

Supreme Court of Kentucky

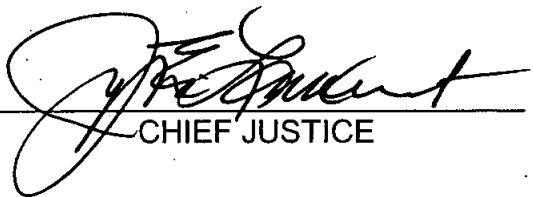
ORDER

IN RE: ORDER APPROVING AMENDMENTS TO THE LOCAL RULES OF PRACTICE FOR THE 55TH JUDICIAL CIRCUIT, BULLITT CIRCUIT COURT

Upon recommendation of the Judges of the 55th Judicial Circuit, Bullitt Circuit Court, and being otherwise sufficiently advised,

The amendments to the Local Rules of practice for the Bullitt Circuit Court are hereby approved. This order shall be effective as of the date of this Order, and shall remain in effect until further orders of this court.

Entered this the 31 day of October, 2007.


CHIEF JUSTICE

COMMONWEALTH OF KENTUCKY
BULLITT CIRCUIT COURT
DIVISION ONE

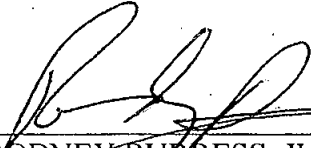
ORDER SETTING RULES OF COURT PRACTICE AND PROCEDURE

IN RE: COURT PRACTICE AND PROCEDURE OF THE BULLITT
CIRCUIT COURT, DIVISION ONE (1)

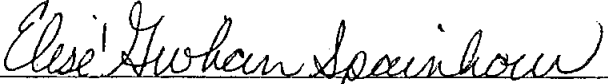
IT IS HEREBY ORDERED:

These Rules of Court Practice and Procedure of the Bullitt Circuit Court are adopted pursuant to SCR 1.040(3)(a), R.Cr. 13.02 and other applicable law and shall apply after _____, 2007, to all civil and criminal matters filed or pending subsequent to certification by the Honorable Chief Justice of the Commonwealth of Kentucky as required by law. All former rules, orders and memoranda of these courts are repealed effective this date. Additional Rules of Practice may be adopted as needed from time to time in the direction of the courts and the foregoing Rules may be amended, deleted or added to as decreed.

This 24th day of September, 2007.



RODNEY BURRESS, JUDGE
BULLITT CIRCUIT COURT, DIVISION ONE
CHIEF ADMINISTRATIVE JUDGE



ELISE GIVHAN SPAINHOUR, JUDGE
BULLITT CIRCUIT COURT, DIVISION TWO
FAMILY COURT

BCR 100 – APPLICABILITY OF RULES

These Court Practice and Procedure Rules, and the Kentucky Rules of Civil or Criminal Procedure and other law, in so far as applicable directly or by analogy, shall govern civil and criminal proceedings in the Bullitt Circuit Court unless the same conflict with any statute or other law of the United States or the Commonwealth of Kentucky, or rule and/or order the Supreme Court, Commonwealth of Kentucky, at any time legally adopted, in which event any such statute, law, rule or order shall at all times prevail. All local court rules presently in effect in the 55th Judicial Circuit are hereby repealed effective _____, 2007.

BCR 110 – CITATION OF RULES

These rules may be cited by the Abbreviation “BCR” for Bullitt Circuit Rule followed by the appropriate rule number.

BCR 120 – STYLE OF PLEADINGS

All pleadings shall be on 8 1/2 " x 11" white paper. The headings of all pleadings and legal papers in all civil and criminal cases shall be styled at the beginning and center of the first page as follows:

COMMONWEALTH OF KENTUCKY
BULLITT CIRCUIT COURT
DIVISION _____
NO. 07-CI-_____ (in civil action)
OR
NO. 07-CR-_____ (in criminal action)

BCR 130 – ORGANIZATION OF BULLITT CIRCUIT COURT

Rule 130.10 DIVISIONS OF COURT

The Bullitt Circuit Court is a Court of continuous session, and the Court shall consist of numbered divisions, namely:

Division One

Division Two, Family Court

The Division Two, Family Court, has adopted its own set of local rules. The rules set forth herein shall govern Division One and Division Two when it is not sitting as a family court.

Rule 130.20 TYPES OF CASES IN EACH DIVISION

The judge of Division One shall hear criminal and civil cases and appeals. The judge of Division Two shall hear family court cases as provided for in KRS 23A.010 and appeals as set forth in these rules.

