

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

ADMINISTRATIVE ORDER

RE: COVID-19 VIRUS PROTECTION PROCEDURES

On March 13, 2020, the President of the United States declared a national emergency due to the pandemic outbreak of Coronavirus (COVID-19).

On March 14, 2020, the Governor of the State of Mississippi declared a statewide state of emergency regarding COVID-19.

On March 16, 2020, the President of the United States officially established guidelines recommending individuals avoid groups of more than ten people in order to slow the spread of COVID-19.

The Chancery Court of the Thirteenth Chancery District must remain open to protect those who find the need to seek relief available from this Court, but it must also do what it can to protect the health, safety and welfare of court personnel, attorneys, litigants, witnesses, and other individuals that come in contact with the court system, and their families.

The Mississippi Supreme Court has entered a series of three Emergency Administrative Orders dated between March 13 and March 17, 2020, directing trial courts to "not conduct any proceedings that require witnesses or parties to travel from an infected area or that involve vulnerable persons, increasing the chances of transmission of the disease." Said Orders give individual judges the discretion to postpone any trials on their docket scheduled through May 15, 2020. Further, the Orders provide that "trial judges are hereby authorized to exercise their sound discretion in extending deadlines, rescheduling hearings and trials and any other matters by case specific actions or by general orders" and that "The Court authorizes local courts to take steps and measures consistent with this Order".

The Orders from the Mississippi Supreme Court require trial courts to remain open to ensure constitutional rights are protected during this national emergency. As a result of the foregoing, the Courts of the Thirteenth Chancery Court District will remain open to ensure constitutional rights are protected during this national emergency. Unless otherwise ordered by an appropriate agency of the State of Mississippi, the Judges, Clerks and their staff shall continue to be open and available, whether in person, telephonically, and/or electronically, to receive filings, grant relief, and conduct administrative work of the Court.

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

1. Each Chancery Clerk shall ensure that his or her office remains open to the public to receive filings and conduct court business but is authorized to limit the level of personal contact and the number of persons allowed into the Clerk's office or surrounding areas at any one time. The Clerks are further authorized to require actions by those entering the Clerk's office (hand washing, disinfection, social distancing, etc) intended to comply with State or Federal guidance on avoiding transmission of COVID-19.

2. The Sheriffs and Chancery Clerks are directed to work with those responsible for cleaning and maintaining each courthouse to ensure compliance with enhanced cleaning requirements. Although not confirmed it has been reported that COVID-19 can remain in the air for up to three hours and live on some surfaces for up to three days. Surfaces should be regularly cleaned with appropriate disinfectants.

3. Visitors to all courthouses shall follow the recommendations of health officials to protect themselves and others from the spread of COVID-19. Those include washing hands frequently with soap and hot water for at least 20 seconds and maintaining a safe social distance from others.

4. Parties, attorneys, and witnesses who have traveled to areas with confirmed concentration of coronavirus cases or who have been exposed to persons with coronavirus or who are awaiting test results from a coronavirus test shall contact the clerk of the court by telephone before coming to that court. Those who have been diagnosed with the virus or who are primary care giver for a vulnerable person who has been diagnosed with the virus shall contact the clerk of the court by telephone. The aforementioned shall not come to the courthouse before speaking with court personnel and only then if they are directed to appear at instruction of the presiding Judge.

5. All Department of Human Services (Mississippi Child Support Services) cases will be continued and set for further proceedings no earlier than June 30, 2020 to allow for resumption of DNA testing and compliance with Federal directives concerning child support collection during the coronavirus pandemic. Attorneys for the Agency shall notify all parties not to attend any scheduled court proceeding and shall provide a copy of any continuance Orders to all parties, advising them of any new Court setting. Attorneys for the Agency shall present appropriate Orders to the presiding Judge to preserve any rule 81 process.

6. In Order to limit the time attorneys and parties are required to be in the presence of others in the courtroom, Attorneys shall electronically file all process returns, financial disclosures, motions and other documents in MEC no later than 5:00 p.m. on the last business day prior to any scheduled Court appearance. This will allow the presiding Judge to review documents prior to Court and prevent the unnecessary delay of bench filing documents and reviewing the same for the first time while in the Courtroom. Failure to timely make electronic filings will result in the matter being set over until the next scheduled court day.

7. Pro Se litigants seeking an irreconcilable differences divorce shall ensure that all financial disclosures and agreements are electronically filed at least 24 hrs before Court and shall deliver a proposed Agreed Judgement and telephone contact information to the Chancery Clerk at least 2 business days prior to any scheduled hearing so that the Court may review the matter prior to any hearing and limit the time such litigants are required to remain in the Courtroom.

