

Overriding Philosophy:

We seek as little interaction of people and paper as possible, making sure that we are part of the solution and not part of the problem.

Chancery Court remains open and operational.

During this pandemic, Shelby County Chancery Court has and will continue to operate as normally as possible. This document is intended to be a reference for lawyers, firms, and their staff on how to efficiently work their cases in Chancery Court. There have been several changes to our procedures for the safety of our community, litigants, and court personnel, but civil justice remains an essential part of society and we will persevere in doing everything we can for Chancery Court to more effectively serve the public.

Chancellor Walter Evans

Chancellor Jim Kyle

Chancellor JoeDae Jenkins

Clerk & Master W. Aaron Hall

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1. How to File Pleadings

E-file every pleading unless absolutely necessary. The courthouse at 140 Adams will remain open barring exceptional and unforeseen circumstances, but we ask all lawyers to e-file or mail every possible pleading unless law, court rules, or a sincere emergency requires filing in-person. Mere convenience or expediency is not a justification for coming down to the courthouse. The exception to this rule is adoption filings, for which the in-person filing requirement stands.

1.a. E-file

No changes have been made or are expected. E-file as you have before; if you have not done so before, please acclimate yourself to e-filing. If you need assistance, our filing clerks are available at 901-222-3903.

1.b. In-person Filing

In-person filing is still available when necessary. Adoption filings must be done in-person; no exception for e-filing has been made. A receiving box has been placed outside of the filing clerks' office to drop off pleadings, alongside the drop off boxes for service by private process or Sheriff. One set of doors of the clerk's office will be open. We hope to minimize person-to-person contact, so please be respectful and bring whatever documents, pens, paper, or other items you require with you. If you have any questions before coming down, it is advisable to call the filing clerks first at 901-222-3903.

Please wash your hands before and after any deliveries at the restrooms on the north side of the building.

2. Settings and Hearings

Under the presently standing Order Continuing Suspension of In-Person Court Proceedings and Extension of Deadlines, in-person hearings are suspended except for select categories (below) through Thursday, April 30th, 2020. If you believe your matter falls within one of the categories listed below, please contact the Judicial Clerks for Part I and Part III or the Courtroom Clerk for Part II for the assigned Chancellor to review as explained in subsection 2.c. below.

Determination as to whether your matter fits within an exception ultimately rests with the Chancellor after initial screening by the Clerk & Master. Even if your matter does fit within an exception, please be considerate of the health and safety principles underlying the Order – **if your matter is not urgent or important, please wait until public safety institutions and/or the Tennessee Supreme Court give clearance for in-person hearings again.**

Exceptions to Suspension of In-Person Proceedings:

- Proceedings necessary to protect constitutional rights of criminal defendants including bond-related matters, preliminary hearings for incarcerated individuals, and plea agreements for incarcerated individuals
- Proceedings related to relief from abuse, including but not limited to orders of protection
- Proceedings related to statutory order of protection hearings after entry of an ex parte order as necessary to satisfy any due process concerns
- Proceedings related to emergency child custody or visitation orders
- Proceedings related to the voluntary surrender of parental rights
- Settlements involving a minor or a person with a disability
- Department of Children's Services emergency matters related to child safety, placement, permanency, or federal funding for children in foster care
- Proceedings related to petitions for temporary injunctive relief
- Proceedings related to emergency mental health orders
- Proceedings related to emergency protection of elderly or vulnerable persons
- Proceedings directly related to the COVID-19 public health emergency
- Other exceptions as approved by the Chief Justice

2.a. Procedures until April 30th, 2020

Specific instructions for courts, attorneys, and litigant parties can be found in the Tennessee Supreme Court's Order Continuing Suspension of In-Person Court Proceedings and Extension of Deadlines signed on March 25, 2020.

Chancery Court is following these guidelines and taking proactive measures to uphold its principles and enforce its rules. Teleconferencing is a tool available to us, but only extraordinary cases can be heard for the time being. Video conferencing is not yet available, but this option is being prepared (see Section 4).

