

**FILED**

APR 28 2020

OFFICE OF THE CLERK  
SUPREME COURT  
COURT OF APPEALS

Serial: \_\_\_\_\_

**IN THE SUPREME COURT OF MISSISSIPPI**

**No. 2020-AD-00001-SCT**

**IN RE: EMERGENCY ORDER RELATED TO  
CORONAVIRUS (COVID-19)**

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**Petition to the Mississippi Supreme Court to Engage in Emergency Rulemaking to  
Temporarily Halt Garnishment Proceedings**

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**COME NOW** Petitioners Hope Enterprise Corporation and Mississippi Center for Justice, pursuant to Rule 27(f) of the Mississippi Rules of Appellate Procedure and petition the Court to adopt a rule temporarily halting garnishment proceedings. In support of this Petition, the petitioners would show that:

1. Mississippi Rules of Appellate Procedure Rule 27(f) requires, "All applications concerning the adoption, repeal, or amendment of the . . . Mississippi Rules of Civil Procedure, . . . Uniform Civil Circuit and County Court Rules. . . and all other rules affecting . . . the administration of the courts in Mississippi shall be filed in the Supreme Court."
2. On March 13, 2020, the President of the United States declared a national emergency due to the outbreak of Coronavirus (COVID-19).
3. On March 14, 2020, The Governor of the State of Mississippi declared a state emergency due to the outbreak of Coronavirus (COVID-19).

**MOTION# 2020-1334**

4. This honorable Court, through its emergency orders, “has recognized that the national and state emergencies presented by Coronavirus (COVID-19) require appropriate measures to protect the health and safety of the citizens of this State.” Emergency Administrative Order-6, No. 2020-AD-00001-SCT (Miss. Mar. 24, 2020).
5. This Court explained that its emergency administrative orders were issued to “minimize public health risks from coronavirus (COVID-19).” Administrative Order, No. 2020-AD-00001-SCT (Miss. Mar. 13, 2020).
6. The Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”), was signed into law by Congress on March 27, 2020, and included stimulus payments to individuals in the amount of \$1200 per adult and \$500 per child for people making up to \$75,000.<sup>1</sup> When the CARES Act was passed, Mississippi Senator Roger Wicker explained that “This bipartisan legislation will bring urgently needed financial relief directly to the American people,” <https://www.wicker.senate.gov/public/index.cfm/press-releases?ID=1A6520BC-047E-4760-87B6-49BCCB41FA01> , and Representative Lacy Clay from Missouri said, “Specifically, this bill will provide direct payments to eligible American families to help pay bills and stimulate our economy to help us recover from the widespread and enduring hardships caused by the COVID 19 pandemic....Simply put, the rebate is a direct payment intended to assist low and middle-income individuals and families. The purpose of these rebates is to assist you in affording what you need during this public health crisis.” Congressman Clay, <https://lacyclay.house.gov/media-center/press-releases/congressman-clay-explains-cares-act-rebate>

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<sup>1</sup> Coronavirus Aid, Relief, and Economic Security Act, H.R. 748, 116<sup>th</sup> Cong., 2d Sess. (2020) (enacted) at Sec. 2201: <https://www.congress.gov/bill/116th-congress/house-bill/748>

7. Obviously, Mississippians who are losing income due to the pandemic are less able to pay for essential needs if income and accounts are being garnished. Moreover, those who receive CARES Act payments will be seriously harmed if that money, which is so desperately needed at this time, is subject to garnishment. Because Mississippians face an imminent financial crisis during this state of emergency, debt collection proceedings with respect to all sources of income, including CARES Act payments, should be stayed until 60 days following the lifting of Mississippi's State of Emergency, allowing the economy to recover.
8. The Supreme Court of Texas issued an Emergency Order on April 9, 2020, prohibiting the service of a new writ of garnishment until May 7 and ruled:
  - a. A writ of garnishment under Rule 658 of the Texas Rules of Civil Procedure may issue, but service of the writ of garnishment may not occur until after May 7, 2020;
  - b. Receivers appointed under Chapter 31 of the Texas Civil Practice & Remedies Code may remain active but must not freeze any accounts at financial institutions as defined by Texas Finance Code Section 59.001(5) while this Order remains in effect;
  - c. For any accounts that are currently garnished, the parties are strongly encouraged to reach an agreement on the garnishment, and courts are encouraged to aid and facilitate a quick adjudication;
  - d. A request for default judgment may be filed, but no hearings shall be set and the time to respond or file an answer will be tolled until April 30, 2020, and
  - e. No court shall dismiss a case for want of prosecution while this Order remains in effect.