Rule 130.30 OTHER DIVISIONS

The judge of a division may preside and hear and determine any case or question in any other division when requested to do so by the judge of that division or when the judge of that division is absent from the county or is not available. Where Division Two, Family Court disqualifies for any reason and the matter involves an issue where District Court has concurrent jurisdiction with Division Two, Family Court, that matter shall be transferred to the appropriate District Court with Division One of Circuit Court acting as the appellate court.

BCR RULE 140 – ASSIGNMENT OF CASES

All cases not assigned to Division Two, Family Court, shall be assigned to Division One.

Rule 140.10 APPEALS TO CIRCUIT COURT

All criminal appeals shall be assigned to Division One. All other appeals shall be assigned randomly between Division One and Division Two.

BCR 200 – MOTION PRACTICE

Rule 200.10 MOTION HOUR TIME

(a) Excepting legal holidays, and unless otherwise ordered by this Court, the times for motion hour are as follows:

Division One:

Civil Motion Hour - Monday at 9:00 am

Criminal Motion Hour - Monday at 10:00 am

(b) The Court shall follow the holiday schedule of the Kentucky Administrative Office of the Courts and shall be closed on those holidays.

(c) Any motion noticed for a Monday which is a holiday shall be automatically scheduled by the Circuit Clerk for the Tuesday following the holiday if a motion hour is to be scheduled for that Tuesday. If no motion hour is set for the following Tuesday it shall be the responsibility of the party filing the notice to re-notice the motion for a regular motion hour.

(d) There shall be no motion hour during the week of the Judicial College.

(e) If the court is closed for other unforeseen reason (i.e. inclement weather) the motion hour shall be passed to the next available motion hour.

(f) The Circuit Judge may, upon notice, cancel or change the time for the hearing of motions at their discretion.

Rule 200.20 MOTION HOUR TIME - SPECIAL CIRCUMSTANCES

(a) Any motion accompanied by an Agreed Order and any Motion for default judgment (if no party is entitled to notice) may be filed with the Clerk and sent by the clerk to the presiding Judge for signature. If the Court determines a hearing is necessary a hearing date will be assigned at the motion hour.

(b) Motions including motions of Temporary Restraining Orders, involving an emergency which will cause irreparable harm or injury to persons or to property by delay in waiting for the next scheduled motion day may be heard by the court as the court's schedule permits and with prior approval of the court.

(c) Counsel in civil cases shall have the duty to make a good faith effort to resolve by agreement among themselves any disputes which arise in the course of discovery. No motions pertaining to discovery shall be made to the Court unless there is appended to such motion a certificate of counsel that the/she has conferred with opposing counsel, that they are unable to reconcile their differences and that he/she has otherwise exhausted all extrajudicial means in an effort to reconcile his/her differences with opposing counsel. To the extent that extrajudicial means have not disposed of the matter, the party seeking discovery may then proceed with the filing of a motion to compel discovery under CR 37. The motion shall be accompanied by a

supporting memorandum with citation to legal authority, if any. The motion and memorandum shall also be accompanied by a copy of the discovery requests in dispute. Response to the motion shall be filed pursuant to CR 37.

Rule 200.30 MOTION HOUR PROCEDURE

(a) All motions shall be filed with the Bullitt Circuit Clerk no later than 4:00 p.m. on the Wednesday prior to the Monday on which the motion is scheduled for hearing. Motions filed by mail are deemed filed on the date and at the time that they are clocked and entered by the clerk. Motions filed by mail shall be mailed to the following address:

Bullitt Circuit Court Clerk
P.O. Box 746
Shepherdsville, KY 40165

(Or such other mailing address as the Bullitt Circuit Court Clerk shall designate as the official mailing address).

Motions filed after the preceding Wednesday and noticed for the following Monday shall be re-noticed for the next available Monday by the attorney filing the motion unless leave of court is granted by the Circuit Judge in the division to add the motion to the motion hour noticed in the original motion.

(b) In the event that opposing counsel represents that he or she did not receive a motion on or before the Friday preceding the Monday on which the motion is scheduled for hearing, the court may pass the motion for hearing to the next regularly scheduled motion docket upon the oral request of the opposing party.

Rule 200.40 MOTION HOUR PLEADINGS - FORM

- (a) All notices and motions shall be governed by the appropriate Kentucky Rule of Civil or Criminal Procedure and served in strict compliance therewith.
- (b) Notice shall be on the front page of each motion.
- (c) All motions shall be accompanied by a proposed Order with a signature line for the judge. The signature line for the judge shall read:

Judge
Bullitt Circuit Court
Division One

- (d) All pleadings shall be original documents. Original documents shall be those containing the original signature of the individual. No pleading which is generated by fax shall be filed by the Circuit Court Clerk without leave of the Circuit Judge.

