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MEMORANDUM

TO: All Practicing Attorneys within the First Chancery Court District
DATE: May 1, 2020
RE: Chancellor Bailey's Temporary Court Practices in Light of COVID-19 Pandemic

Counsel:

I hope this correspondence finds you well. The court recognizes the need to resume in-person court operations as soon as safely feasible, for you and for all litigants. Mindful of the Court's duty to ensure the "just, speedy, and inexpensive determination of every action and proceeding," as well as our duty to protect parties, witnesses, attorneys, and court staff, the Court is asking for your assistance in implementing certain **temporary** practices, policies, and procedures that I believe will help in keeping us all safe and healthy as we navigate towards a return to many of our more traditional ways of handling chancery court cases.

Due to the COVID-19 pandemic, we are currently prohibited from gathering for church, funerals, weddings, graduations, and sporting events. While Governor Reeves is moving towards a gradual reopening of businesses, we remain under certain CDC recommendations regarding gatherings of people, social distancing, etc.

After seeking input from a number of people throughout the First Chancery Court District, I have determined that I should not hold court in the traditional manner to which we have all become accustomed. My intent in making the changes set forth herein is to temporarily limit the congregating of people, while still conducting the business of the court, including trials. I hope that these measures will help to safeguard all lawyers, litigants, court staff and witnesses as much as possible.

During this time of transition, I intend to make myself more readily available for conferences, emergency hearings and temporary hearings by means of teleconferencing and video conferencing. Please do not hesitate to contact me should you need the Court's assistance.

In light of the foregoing considerations, I would ask that you take note of the following temporary procedural rules in matters assigned to me:

1. In order to comply with current social distancing guidelines, all court proceedings shall be limited to attorneys, parties, witnesses, security officers, and other necessary persons, as may be determined by the Court. Please ask all witnesses to remain outside of the courthouse, and leave a telephone number with the bailiff, until such time as they may be called to testify. Interested persons (non-parties and non-witnesses) will not be allowed into the courtroom or to congregate in common areas of the courthouse, without special permission from the court.
2. Through May 15, 2020, I will limit the number of cases to four (4) per day, unless more than four (4) cases have been previously scheduled. Emergency matters may also be scheduled with special permission.
3. For newly scheduled matters after May 15, 2020, the Court Administrator will provide staggered starting times for each case. Cases will be set at 9:00 a.m., 10:00 a.m., 11:00 a.m., 1:00 p.m., 2:00 p.m., 3:00 p.m., and 4:00 p.m.
4. **There will be no standard docket call in the courtroom at 9:00 a.m. each morning until further order of the court.**
5. **The courtroom will remain closed until the court takes the bench to begin the trial of each case. All persons will be instructed to wait outside of the court facility, on telephone standby, until they are summonsed to enter the courtroom.**
6. For matters that are to be heard in person, on the day the matter is to be tried, the court bailiff will have a complete docket at the entrance to each court facility and will write down the name of each person who appears, the name of their counsel, and the telephone numbers of each such person. At approximately 9:05 a.m., the court will have the bailiff bring into the courtroom the parties and counsel on the first case on the docket to begin the trial of the first case. The Court may elect in some instances to hear any uncontested matters before beginning the trial of the first case. Witnesses will be summonsed to the courtroom one at a time at the direction of the court. Upon conclusion of the first case, the court will commence the trial of the second case and will send for the parties and their counsel in that case. Each and every case will be handled one at a time, in this manner, until all cases on the docket are completed.
7. The Court would continue to urge the use of video conferencing technology in lieu of in-person court proceedings to every extent possible. Records will be made of these electronic hearings through the use of our official court reporters. Telephonic conferencing may be used if video conferencing is not feasible.
8. Additionally, you are strongly encouraged to arrange for a video conference hearing in any matters where a litigant or witness may be of advanced age, or otherwise

considered to be a vulnerable person.

9. Please conduct all pre-trial negotiations **prior to** the date that your hearing is scheduled, so as to minimize the in-person negotiations held in the courthouse. If you are not prepared to proceed to trial when your case is called up by the court, it will likely be continued until another date and time so that the court can proceed with the next case. Should you desire to conference with the court before trial, please arrange to do so prior to the date the matter is scheduled for hearing, so that the conference may be conducted by videoconferencing or teleconferencing if possible. The court is available for videoconferencing or teleconferencing, with minimal advanced notice, at all times, including nights and weekends if necessary.
10. If at all possible, arrange to email your proposed exhibits to the court reporter on the date before the scheduled hearing and provide copies to counsel opposite. The exhibits can then be pre-marked for identification prior to trial and the court will have its own copy of these documents when the hearing begins. Please contact the Court Administrator's office for the email address of the court reporter serving on your scheduled hearing date.
11. No more than ten (10) individuals will be permitted inside the courtroom at any one time without special permission of the court. A standard chancery court case would include two parties, two lawyers, a guardian ad litem, a witness, a court clerk, a bailiff, a judge and a reporter. That would total ten people.
12. Please avoid congregating in hallways, outside of courtroom doors, in attorney conference rooms, or outside of chambers.
13. No more than two attorneys will be allowed in chambers, along with the court clerk, and court security for any conferences with the court that must be conducted in person.
14. The Court Administrator's offices remain open for telephonic, electronic, and mail operations. You may also speak to the staff in the Court Administrator's office through the glass half door if you need to speak to them in person.
15. My preferred method to process orders is via email. Orders received by email will be emailed back to counsel of record and then sent to the clerk for filing. Regular United States mail is also acceptable. Orders received by United States mail will be returned in the envelopes provided therewith. You may email orders to me at sbailey@co.lee.ms.us, or to my Staff Attorney at chill@co.lee.ms.us.
16. For cases assigned to me, please contact Beth McNutt or Kimela Bratton at (662) 432-2130 with any questions. The members of my staff have permission to provide attorneys with my cell phone number if they need to speak with me directly.
17. Please continue to adhere to the protocols set forth by each county's Chancery Clerk with regard to the filing of pleadings, briefs, and other paper filings.
18. In the event that any litigant, attorney, or witness has any of the following risk factors, counsel should contact counsel opposite and the Court Administrator to reschedule an upcoming hearing or to arrange for a video-conferenced hearing via Zoom:
 - a. Individuals who have been asked to self-quarantine by any hospital, health agency or medical professional;

- b. Individuals who have been diagnosed with Coronavirus/COVID-19;
- c. Individuals who have had direct contact with anyone who has been diagnosed with Coronavirus/COVID-19;
- d. Individuals with apparent symptoms of COVID-19, such as fever, severe cough, or shortness of breath;
- e. Individuals who have, within the last 14 days, been to any high-risk areas identified by the CDC;
- f. Individuals who reside, or have been in close contact, with someone who has been in any of the aforementioned high risk areas in the last 14 days; or
- g. Individuals who have traveled domestically within the United States or overseas where COVID-19 has sustained widespread community transmission.

I offer my most sincere thanks for your help in implementing these practices and procedures. We will continue to monitor the ongoing need for these restrictions and make updates as warranted.

Sincerely,



Stephen T. Bailey
Chancellor

cc: All Chancery Court Clerks of the First Chancery Court District
All Sheriffs within the First Chancery Court District