

IN THE GENERAL SESSIONS COURT OF HAMILTON COUNTY, TENNESSEE
CRIMINAL & CIVIL – ALL DIVISIONS



01 GS ORDER 01-25-2021

ORDER CONCERNING RESCHEDULING CASES AND HOLDING VIRTUAL HEARINGS IN CRIMINAL AND CIVIL DIVISIONS OF HAMILTON COUNTY GENERAL SESSIONS COURT

After consultation with the Tennessee Administrative Office of the Courts and the Hamilton County General Sessions Criminal and Civil Clerks' Offices, and after consideration of written comments and memoranda from members of the criminal and civil bars, the Court issues the following Order pursuant to the Court's inherent power and discretion to adopt additional or supplemental rules of procedure not inconsistent with or in conflict with the rules prescribed by the Tennessee Supreme Court.

This Order supplements this Court's previous Order, 01 GS ORDER 07-24-2020 (amending Hamilton County General Sessions Local Rule 3), and when in conflict therewith, will control. This Order results from the continued worsening COVID-19 pandemic throughout Hamilton County and to further effectuate the Eleventh Judicial District's May 4, 2020 *Standing Order Regarding the Easing of Restrictions of In-Person Proceedings* as well as the Tennessee Supreme Court's *Order Continuing Suspension of In-Court Proceedings and Extension of Deadlines*, No. ADM2020-00428, which was amended on December 22, 2020 and January 15, 2021.

Finally, as more particularly described below, please use the following contact information when discussing the status, disposition, or rescheduling of a particular case:

- A. **Court Administration Office/Judges' Assistants** at (423) 209-7660;
JanH@hamiltontn.gov; LisaK@hamiltontn.gov; AmyF@hamiltontn.gov
- B. **General Sessions Criminal Court Clerk's Office** at (423) 209-7600;
AliciaM@hamiltontn.gov; KayleC@hamiltontn.gov; HeatherB@hamiltontn.gov
- C. **General Sessions Civil Court Clerk's Office** at (423) 209-7630;
DebbieE@hamiltontn.gov; AprilB@hamiltontn.gov

I. **Courts to Remain Open Even Though Specific Standing In-Person Dockets Cancelled**

Consistent with the constitutional requirements and the directives of the Supreme Court, the Hamilton County General Sessions Court remains open and is prepared to address business brought before it. The Court will address the need to have in-person proceedings in accordance with the Supreme Court's Suspension Order and the needs of each individual case.

In the criminal divisions of the Court, all standing in-person 1:30 afternoon dockets in January, February, and March of 2021 have been cancelled. As such, a defendant's traffic case, misdemeanor/felony initial case setting, or probation case may have been rescheduled or otherwise resolved. Defense attorneys, pro se defendants, and assistant district attorneys should be in contact with the General Sessions Criminal Court Clerk's Office and/or the Court Administration Office to discuss the virtual disposition or rescheduling of cases.

In the civil divisions of this Court, all standing in-person Monday and Friday initial appearance and motion dockets have been cancelled. As such, attorneys or pro se parties should be in contact with the General Sessions Civil Court Clerk's Office and/or the Court Administration Office to discuss the virtual disposition or rescheduling of cases.

Importantly, even though the standing in-person 1:30 p.m. criminal dockets have been cancelled, and even though the standing in-person Monday and Friday civil dockets have been cancelled, General Sessions Court remains open. All divisions of this Court are available to entertain plea agreements and otherwise hear criminal cases on a virtual basis at 1:30 p.m. as they are at 8:30 a.m. Likewise, all divisions of this Court are available to hear civil cases on a virtual basis at various times throughout the week. Attorneys interested in holding such virtual hearings or case dispositions should contact the appropriate persons as described below.

II. **Rescheduling Cases and Setting Cases for Virtual Hearings in Criminal and Civil Divisions of General Sessions Court**

All criminal cases involving defendants who are not in custody, as well as all civil cases pending in Hamilton County General Sessions Court, will be rescheduled or otherwise handled in a virtual manner during the pendency of the Supreme Court's most recent suspension order (at least through March 31, 2021).

