

THIRD CIRCUIT COURT MODIFIED PROCEDURES DURING IN-PERSON HEARING SUSPENSION

During the period of the suspension of in-person hearings by our state Supreme Court, Third Circuit Court will modify its procedures for dealing with its various dockets as follows:

The Court's 1:30 PM Child Support Services docket on Mondays will be suspended pending further orders of the Court.

On Mondays and Tuesdays, Third Circuit will assist Master Dana Ballinger with the 9:00 AM order of protection docket. All litigants will report to courtroom 510 on the 5th floor of the historic Davidson County Courthouse and the Master will assign cases to Third and Fourth Circuit Courts for hearing. The Court will allow only one set of litigants and attorneys, where applicable, in the courtroom for a hearing at a time. All other litigants and counsel will remain in the hall until their case is called for hearing. Hopefully, this will assist in moving cases along and helping the litigants and witnesses conclude their business and allow them to leave the courthouse as soon as possible.

Third Circuit will conduct telephonic hearings on irreconcilable differences divorces on its Tuesday and Wednesday uncontested divorce dockets starting at 9:00 AM. If there are issues with the marital dissolution agreement and/or parenting plan that require amendments, the staff of Third Circuit will contact counsel in advance of the hearing date to inform counsel of those issues. Those cases will be continued unless counsel and the litigants can resolve the issues before the hearing date with a corrected MDA and/or parenting plan. If counsel needs additional time to negotiate and make corrections, the Court will entertain specially setting a hearing by agreed order to help the parties resolve their divorce action. In those cases where there are no issues, the Court's staff will contact counsel to provide telephone contact information and assign a call-in time for the

hearing. The Court successfully used this procedure on its dockets on Tuesday, March 17 and Wednesday, March 18. Default hearings on the uncontested divorce dockets shall be continued indefinitely because of the necessity for multiple witnesses and the introduction of exhibits in some cases.

Previously scheduled contested hearings which were set on Tuesday and Wednesday of upcoming weeks and all judicial settlement conferences have been suspended pending further orders of the court.

The Court will review the Thursday, 9:00 AM Contempt and Show Cause dockets to determine which cases the Court believes may be handled telephonically. The Court's staff will contact counsel whose cases the Court determines will qualify for telephonic hearings in advance of the Thursday docket. Where possible, the telephonic hearing will take place on the Thursday on which the case is scheduled. In cases that are more complex or require more lengthy testimony, the Court will entertain a request of counsel to specially set the matter.

The Court will review the Friday 9:00 AM motion docket to determine which cases the Court believes may be heard telephonically. These will primarily be cases where each party is represented by counsel. Self-represented litigants who have filed their own divorce actions and have filed motions to set their case for final hearing will be continued indefinitely because these motions generally require extensive interaction between the litigants and the Court's staff to ready the case for a hearing date. Cases where only one of the litigants is represented by counsel are generally not conducive to telephonic hearings and will have to be continued indefinitely. However, the Court is open to suggestions on how these may be accomplished without in-person hearings. Motions for default will be continued indefinitely because self-represented litigants often appear at these hearings and request additional time to file responsive pleadings.

The Court will entertain specially setting time sensitive motions or emergencies involving the parties and/or their minor children. The Third Circuit Court staff will be happy to answer questions regarding any of the foregoing.

The Court appreciates the litigants' and attorneys' understanding and patience as we attempt to navigate through these unusual circumstances. Please contact us if we can assist you.