See attached as Exhibit A: Tenth Emergency Order Regarding the COVID-19 State of Disaster, Misc. Docket No. 20-9054, along with orders from courts in Virginia (Supreme Court continued all garnishment actions through April 26) and Indiana (Supreme Court: No new writs of attachment...until the expiration of the public health emergency).

9. Even without the burden of COVID-19, over half of Mississippi households are unable to make ends meet for three months if their income is interrupted. For Black households, it is over 73%.<sup>2</sup>
10. More than 164,000 unemployment claims have been filed in Mississippi since March 15.<sup>3</sup> These unemployment claims filed in this first month of COVID-19 already eclipse the jobs loss in Mississippi during the 2008 recession.<sup>4</sup> People's lost jobs and reduced incomes due to COVID-19 are only going to exacerbate the problem of not having enough money to cover expenses.
11. The concern is not only insufficient income to cover basic needs like food and rent, but also the amount of debt people already carry, such as medical and student loan debt. Even before this pandemic, over 39% of Mississippians had a debt in collections.<sup>5</sup> The number of people with debts in collections will rise significantly in the coming months.

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<sup>2</sup> Prosperity Now, Scorecard: Liquid Asset Poverty, <https://scorecard.prosperitynow.org/data-by-issue#finance/outcome/liquid-asset-poverty-rate>

<sup>3</sup> U.S. Department of Labor Office of Unemployment Insurance, "Unemployment Insurance Weekly Claims" April 16, April 9, 2020, April 2, 2020 and March 26, 2020, not seasonally adjusted

<sup>4</sup> Hope Policy Institute, "Deep South Job Losses due to COVID-19 likely to Far Eclipse those of the Great Recession," April 21, 2020  
<http://hopepolicy.org/blog/deep-south-job-losses-due-to-covid-19-likely-to-far-eclipse-those-of-the-great-recession/>

<sup>5</sup> Urban Institute, Debt in America, <https://apps.urban.org/features/debt-interactive-map/>

12. The number of Mississippians attempting to file for unemployment insurance is so high, the State's hotline and website are being overwhelmed with traffic.<sup>6</sup> While many people will eventually receive unemployment benefits, enhanced by payments under the federal stimulus bills, they are unable to pay for food, rent and utilities until the system is able to process applications and begin making payments.
13. On March 17, 2020 all Mississippi casinos closed upon order of the Mississippi Gaming Commission, effectively laying off and/or negatively affecting up to ten thousand four hundred (10,400) employees at the Gulf Coast casinos and sixteen thousand (16,000) employees at casinos statewide.<sup>7</sup>
14. The Nissan Canton plant has laid off four thousand (4,000) workers in the wake of the virus.<sup>8</sup>
15. Since the Governor's shelter in place order, even many of those who have not lost their jobs can be expected to experience a decrease in household income.
16. In these extraordinary circumstances presented by COVID-19, it is of paramount importance that the Court use its authority to ensure that wages, stimulus payments and other income designated for individual consumers not to fall into the hands of debt collectors. Suspending garnishment actions will mitigate the economic impact COVID-19 has on Mississippi residents.

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<sup>6</sup> Clarion Ledger: Mississippi loosens unemployment benefits for COVID-19. But it's unclear who will qualify. Ramseth, L. March 23, 2020: <https://www.clarionledger.com/story/news/2020/03/23/coronavirus-unemployment-mississippi-issues-conflicting-guidelines/2898091001/>

<sup>7</sup> Sun Herald: All Mississippi Coast casinos are closing because of coronavirus pandemic. Perez, M. March 16, 2020: <https://www.sunherald.com/news/coronavirus/article241212746.html>

<sup>8</sup> Mississippi Today: Nissan Canton Plant lays off 4,000 workers to slow coronavirus spread. Wolfe, A. April 6, 2020: <https://mississippitoday.org/2020/04/06/nissan-canton-plant-lays-off-4000-workers-to-slow-coronavirus-spread/>


