

**IN THE CHANCERY COURT OF CALHOUN, LAFAYETTE, MARSHALL,  
BENTON, AND TIPPAAH COUNTIES**

**ADMINISTRATIVE ORDER 3**

**RE: SUPPLEMENTAL COVID-19 VIRUS PROTECTION PROCEDURES**

On March 19, 2020, and March 26, 2020, this Court entered an Administrative Order regarding 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 Eighteenth 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 as provided in its prior Order. 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 on a restricted basis to the public to serve the needs of the citizens of this District and others seeking relief from this Court as they have done over the past few weeks.

2. The Eighteenth Chancery District began utilizing “Zoom Video Conferencing” on or about April 1, 2020 and will continue to conduct as much court business as possible utilizing this service. All attorneys practicing before this Court should install free “Zoom” software or application 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.

3. When contacting the Court to set up a video conference or video hearing, the attorneys or person responsible for the same should : (1) For Judge Whitwell, contact his Staff Attorney and/or Court Administrator and they will provide you with a zoom number; (2) For Judge Little, contact his Staff Attorney/Court Administrator with email addresses of participants and she will provide a zoom link that may be forwarded to the email addresses given at the appropriate time. Should you need to set up times for special matters like heirships, or matters related to return dates, or publication appearances; you should contact the judges’ offices as stated herein.

4. Except in circumstances involving pro se litigants or other unusual circumstances, Attorneys should expect to participate in video conferences and video hearings from attorney's office with clients and/or witnesses. Accordingly, each attorney shall plan a secure location in their office where each attorney can limit access to those participating in a conference or hearing. With reference to pro se litigants, counsel for the plaintiff must provide the defendant with a zoom number or link upon service of process.

5. 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.

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

7. Attorneys are encouraged to email documents deemed absolutely necessary (as exhibits) including financial statements to presentation of the client's case to the Staff Attorney, 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. Failure to timely do so in ex parte proceedings will result in a continuance of the proceedings. Failure to do so in contested matters may result in a continuance or a failure to consider the "untimely" matters. Judge Whitwell-[sweathersbee@lafayettecoms.com](mailto:sweathersbee@lafayettecoms.com); Judge Little-[tscruggs@lafayettecoms.com](mailto:tscruggs@lafayettecoms.com).

8. 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.

9. The Court's prior Order was scheduled to end April 30, 2020. However, these procedures for hearings after April 30, 2020 are to continue until further Order of the Court. Should you have a matter set after April 30, 2020, you shall contact the Court to determine how the case will proceed.

10. 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.

11. 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 23<sup>rd</sup> day of April, 2020.

  
LAWRENCE L. LITTLE, Chancery Judge, Post 1

  
ROBERT Q. WHITWELL, Chancery Judge, Post 2