

IN THE CIRCUIT AND CHANCERY COURTS  
FOR THE 21<sup>ST</sup> JUDICIAL DISTRICT AT WILLIAMSON COUNTY

FILED  
WILLIAMSON COUNTY  
CLERK & MASTER

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FILED FOR ENTRY 3/18/20

**IN RE: COVID-19 PANDEMIC**

**GENERAL ADMINISTRATIVE ORDER NO. 2020-0001**

**ORDER IMPLEMENTING TENNESSEE SUPREME COURT ORDER  
ADM2020-428 SUSPENDING IN-PERSON COURT PROCEEDINGS**

**WHEREAS:** The Tennessee Supreme Court issued AMD2020-428 suspending in-person court proceedings, with certain limited exceptions, effective March 13, 2020 through March 31, 2020; and

**WHEREAS:** The Circuit and Chancery Courts within the 21<sup>st</sup> Judicial District have adopted certain procedures reasonably necessary to implement this suspension; and

**WHEREAS:** It is reasonably foreseeable ADM2020-428 could be extended; and

**WHEREAS:** The courts remain open for business notwithstanding the suspension of in-person court proceedings.

**THEREFORE:** The judges of divisions I, II, III, and IV adopt and promulgate the following procedures for their criminal and civil dockets in Williamson County:

*A. Criminal Dockets*

1. Proceedings necessary to protect the constitutional rights of criminal defendants including bond-related matters and plea agreements for incarcerated individuals are specifically exempt from the suspension of in-court proceedings.

2. Incarcerated defendants scheduled on regular criminal motions dockets for arraignment, initial appearances on violation of probation warrants (“VOP”), and those defendants seeking release on bond will be identified by the judge scheduled to hear the particular motion docket in consultation with the deputy court clerk. Those cases will be heard on the regularly scheduled motion date using the video conferencing technology connecting the jail and courtroom C.
3. Defendants in release status who are represented by retained defense counsel are encouraged to submit written waiver of arraignment using the approved form and the judge scheduled to hear the particular motion docket will act on the written waiver.
4. Incarcerated defendants who have reached a settlement agreement with the State on pending charges or VOPs where the result of the agreement would be release upon time served, imposition of a sentence to the Department of Correction, or other disposition that would result in the defendant being released from jail, shall be heard using video conferencing technology on the regularly scheduled motions docket unless the parties request and the court approves a special setting.
5. Defendants in release status who are indigent and request appointment of defense counsel for arraignment or initial appearance, shall be continued to the earliest practicable criminal motions docket following the end of the period of suspension.
6. Defendants in release status whose cases are set for review, plea, or interlocutory relief by motion shall likewise be continued to the earliest practicable criminal motions docket following the end of the period of suspension.

7. The judges, in consultation with the assigned deputy court clerks, shall attempt to reset matters continued from affected motions dockets in order to achieve a timely resetting while at the same time avoiding unreasonable docket congestion.
8. Criminal cases set for trial on dates during which in-person proceedings are suspended shall be reset at the earliest practicable date by the assigned judge in consultation with counsel for the parties, and the assigned deputy court clerks.

B. *Civil and Domestic Dockets*

1. **Irreconcilable Difference Divorces:** In cases where both parties are represented by counsel, instead of submitting a proposed agreed order setting the case for hearing on a regularly scheduled ID docket, counsel are encouraged instead to file with the respective clerk's offices executed original versions of (i) proposed final decree, (ii) marital dissolution agreement, (iii) permanent parenting plan (if applicable), and (iv) child support calculation worksheet (if applicable), together with a notice that the parties wish to waive a hearing and request the court to enter the proposed final decree incorporating the marital dissolution agreement, as well as the proposed parenting plan making it an order of the court. The judge will then review the file in chambers and take such action as the judge determines is merited.
2. **Matter Exempt From ADM2020-428:** The suspension of in-person court proceedings does not apply to certain specific categories of cases. Among those are: (i) proceedings related to relief from abuse including orders of protection, (ii) proceedings related to emergency child custody orders, (iii) Department of Children's Services emergency matters, and (iv) proceedings related to petitions for temporary injunctive relief, among others ("Exempt Matters").