17. The proposed stay of garnishment proceedings can be and is appropriately accomplished through adoption of an emergency rule. *See Newell v. State*, 308 So. 2d 71, 76 (Miss. 1975). Additionally, the Chief Justice is the chief administrative officer of all courts in the state. A copy of Petitioner's proposed rule is attached hereto as Exhibit "B."
18. Adoption of the proposed rule will afford debtors the due process to which they are entitled before being deprived of property. While Mississippi's courts are operating at a limited capacity, and all Mississippians are being encouraged to stay at home for reasons of public safety, debtors will not have adequate service or process or the opportunity to be heard in a garnishment or attachment proceeding at the present time.
19. Accordingly, this Court should act within its authority and capacity to relieve Mississippians from the unprecedented financial burden of the pandemic by issuing an Emergency Order to stay garnishment actions until 60 days following the end of Mississippi's State of Emergency. This 60-day period is necessary to help people recover some level of financial stability prior to the imposition of garnishments
20. Due to the emergency and time-sensitive nature of the COVID-19 disaster and this request, Petitioners respectfully request the Court dispense with the discretionary notice and comment period under M.R.A.P. Rule 27(f).

WHEREFORE, PREMISES CONSIDERED, Petitioners Hope Enterprise Corporation and Mississippi Center for Justice respectfully request that this Court enter an emergency rule temporarily suspending all garnishment actions for 60 days following the end of the current State of Emergency.

Respectfully submitted this the \_\_ day of April, 2020.

VANGELA WADE, CEO  
MISSISSIPPI CENTER FOR JUSTICE

WILLIAM J. BYNUM  
HOPE ENTERPRISE CORPORATION

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**Community Organizations in Support of this Petition:**

The Cooperative Baptist Fellowship of Mississippi  
Higher Purpose Co.  
MacArthur Justice Center  
One Voice, Inc.  
SPLC Action Fund

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 20-9054

## TENTH EMERGENCY ORDER REGARDING THE COVID-19 STATE OF DISASTER

### ORDERED that:

1. Governor Abbott has declared a state of disaster in all 254 counties in the State of Texas in response to the imminent threat of the COVID-19 pandemic. This order is issued pursuant to Section 22.0035(b) of the Texas Government Code.
2. This Order supplements and does not replace or amend the earlier Emergency Orders Regarding the COVID-19 State of Disaster.
3. In any action to collect consumer debt as defined by Texas Finance Code Section 392.001(2):
  - a. A writ of garnishment under Rule 658 of the Texas Rules of Civil Procedure may issue, but service of the writ of garnishment may not occur until after May 7, 2020;
  - b. Receivers appointed under Chapter 31 of the Texas Civil Practice & Remedies Code may remain active but must not freeze any accounts at financial institutions as defined by Texas Finance Code Section 59.001(5) while this Order remains in effect;
  - c. For any accounts that are currently garnished, the parties are strongly encouraged to reach an agreement on the garnishment, and courts are encouraged to aid and facilitate a quick adjudication;
  - d. A request for default judgment may be filed, but no hearings shall be set and the time to respond or file an answer will be tolled until April 30, 2020; and

*Exhibit A*



e. No court shall dismiss a case for want of prosecution while this Order remains in effect.

4. A case covered by Paragraph 3 may nevertheless proceed if, but only if, the court determines that the facts and grounds show that the actions of the judgment defendant pose an imminent threat of fraudulently concealing or absconding with funds.

5. This Order is effective immediately and expires April 30, 2020—except for paragraph 3(a), which expires on May 7, 2020—unless extended by the Chief Justice of the Supreme Court.

6. The Clerk of the Supreme Court is directed to:


- a. post a copy of this Order on [www.txcourts.gov](http://www.txcourts.gov);
- b. file a copy of this Order with the Secretary of State; and
- c. send a copy of this Order to the Governor, the Attorney General, and each member of the Legislature.