Please call or email the following telephone numbers/email addresses when rescheduling a defendant's case or when setting a case for a virtual hearing:

- A. **Court Administration Office/Judges' Assistants** at (423) 209-7660;
JanH@hamiltontn.gov; LisaK@hamiltontn.gov; AmyF@hamiltontn.gov
- B. **General Sessions Criminal Court Clerk's Office** at (423) 209-7600;
AliciaM@hamiltontn.gov; KayleC@hamiltontn.gov; HeatherB@hamiltontn.gov
- C. **General Sessions Civil Court Clerk's Office** at (423) 209-7630;
DebbieE@hamiltontn.gov; AprilB@hamiltontn.gov

III. **CRIMINAL DIVISIONS**

The following addresses the procedures to reschedule or otherwise resolve pending criminal cases.

A. **Cases Involving Defendants Currently On Bond**

If you are an attorney representing a criminal defendant who is on bond (**and who does not have a co-defendant in custody**), your client's case may be rescheduled if it cannot be resolved in a virtual manner. As such, contact the Hamilton County District Attorney General's Office PRIOR to your client's previously scheduled court date concerning possible resolution. Hearings may be held via WebEx or Zoom in accordance with previous COVID-related orders; however, you must have an agreement to set the hearing virtually PRIOR to your client's previously scheduled court date to avoid it being rescheduled.

Importantly, even if your client's case has been rescheduled, you may still schedule a virtual hearing by agreement with the Hamilton County District Attorney General's Office. Please be in contact with the Court Administrative Office and/or General Sessions Criminal Court Clerk's Office to schedule such a hearing or other virtual resolution (such as a case dismissal).

Finally, if your client has a co-defendant in custody, it may be necessary to hold either an in-person or virtual hearing with all parties involved. Please be in contact with the Hamilton County District Attorney General's Office, as well as the Court Administrative Office and/or General Sessions Criminal Court Clerk's Office to discuss the status of such cases.

B. Plea Agreements

Plea agreements may continue to be entered virtually. Therefore, be in touch with the Assistant District Attorney handling the case on behalf of the Hamilton County District Attorney General's Office, as well as the Court Administrative Office and/or General Sessions Criminal Court Clerk's Office to arrange to enter a virtual plea.

C. Final Judgment/Bond Dockets

If you are an attorney representing a bondsman, please note that the Monday "Final Judgment/Bond Dockets" will be held virtually from 8:30 a.m. through 9:00 a.m. on Mondays in General Sessions Criminal Courtroom 3 (see the WebEx virtual courtroom information below, and join the WebEx room number of the judge assigned to Courtroom 3).

IV. CIVIL DIVISIONS

The following addresses the procedures to reschedule or otherwise resolve pending civil cases. When filing a new case, attorneys or pro se plaintiffs should call or email the General Sessions Civil Court Clerk's Office concerning current filing and scheduling procedures.

A. Initial Case Settings and Motion Dockets (Mondays & Fridays)

Civil cases currently set on the Monday and Friday initial case setting and motion dockets are being rescheduled. If you are an attorney representing a party in a pending civil case, please attempt to contact the opposing party (or, if that party is represented, their attorney), and attempt to resolve your case or attempt to agree to in-person or virtual trial dates. If you settle or otherwise resolve your case, please call or email the Civil Court Clerk's Office.

If you and the opposing party (or, if that party is represented, their attorney) can agree to an in-person or virtual trial date, alert the clerk's office. The Court asks that you and the opposing party choose three potential trial dates. The clerk's office will attempt to accommodate your first choice, yet may be unable to do so in light of crowd restrictions. Further, advise the clerk when rescheduling your case if there will be multiple parties, witnesses, etc., so that the Court can attempt to limit crowd sizes on a particular day.

If you are an attorney representing a plaintiff and are unable to contact the opposing party or otherwise agree to a disposition or new court date, you may choose a new Monday or Friday date to reset your initial case setting/motion (see schedule below). You must reschedule with the clerk's office at least 10 days prior to the previously scheduled court date. After the clerk has approved the new date, you are then responsible for sending notice of the new initial case setting/motion date to the opposing party.

If you do not contact the clerk's office via telephone or email within 10 days of the previously scheduled court date, the clerk's office will place the case "on hold" until contacted.

B. Detainers (Thursdays) and other Civil Trials (Tuesdays & Wednesdays)

Pursuant to continued restrictions on detainer actions imposed by the federal government, as well as the current moratorium on in-person proceedings imposed by the Tennessee Supreme Court, all detainers set through March 2020 are being rescheduled UNLESS BOTH PARTIES AGREE to hold a virtual hearing. This Court will issue further guidance following the expiration of the current iteration of the federal government's mandated eviction moratorium and the Tennessee Supreme Court's mandated moratorium on in-person proceedings. Importantly, exceptions to the Tennessee Supreme Court's moratorium on in-person proceedings other than those explicitly delineated in the Supreme Court Order must be approved by the Chief Justice of the Tennessee Supreme Court.