New actions for Exempt Matters shall be filed with the appropriate clerk's office and served in accordance with the Tennessee Rules of Civil Procedure. The clerk will submit the file to the assigned judge in accordance with existing procedures. The assigned judge will take such action as the judge deems appropriate.

Interlocutory requests for relief the party seeking relief reasonably believes qualifies as an Exempt Matter, shall be filed with the appropriate clerk's office, served on the adverse party, and set for hearing on a regularly published civil or domestic motions docket. Strict compliance with Local Rule 5.03(a) shall be enforced. Counsel for the moving party shall also furnish the assigned judge with a chambers copy of the moving papers in electronic format by email attachment to the judge's legal assistant and include the adversary counsel or party as a recipient of such email. Responses in opposition to such motions shall likewise strictly comply with Local Rule 5.03(c) and be timely filed, served, and furnished to the assigned judge. The judge will determine whether the motion in fact constitutes an Exempt Matter. If the judge determines the motion does not in fact constitute an Exempt Matter, the judge will provide the parties with instructions on how the motion will be heard telephonically.

3. **Matters Not Exempt From ADM2020-428:** All other requests for interlocutory relief shall be filed, served, and set by the moving party in strict compliance with Local Rule 5.03(a). Counsel for the moving party shall furnish an electronic chambers copy by email to the legal assistant for the judge assigned to the case and shall state whether the moving party requests the motion be heard telephonically. Responses in opposition to motions shall be filed and served in strict compliance with Local Rule 5.03(c). Counsel for the non-moving party shall furnish an electronic chambers copy by email to the legal

assistant for the judge assigned to the case and state whether the non-moving party objects to the motion being heard telephonically. If the non-moving party does object to a telephonic hearing the judge will decide whether or not to hear the motion telephonically and will inform the parties via email not later than the day prior to the date of the scheduled motion hearing.

Telephonic hearings shall be subject to the following restrictions:

- (i) Strict compliance by both the moving and non-moving parties with Local Rule 5.03(a) and (c);
- (ii) All documentary evidence, affidavits, deposition excerpts, or other written proof on which the parties rely in support and/or opposition shall be filed with the clerk and marked as an exhibit in advance of the hearing date and in compliance with Local Rule 5.03;
- (iii) The hearing will be limited to legal argument and written proof (no live testimony will be received);
- (iv) The total time allotted for the hearing will be forty (40) minutes unless enlarged by the judge.

Both Exempt and Non-Exempt interlocutory motions with respect to which no written opposition is timely filed shall be deemed unopposed and may be granted without further hearing. The moving party has leave to file and serve a proposed order granting the requested relief.

Non-Exempt interlocutory motions with respect to which a written opposition was timely filed and the court determined not to hear telephonically, shall be reset by the parties on a regular

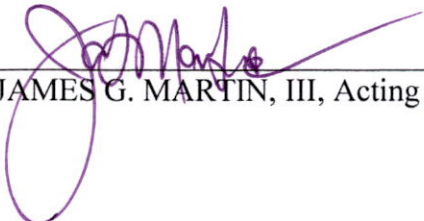
motion docket scheduled for a date after the suspension of in-person court proceedings has been lifted by the Tennessee Supreme Court.

In appropriate Non-Exempt matters the court may determine to specially set and conduct a telephonic hearing at which live proof will be received. In such situations, the court will issue appropriate written notice.

The procedures set out in this general administrative order shall apply during the pendency of ADM2020-428 and any amendments, extensions or subsequent revisions promulgated by the Tennessee Supreme Court.

Judge Michael Spitzer, Circuit Judge Division V is hereby delegated authority to establish such procedures he deems necessary in order to implement ADM2020-428 in the circuit and chancery courts of Hickman, Lewis, and Perry Counties.

IT IS SO ORDERED THIS 18<sup>TH</sup> DAY OF MARCH 2020.

  
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JAMES G. MARTIN, III, Acting Presiding Judge