

State of Tennessee
Nineteenth Judicial District

Judge Ross H. Hicks, Part I
Judge Ted A. Crozier, Jr., Part III
Judge Kathryn Wall Olita, Part V

March 26, 2020

The Tennessee Supreme Court has ordered that all in-court appearances through April 30, 2020 be limited and Montgomery County Government will be going to a four-day work week beginning March 30, 2020. Therefore, Judge Hicks, Judge Crozier and Judge Olita have come together and would like to announce the following temporary operating procedures:

1. All Montgomery County hearings currently set on a Friday in the month of April are stricken and will need to be reset by using the attached HEARING REQUEST FORM. For purposes of selecting a new hearing date, the judges are implementing the following general schedules.

2. GENERAL COURT DATES:

Judge Hicks' Friday dockets will generally heard on Thursdays.

Judge Crozier's Friday dockets will generally be heard on Wednesdays.

Judge Olita's Friday dockets will generally be heard on Wednesdays.

MOTION DOCKETS:

1. There will be no oral arguments concerning matters set on the motion dockets unless the Court determines that oral argument is necessary. If the Court determines that an oral argument is required, the motion will be heard by telephonic or video conference as scheduled by the court. The administrative assistants of each judge will communicate with counsel to schedule the time at which the motion will be heard.
2. Counsel are directed to communicate with one another by phone or email about any motions already filed and **prior** to filing any new motions to determine whether the motion is opposed. If a motion is opposed, opposing counsel shall file a written response 3 days prior to the hearing date. (i.e. if hearing on Thursday those documents should be filed by close of business on Monday).

3. Counsel shall designate at the time of filing the motion if a telephonic or video conference is requested. The request should include the reason(s) justifying the need for said oral appearance. Requests for oral arguments should be filed for any motions already set and along with any new motions that are filed going forward. See HEARING REQUEST FORM attached.
4. If no written response is filed, the motion will most likely be granted by the court.
5. The 7-day notice requirement for hearing a motion is still required.
6. For motions heard on the pleadings, the Court will notify counsel regarding preparation of an order or will itself issue orders regarding motions decided. A copy will be put in your attorney box or sent by U.S. mail.
7. If there is a self-represented party that you will be notifying regarding any motion, please let one of the judicial assistants know so that they can advise you on how the judge would like to have the motion heard.
8. The below list is not all inclusive and upon review of the matter, the process may be adjusted but the following are some examples of how to handle motions which normally require an appearance (note highlighted changes):
 - a. **Motion to Amend** – Heard on the pleadings
 - b. **Motion to Compel Discovery** – Heard on the pleadings
 - c. **Motion to Dismiss** – Heard on the pleadings
 - d. **Motion to Set Trial or Mediation** - Heard on the pleadings
 - e. **Motion for Judicial Determination** – Heard on the pleadings
 - f. **Motion to Set Aside or Notice of Dismissal** – Submit affidavit supporting the request.
 - g. **Motions for Discretionary Costs** – Submit affidavit supporting the request
 - h. **Motion for Show Cause** – Submit affidavit in support of the request
 - i. **Motion for Publication** – Submit affidavit of Due Diligence
 - j. **Motion for Support** – Submit income and expense statements and child support worksheets and reasons your proposal should be adopted.
 - k. **Motions for Temporary Residential Parenting Plan or Temporary Visitation** – Submit competing Proposed Parenting Plan or visitation schedule and reasons your proposal should be adopted.
 - l. **Motion to Withdraw** – Still requires a notice of hearing, but:
 - i. If uncontested – Submit the Motion and Order together (along with the notice setting on the motion docket). Order should include language

indicating that the client will be proceeding *pro se* if counsel is not obtained within 30 days of entry of the order to withdraw. Include current contact information for client including email and phone number.

ii. If contested – to be heard on the pleadings as outlined above

m. Motion to Continue (Motions or Trials) – Still requires a notice of hearing, but:

i. If uncontested – Submit the Motion and Order together (along with the notice setting on the motion docket).

ii. If contested – to be heard on the pleadings as outlined above

n.

o. Motion for Contempt

i. Criminal – Arraignments may be waived in writing. If not waived, the Court will contact counsel to set up an in-person hearing.

ii. Civil – Heard on the pleadings.

p. Motion for Default Final Hearing –

i. The notice setting the final hearing must be sent via **certified mail** setting forth the date of the hearing. The time should be for 9:00 am.

ii. The hearing date should be set 21 days out from the date of filing.

iii. Any notice of hearing setting a default hearing must include the following language and include only the court that applies:

“Based on the Supreme Court’s Order dated March 25, 2020 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 Supreme Court’s order. Therefore, if you are opposed to this [*divorce/modification/motion*] you must respond in writing to [*insert your office information*] and [*only include applicable court information*]:

Montgomery County Chancery Court
2 Millennium Plaza, Suite 101
Clarksville, TN 37040
Ph (931) 648-5703
Fax (931)648-5759

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

FAILURE TO RESPOND WILL RESULT IN THE [DIVORCE/MODIFICATION/MOTION] BEING GRANTED BY THE COURT.

iv. Default hearings will be heard by video conference. You will be contacted by the judge's assistant to set up a time (note – your notice of hearing should say 9:00 am, but that may not be the time of the conference)

q. **Ex Parte Motions** – Must be heard in person. Therefore, the court will contact counsel to arrange those hearings.

UNCONTESTED DIVORCES BY ATTORNEYS:

1. Will be handled as normal.

TRIAL DOCKETS

1. The court will contact counsel to determine how to proceed with trial. Each will be considered on a case by case basis.
2. Any jury trials will be re-set.

PRO SE LITIGANTS

When dealing with any pro se litigants, **PLEASE** get as much contact information as you can. Address, phone number, email address, work number, back up number where we can call and leave a message, etc.

1. Parenting plans – refer to the court's standing order regarding parenting schedules during school closures. It addresses how parenting plan and visitation schedules are to be handled during government mandated lockdowns and COVID-19 diagnosis. It also warns of the potential penalties for non-compliance.
2. If you are contacted by someone who has received notice of a default hearing continue to encourage them to file an answer in writing with the court. The attorneys have been instructed to include language that lets them know to contact the court and to file a written answer or else the divorce/modification/motion will be granted. We don't really want anyone to show up on the date of the hearing for a default. BUT if someone shows up on the day of the hearing just call the judge's assistant and they will let you know what to tell them.
3. If a pro se litigant calls about a motion that is on the docket, encourage them to file an answer in writing. Again, if they appear on the motion date, let the judge's assistant know and they will let you know what to tell them.

4. **Pro se divorces** – We are going to handle pro se divorces almost like an attorney uncontested divorce. The litigants should submit all of their paperwork to include the final decree and parenting class certificates. If they have an agreed MDA and parenting plan (if applicable) they will file everything along with their notice of hearing. (Do not allow them to set it for a date before the applicable statutory time has run.) They will not be expected to appear. You should prepare them just like an uncontested attorney divorce. When preparing the docket for the judge include the file with the final decree. The judge will either sign the final decree or return the PRO SE CERTIFICATE OF STATUS form that he/she will fill out outlining what needs to be fixed. If the issues are going to require the parties to appear, it will be noted on the form. The form make it easier for you when you will need to contact the parties to provide notice regarding the status of their divorce, if corrections are needed or if it will be re-set for hearing. If it has been set for a hearing please send notice to all parties of the hearing date. The PRO SE DIVORCE CERTIFICATE OF STATUS should be put under seal as ‘judges’ notes’ and not filed.
5. **Pro se divorces already filed** – we will need to contact them and attempt to get a final decree to present to the judge and notify them that they should not appear on the court date.

Please know that your hard work and flexibility is greatly appreciated and does not go unnoticed. We realize that you are what keeps our court system here in the 19th Judicial District running smoothly and we want to make this difficult situation as easy for you as it can be under the circumstances.

**IN THE CHANCERY/CIRCUIT COURT FOR
MONTGOMERY COUNTY, TENNESSEE AT CLARKSVILLE
19th JUDICIAL DISTRICT**

_____)	
Plaintiff,)	
)	
vs.)	Docket No. _____
)	
_____)	
Defendant.)	

HEARING REQUEST FORM

In accordance with the Tennessee Supreme Court Order suspending in-person court proceedings, the undersigned request to bring the motion(s) set forth below for hearing before this court on the _____ day of _____, 2020 as follows:

Motion(s) to be heard:

Please indicate the method by which you would like the motion to be heard:

_____ Motion to be heard on the pleadings only. (All pleadings, to include briefs, responses and replies, are to be filed no later than close of business the business day next preceding the motion date.)

_____ Request that motion be heard via WebEx, Zoom or other electronic video means. (The assigned Judge will make the final determination.)

_____ Motion to be heard via in-person Court proceeding as it constitutes an exception to the Supreme Court Order.

_____ Other: _____

Respectfully Submitted:

Attorney for Plaintiff

Attorney for Defendant