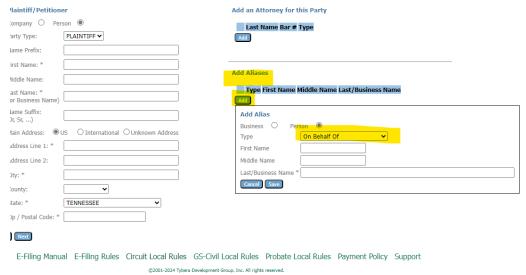
WORKERS COMPENSATION SETTLEMENT - FILED BY METRO

Back

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

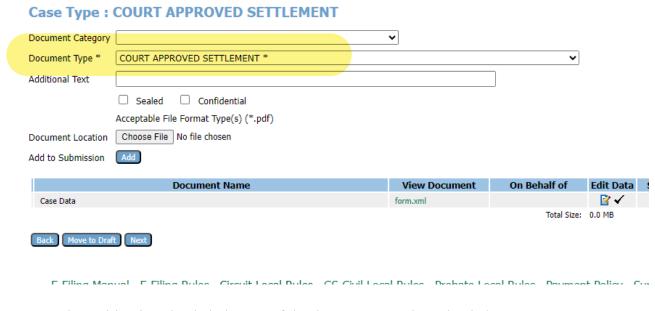
Case Initia	ation: COURT	APPROVED SET	TLEMENT
Suit Amount [
Jury Demand			
Add Case Part	icipants Add Plaintif	Add Defendant	
Remove	Parti	cipant Name	
Back Save to	Draft Next		

- 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

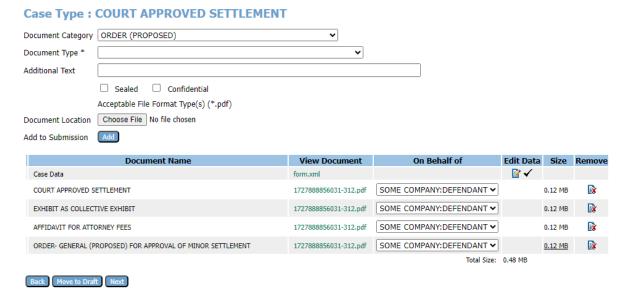


- Select NEXT and continue adding all parties.
- Once all parties have been added, click NEXT.

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



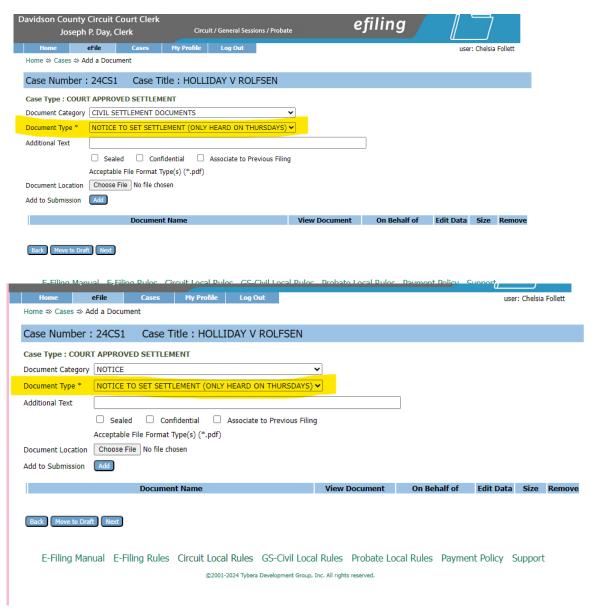
• Once the petition is uploaded, the rest of the documents can be uploaded.



^{*}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.



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 effle 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.