Rule 200.50 MOTION HOUR PLEADINGS - MOTIONS TO DISMISS, FOR JUDGMENT ON THE PLEADINGS AND FOR SUMMARY JUDGMENT

All motions to dismiss, for judgment on the pleadings and for summary judgment shall comply with the following:

- (a) Motions to dismiss, for judgment on the pleadings and for summary judgment shall be noticed for a motion hour after the deadline for submission of a reply memorandum. They shall be filed with a memorandum of authority and shall state with particularity the relief requested and the grounds and argument therefore.

(b) All opposing parties shall have twenty (20) days from the certification date on the motion in which to respond.

(c) Motions to dismiss, for judgment on the pleadings and for summary judgment shall be filed with a motion to submit, or motion for oral argument if requested by the movant, to be heard at the next available regular motion hour after twenty (20) days from the date of service of the motion on opposing counsel.

(d) Any opposing party wishing oral argument shall so state in their response and shall file a motion requesting oral argument for the next available motion hour.

(e) The attorney for the movant shall have the burden of notifying the court that the matter is ready for submission if no oral argument is requested and shall do so by motion. If the movant fails to move the court for submission the party opposing the motion may move the court for submission or oral argument or the Court may, at its discretion, dismiss the motion.

(f) Failure to file a memorandum of authorities with a copy of cited out-of-state or federal case law attached thereto by either party may be grounds for granting or denying the motion.

Rule 200.60 MOTIONS FOR DEFAULT JUDGMENT

(a) Motions for Default Judgment shall not be noticed for a hearing but shall stand submitted upon filing with the Court. If the Court determines that a hearing is necessary under CR 55.01, a hearing date will be assigned and notice will be given to the movant.

(b) All motions for Default Judgment involving a liquidated claim shall be accompanied by a Military Affidavit if a Military Affidavit is required by the Soldier and Sailor Civil Relief Act, 50 U.S.C. App. § 521.

(c) A claim for liquidated damages shall be supported by sufficient written documentation to establish that the amount claimed is accurate.

Rule 200.70 FILING OF DISCOVERY RESPONSES

(a) None of the following pleadings, papers, or portions thereof, shall be filed with the clerk, nor any responses thereto, unless attached to a motion or containing the certificate set forth below:

1. Interrogatories propounded under CR 33;
2. Requests for Production or Inspection made under CR 34;
3. Requests for Admission under CR 36.

The Certificate is:

Certificate Pursuant to BCR 200.60

I hereby certify that I am familiar with Kentucky Rule of Civil Procedure 5.06 and this pleading is filed in conformity with this Rule.

Typed Name of Attorney
Signing Certificate

Rule 200.80 DISPOSITION OF EVIDENCE

At the end of any hearing and/or the conclusion of a trial where controlled substances, guns, live ammunition, explosives, toxic or noxious materials or currency have been entered into evidence, such items shall be returned to the police authority

having custody before the hearing or trial. The police authority shall maintain the evidence pending final rulings of all appropriate courts. The party having originally entered the evidence as an exhibit shall photograph the evidence turned over to the police authority and enter the photograph into the record. The court, in its discretion, may order similar retention and safekeeping of other bulky, valuable or dangerous goods.

BCR 300 - CIVIL PROCEDURE

All civil matters except domestic relations matters and adoptions shall be subject to the provisions of this rule to expedite the trial procedure and assist in the orderly presentation of trials. Unless good cause can be shown for the court to deviate from the requirements and schedule set out in this rule compliance with this rule is mandatory. Failure of either party to abide by the schedule and disclosures required by this rule may result in a continuance of trial sanctions upon the non-productive party (ies); and/or dismissal of the action. Upon review, before trial, if the filing requirements of this rule are not met the court may remove the matter from its trial docket sua sponte. All Orders assigning a case for bench or jury trial shall contain the following language. All parties shall comply with the provisions of BCR -300 as if the same were set out in full in this order.

(a) All motions for summary judgment shall be filed as soon as possible but at least thirty (30) days prior to trial.

(b) Each party shall exchange a list of names and addresses of all persons who will testify at the trial and file such list at least fifteen (15) days before trial.

(c) Each party shall make available to opposing counsel all documentary evidence and exhibits of any kind to be presented at trial for inspection and copying at least fifteen (15) days before trial. A list of such evidence shall be filed in the record with the witness list.

(d) Each party claiming damages of any nature shall submit an itemization of such damages to opposing counsel at least fifteen (15) days before trial.

(e) Any medical examinations shall be completed at least thirty (30) days before trial.

