

MEMORANDUM

TO: Members of the Bar in the 19th Judicial District (MCBA and RCBA)

FROM: Ross H. Hicks, Circuit Court Judge *RHH*

RE: Civil and Criminal Proceedings in Circuit Court Part 1 (Judge Hicks)

DATE: July 31, 2020

This memorandum is being sent to you in an effort to keep you advised to the extent possible of the schedule and procedures which will be in effect in Part I of the Circuit Court for the remainder of the calendar year. Obviously, given the increasing number of Covid-19 cases in both counties and the general uncertainty surrounding the Covid-19 crisis, everything is subjected to change. When changes are required, I will give you as much advance notice as possible. For now:

1. There will be no civil or misdemeanor jury trials in the months of August and September. Any such trials currently scheduled will have to be reset.

2. There will be no misdemeanor jury trials for the remainder of the 2020 calendar year. Any such trials currently scheduled must be reset.

3. The Court will conduct civil jury trials scheduled in the months of October or November but only if the parties agree to 6 person juries. Any such trials currently scheduled for those months must be reset if the parties do not agree to try the case with a 6 person jury.

4. The Part I calendar will be revised on a month to month basis and will be released at least a month in advance. The September revised calendar is attached.

5. All Motions, appeals from General Sessions/Juvenile Court/Child Support Magistrate and Petitions/Motions for Restraining Orders or ex parte relief may be set for hearing on days identified on the calendar as "Civil Non-Jury" or "Civil Motions". On the dates set, these matters will be first reviewed by the Court **on the pleadings only**. Zoom or in-person hearings will be scheduled only if the Court determines such hearings to be necessary. If you believe a Zoom or in-person hearing is necessary, you must request it in your Motion or Response. There is no need to request a hearing on the pleadings only because that is the default. Zoom or in-person hearings **WILL OCCUR ONLY** if the Court determines such hearings are necessary. If so, you will be notified by the Court and arrangements will be made for the hearing by my assistant.

6. All Motions, Petitions for Restraining Orders or ex parte relief and any other pleadings requiring notice to other person(s) must have a Certificate of Service, a COVID-19 Notice and Notice of Hearing. **PLEASE USE THE FORM ATTACHED HERETO** making the appropriate modifications and information entries. Note that this is a revised form to be used after August 1, 2020.

7. All TRCP and Local Rules of Practice regarding identification of witnesses, exchange of witness or exhibit lists, furnishing of copies to opposing parties and the Court, etc. will be strictly enforced. Please refer to my previous Memorandum of July 8, 2020.

8. If and when any in-person hearings occur all rules then in effect pertaining to social distancing, wearing a mask, etc. will be strictly enforced.

9. When Zoom hearings are scheduled, please arrange for all participating (attorneys, litigants and witnesses) to each have their own device available to participate in the Zoom proceeding if possible. If that is not possible and the participants or some of them are gathered in one room, those persons must follow rules pertaining to social distancing and wearing a mask.

Thank you for your cooperation.