We hope that we are able to begin offering settings after April 30th for May 1st and beyond. Barring further Tennessee Supreme Court Orders, contact courtroom clerks and/or judicial clerks about future settings after April 30th. Note that no settings at all, not even *very* distant setting dates, are being given until then.

2.b. Contact and settings

Please directly contact by phone and email the appropriate people below for settings and inquiries and give 24 hours (or longer) for response, especially when settings become available once again. Do not leave both voicemails and emails; please, choose one and give the staff time to respond.

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Part I

Kathy Stojanovic
Courtroom Clerk Supervisor
901-222-3918
kathy.stojanovic@shelbycountyttn.gov

Brandon Whiteley
Judicial Clerk
901-222-3937
brandon.whiteley@shelbycountyttn.gov

Part II

Dorothy Duckett
Courtroom Clerk
901-222-3940
dorothy.duckett@shelbycountyttn.gov

Part III

JT Hall
Courtroom Clerk
901-222-3941
jt.hall@shelbycountyttn.gov

Lucas Cameron-Vaughn
Judicial Clerk
901-222-3939
lucas.cameron-vaughn@shelbycountyttn.gov

2.c. Emergency settings & Fiats

If you have an emergency issue, review the most current Tennessee Supreme Court Order before contacting court staff. Determine whether the issue qualifies for an in-person hearing, and then present your position to the judicial clerk (or, if unavailable, courtroom clerk) for conveyance and further review by the Clerk & Master and/or Chancellors to approve or deny.

If your matter is an emergency, but does not qualify for the Order's exceptions to permit an in person hearing, contact the judicial clerk and clearly, briefly detail the nature of the emergency. Each Part is reviewing these matters individually and hearing some matters by their preferred method.

2.d. Non-emergency settings

Non-emergency settings are not being given out temporarily. No earlier than April 30th, contact the courtroom clerk for more information. Settings already made before March 13th for a date after May 1st have not been struck, and unless further Supreme Court Orders of Suspension are signed, will remain scheduled on the docket.

3. In-Person Hearings

If you have received affirmative permission from the Chancellor, the Clerk & Master, or their respective court staff to come into court for an in-person hearing, the Chancellors will

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hold each lawyer strictly accountable for following public health and safety guidelines. People should never be closer than 6 feet, at minimum, to another person. No spectators or supporters are permitted to sit in the courtroom, and witnesses must be out in the court hallway when not on the stand. Facemasks, gloves, hand sanitizer, and other personal safety equipment are advisable.

Hearings will be kept as short as reasonably possible and spaced out so that litigants in different matters are not in the courtroom or hallway at the same time as one another. Arrive on time, but not early; if you arrive while prior hearings are going on, find a distant seat in the hallway and await further calls or instructions from the court staff before approaching the courtroom door.

4. Telephonic and Video Conference Hearings

Chancery Court will begin offering a full suite of technology options for litigants. Challenges from the learning curve should be expected, but the Chancellors and staff are both enthusiastic about leveraging teleconference and video conferencing to resume court operations. Video conferences via Zoom will have limited availability beginning April 20th, 2020.

4.a. Telephonic Hearings

The Chancellors have begun some telephonic hearings, where deemed appropriate. Provide the courtroom clerk and judicial clerk a reliable phone number for them to call you. The courtroom clerks or judicial clerks will provide the time to expect a call; just like regular settings, be aware that there is a possibility of delays by other settings that run over. The court's outbound number appears as 901-222-3900, but do not call this number back (refer to the phone numbers provided in Section 2.b.).

4.b. Video Conference Hearings

By April 20th, we expect to begin video conference hearings. These will be controlled and monitored by the courtroom clerks. In order for your hearing to proceed, **all pleadings and exhibits to be considered must be in the record two full business days in advance of the hearing**; this is a hard deadline to be strictly observed.