(f) Any proposed amendment of pleadings shall be filed at least forty-five (45) days before trial. An opposing party may be entitled to a continuance if the amended pleading significantly alters trial preparation.

(g) The taking of depositions including expert witnesses shall be completed at least thirty (30) days before trial whether for discovery purposes or to preserve the testimony of a witness who will be unavailable.

(h) Each Plaintiff shall disclose Plaintiff's expert witnesses by at least seventy-five (75) days prior to trial and each Defendant shall disclose Defendant's expert witnesses at least thirty (30) days after the Plaintiff's disclosure.

(i) If a request is made therefore there must be a literal compliance with the requirements of CR 26.02 (4)(a)(i) for all expert witnesses. The disclosure shall be filed with the witness list. A party shall identify each person whom the party expects to call as an expert witness at trial. A party shall state the subject matter on which the expert is

expected to testify and the substance of the facts and opinions to which the expert is expected to testify and provide a summary of the grounds for each opinion.

(j) Each party shall file a Trial Memorandum with the court at least fifteen (15) days before trial setting forth a description of the factual situation and a concise statement of each disputed issue of the law recognized by that party.

(k) Exhibits to be used at trial shall be marked the appropriate labels. The number of the exhibit shall be entered on the label at the time of the introduction into evidence. A photograph or reduced copy of a large or cumbersome exhibit to be introduced into evidence shall be submitted and substituted for such exhibit at the conclusion of the trial.

(l) At least five (5) days prior to trial each party shall file proposed jury instructions or proposed findings of fact and conclusions of law as appropriate.

(m) Failure on the part of any party to comply with any requirements outlined herein may result in exclusion of the evidence sought to be introduced at trial or other sanctions against the offending party as deemed appropriate by the court.

(n) If the parties reach a settlement of the action prior to the trial date counsel shall notify the court as soon as possible so that other matters may be scheduled.

BCR 400 – PROCEEDING IN CRIMINAL ACTIONS

The following rules shall apply to all criminal actions in the Bullitt Circuit Court:

Rule 400.10 PROCEDURE UPON RETURN OF INDICTMENT OR INFORMATION

(a) The Commonwealth Attorney shall prepare the original of each indictment as returned by the grand jury. The Commonwealth shall note on the face of each indictment whether service shall be made by the issuance of a warrant or by the issuance of a criminal summon.

(b) The Commonwealth Attorney shall provide the Bullitt Circuit Clerk with the original of each indictment. The clerk shall issue a courtesy letter unless a warrant or summons is ordered by the court. Warrants and summonses shall be in accordance with RCr 6.52 and RCr 6.54. The clerk shall assign a date for arraignment for those defendants to be served by criminal summons. Where a Defendant is arrested pursuant to a warrant, the clerk shall place his or her case on the first available docket for the first motion docket following return of service on the warrant.

(c) The clerk shall make sufficient copies of each indictment so that a copy may be delivered to each defendant and each defendant's attorney at arraignment.

(d) In the event that a defendant is charged by information, the Commonwealth shall file a copy of the information with the clerk. The clerk shall make sufficient copies of the information so that the court may distribute copies to the defendant and his or her counsel at arraignment. The clerk shall schedule the arraignment for a person charged by information in accordance with direction from the Commonwealth Attorney.

Rule 400.20 TRIAL DATES

(a) Criminal trial dates shall be assigned at arraignment. Trial dates shall otherwise be assigned upon either the oral or written motion of the Commonwealth or defendant. Either party may make a motion for a trial date by written motion at any time subsequent to arraignment.

(b) All cases shall be assigned for trial on Tuesdays or Thursdays when possible.

(c) On days on which both civil and criminal cases are scheduled for trial, the court shall determine whether a civil case or criminal case shall be tried.

Rule 400.30 DISCOVERY

(a) The court shall determine an appropriate time by which the Commonwealth shall comply with discovery taking into consideration such factors as: whether the defendant is incarcerated without the apparent ability to make bond, the length of time the Defendant has been incarcerated prior to his or her arraignment, whether the defendant requests a trial at his or her arraignment and the seriousness of the charges.

(b) Failure of the Commonwealth to comply with the court's orders for discovery and bill of particulars within the time specified therein without making a written motion for extension of time based upon good cause shown may subject the Commonwealth to imposition of sanctions including a continuance of the trial date, exclusion of evidence not furnished, release of a defendant who has not been able to

make bond, reduction of charges, dismissal, or such other sanction as the court may deem appropriate.

(c) All discovery furnished by either the Commonwealth or defendant pursuant to the Rules of Criminal Procedure shall be filed of record.

