

**CIRCUIT COURT DIVISION II PREFERENCES**  
**(Effective July 21, 2020)**

Pursuant to the most recent Order of the Tennessee Supreme Court re: Covid-19 and the continuing surge of Covid-19 cases, Circuit Court Division II is implementing the following procedures taking into account the health, safety, and general welfare of the parties, lawyers, witnesses, staff, Court and anyone having business with the Court. The Court will closely monitor the pandemic and CDC recommendations and these preferences will be modified as required.

**As a general matter, most proceedings, to the extent possible, shall be conducted remotely via Zoom or telephonically. All proceedings conducted in the Courtroom will comply with social distancing guidelines. A mask or nose/mouth covering will be required. You will be asked to wash or sanitize your hands before entering the courtroom.**

**Everyone's safety is paramount, but our goal is that all cases are addressed in a timely & efficient manner. Please be mindful that our Division II team is handling a lot of electronic communications and messages. If you do not receive a timely response, please file and set a motion to ensure your matter is resolved. You may also contact my Judicial Assistant, Jennifer Stonecipher at [jennifer.stonecipher@shelbycountyttn.gov](mailto:jennifer.stonecipher@shelbycountyttn.gov).**

**ORDERS - The Court will continue to receive Orders via email at [circuit.division2@shelbycountyttn.gov](mailto:circuit.division2@shelbycountyttn.gov) or they may be placed in the Order Box in Room 208. The Court will sign them promptly.**

**ANNOUNCEMENTS - If the parties need to make an announcement or address the court, please contact Mario Ross. The Court will schedule a Zoom or telephone conference within 24 hours.**

**STATUS CONFERENCES - If the parties need to set a status conference for any reason, please contact Mario Ross. The status conferences will be conducted via telephone or Zoom.**

1. **NON-DISPOSITIVE MOTIONS**

**All motions will be set via the online system. Please be sure to check exclusion dates.**

All non-dispositive motions will be considered **on brief** only **without oral argument on Fridays**. All motions, responses, and replies shall be timely filed in compliance with the applicable Local Rules and Tennessee Rules of Civil Procedure. This will facilitate the best use of time for the lawyers, self-represented litigants, and the Court.

The Court will issue a ruling granting or denying the motion which will be posted on the Circuit Court website under the case docket report by Monday of the following week; or attorneys and self represented parties may also contact Mario Ross via email at [circuit.division2@shelbycountyttn.gov](mailto:circuit.division2@shelbycountyttn.gov) to obtain the ruling via email.

Parties shall submit an Order within seven (7) days in accordance with the local rules. The Order may be submitted via email at [circuit.division2@shelbycountyttn.gov](mailto:circuit.division2@shelbycountyttn.gov) or placed in the Division II Order Box in Room 208. Please make sure all required signatures and/or a certificate of service are on the Order.

## 2. **DISPOSITIVE MOTIONS**

**All dispositive motions will be specially set in Division II. Oral arguments on dispositive motions will be heard via Zoom or in person as determined by the Court.**

Please contact Mario Ross via email at [circuit.division2@shelbycountyttn.gov](mailto:circuit.division2@shelbycountyttn.gov) to schedule a date and time that is mutually convenient for all parties. Once the date and time is scheduled, all parties will receive a notification with the Zoom hearing sign-on information.

All motions, responses and replies shall be timely filed in accordance with the Local Rules and Tennessee Rules of Civil Procedure. The parties may deliver a binder to the Court containing any motions, memoranda and other documents relevant to the motions, if desired.

## 3. **UNCONTESTED DIVORCES**

**All uncontested divorces (ID & Default Judgment) shall be set via the online system. Please check exclusions dates. Carol Chumney is the Divorce Referee for Division II. Her email address is [carol@carolchumneylaw.com](mailto:carol@carolchumneylaw.com)**

**Irreconcilable Difference divorces with and without children will be conducted on Wednesdays from 9:00 am to 11:00 am via Affidavit or Interrogatories. No court appearance is required.** Please file the Plaintiff's Affidavit or Interrogatories with the Circuit Court Clerk's office.

Please email a copy of the Affidavit/Interrogatories, FD, PPP, Insurance Notification, Cost Bill, Demographic Form and Divorce Certificate Form to Mario Ross at [circuit.division2@shelbycountyttn.gov](mailto:circuit.division2@shelbycountyttn.gov) and to the Divorce Referee Carol Chumney at [carol@carolchumneylaw.com](mailto:carol@carolchumneylaw.com) by close of business Friday preceding your hearing date. It is very important that you adhere to this requirement so the Divorce Referee and Court have time to review all documents prior to the hearing.

**Default Judgment divorces, with and without children will be heard on Wednesday mornings at 9:00 am via Zoom.** Once the hearing is set online, the person setting the hearing will receive an email with details for the Zoom hearing including the sign-on information. The party setting the hearing is responsible for providing proper notice to all other attorneys or self-represented parties including the Zoom sign-on information. All hearings will be reset for failure to comply with notice requirements.

Please make sure all your paperwork is in order. When you set your hearing on the Circuit Court website, Mario Ross will email Plaintiff's counsel, or self-represented Plaintiff the Zoom hearing sign-on information to the email address used to set the hearing online. Plaintiff's counsel or self represented Plaintiff will be responsible for providing timely notice (5 business days and add 3 additional days if notice is via mail) of the date and time for the Zoom hearing to the Defendant and the Zoom hearing sign-on information.

4. **ORDERS OF PROTECTION, EMERGENCY CHILD CUSTODY MATTERS, D&N, CONTEMPT, INJUNCTIVE RELIEF & TROs**

Orders of Protection, Emergency Child Custody, Dependency and Neglect, Contempt and Petitions for Injunctive Relief/TRO will be conducted in Court unless said proceedings can be conducted via Zoom. All matters will be specially set by the Courtroom Clerk, Judge or via Fiat.

5. **OTHER PETITIONS (DOMESTIC & NON-DOMESTIC) MINOR SETTLEMENTS, WRITS OF INQUIRY & OTHER MATTERS**

All matters may be specially set by the Courtroom Clerk, Judge or via Fiat. Some will be conducted in the Courtroom, others will be conducted via Zoom.

6. **JURY TRIALS**

By order of this Court entered on August 9, 2021, all jury trials in Circuit Court are suspended through December 31, 2021. The Court will continue to evaluate current conditions and assess any updated guidance from health authorities to determine when jury trials can resume.

7. **BENCH TRIALS including CONTESTED DIVORCES**

**All bench trials scheduled until further notice will be conducted via Zoom unless Zoom is not feasible. A pre-trial conference will be necessary to discuss the logistics, exhibits, witnesses, etc.**

A Circuit Court Judge will also be available each day to sign fiats, consent orders, issue *ex parte* injunctions and *ex parte* orders of protection and to handle all urgent matters. Please go to the Circuit Court Filing Counter in Room 224, or Room 208, or see one of the Judicial Assistants in Room 212 for assistance.

**Please continue to be safe, practice social distancing, and adhere to CDC guidelines.**

**Judge James F. Russell**

Revised and updated November 9, 2021.