Video conference hearings will be performed from 9am to noon; please do not call during these hours, as court staff will be operating the video conference programs. During video conferences the Rule will be invoked, in essence, such that observers will not be permitted and witnesses of all types will be excluded until their participation becomes necessary. See Section 4.c. below regarding witnesses for details on their participation.

When an attorney or pro se litigant is provided a hyperlink to a video conference hearing, these are NOT to be shared with clients or non-parties. Guard these access links as carefully as you would a judge's personal office phone number. The recent phenomenon of "zoombombing" or uninvited harassment into video conferences will be tightly monitored, with the help and diligence with security by attorneys, litigants, and staff.

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Attorneys should be prepared to report to the court who they have provided links or passwords to, if requested.

Attorneys are expected to manage their own client's access to the phone and video conference. The Court suggests that attorneys invite clients into the same room with them, observing safe social distancing policies.

Further information on how to use the video conference program will be provided as soon as available. Shelby County has taken special efforts to ensure the stability, privacy, and security of our video conferencing.

4.c. Expert and Lay Witnesses, Court Reporters

To provide testimony in teleconferencing and video conferencing, attorneys must file the names, email addresses, and phone numbers of expert and lay witnesses into the record two full business days before the hearing. If a court reporter's services are being utilized, ensure that the courtroom clerk has contact information before the hearing. Court staff will contact and prepare these individuals for participation in the proceedings.

Attorneys should take extra time and effort to prove the identity of witnesses, expert and lay alike. Witnesses should never be in the same room as attorneys or parties, unless they are a party to the lawsuit. Cameras should be appropriately positioned so as to show all participants involved at all times; this is to ensure no off-camera "coaching" occurs, among other reasons.

Keep the integrity of the judicial process and in mind throughout your use of these new technologies. Avoiding the appearance of impropriety is important to the courts, and legal profession generally.

5. Entering Orders

The Chancellors have assigned certain matters before Chancery Court to Clerk & Master W. Aaron Hall for signature and/or disposition. Most consent orders, orders of reference, income withholding and support orders, and some procedural motions can be signed and entered swiftly by the Clerk & Master. All other orders must be signed by a Chancellor. Some days, a Chancellor may not be available, so expect some brief delays.

5.a. Consent Orders

Consent Orders can be signed by Clerk & Master W. Aaron Hall, absent some reason otherwise as determined by the Clerk & Master or the Chancellors. The best practice is to email signed orders for entry to the appropriate courtroom clerk. Be certain to include some written evidence of consent or approval by each **signatory**, not an assistant, either in the email chain or some separate, verifiably authentic written format.

If email is not available, you may mail consent orders to the relevant Part. The Chancellors prefer for attested copies to be mailed out, but only if stamped and addressed envelopes are provided. As a last resort, you may deliver and drop off your orders and pick up

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attested copies at the table outside the Chancery Court Filing Counter. **Please wash your hands before and after any deliveries at the restrooms on the north side of the building.**

5.b. Granted Contested Orders

If your matter is contested, please have your order prepared in advance as best as possible; leave space for the chancellor to modify your order to suit his decision. If you do not prepare this in advance, see Section 5.a. and follow the instructions accordingly.

6. Rules Still Stand Unless Otherwise Directed

Chancery Court's Local Rules and general policies still stand, unless in this memo it says otherwise. These rules, as with all other relevant laws, rules, and directives, are designed to ensure fair, predictable judicial procedures for all parties. Small tweaks and changes that are made in the course of one matter, whether for novel safety reasons or expediency, may not definitively apply to other matters you may have in Chancery Court.

7. Hours of Operation

Chancery Court will be open from 8am until 1pm daily until a normal case load resumes. The courthouse hours will not change, so pleadings and orders may be dropped off from 8am to 4:30 pm. Telephone numbers for emergency contact will be posted on the Chancery Court doors and website.