(d) Nothing in this rule shall preclude a defendant from requesting additional discovery should he or she believe that the Commonwealth has or may have additional discoverable material which is not furnished in compliance with this court's standard order of discovery.

(e) The Commonwealth shall provide the Defendant with any and all discovery and exculpatory evidence in its possession and control or which it might obtain by the exercise of due diligence and which falls within the categories set forth herein or which is otherwise required by the Rules of Criminal Procedure or any other applicable law. For purposes of this rule, items of discovery or exculpatory evidence shall be deemed to be within the possession or control of the Commonwealth if those items are within the possession or control of any law enforcement officer or agency or within the possession of any state employee or agency including the Cabinet for Health and Family Services.

(f) The Commonwealth shall be under a continuing obligation to promptly furnish supplemental discovery and/or exculpatory evidence which may come into its possession subsequent to its initial compliance with this rule. The Commonwealth shall certify its compliance with this rule and file a copy of said certification and all discovery and exculpatory evidence as part of the record in the case.

Nothing herein shall preclude the defendant from requesting supplemental discovery should he or she believe that the Commonwealth has not fully complied with this order.

(g) The Commonwealth shall furnish or provide the following discovery and exculpatory evidence:

(1) The substance of any and all oral statements made by the defendant or co-defendant(s).

(2) Any and all written or recorded statements made by the defendant or co-defendant(s).

(3) The right to copy, inspect and/or photograph any papers, documents, photographs, or tangible objects or copies or portions thereof which are within the possession, custody or control of the Commonwealth and which are relevant to this prosecution. The Commonwealth shall provide copies of all such materials which are readily capable of being reproduced by photocopying. The Commonwealth shall, in addition, and without necessity for a motion by defendant make the originals of such items and objects available for inspection upon request by defendant. The Commonwealth's obligation under this paragraph shall include an obligation to provide defendant with any and all documentation it intends to introduce during the sentencing phase of the trial relating to the nature and extent of any physical, psychological, or financial harm suffered by the victim(s).

(h) It shall be the responsibility of the Commonwealth to obtain and provide copies of any and all medical, psychological records or counseling records which are discoverable pursuant to the Kentucky Rules of Criminal Procedure

and other applicable law, relevant to this proceeding or constitute exculpatory evidence. The Commonwealth may, in its discretion and in lieu of providing said medical, psychological, or counseling records provide defendant with the appropriate authorizations and sufficiently detailed information to allow defendant to obtain said records through the issuance of a subpoena.

(i) If the Commonwealth believes that any material under either paragraph 3 or 4 is privileged, it shall submit said materials to the court for an in-camera inspection and ruling as to discoverability. The attorney for the Commonwealth shall further advise defendant of submission of certain materials for in-camera inspection. In the event the court finds that all or portions of the questioned materials should not be disclosed to defendant, the court shall excise those materials to which defendant is not entitled and shall furnish defendant with the remaining material. Those portions of materials not provided to defendant shall be sealed and placed in the record for review in the event of an appeal.

(j) The Commonwealth shall produce any results or reports of physical or mental examination(s), and of scientific tests or experiments made in connection with the above styled case or copies thereof within the possession, custody or control of the Commonwealth, the existence of who is known or should, by the exercise of due diligence, be known b the attorney for the Commonwealth.

(k) The Commonwealth shall produce any prior convictions of the defendant which the Commonwealth intends to use at the trial or at the sentencing hearing in this case.

(l) The Commonwealth shall produce any and all written reports or statements prepared by any witness whom the Commonwealth intends to call to testify during either the guilt or sentencing phase of the trial which have been signed or initialed by that witness or which purport to be a substantially verbatim statement of that witness and which relate to his or her testimony. The Commonwealth shall, pursuant to this directive and in accordance with the provisions of KRS 532.055(7) provide the substance or any oral statement and any and all written statements made or prepared by any alleged victim(s) regarding the nature and extent of any physical, psychological or financial harm suffered by that person which the Commonwealth intends to introduce during the sentencing phase of the trial or which may constitute exculpatory evidence.

(m) The Commonwealth shall fully disclose to defendant any agreements or understandings reached by the Commonwealth of Kentucky, its agents, employees, attorneys or anyone acting or known by the Commonwealth to have purportedly acted on behalf of the Commonwealth, with any witness or other defendants in this or some related case whereby said person or defendant has, will or might derive any benefit either from testifying or by not testifying in this proceeding.

(n) The Commonwealth shall produce any and all other exculpatory evidence which may be in possession of the Commonwealth or which the Commonwealth may obtain by the exercise of due diligence.

(o) The Commonwealth shall make available for listening or copying the tape of the grand jury proceedings leading to the indictment of the defendant.