8. Each attorney who has a case on the docket or desires to present ex parte matters to the Court shall personally contact the Court Administrator at least 24 hours and no more than 72 hours before Court concerning the nature of the proceeding; status of summons issued; whether other parties are represented; number of parties, witnesses, etc.; relief sought; and options for temporary proceedings, settlement conferences, and orders of continuance. Attorneys shall provide contact information to receive telephonic instructions from the Judge, Court Administrator or other Court personnel through 6:00 p.m. on the business day preceding any Court setting.

9. After receiving the telephonic information from counsel referenced in paragraph number eight, it is expected that most cases will be continued, addressed telephonically or addressed with only counsel present pursuant to the provisions of this Order set forth below. Counsel and/or clients should only make in person appearances if instructed to do so by Court personnel during the telephone call referenced in paragraph number eight above.

10. Unless express permission is obtained from the presiding Judge, in order to ensure social distancing, only attorneys and parties will be allowed in the Courtroom or on the second floor of any Courthouse. Attorneys shall instruct all clients to leave family, friends, and others at home. Witnesses shall be placed on standby and subject to 30 minute telephonic notice to appear. Further, no one will be allowed to loiter in the hallways of the Courthouse and risk inappropriate social distancing, so only those coming and going for business in the Clerk's office or other offices of the Courthouse will be allowed in hallways or other public areas.

11. Permission may be sought for non-parties such as members of the press, necessary care givers or custodians, and members of attorneys' staff to be present in the Courtroom upon showing of appropriate need. Such permission is not intended for family members, friends, neighbors, pastors, counselors, or others providing "emotional support" for a litigant. Attorneys shall be responsible for advising their clients of the terms of this Order and, in particular, the limitations on bringing non-parties to the Courthouse.

12. In the discretion of the presiding Judge, the Court will consider continuing, upon the motion of either party or the Court, any actions which are not considered emergency or priority matters. Continuances for such actions shall be for settings after May 15, 2020. In the event that all counsel agree that no temporary relief or other provisions are necessary, all counsel and parties will be excused upon presentation to the Court of an agreed order of continuance.

13. The Court will automatically continue most matters on the first return day of Rule 81 process (except for TROs, domestic protection and similar relief). Counsel for Plaintiffs are instructed to appear without clients for such matters and counsel for Defendants are instructed to contact counsel for Plaintiff immediately upon being retained so that a continuance may be agreed upon and entered by the Court upon the case being called. All such continuances shall be for not less than one week and not more than three weeks, except upon agreement of counsel. Upon submission of an agreed Order, Counsel are relieved of the necessity to appear.

14. It is the intent of this Order to limit most in person court appearances to uncontested matters, matters with published summons and matters which are priority or emergency in nature. Priority/emergency matters include proceedings related to protection from abuse, proceedings related to emergency child custody and protection orders, emergency or temporary matters related to guardianships and conservatorships, proceedings related to petitions for temporary injunctive relief, proceedings related to emergency mental health orders and commitments, and proceedings related to emergency protection of elderly or vulnerable persons.

15. In the event any party is unable to appear due to corona virus exposure, counsel shall arrange to have any such party available by phone in the event that the Court determines that justice and equity require a hearing and entry of a temporary order before the case is continued.

16. In the event any attorney is unable to appear in person for scheduled hearings or other proceedings due to quarantine and/or virus exposure, said attorney shall secure co-counsel or send a staff member with cell phone to be present in the Courtroom and every effort will be made to allow the sick/quarantined counsel to participate by telephone.

17. The presiding Judge may choose to address motions and other matters which can be considered upon pleadings, written documents, affidavits, stipulation or otherwise without testimony by teleconference, written submission or other means of communication that does not require in-person appearances by counsel and/or parties.

18. Nothing in this Order shall restrict or limit the presiding Judge from taking any action he deems appropriate to control and manage his docket, including scheduling any trial or other proceeding to further the interest of justice.

19. This Order is intended to comply with Orders of the Mississippi Supreme Court and emergency directives from the President of the United States of America, the Governor of the State of Mississippi and other appropriate State and Federal agencies. In the event any provision of this Order conflicts with federal or state emergency declarations, such provision shall be suspended and not enforced until such time as the Judges of this district may consider modifying any such provision.

20. This Order shall be effective immediately and shall remain in full force and effect until further Order of this Court and is intended to control proceedings in this district through at least May 15, 2020.

21. 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 19<sup>th</sup> day of March, 2020.

*/s/ David Shoemake*  
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DAVID SHOEMAKE, Chancery Judge, Post 1

*/s/ Gerald M. Martin*  
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GERALD M. MARTIN, Chancery Judge, Post 2