

IN THE CHANCERY COURT OF COVINGTON, JEFFERSON DAVIS,
LAWRENCE, SIMPSON AND SMITH COUNTIES
THIRTEENTH CHANCERY COURT DISTRICT

ADMINISTRATIVE ORDER-2

RE: SUPPLEMENTAL COVID-19 VIRUS PROTECTION PROCEDURES

On March 19, 2020, this Court entered an Administrative Order RE Covid 19 Virus Protection Procedures which was based upon guidance from the President of the United States; the Centers for Disease Control; the Governor of the State of Mississippi; and the Mississippi Supreme Court.

All of the above referenced authorities have continued to issue updated Orders, Decrees, and Guidance since that which was relied upon when this Court issue its prior Order and it is expected that updates will continue as circumstances change.

The Courts of the Thirteenth Chancery District shall continue to remain open and shall continue to serve the public as required by the Constitution of the State of Mississippi and Orders of the Mississippi Supreme Court. However, it is now necessary to modify the previous Administrative Order of this Court to better protect court personnel, litigants, witnesses, and other citizens from the dangers of the Covid 19 virus.

THE FOLLOWING ADDITIONAL STEPS, RULES, MEASURES AND DIRECTIVES ARE HEREBY ADOPTED BY THIS COURT UNTIL FURTHER ORDER OF THIS COURT:

1. The offices of each Chancery Clerk of this District shall continue to remain open to the public to serve the needs of the citizens of this District and others seeking relief from this Court. In so doing, each Clerk shall from time to time establish rules and procedures for attorneys, litigants and others seeking to file pleadings and other documents with this Court. While Mississippi Electronic Court (MEC) filings will reduce the personal contact required, Clerks are encouraged to make use of drop boxes, curbside service, limited office access, limited courthouse access, health screening, telephonic service and other methods to reduce the number of persons entering each courthouse and to maintain appropriate “social distancing”, all while continuing to serve litigants and the public.

2. The Chancery Clerk and Sheriff of each county shall take necessary steps and assign appropriate personnel to ensure that all Court facilities which are used by the public or court personnel are regularly cleaned with disinfectants to reduce the chance of any virus remaining on doors, tables, chairs, counters and other surfaces. This regular disinfection shall take place multiple times during any day when Court is in session. It is recommended that disinfection take place between each of the limited number of cases that require in person hearings.

3. The Thirteenth Chancery District began utilizing “Zoom Video Conferencing” on or about March 23, 2020 and will continue to conduct as much court business as possible utilizing this service. All attorneys practicing before this Court should prepare by installing free “Zoom” software or application, if needed, upon a computer or laptop with a web camera, microphone, and speakers, or in the alternative, upon a smart cellular telephone, either with appropriate internet service to participate in a video conference.

4. When contacting the Court Administrator pursuant to this Court’s prior Order, each attorney shall provide the Court Administrator with an e-mail address to which a zoom link may be forwarded at the appropriate time by a court reporter or other court personnel. Many computers and devices will automatically connect you to the conference with the “zoom link” without the need to install any additional program or application.

5. Except in circumstances involving pro se litigants or other unusual circumstances, Attorneys should expect to participate in conferences and hearings from attorney’s office with clients and/or witnesses. Accordingly, each attorney shall plan a secure location in their office where attorney can limit access to those participating in a conference or hearing.

6. All video hearings and conferences will be conducted as if in chambers or the courtroom and each attorney shall be responsible for ensuring the security of the same. No recordings - audio, video, photographic or otherwise - shall be permitted except that any “on the record” proceedings shall be recorded by the official court reporter with transcripts available to parties as in any other case. Accordingly, each attorney shall advise his or her clients of this prohibition and shall be personally responsible for ensuring no recording devices are used by the attorney, staff, clients or others who may have access to any video proceedings. Any violation of these provisions shall be addressed as contempt of this Court.

7. In the unlikely event that the court receives testimony from a “non-party” witness, appropriate provisions shall be made to facilitate said testimony.

8. Attorneys are encouraged to file documents deemed absolutely necessary (as exhibits) to presentation of the client’s case in the MEC system, provided that all such filings should not exceed a total of twenty (20) pages. These filings should be made at least 24 hours in advance of any hearing. The Court will consider admission of any such documents into the record during the hearing.

9. All parties and attorneys shall file in MEC any required financial disclosures; necessary agreements and pleadings; and other documents that might otherwise have been presented for “bench filing” not less than 24 hours prior to any hearing. Failure to timely do so in ex parte proceedings will result continuance of the proceedings. Failure to do so in contested matters may result in continuance or failure to consider the “untimely” matters.

10. At this time, video conferencing is not anticipated for use in trials or pre-trial conferences but exceptions may be made by the presiding judge. Attorneys and litigants are encouraged to use time set aside for these settings for status or settlement conferences in an attempt to resolve some or all issues that may be pending. The presiding judge will participate by video in any such conferences or facilitate the same upon request as time permits.

11. All provisions of this Court's Administrative Order of March 19, 2020 shall remain in full force and effect unless specifically modified herein and this Order shall be effective immediately, subject to the provisions of said prior Order.

12. The Chancery Clerks of this District are Ordered and directed to post a copy of this Order in the Chancery Clerk's office and upon any official county courthouse bulletin board. Further, copies of this Order shall be made available to all members of the local bar and any other attorney requesting the same.

SO ORDERED this the 30th day of March, 2020.

/s/David Shoemake

DAVID SHOEMAKE, Chancery Judge, Post 1

/s/Gerald M. Martin

GERALD M. MARTIN, Chancery Judge, Post 2