September 2020

JUDGE ROSS H. HICKS - DIVISION 1

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday																																																																																																																	
		1 To Be Set By Judge Only	2 To Be Set By Judge Only	3 Clarksville Civil Non-Jury	4 Clarksville Civil Motions	5																																																																																																																	
6	7 Holiday	8 Springfield Civil Non-Jury	9 Clarksville Civil Non-Jury	10 Clarksville Civil Non-Jury	11 Clarksville Criminal Settlements	12																																																																																																																	
13	14 Clarksville Civil Non-Jury	15 To Be Set By Judge Only	16 Clarksville Civil Non-Jury	17 Clarksville Civil Non-Jury	18 Clarksville Criminal Motions	19																																																																																																																	
20	21 Springfield Civil Non-Jury	22 To Be Set By Judge Only	23 To Be Set By Judge Only	24 Springfield Civil Non-Jury 10:00 a.m. Criminal	25 Clarksville Civil Motions	26																																																																																																																	
27 7/31/20	28 To Be Set By Judge Only	29 Clarksville Civil Non-Jury	30 Clarksville Civil Non-Jury	<table border="1"> <thead> <tr> <th colspan="7">Aug 2020</th> <th colspan="7">Oct 2020</th> </tr> <tr> <th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th> <th>S</th><th>M</th><th>T</th><th>W</th><th>T</th><th>F</th><th>S</th> </tr> </thead> <tbody> <tr> <td></td><td></td><td></td><td></td><td></td><td></td><td>1</td> <td></td><td></td><td></td><td></td><td></td><td>1</td><td>2</td><td>3</td> </tr> <tr> <td>2</td><td>3</td><td>4</td><td>5</td><td>6</td><td>7</td><td>8</td> <td>4</td><td>5</td><td>6</td><td>7</td><td>8</td><td>9</td><td>10</td> </tr> <tr> <td>9</td><td>10</td><td>11</td><td>12</td><td>13</td><td>14</td><td>15</td> <td>11</td><td>12</td><td>13</td><td>14</td><td>15</td><td>16</td><td>17</td> </tr> <tr> <td>16</td><td>17</td><td>18</td><td>19</td><td>20</td><td>21</td><td>22</td> <td>18</td><td>19</td><td>20</td><td>21</td><td>22</td><td>23</td><td>24</td> </tr> <tr> <td>23</td><td>24</td><td>25</td><td>26</td><td>27</td><td>28</td><td>29</td> <td>25</td><td>26</td><td>27</td><td>28</td><td>29</td><td>30</td><td>31</td> </tr> <tr> <td>30</td><td>31</td><td></td><td></td><td></td><td></td><td></td> <td></td><td></td><td></td><td></td><td></td><td></td><td></td> </tr> </tbody> </table>		Aug 2020							Oct 2020							S	M	T	W	T	F	S	S	M	T	W	T	F	S							1						1	2	3	2	3	4	5	6	7	8	4	5	6	7	8	9	10	9	10	11	12	13	14	15	11	12	13	14	15	16	17	16	17	18	19	20	21	22	18	19	20	21	22	23	24	23	24	25	26	27	28	29	25	26	27	28	29	30	31	30	31													
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NOTICE OF HEARING

To: _____ (Name of Respondent)
_____ (Address)
_____ (City/State)
_____ (Telephone and Email address if known)

Comes now the _____ (Movant’s Name), by and through counsel, and hereby gives NOTICE that the foregoing _____ (Motion,TRO,etc.) will be heard **via pleadings only** on _____ (Month, day, and year), in the Circuit Court for Montgomery County, Tennessee before the Honorable Judge Ross H. Hicks.

COVID-19 NOTICE

Based on the Tennessee Supreme Court’s Orders in response to the COVID-19 pandemic all in-person hearings have been suspended except in certain limited circumstances that have been enumerated by the Tennessee Supreme Court’s Orders.

Therefore, if YOU are opposed to this action you must respond in writing by _____ (Month, day, and year, which is 3 days prior to hearing date). You must include your email address and telephone number and forward your response to:

_____ (Attorney or Pro Se Litigant)
_____ Address
_____ City/State
_____ Telephone
_____ Fax

AND TO:

Montgomery County Circuit Civil Court
2 Millennium Plaza, Suite 115
Clarksville, TN 37040
Tel: (931) 648-5700
Fax: (931) 648-5729

On the date stated in the first paragraph above, the Court will review the pleadings and will set an electronic (Zoom/telephone conference) or in-person hearing ONLY if the Court determines such a hearing is necessary. That is why we need your email address and telephone number.

FAILURE TO RESPOND WILL LIKELY RESULT IN THE COURT GRANTING THE MOTION AND/OR OTHER RELIEF REQUESTED.

CERTIFICATE OF SERVICE

I hereby certify that a true and exact copy of the foregoing _____ has been mailed, postage prepaid, or emailed, or faxed to _____ on the _____ day of _____, 20____.

Attorney/Pro Se Litigant