

In-Person vs. Virtual Participation In Court Hearings Effective Sept. 20, 2023

The following guidelines will apply, effective September 20, 2023, regarding in-person versus virtual participation in Court hearings.

Chapter 13: Consolidated Motion Dockets -- Generally

Chapter 13 motion dockets are currently being heard in the Consolidated Courtroom in the Customs House in Nashville, regardless of whether cases are assigned to the Nashville, Cookeville, or Columbia Divisions.

Chapter 13 motion dockets are normally set on Wednesdays, subject to occasional changes due to special circumstances. The dates for upcoming hearings in Chapter 13 cases can be found on the Court Website – on the “Docket” for matters already scheduled and on the “9013 Availability Calendar” for dates available in coming weeks.

The Chapter 13 Nashville Division motion dockets are normally set on Wednesdays at 9:00 a.m.

The Chapter 13 Cookeville Division motion dockets are normally set on the second Wednesday of each month at 9:30 a.m.

The Chapter 13 Columbia Division motion dockets are normally set on the third Wednesday of each month at 9:30 a.m.

Although the Availability Calendar for Cookeville and Columbia Chapter 13 cases will reflect only one Wednesday per month for each division, matters in those divisions may be reset or continued to any other regular Wednesday Nashville Division Chapter 13 motion docket if it is by agreement.

Cookeville and Columbia expedited or emergency motions filed in Chapter 13 cases pursuant to LBR 9075-1 may be set on a Nashville Division motion docket if requested by movant and if sufficient justification is provided in the motion.

Chapter 13: In-Person versus Virtual Participation:

The following guidelines apply regarding in-person versus virtual participation for the regular Chapter 13 motion dockets:

1. The presiding judge and Chapter 13 Trustee will be present in the Nashville courtroom.

2. Participation via Zoom video will be limited to the following uncontested situations:
 - (a) Announcements of settlements occurring after the “no call” list is published for the Chapter 13 motion docket; and
 - (b) Requested continuances agreed upon by movant(s) and respondent(s). (The Chapter 13 Trustee must also agree if the requested continuance has any potential impact on payments by the debtor(s), disbursements by the Trustee, or the terms or implementation of a proposed or confirmed plan.)
3. If a matter does not fall within one of the categories where Zoom video participation is allowed, the Court will expect in-person participation unless otherwise allowed by Court order.

Chapter 12 Cases:

Because the Chapter 13 Trustee also serves as trustee in Chapter 12 cases, all Chapter 12 cases will be handled utilizing the same motion docket schedule and process as Chapter 13 cases. Cookeville and Columbia Division cases will be heard in Nashville in conjunction with the Chapter 13 cases involving those Divisions. Chapter 12 cases may be heard either prior to or at the conclusion of Chapter 13 cases, at the discretion of the presiding judge based on the extent of argument and proof expected.

Columbia/Cookeville Chapter 7 Cases:

The Chapter 7 motion dockets for Columbia and Cookeville Division cases will be conducted at the same time as the Columbia and Cookeville Chapter 13 motion dockets – normally the second Wednesday of each month at 9:30 a.m. for Cookeville and the third Wednesday of each month at 9:30 a.m. for Columbia. The presiding judge for a particular motion docket will determine whether to call the Chapter 7 cases prior to or following the Chapter 13 cases, depending on the volume and nature of the outstanding matters. Also, preliminary hearings on stay relief matters may sometimes be set on a Nashville Chapter 7/11 motion docket if necessary to accommodate statutory hearing timing requirements.

As with Chapter 13 cases, Cookeville and Columbia expedited or emergency motions in Chapter 7 cases pursuant to LBR 9075-1 may be set on a Nashville Division motion docket if requested by movant and if sufficient justification is provided in the motion.

Columbia/Cookeville Chapter 11 Cases:

Chapter 11 cases in the Columbia and Cookeville Divisions will not be handled on a consolidated docket like the Chapter 7, 12, & 13 matters in those divisions. Instead, the assigned judge will handle any hearings that may arise in a Chapter 11 case. The Availability Calendar for the

assigned judge's regular Nashville Division Chapter 7/11 motion dockets should be used by any movant filing an "if objection" motion under LBR 9013-1.

Nashville Division Chapter 7 and All Chapter 11 Cases:

The extent of virtual participation and the precise schedules and procedures for Nashville Division Chapter 7 cases and all Chapter 11 cases may vary somewhat based on which judge is assigned to the case. Generally, virtual participation will be limited to announcements, agreed upon continuances, and certain other uncontested matters, but you should review the instructions at the Procedures tab for the individual judge assigned to a case at the following links:

<https://www.tnmb.uscourts.gov/content/honorable-marian-f-harrison>

<https://www.tnmb.uscourts.gov/content/honorable-randal-s-mashburn>

<https://www.tnmb.uscourts.gov/content/honorable-charles-m-walker>

If Virtual Participation Is Allowed:

Because of requirements of the Judicial Conference of the United States, the Court will no longer provide generic video links or all-purpose access codes for virtual participation. If an attorney or party wishes to participate virtually in the very limited circumstances described above, the following procedure will apply:

A request must be made no later than noon Central Time on the business day immediately prior to the hearing date. No motion is required when the request to appear virtually is for an announcement or agreed upon continuance, but the requesting party must submit a fill-in form on the Court website at this link:

Draft Form can be viewed at this link on Development Website:

<http://tnmb-dev.jdc.ao.dcn/content/request-appear-video-court-hearing>

The form requires the following information:

- (a) Date and Time of Hearing;
- (b) Courtroom;
- (c) Name of Debtor(s) or Style of Adversary Proceeding;
- (d) Case or Adv. Proc. Number;
- (e) Person requesting to appear by video;
- (f) E-mail of person requesting to appear by video;

- (g) Reason for request to appear by video (announcement of resolution of matter or agreed upon continuance); and
- (h) Certification that the requesting party has a matter set for hearing at the date and time indicated and that virtual participation is allowed based on the guidelines on the Court website.

If the proper procedure is followed, the requesting party will receive an e-mail in advance of the hearing with the virtual access information and any other necessary instructions.