

GUIDELINES FOR VIRTUAL APPEARANCES IN CIVIL CASES IN THE DAVIDSON COUNTY GENERAL SESSIONS COURT

CIVIL CASES ONLY

Virtual video appearances are allowed with prior approval of the court for hearings in Civil cases most of which are ordinarily held in either Courtroom 1A or 1B, but a civil case could be specially set in another courtroom or location. Civil cases do include Order of Protection cases for which a proper party may request a virtual video appearance. Virtual appearances in criminal cases are not covered by these Guidelines.

REASON FOR REQUEST TO APPEAR VIRTUALLY

It is the position of the Davidson County General Sessions Court that personal appearances are preferred. Thus, the reason for the request to appear remotely must be stated fully under oath and penalty of perjury in the Virtual Appearance Request Form. Reasons related to health/medical issues or travel/distance issues or similar issues justifying a remote appearance are generally considered favorably. Not wanting to take time off from work or school and matters of inconvenience, among other things, are generally not justifiable reasons.

WEBEX BY CISCO ONLY AUTHORIZED PLATFORM FOR VIDEO CONFERENCING

The exclusive platform used by Davidson County General Sessions Court for virtual appearances and video conferencing is Webex by Cisco, not Zoom or other platforms. A person appearing virtually must have the Webex Meetings App downloaded and installed onto their device or computer before the scheduled hearing. For information about using the Webex Meetings App, click this link.

THOSE WHO MAY APPEAR VIRTUALLY OR HAVE ACCESS

Only named parties or witnesses may appear virtually for good cause shown. The personal appearance of counsel is required absent express approval of the judge presiding over the hearing which will only be granted in the most exceptional of limited circumstances in the discretion of the court. Access to virtual appearances by members of the public or press is not presently authorized, and the party/witness receiving a Webex Meeting invite is not authorized to share that link with others.

SUBMISSION OF VIRTUAL APPEARANCE REQUEST FORM

Persons seeking permission to appear virtually by video must submit the authorized Virtual Appearance Request Form through the court's public website portal - - gscourt@nashville.gov. The Request Form must be submitted at least **FIVE BUSINESS DAYS IN ADVANCE OF THE REQUESTED HEARING DATE** to be approved and specifically set by the Judge scheduled for that particular docket. Failure to submit the Request Form in a timely manner may result in the request being denied or not processed. Submission of the Request Form acknowledges and affirms that the requesting party has read and understands these Guidelines.

SPECIAL INSTRUCTIONS FOR ATTORNEYS

Attorneys representing a party must submit the Virtual Appearance Request Form on behalf of their client or witness. On the day of a virtual appearance, it is the responsibility of the attorneys to ensure their clients and witnesses are available and ready to proceed at the appointed time. Attorneys are obligated to contact opposing counsel or party to determine whether they object to the requested virtual appearance.

REQUESTS TO APPEAR VIRTUALLY MUST BE APPROVED BY JUDGE

Upon the Virtual Appearance Request Form being properly submitted, it will be forwarded to the Judge presiding over the hearing. If the request is **APPROVED**, notice of such approval will be emailed to the requesting party along with the Webex Meeting invite. If the request is **DENIED**, notice of such denial will be emailed to the requesting party. The requesting party should then plan to attend in person or may

submit a request for a continuance by email to the Clerk's Office at gscivilclerk@nashville.gov

APPROVAL OF VIRTUAL APPEARANCE IS CONDITIONAL

Approval of a request to appear virtually is conditional and not binding upon the Court. If circumstances arise on the day of the hearing, including but not limited to, an opposing party or attorney objecting to the virtual appearance for reasons which the Court finds compelling, permission for a virtual appearance may be rescinded, and the matter may be continued to a new court date to allow the requesting party an opportunity for an in-person appearance, or the Court may take other action as it deems appropriate.

CONTINUANCE OF CASE REQUIRES NEW REQUEST FORM TO BE SUBMITTED

If a request for a virtual appearance has been approved for a certain date, but the case ends up getting continued to a new court date for whatever reason, a new Virtual Appearance Request Form must be submitted for the new court date, and Judge approval will once again be necessary. Approval of a request for a virtual appearance is only valid for the court date identified on the Request Form.

CONDUCT OF PERSONS APPEARING REMOTELY

The Participant is to be alone in a secure room or space. Participants should wear appropriate attire and present themselves as they would if they were appearing in a physical courtroom. Participants are to ensure that there will be no interruptions or distractions for the duration of their appearance at the remote hearing. Should a Participant fail to abide by these rules of conduct or fail to conduct themselves in a professional manner otherwise in the discretion of the Court, the Court reserves the right to terminate the virtual appearance in real time.

EXHIBITS

If a virtual appearance is approved, all exhibits intended to be offered by any party or witness appearing virtually should be pre-filed **at least THREE BUSINESS days in advance of the hearing** with the General Sessions Court Clerk – Civil Division.

Exhibits must be E-Filed through the Clerk's E-File Portal pursuant to their E-Filing Rules. Information about the Clerk's E-Filing program is located on their website at circuitclerk.nashville.gov

The court may allow exhibits not submitted prior to the hearing to be used at the hearing, such as documents used for impeachment. At the court's discretion, the court may consider allowing a party to transmit an exhibit to the court during the hearing via email.

CONDUCT OF THE HEARING

Except as otherwise directed by the Judge, all remote appearances will be conducted in accordance with the same standards as traditional in-person appearances. The precise method in which a remote appearance will be conducted remains within the discretion of the Judge presiding over the individual case. The party or witness attending remotely will be sworn or affirmed by the clerk, court officer or Judge prior to commencement of their testimony.

NO UNAUTHORIZED RECORDING

The court or other designated court personnel are the only persons authorized to record the virtual appearance by electronic means, stenography or any other method. Any recording, photograph, broadcast, or live stream by a party or other person of a virtual appearance without the permission of the court is **strictly forbidden**, and those found doing so will be subject to be held in contempt of court up to 10 days in jail.