Should defendant wish a copy of the tape of the grand jury proceedings, defendant shall provide a blank copy of a tape to the attorney for the Commonwealth for such purpose.

(p) The Commonwealth shall furnish the defendant with a bill of particulars setting forth so much of the information specified herein as is applicable to the facts of this case.

(1) The date or dates of each alleged offense. If a particular alleged offense occurred on more than one date, the nature of the conduct which occurred on each specific date.

(2) The location at which each alleged offense occurred.

(3) The time of date when each offense occurred.

(4) The identity of each and every eyewitness to each offense alleged therein.

(5) Where a specific mental state is alleged for any offense charged therein, the specific conduct upon which the Commonwealth will rely to prove each such alleged offense.

(6) The identity of any person present at the time of the commission of any alleged offense who did not witness each alleged offense.

Rule 400.40 PRETRIAL CONFERENCE

(a) At arraignment, following the furnishing of discovery by the Commonwealth, upon written motion of either the Defendant or the Commonwealth, or at such other time as the court in its discretion shall deem proper the court may schedule a pretrial conference.

(b) The following persons shall be present at the pretrial conference: the Commonwealth Attorney or his or her designee, the defendant, and defense counsel. The Commonwealth shall have any person who may be a victim of the alleged offense and the principal investigating officer or social worker, present in person or available telephonically.

(c) At a pretrial conference the court shall inquire as to the status of discovery, determine what pretrial motions may need to be considered, set a timetable for the completion of any discovery and for the filing and consideration of any pretrial motions and shall afford the parties an opportunity to discuss a possible out-of-court resolution of the pending charges. The parties shall report to the court regarding the likelihood of resolution of the pending charges by entry of a plea of guilty or through pretrial diversion.

BCR 500 – APPEARANCES AND SUBSTITUTION OF COUNSEL

(a) Criminal Defendants who are represented by counsel are not required to appear at motion hours, except for arraignment, and when otherwise notified to do so. Any party may otherwise appear either on his or her own behalf or through counsel.

(b) Whenever an attorney has entered his or her appearance on behalf of a party, he or she shall remain the responsible attorney of record until such time as the court allows him or her to withdraw or until an order substituting new counsel on behalf of that party is submitted of record. However, any post-judgment matter arising more than ninety (90) days after the final trial court order shall not be deemed properly noticed

or served unless service is made on a party by certified mail or by actual delivery in addition to notice to counsel of record.

BCR 510 – DISTRIBUTION OF ORDERS

(a) The clerk shall distribute copies of all orders to each party of record who is not in default or who has not filed a written waiver or, if the party is represented by counsel, to his or her attorney and to such other persons as may appear from the facts of the order to be entitled to distribution thereof.

(b) Any party who submits an order for entry by the court shall set forth, at the bottom of that order, a distribution list substantially in the form set forth in this rule, which shall list each individual to whom the clerk shall distribute copies. Upon entry of an order the clerk shall place a check mark and that clerk's initials next to the name of each person to whom copies are distributed.

(c) The bottom of each order tendered for signature should appear in a format similar to the format set forth in this paragraph and name each appropriate party pursuant to BCR 550(a):

“DISTRIBUTION TO

_____ John Smith
_____ Mary Jones
_____ Bill Bailey”

BCR 600 JURY SESSIONS OR COURT

(a) The Bullitt Circuit Court is a court of continuous session. The court will sit with a jury during all months. Each jury panel shall be drawn by the clerk and shall serve a term of three (3) months. A new jury shall be empaneled in January, April, July

and October. Each new jury shall be empaneled on the first Wednesday of the term or on a date determined at the discretion of the court. Once empaneled, a member of the jury shall continue to serve in that capacity until a new jury is empaneled or until the completion of the last case on which that juror was selected to serve, whichever occurs last. For any reason authorized by KRS 29A.100, the Chief Judge or his designee may excuse any juror from additional service at any time. Also, for any reason authorized by KRS 29A.100, the Chief Judge or his or her designee may excuse any juror from attendance in Court on the First Wednesday of the term and permit him or her to be empaneled at a later date to serve for the duration of that term.

(b) At the first meeting of each jury panel the court shall select a grand jury which shall meet from time to time throughout its three (3) month term in accordance with a schedule to be determined by the Commonwealth. No person chosen to sit on the grand jury shall also sit as a juror in a criminal case during his or her term.

BCR 700 DISTRICT COURT APPEALS

(a) Along with the filing of the statement of appeal, the appellant shall tender, if available, an audio, video taped or digital copy of any district court proceedings relevant to the appeal.

