

**AMENDMENT TO  
WRITTEN PLAN OF CIRCUIT AND CHANCERY COURTS FOR  
GRADUAL RECOMMENCING OF IN-PERSON COURT PROCEEDINGS**

- Admission to the Hamilton County Courthouse is controlled by the County Mayor. This courthouse is the location of several county offices including the Register of Deeds, the County Clerk, the County Mayor, the County Attorney, offices of the County Commissioners, and other offices. Therefore, the County Mayor must address access in light of the needs of the public to access all of these offices. He is working cooperatively with us. He agrees there is a need to measure the temperature of all persons entering the courthouse and he is investigating the purchase of walk-through security scanners that measure temperature.
- Concerning access, the plan of the Circuit and Chancery Courts will apply to the courtrooms, chambers, offices, jury rooms, and witness rooms only.
- This judicial district anticipates following these procedures through July 3, 2020, or until the Tennessee Supreme Court orders otherwise. It is our hope to begin this procedure May 18, 2020, or as soon as practicable upon approval of a plan for this judicial district by the Tennessee Supreme Court whichever is earlier.
- Our plan for access to the court facilities referenced above will include the following precautions:
  - Alcohol based hand sanitizer that is at least 60 percent alcohol, if available, will be visibly present with easy access.
  - Prior to entering a courtroom, any parties, witnesses, and/or attorneys will answer the questions recommended by the CDC, which questions will be asked by a court officer.
  - All attorneys, parties, support persons, and witnesses will be asked to wear face masks while in the vicinity of the courtrooms, judges' offices, outer office, jury rooms, and witness rooms and related common areas and when entering the courtroom and/or being questioned upon entry. At the discretion of the Court, these may be dispensed with once entry to the courtroom has occurred.
  - A distance of six feet will be maintained between all persons in the courtroom. An exception to this requirement will be attorneys and clients conferring at counsel table as necessary. Seats in the courtroom will be marked to ensure this distance is maintained.
  - Hand-shaking is discouraged.

- Court staff shall undergo the same questioning, temperature-taking, and other precautions as others upon entry to the courtroom and offices. They are encouraged to wear a mask when in contact with others.
- All courtrooms will be routinely cleaned with an appropriate disinfectant. The witness stand will be cleaned after each witness and counsel table and the podium will be cleaned after use by each person if practicable. Limited availability of disinfecting products may hinder this effort.
- There will be a limitation on the number of persons in the courtroom. The limitation is ten people exclusive of court personnel, the judge, and security. This limitation is addressed by staggering hearing times and assigning to each motion or trial a specific hearing time. Only the attorneys, parties, and witnesses necessary to be present in person will be permitted in the courtroom at any one time. Staggered hearing times will be set in advance of motions and trials. The necessity for parties and witnesses to appear in person as opposed to remotely will be addressed in pretrial conferences or discussions. Social distancing will be enforced at all times by court officers and the Court. Witnesses will be excluded from the courtroom until they are called. No extraneous persons will be permitted in the courtroom.

#### **Daily Dockets:**

- A scheduling conference will be held in each case, at which time the Judge will determine from the parties the anticipated length of the hearing, the number of witnesses who will be called, and the issues to be addressed. At this time, the Court will emphasize the Supreme Court's Order stating a preference for communication without in-person contact. After consultation with lawyers, the Court will decide which witnesses will or will not testify in person.
- Only attorneys and clients for one case at a time will be permitted in the courtroom unless the Court directs otherwise. The presence of support persons, paralegals, law clerks, and witnesses will be addressed in the pretrial conference.
- Cases will be docketed in a staggered manner based on the information obtained in the scheduling conference.
- Attorneys will be required to keep the Court advised as to whether or not their designated hearing time will be utilized so that time may be assigned to another case if it is not utilized.
- No witnesses or "support persons" will be permitted in the courtroom unless they are permitted to testify in person. They will be placed in separate rooms as permissible. If no separate rooms or other place where they can be safely socially distanced are available,

they will remain in their cars. They will provide cell phone numbers to the attorney who has required them to be present and the court officer so that they can be contacted when their testimony is necessary.

### **Child Support Hearings Involving Maximus:**

- The hearing times on these cases will be set in a staggered manner. Social distancing will be enforced. If social distancing is not possible because of the number of people present, those whose cases have not been reached will be instructed to wait outside of the courthouse or in their cars. Temporarily, days will be added for the hearing of child support cases.

### **Motion Call Procedure:**

No in-person motion call will be conducted . The attorney filing the motion shall initiate communication with the appropriate court clerk and all attorneys and unrepresented parties by the Wednesday before the motion would have been set pursuant to Local Rule 6.02(b). A hearing time and date will be assigned to the motion by the bench clerk in that conference. The following procedures shall be followed. Failure to follow these procedures **SHALL** result in the motion being stricken. **Motions may only be passed to a date certain.**

When a motion is filed, the motion and response must state:

- Argument time estimate
- It is presumed the motion will be heard by phone or electronic means. If in-person hearing is requested, articulate the necessity therefor
- Whether proof is expected and, if so, number of witnesses
- What efforts were made to reach agreement
- Proposed order must be filed by all parties

Any motion with a *pro se* litigant must give notice of the time and date the motion is set for hearing and the phone number the clerk instructs shall be called.

Because of a large number of *pro se* litigants, in addition to the above, Chancery Court, Part 1, requests the following procedure:

- On all motions filed in Part 1, the Clerk will affix to the motion a notice that the movant must telephone a certain number to schedule a date for the hearing by a date certain. Failure to do so results in the striking of the motion.

Chancery Court, Part 2, requests the following procedures:

- The motion shall include the date and time the motion is scheduled to be called, consistent with the current practice in Chancery Court and the "Motion Call Procedure" noted above.

- Prior to the noted date and time of hearing, an objection to the motion may be raised in writing or by phone to the Chancellor's judicial assistant (NOT the Chancellor directly).
- If an objection is raised as noted in No. 2, above (prior to the date and time the motion is scheduled to be heard), a special setting for hearing the motion shall be arranged with counsel and coordinated through the Chancellor's judicial assistant.
- If no objection is raised prior to the hearing, the motion shall be called at the time scheduled or as soon thereafter as the Court's docket shall permit. NO COUNSEL SHALL APPEAR IN PERSON UNLESS SPECIFICALLY AUTHORIZED BY THE CHANCELLOR. If a self-represented litigant appears, in person, when the motion is called, the Court officer shall direct the self-represented litigant to immediately call the Chancellor's judicial assistant to make arrangements for a special setting for the motion.
- If no objection is raised as noted in No. 2 above, and no self-represented litigant appears in person, the Court Officer shall notify the Chancellor's judicial assistant who will notify the Chancellor of the lack of objection or appearance and provide the Chancellor the Order submitted contemporaneously with the filing of the motion.

#### **Court and Clerks:**

Goal is for most motions to be disposed of on Monday

Clerks set motions which they cannot schedule on Monday because of volume of motions or complexity on another day. The motion and response state what other day in that week an attorney is unavailable.

**Uncontested trials** such as agreed divorces shall be conducted by phone or Zoom or Web-X unless the parties are both *pro se*, in which case they shall appear in person.

**Defaults** may be set to be conducted by phone or Zoom or Web-X. If opposing party appears, that party participates in hearing. If the plaintiff is *pro se*, the plaintiff and its witnesses shall appear in person.

**Adoptions** may be conducted by Zoom or Web-X or in person with social distancing.

Proposed by L. Marie Williams, Presiding Judge, in consultation with all Chancellors and Circuit Court Judges of Hamilton County, Tennessee