7. The State Bar of Texas is directed to take all reasonable steps to notify members of the Texas bar of this Order.

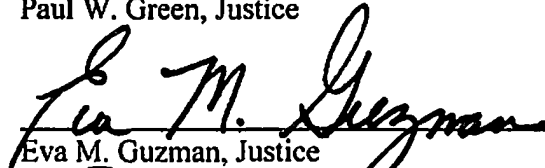
Dated: April 9, 2020



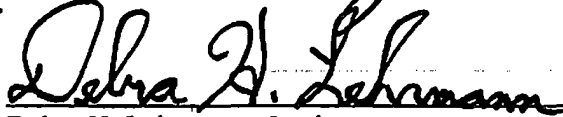
Nathan L. Hecht, Chief Justice



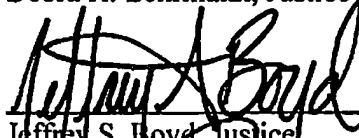
Paul W. Green, Justice



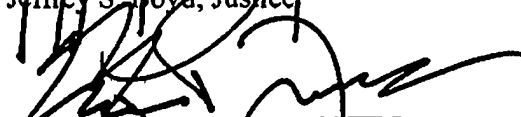
Eva M. Guzman, Justice



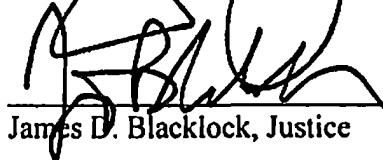
Debra H. Lehrmann, Justice



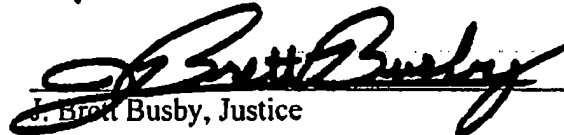
Jeffrey S. Boyd, Justice



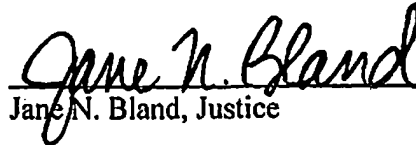
John P. Devine, Justice



James D. Blacklock, Justice



J. Brett Busby, Justice



Jane N. Bland, Justice

# Supreme Court of Virginia

## **IN RE: ORDER EXTENDING DECLARATION OF JUDICIAL EMERGENCY IN RESPONSE TO COVID-19 EMERGENCY**

On March 16, 2020, the Chief Justice, having received a request from the Governor pursuant to Va. Code § 17.1-330, entered an Order declaring a judicial emergency, recognizing the need to protect the health and safety of court employees, litigants, attorneys, judges, and the general public. After careful consideration and review, the Justices of this Court hereby unanimously ORDER that the declaration of judicial emergency be in effect and continue beginning April 6 through April 26, 2020, for all district and circuit courts of the Commonwealth.

Except as provided in this order, the courts and clerks' offices shall remain operational and provide services required by law while, at the same time, maintaining protections for the health and safety of court users and personnel. With the exception of matters enumerated herein, all applicable deadlines, time schedules and filing requirements, including any applicable statute of limitations which would otherwise run during the period this order is in effect, are hereby tolled and extended, pursuant to Va. Code § 17.1-330(D), for the duration of this Order.

All courts shall implement the following measures during this extended period absent a specific exception as listed below.

1. The court shall continue all civil, traffic and criminal matters, including jury trials, except for emergency and other matters as provided in this Order. For example, routine proceedings, including but not limited to non-emergency: warrants in debt, unlawful detainers, issuance of garnishments and writs of eviction shall be continued during the period this Order is in effect.
2. In any matter heard or considered by a court as provided in this order, judges shall exercise their discretion as necessary in determining whether the matter is urgent and must be heard

without delay in order to protect important liberty and constitutional interests and the health and safety of the parties, and others necessarily involved and affected by the proceedings.

3. The court's determination that a criminal case must be heard in order to avoid violating a defendant's right to a speedy trial shall be made by the presiding judge on a case by case basis. Among other things, considerations may include the liberty interests of the defendant, and the health and safety of the parties, attorneys, court personnel, and others necessarily involved and the ability of the court to safely proceed, taking into account the ability of the court to use technology as authorized by law, social distancing and other measures.
4. The court shall give precedence on the docket to emergency matters including, but are not limited to, quarantine or isolation matters, criminal arraignments, bail reviews, protective order cases, emergency child custody or protection cases, civil commitment hearings, petitions for temporary injunctive relief, proceedings related to emergency protection of elderly or vulnerable persons, petitions for appointment of a guardian or conservator, and proceedings necessary to safeguard applicable constitutional protections. Judges should exercise their discretion with regard to holding ongoing jury trials, grand jury proceedings, cases where the defendant is incarcerated, foster care cases, and child dependency cases. The exercise of discretion should focus primarily on considerations of the liberty and constitutional interests at stake, the health and safety of the parties, attorneys, court personnel, and others necessarily involved, and the ability of the court to safely proceed, taking into account the ability of the court to use technology as authorized by law, social distancing and other measures.
5. To the extent authorized by law, all matters that a court hears pursuant to this Order should be conducted by two-way electronic audio-visual communication, if available. The parties, attorneys, witnesses and others should be allowed to appear by such two-way electronic audio-visual communication in order to reduce or eliminate the need for parties, attorneys and others necessarily involved to physically appear in the courthouse. If a party, witness, or other

participant is unable to participate via the provided secure communication platform such as Polycom or Webex, if available, then, upon request to the court, they may participate by telephone. Requests to participate by telephone should be liberally granted.

