

**What if I'm Right and
the Court is Wrong?
Is it okay to correct the Judge?**



By Judge Stephanie J. Williams

Few moments in a courtroom make a lawyer more uncomfortable than realizing the judge has something wrong.

Maybe the Court has misstated a date, remembers a piece of testimony differently, is relying on a provision of an order that says something else entirely, or perhaps the Court has cited a legal principle that counsel believes does not apply.

Recently, I presided over a matter that caused me to reflect on a dynamic that likely occurs in courtrooms more often than judges or attorneys openly discuss: the hesitation to correct the judge.

During the proceeding, evidence was presented that was not readily clear in either its meaning or application. As the examination unfolded, it became apparent that neither the parties nor counsel had provided the Court with a clear explanation of how the information should be interpreted. In an effort to make sense of the evidence and move the proceeding forward, I stated on the record what I understood the document to reflect.



No one objected. No one offered a different interpretation. No one suggested that the Court's understanding was incorrect.

The proceeding continued, and the evidence was subsequently referenced and relied upon during additional examination. It was

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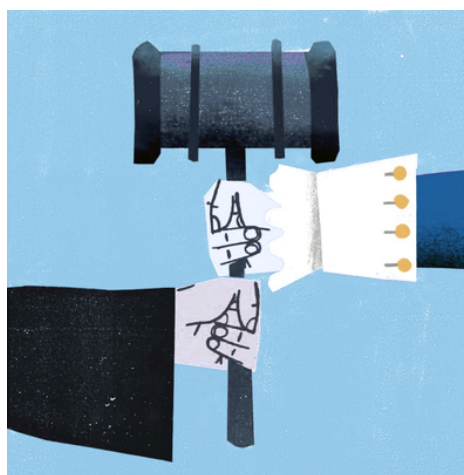
not until several hours later upon the introduction of another piece of evidence which contradicted the initial document that an attorney finally clarified what the initial document actually reflected and, in doing so, advised the Court that its earlier interpretation had been wrong.

My immediate reaction was frustration.

Attorneys should understand the evidence they produce in discovery, the evidence they receive from opposing counsel, and, certainly, the evidence they choose to present to the Court. Judges depend on lawyers to accurately explain the record, particularly when the evidence involves technical, financial, medical, or other information that may not be self-explanatory. In this instance, that clarity was missing, and in the absence of meaningful guidance from counsel, I reached the wrong conclusion about what the evidence showed.



Why had the Court not been corrected sooner and why didn't the attorneys know the evidence they either produced or were entering into evidence? Upon further reflection, the experience caused me to consider a broader issue: whether the understandable reluctance some attorneys may feel about correcting a judge contributed to counsel's hesitation to speak up when the Court's interpretation was plainly mistaken.



Should an attorney correct the judge if information is incorrect? To put it plainly, yes. A courtroom works best when everyone in it is committed to getting the answer right. Judges are responsible for making decisions, but judges are not infallible. We hear multiple cases, review large records, absorb testimony in real time, and work through difficult legal questions—sometimes all in a single docket. We can misunderstand something, overlook something, or simply remember something incorrectly. When that happens, a

lawyer should not be afraid to respectfully bring it to the court's attention. Further, lawyers are advocates and have professional obligations of candor to the tribunal. The Tennessee Rules of Professional Conduct recognize that lawyers should demonstrate respect for the legal system and those who serve it while also challenging official action when necessary.

Respect and disagreement are not mutually exclusive. A lawyer can disagree with a judge professionally, respectfully, and effectively. “Your Honor, may I clarify one point?” is a respectful way to bring a correction to the attention of a judge.

There is also a practical reason to speak up. An uncorrected factual misunderstanding may quickly become part of the court’s reasoning. Once that happens, counsel may later find themselves arguing that the court relied upon a mistaken fact that no one corrected when the opportunity existed. If a material misunderstanding arises during a hearing, address it when appropriate. A simple statement such as, “Your Honor, before we move on, may I clarify something for the record?” can prevent much larger problems later.

Please note there is a large distinction between correcting a judge and repeatedly rearguing a point after the court has understood your position and ruled against you. Sometimes the judge is not mistaken, the judge simply disagrees with you. Once the court demonstrates that it understands the facts and your legal argument, continued insistence may no longer be clarification, it may become repetition and argument. If the issue must be preserved, respectfully state the objection or legal position for the record and move forward.

In sum, as a judge, I have a responsibility to create a courtroom in which lawyers can appropriately raise concerns without fearing that doing so will be taken personally. Ultimately, it is our responsibility—mine as the Judge and yours as the attorney—to aim for the same objective: **A fair proceeding, an accurate record, and the right result under the law.**



- If I have misunderstood the evidence, I want to know.
- If I am looking at the wrong provision of an agreement, tell me.
- If there is controlling authority I have overlooked, bring it to my attention.
- If I have misstated something important, respectfully correct me.

The goal is not for the judge to always be right in the first instance. The goal is for the court to ultimately get it right.

Judge Mance Swearing In

On September 1, 2026, we had the honor of attending the swearing-in ceremony of Judge Corletra Mance to the Third Circuit Court of Davidson County. Additionally, Jamaal Boykin was sworn in as Special Master. We look forward to working alongside Judge Mance, Special Master Boykin, and the Third Circuit team to provide exceptional service to the children and families of Davidson County.