(b) Upon the filing of the last counter-statement or upon the expiration of the briefing period, counsel for the appellant shall notify the Circuit Clerk that the matter stands submitted and the Circuit Clerk shall notify the Circuit Judge that the matter is submitted.

(c) If a request for a oral argument has been made pursuant to CR 72.10(g) or 72.12(b), counsel shall, in lieu of a notice, move for a hearing date at the Court's regular motion hour. After any such hearing the matter shall stand submitted.

BCR 800 VIDEOTAPED DEPOSITIONS

Videotaped depositions may be taken in actions pending in the Bullitt Circuit Court and shall be taxed as costs. Notice to take depositions shall be in accordance with the Rules of Civil Procedure. At the deposition, the videotape recorded shall be operated by a person qualified to operate such recording equipment, who is to mark the recording with the style and number of action and the name of the witness and to file a certificate which identifies the said recording.

Video depositions shall be taken under the following conditions:

1. The party noticing the deposition shall provide the operator with a copy of JRP 1301. At the beginning of the taping of the deposition, the operator of the video camera shall focus on each attorney, party and witness present at the taking of the deposition, and such person shall be identified; or the operator may read a statement introducing by name parties to the litigation and the attorneys present without focusing on each person, at the election of the noticing party.

2. The camera shall remain stationary at all times during the deposition and shall not "zoom" in or out on the witness excepting those times during the deposition when the witness is displaying, for the jury's viewing, exhibits or other pieces of demonstrative proof that can only be fairly and reasonably seen on the videotape by use of the camera "zooming" in on said evidence. The purpose of this clause is so that the

camera will not “zoom” in on a witness solely to give unfair or undue influence upon the words of the witness, and does not apply to the “zooming” in for other purposes described above.

3. A stenographic transcript, in addition to the videotape recording, shall not be necessary. Any party desiring same may obtain it at the party's cost.

4. The videotape itself shall be kept in the possession of the attorney taking the deposition and shall be available for the Court and any and all counsel to compare the stenographic transcript, if any, with the videotape transcript to view or to copy said videotape. If discrepancies appear between the stenographic transcript, if any, and the videotape recording, the discrepancies shall be resolved by agreement of counsel or ruling of the Court if counsel cannot agree. The decision on the manner in which to handle the discrepancies, insofar as the videotape is concerned, shall be included in the agreement of counsel or ruling of the Court.

5. All objections shall be reserved and shall not be stated on the videotape except for objections relating to the form of the question. Objections to testimony on the videotape and the ruling thereof shall be resolved by agreement of counsel or ruling of the Court if counsel cannot agree. All objections relating to said depositions must be made at least ten (10) days before trial. An edited version shall be presented at trial.

6. Admissibility of the videotape may be objected to by any counsel if a review of the final videotape reveals any technical errors giving undue influence to the testimony of the witness which would unfairly prejudice the side objecting; or if the

general technical quality of the videotape is so poor that its being viewed by the jury would be unfairly prejudicial to the side so objecting.

BCR 900 – MASTER COMMISSIONER

**Rule 900.10 INCLUSION BY REFERENCE IN JUDGMENT OF
PROCEDURE OF SALE**

Every judgment directing the Master Commissioner of this court to sell real estate, unless the judgment specifically states otherwise, will be considered to include the following provisions, which will be part of said judgment, by reference therein to this rule.

The Master Commissioner of this Court hereby directed to sell the real estate described in the judgment, at public auction to the highest bidder on some Tuesday morning about the hour of 9:00 a.m. at the first floor of the Courthouse in Shepherdsville, Kentucky, after first having advertised the sale as to its time, terms and place, for at least ten (10) days prior to the date of sale, also by inserting notice thereof as to its time, terms, and place of sale, together with the street address or a short description of said parcel of land, for once a week for three (3) successive weeks next preceding the date of sale, in the daily newspaper of largest circulation published in Bullitt County, Kentucky.

The real estate shall be sold on terms of one-fourth down and the balance on credit 90 days, bearing interest at the rate of twelve (12) percent annum from date of sale. When the purchase price is paid, the deed shall be delivered. It is further provided that where the property sold includes insurable improvements, the successful bidder at such sale shall at such bidder's own expense, carry fire and extended coverage

insurance on said improvements from that date of sale until the purchase price is paid to the extent obtainable or to the court appraised value of said improvements or to the unpaid balance of the purchase price, whichever is less, with loss cause payable first to the Commissioner of the Bullitt Circuit, or first to the person or persons entitled under the judgment to receive the purchase price. Failure of purchaser to purchase such insurance shall not affect the validity of the sale or the purchaser's liability there under, but shall entitle the party or parties entitled to receive the purchase price to effectuate said insurance and furnish the policy, or evidence thereof to the Commissioner if they so desire and the premium thereon or the proper portion thereof shall be charged to the purchaser as purchaser's cost.