If you are an attorney representing a party in a pending civil case, please attempt to contact the opposing party (or, if that party is represented, their attorney), and attempt to resolve your case or agree to alternative in-person or virtual trial dates. Virtual trials are encouraged; however, if a party refuses to consent to a virtual trial or otherwise insists on an in-person hearing, you are encouraged to choose a date in mid to late 2021 in light of the possibility of additional Supreme Court orders lengthening the prohibition of in-person proceedings.

If possible, the Court asks that you and the opposing party choose three (3) potential trial dates. The clerk's office will attempt to accommodate your first choice, yet may be unable to do so in light of crowd restrictions. Finally, please advise the clerk when rescheduling your case whether there will be multiple parties, witnesses, etc., so that the Court can attempt to limit crowd sizes on a particular day.

C. Involuntary Commitment Hearings (Thursdays)

Involuntary commitment hearings will proceed in the same manner as they have throughout the COVID pandemic until further notice.

V. CIVIL SCHEDULE

Although civil cases may be set at alternative times/dates with permission of the Court, attorneys and pro se parties should attempt to follow the following (previously amended) schedule when resetting cases, whether they are held virtually or in-person:

MONDAY

9:00 A.M. - LOCAL ATTORNEY INITIAL CASE SETTINGS
10:00 A.M. - LOCAL ATTORNEY INITIAL CASE SETTINGS
11:00 A.M. - MOTION DOCKET (SCIRE FACIAS & DUCES TECUM)
11:30 A.M. - PRO SE INITIAL CASE SETTINGS

TUESDAY

9:00 A.M. - TRIAL DOCKET

WEDNESDAY

9:00 A.M. - TRIAL DOCKET

THURSDAY

9:00 A.M. - DETAINER DOCKET (FILED BY PRIVATE ATTORNEYS)
10:30 A.M. - DETAINER DOCKET (FILED BY CHATTANOOGA HOUSING AUTHORITY ONLY)
1:00 P.M. - DETAINER DOCKET (FILED BY PRO SE PARTIES)
9:00 A.M./10:00 A.M./1:30 P.M. – INVOLUNTARY COMMITMENT HEARINGS

FRIDAY

9:00 A.M. - OUT OF COUNTY ATTORNEY INITIAL CASE SETTINGS
10:00 A.M. - OUT OF COUNTY ATTORNEY INITIAL CASE SETTINGS
11:00 A.M. - OUT OF COUNTY ATTORNEY INITIAL CASE SETTINGS

VI. GENERAL SESSIONS WEBEX & ZOOM VIRTUAL COURTROOM NUMBERS

WebEx and Zoom virtual courtroom numbers for each judge/division are below. Virtual hearings may occur on those platforms, or through a WebEx or Zoom virtual room owned by a party or attorney. If a party or attorney does not have access to internet or WebEx/Zoom platforms, that party or attorney must simply call the telephone number listed below for WebEx and Zoom, respectively, follow the prompts conveyed from the operator, and then enter the appropriate WebEx or Zoom meeting room number listed below:

WEBEX VIRTUAL COURTROOM NUMBERS
Telephone Number: 1-415-655-0003
JUDGE SELL, DIVISION I – **133 058 3803**
JUDGE MCVEAGH, DIVISION II – **133 929 3879**
JUDGE WEBB, DIVISION III – **177 307 2206**
JUDGE STATOM, DIVISION IV – **133 565 9247**
JUDGE STARNES, DIVISION V – **133 059 2984**

ZOOM MEETING NUMBER (ALL DIVISIONS)
Telephone Number: 1-929-436-2866
*(Must also enter Zoom meeting passcode –
Call Court Admin/Clerk’s Office for code)*
Zoom Meeting ID – **761 649 7905**

It is hereby **ORDERED, ADJUDGED AND DECREED** that Hamilton County General Sessions Court, Criminal and Civil Divisions, will hereby operate under the rules and procedures set forth in this Order and all other orders referenced herein until further notice.

ENTER this 25th day of January, 2021.


Christie Sell – Division I


Alexander McVeagh – Division II


Gerald Webb – Division III


Lila Statom – Division IV


Gary Starnes – Division V