

Chancellor Walter L. Evans

Part I of the Chancery Court of Shelby County

Motions

Chancery Court motions are now being scheduled via the internet. The website for scheduling motions is chancerycourt.shelbycountyttn.gov. Motions can be conveniently scheduled from the attorney's office anytime. You may also schedule motions electronically by going to Room 308 of the Chancery Court Clerk's Office and entering your motions on the public access computer. While the motion book is no longer in effect, pursuant to T.R.C.P. 7.02 and Local Rule 10, motions are to be in writing. Copies of memoranda that counsel would like the Court to read prior to hearing the motion should be delivered to the Chancellor's judicial clerks at least three days prior to the hearing (See: Local Rule 16). Therefore, all motions are scheduled one week and heard the following Friday. The docket for Friday is . At that time, you will be able to view each clerk's motion docket. In the event your motion is not listed, please contact the courtroom clerk of that part at the numbers listed below.

Please note motions for summary judgment, motions to dismiss, and motions that will exceed twenty minutes must be specially set with the individual clerks. Also, before scheduling your motion, be sure to check with the courtroom clerk to assure that motions will be heard on the date that you will need.

Entering Orders

Consent Orders:

I have no objection to the entry of consent orders at any time; however the facts in the order must in fact be consented to. The Court should not be asked to adjudicate any aspect of the matter. For example, in the past counsel have approached the bench with a "consent order" and stated that the only remaining question related to costs. This is not, in fact, a consent order because the Chancellor is still being asked to adjudicate the terms. For a consent order, all attorneys must approve all of the terms of the order.

Orders by Interchange:

I am pleased to enter an order by interchange if the sitting judge in Circuit or Chancery is not available. However, entering an order by interchange is not appropriate where the judge has heard proof on the case unless both attorneys sign the order.

Trial

Jury Call:

When the case is ready for trial, the attorneys should place the necessary information, including the name of the case, the attorney names, and the time involved to dispose of

the case, on the ten day rule docket book. I would expect that the attorneys would have completed all necessary discovery and pleadings prior to placing the case on the docket book. Always provide notice to opposing counsel. Sometimes attorneys place the case on the ten day docket to put on a hearing to get a response as to whether everyone is ready for trial.

Continuances:

I am rather lenient on the matter of continuances. I do not believe a case should be tried if the parties are not prepared. I want cases heard on the merits and not on a technicality. While some judges are more strict, having practiced law I know that there are various reasons why counsel request continuances.

Scheduling Orders:

Scheduling orders are appropriate in complex matters involving multiple parties and attorneys and in jury cases.

Approaching the Judge:

If I am approached about a pending case, it is necessary to first inquire about the other parties involved in the matter. If a party is entering an order or simply has a question, I try to be considerate and have no problem with being approached unless the individual or attorney is trying to address me regarding a pending case without opposing counsel present.

Pet Peeves:

Having practiced law, I am sensitive to the many dynamics in the practice of law. I allow attorneys to be zealous, realizing that they are at times even trying to impress their clients. I recognize that some attorneys become emotional in court and raise their voices. Unless this behavior becomes excessive, I allow attorneys to vigorously represent their clients' interests in court. Excessive and overzealous behavior is inappropriate.

Special Words to Pro Se Litigants:

I do not recommend representing oneself in Court; however I recognize that in some situations, such as uncontested divorces and name changes, individuals do insist on representing themselves. I understand that not all individuals are capable of paying for an attorney's services. I always advise a pro se litigant of his or her right to an attorney and if the individual desires to proceed, the Court accepts that statement.

Professionalism/Civility:

Certain attorneys have a way of presenting their cases, which may be quite different. I do not focus on how an attorney conducts himself as long as it is not obscene or repulsive. As a general rule, I prefer to allow attorneys to have leeway in developing their skills.

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