All judgments requiring real estate to be sold shall contain a provision that any Ad Valorem delinquent taxes shall be paid from the proceeds of sale prior to the distribution of any proceeds of sale. In the event that the property is purchased by the plaintiff, the plaintiff shall certify to the Commissioner that all delinquent taxes have been paid prior to a deed being issued. In the event a third party is the purchaser, the plaintiff shall notify the Commissioner immediately upon filing the report of sale of any delinquent taxes owed on the real estate.

Rule 900.20 CONFIRMATION OF REPORT OF SALE

Ten (10) days after the filing of a Commissioner's Report of Sale and no obligations having been filed thereto, an Order Confirming Sale shall be filed with the Clerk of the court who shall submit the order to the court. The party submitting the

order shall serve copies of it as required CR5 and so certify. The purchaser shall be served.

Rule 900.30 MASTER COMMISSIONER FEES

The fees charged by the Commissioner are subject to schedule promulgated and regulations of the Supreme Court of Kentucky, Rules of Administrative Procedure, Part IV.

Rule 900.40 APPRAISER'S FEES -- APPRAISING REAL ESTATE

In sales of real estate under judgment of decree of court where an appraisal is required the fee of each appraiser for appraising said property to be taxed as costs shall be \$150.00. Provided however, in sales of real estate under judgment or decree of court where an appraisal of commercial or industrial real estate or real estate consisting of multiple apartments or multiple parcels, the court may allow by an order in said action a fee in addition to that above set forth for the appraisal including the time labor and skill involved therein.

In sales of personal property under judgment or decree of court where an appraisal of said property is directed by said judgment or decree of sale, the fee of each appraiser shall be determined by the court on such evidence as the court may require showing the kind and character of property appraised the number of items of property involved, its value, and the time, labor and skill involved in making said appraisal.

Rule 900.50 OTHER REFERRALS

The court may make such other referrals to the Master Commissioner as it may in its discretion determine. Referrals may be had on motion or sua sponte. Fees for the Master Commissioner on such referral shall be those allowed by the Supreme Court Rules of Administrative Procedure, Part IV.

BCR 1000 VIDEOTAPED/DVD DEPOSITIONS

Videotaped/DVD depositions may be taken in actions pending in the Bullitt Circuit Court and shall be taxed as costs. Notice to take the depositions shall be in accordance with the Rules of Civil Procedure. At the deposition, the videotape recorder shall be operated by a person qualified to operate it. The videographer shall mark the recording with the style and number of the action and the name of the witnesses and shall file a certificate which identifies the recording.

Electronic depositions shall be taken under the following conditions:

1. The party noticing the deposition shall provide the videographer with a copy of BCR 1000. At the beginning of the proceedings, the videographer shall either focus on and identify each attorney, party and witness present at the taking of the deposition or read a statement introducing by name the parties to the litigation and the attorneys present without focusing on each person.
2. The camera shall remain stationary at all times during the deposition and will not "zoom" in or out on the witness excepting those times when the witness is displaying, for the jury's viewing, exhibits or other pieces of demonstrative proof that can only be fairly and reasonably seen by "zooming" in. The camera will not "zoom" in on a witness solely to give unfair or undue influence on the witness' words.

3. A stenographic transcript, in addition to the recording, shall not be necessary. Any party may obtain a transcript at the party's cost.
4. The recording itself shall be kept in the possession of the attorney taking the deposition and shall be available for comparison, viewing or copying. If discrepancies appear between the stenographic transcript, if any, and the recording, the discrepancies shall be resolved by agreement of counsel or ruling of the Court. The decision on the manner in which to handle the discrepancies shall be included in the agreement of counsel or ruling of the Court.
5. All objections shall be reserved and shall not be stated on the recording except for objections relating to the form of the question. Objections to testimony on the recording and the ruling thereof shall be resolved by agreement of counsel or ruling of the Court. All objections relating to video depositions must be made at least ten (10) days before trial. An edited version shall be presented at trial.
6. Any party may object to the video's admissibility if playing it would unfairly prejudice the party because the quality of the video is so poor or if a review of the video reveals any technical errors giving undue influence to the testimony of the witness.

BCR 1100 MISCELLANEOUS

Rule 1000.10 NOTICE ON SETTLEMENT

Promptly upon settlement of a case if a trial or hearing has been scheduled, counsel shall notify the clerk and the judge's secretary of the division in order

that the case may be taken from the docket. Failure to notify the Clerk and Judges
Secretary may result in sanctions.