6. The court shall continue all ceremonies, such as specialty court graduations and juvenile licensing ceremonies.
7. The court shall limit courtroom attendance in any matters that cannot be continued to attorneys, parties, necessary witnesses, interpreters, court personnel, court reporters, bailiffs and those deemed necessary by the presiding judge, and members of the press where permitted by law.
8. The court should issue summonses in lieu of capiases for failure to appear.
9. For jury trials that cannot be continued, the court should excuse or postpone jury service for jurors who are in a high-risk category as defined by the Centers for Disease Control and Prevention (CDC) at <https://www.cdc.gov/>, or who are ill, caring for someone who is ill, or are caring for children under the age of 16.
10. The court should require attorneys to use e-Filing if available.
11. The court should require individuals with legitimate court business who are ill, caring for someone who is ill, or who are otherwise in a high-risk category, as defined by the CDC, to call the clerk of court or other appropriate court personnel to request an appropriate accommodation.
12. The court shall consult with the sheriff about posting signage at all public entry points advising individuals not to enter the building if they have, within the previous 14 days:
  - a. visited China, Iran, South Korea, any European countries, or any other high-risk countries identified by the CDC;
  - b. traveled domestically within the United States where COVID-19 has sustained widespread community transmission;
  - c. been asked to quarantine, isolate, or self-monitor by any doctor, hospital, or health agency;

d. been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19;

e. experienced a fever, cough, or shortness of breath; or

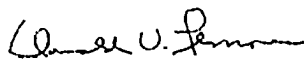
f. resided with or been in close contact with any person in the above-mentioned categories.

Individuals attempting to enter the court in violation of these protocols shall be denied entrance by a bailiff or court security officer, and will be directed to contact the clerk's office by telephone or other remote means to inform the clerk of their business before the court so as to receive further instruction regarding alternate arrangements for court access.

13. The sheriff and/or bailiffs shall prohibit individuals or groups from congregating anywhere in the courthouse, and require social distancing throughout the courthouse, including inside the courtroom.
14. Nothing in this Order shall preclude the chief district and chief circuit judges from implementing additional local policies as needed, and as allowed by law.
15. If a court finds it necessary to limit access to the court clerk's office for any time during the scope of this order, the clerk's office shall, nonetheless remain accessible during regular business hours by telephone and email, with such contact information posted on the Internet and at any public entrance(s). If available, drop boxes should be used for any conventionally filed documents and clerks shall take steps to safely accommodate any individual(s) requiring access for important matters, including but not limited to, title or record searches and recordation of land records.

This Order shall be effective beginning April 6 through April 26, 2020. This Order may be extended for additional periods as provided in Va. Code § 17.1-330. It is so ORDERED.

THE SUPREME COURT OF VIRGINIA



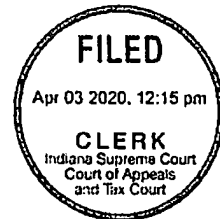
CHIEF JUSTICE DONALD W. LEMONS

Entered 3/27/2020

In the  
**Indiana Supreme Court**

In the Matter of Administrative Rule 17  
Emergency Relief for Indiana Trial Courts  
Relating to the 2019 Novel Coronavirus  
(COVID-19).

Supreme Court Case No.  
20S-CB-123



Order

On March 6, 2020, Governor Holcomb declared a public health emergency in Indiana relating to the 2019 novel coronavirus (COVID-19); on March 13, President Trump declared a national emergency relating to the virus; and on March 25, 2020, Governor Holcomb issued Executive Order 20-08 which ordered Hoosiers to remain in their homes except when at work or for permitted activities, such as taking care of others, obtaining necessary supplies, and for health and safety. The Centers for Disease Control and Prevention (CDC) has determined that "social distancing" is necessary to minimize further spread of the virus, and the Indiana State Department of Health has issued and will continue to issue recommendations.

Due to the ongoing public health emergency, all circuit, superior, and probate courts, some small claims courts, and several city and town courts ("trial courts"), have petitioned for, and been granted emergency relief pursuant to Administrative Rule 17.

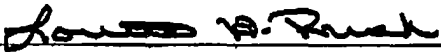
Having previously declared an emergency under Administrative Rule 17 for all counties, and because the public health emergency is ongoing, the Court, *sua sponte*, hereby extends all Administrative Rule-17 relief previously granted under the case numbers listed in Exhibit A attached to this order and incorporated by reference.

The Court accordingly ORDERS as follows:

1. The effective date of all orders granting emergency relief to trial courts under Administrative Rule 17, including but not limited to tolling of time limits and authority to continue jury trials (if such authority was previously granted), is extended **through May 4, 2020** (or the date initially granted, whichever is later), or the expiration of the public emergency as declared by the Governor, whichever is later.
2. All courts that were granted authority to continue jury trials are directed to review the need for ongoing suspension at an early enough date that, if continued suspension is not necessary, will allow adequate notification of the jury pool to resume jury trials no later than **May 4, 2020**, or no later than three weeks after the expiration of the public emergency as declared by the Governor, whichever is later. If such courts believe continued suspension is necessary, they may individually petition this Court to extend the suspension further.

3. Courts are authorized to review county-jail and direct placement community correction sentences of non-violent inmates and juveniles and, after consultation with a team comprising local prosecutors, a public defender, community corrections, the county sheriff, and local health authorities, to modify sentences to probation, home detention, or order temporary release from the jail, with service of executed sentences to resume as thereafter ordered.
4. Absent an emergency basis to be determined by the court, courts shall issue **no new writs of attachment, civil bench warrants, or body attachments pursuant to Trial Rule 64** until the expiration of the public health emergency. Any writs of attachment, civil bench warrants, or body attachments issued and not yet served prior to the date of this order shall be **stayed** until the expiration of the public health emergency as declared by the Governor.
5. Courts are **relieved** from the requirement under previous Administrative Rule 17 orders to file status reports unless they believe continued suspension is necessary, in which case they may petition this Court **no later than April 27, 2020** to extend the suspension. Such petition should include all relevant factors that make an extension necessary.
6. This order does **not** extend the tolling of appellate or Tax Court deadlines as ordered under Case Nos. 20S-CB-123 or 20S-CB-231.
7. In all other respects except as set forth above, existing orders granting emergency relief under Administrative Rule 17 remain in full force and effect.

Done at Indianapolis, Indiana, on 4/3/2020.

  
\_\_\_\_\_  
Loretta H. Rush  
Chief Justice of Indiana



## Proposed Emergency Order

1. In any action to collect consumer debts under Mississippi's garnishment procedures, Miss. Code Ann. §§11-35-1 *et seq.*:
  - a. A writ of garnishment may issue, but service of the writ of garnishment may not occur until after 60 days after the Mississippi State of Emergency is lifted;
  - b. Appointed Receivers may remain active but must not freeze any accounts at financial institutions while this Order remains in effect;
  - c. For any accounts that are currently garnished, the parties are strongly encouraged to reach an agreement on the garnishment, and courts are encouraged to aid and facilitate a quick resolution;
  - d. A request for default judgment may be filed, but no hearings shall be set and the time to respond or file an answer will be tolled until after 60 days after the Mississippi State of Emergency is lifted; and
  - e. No court shall dismiss a case for want of prosecution while this Order remains in effect.
2. A case covered by Paragraph 1 may nevertheless proceed if, but only if, the court determines that the facts and grounds show that the actions of the judgment defendant pose an imminent threat of fraudulently concealing or absconding with funds.
3. This order shall not be applicable to any judgments or orders for the payment of child support issued by any court.
4. This Order is effective immediately and expires 60 days following the end of the current State of Emergency unless extended by the Chief Justice of the Supreme Court.

EXHIBIT B

**Landrum, Courtney E.**

---

**From:** Beth Orlansky <borlansky@mscenterforjustice.org>  
**Sent:** Tuesday, April 28, 2020 3:07 PM  
**To:** sctclerk@mssc.state.ms.us  
**Subject:** Emergency Motion  
**Attachments:** 2020\_04\_28\_14\_59\_29.pdf; Proposed Emergency Order Garnishment.pdf

Attached please find a Petition to the Mississippi Supreme Court to Engage in Emergency Rulemaking to Temporarily Halt Garnishment Proceedings along with a Proposed Order. Please let me know when it has been filed and distributed.

Thank you for your attention to this matter.

Beth L. Orlansky  
Advocacy Director

**MISSISSIPPI  
CENTER  
FOR JUSTICE**

Mississippi Center for Justice  
5 Old River Place, Suite 203 (39202)  
P. O. Box 1023  
Jackson, MS 39215

Direct Line: 769-230-2838  
Phone: 601-352-2269 Ext. 118  
Fax: 601-352-4769  
[www.mscenterforjustice.org](http://www.mscenterforjustice.org)  
[borlansky@mscenterforjustice.org](mailto:borlansky@mscenterforjustice.org)

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