Another Day, Another Podcast Episode



Another episode of **"Off the Record"** is out! Listen anywhere you stream podcasts or find it on Spotify and Apple Podcasts by clicking the links/scanning the QR codes below:



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[Listen on Apple Podcasts](#)



Chamber Rule Spotlight

Rule IV. Page 5: Correspondence with the Court

Should you have a reason to communicate with the Court, the best way to do so is via email communication. Any communication to the Court that is substantive must include the opposing side. **Additionally, please include the docket number and style of the case in the email's subject line.** An excerpt of the rule is below:

- b.** When timing does not allow for communication with the Court in a formal pleading, notice memoranda, or in open court, communication with the Court regarding a substantive or fact specific matter of a case, including a matter to be considered by the Judge outside of a formal hearing, may take place via email to the appropriate staff person with opposing counsel copied (or opposing party if a self-represented litigant).
- c.** Matters that are not substantive and request general direction, scheduling, administration, procedure, or general assistance from court staff may be communicated via written email correspondence to a staff member of the Court or a telephone call to the Court's chambers.

You can read the rest of our Chamber Rules on our website by clicking here: [Resources](#) or by scanning the QR code:



Judge Kweller Portrait

Attorney Marlene Eskind Moses is generously coordinating the commission of a portrait to memorialize Judge Stanley A. Kweller for his service as Fourth Circuit Court Judge from January 2023 until August 2024. She is asking colleagues to contribute \$250 towards the piece. Should you wish to contribute, you may do so via the following methods:

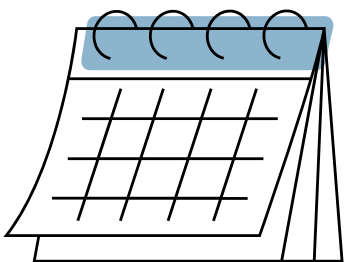
- **Check:** Payable to Marlene Eskind Moses, mail to 150 Third Avenue South, Suite 1700, Nashville, TN 37201.
- **Venmo:** @Marleneeskindmoses

Questions? Call Ms. Eskind Moses at (615) 341-0070.

PLEASE NOTE!

End-of-Year Motion Dates

The Court will not hear motions on the following dates:



- **Friday, November 6th** – Judge presenting at a national conference.
- **Friday, November 27th** – Thanksgiving holiday.
- **Friday, December 4th** – Courtroom unavailable due to installation of a new system.
- **Friday, December 25th** – Christmas holiday.

Please keep these dates in mind as you plan and prepare for end-of-year filings and motion hearings.

Because the Court's remaining motion dockets become increasingly limited as the year draws to a close, counsel are encouraged to plan ahead and file motions sufficiently in advance to allow for scheduling on an available docket.

As reflected in the Court's Chamber Rules, requests to continue motions that are being heard for the first time are liberally granted.

We often receive requests to set matters special when there is a scheduling conflict with the attorneys or litigants.

Please note: Setting matters specially impacts the Court's other dockets. Accordingly, absent a time-sensitive issue or a circumstance in which the parties otherwise lack reasonable access to the Court because of the Court's schedule, special settings are generally disfavored.

Thank you for your attention to these dates and for your assistance in helping the Court manage its remaining 2026 motion calendar efficiently.



Save the Date(s)!

Upcoming Events with the Fourth Circuit Court

TPR & ADOPTION CLE WITH THE FOURTH CIRCUIT

Monday & Tuesday, October 19 & 20, 2026



This two-day event will educate attorneys on the fundamental processes and best practices for handling termination of parental rights and adoption cases in Davidson County and across Tennessee. We are excited to partner with the office of Family & Children Services for this CLE. See the flyer at the end of this newsletter for more information including how to register.

HOME FOR THE HOLIDAYS

Thursday, November 19, 2026

On November 19th, 2026, Judge Williams will host Home for the Holidays, a festive day of adoptions and celebrating permanency in children's lives. This year, we are so excited to partner with Two Rivers Mansion who will be hosting the event.

If you have an adoption case that will be finalized before the holiday season begins, this is a great day to set the final hearing. Come for refreshments and holiday cheer as we celebrate permanency for children. See the flyer at the end of this newsletter for more information and to schedule your case on November 19th.



END OF YEAR CLE

December 2026

As always, we will host an end-of-year CLE to wrap up 2026 and begin preparing for 2027. More info to come.



Calendar

September

S	M	T	W	Th	F	S
	7					
				17	18	

9/7: Office Closed for Labor Day

9/17: Status Conference Docket at 1 p.m. in Person or Via Zoom; Dismissal Docket at 2:30 p.m.

9/18: Office Open, No Motion Docket

October

S	M	T	W	Th	F	S
				15		
	19	20				

10/15: Status Conference Docket at 1 p.m. in Person or Via Zoom; Dismissal Docket at 2:30 p.m.

10/19 + 20: Adoption and TPR CLE

For a complete view of our regularly scheduled dockets and available court dates, please see the calendar page on our website by clicking here: [Website Calendar](#) or by scanning the QR code:



Share!



[@JudgeStephanieJWilliams](#)



[Judge Stephanie J. Williams](#)

Feel free to share this newsletter with anyone who may be interested. To be added to the mailing list, please email RebekahLHaralson@jnsnashville.gov.

Additionally, you may view this and all previous newsletters on our website by clicking this link: [Updates and Announcements](#) or by scanning the QR code:



TERMINATION OF PARENTAL RIGHTS & ADOPTIONS CLE

October 19 & 20, 2026

Family & Children Services
2400 Clifton Ave, Nashville, TN 37209

A two-day CLE on
practicing TPR and
adoption cases

DAY 1

- Family And Children Services Presentation
- Role of Counsel
- Home Studies
- Surrenders
- From Filing to Final Order

DAY 2

- Grounds for Termination
- TPR & Adoption Chamber Rules
- Pretrial Proceedings
- Best Practices

**CLICK HERE OR SCAN THE QR CODE TO LEARN
MORE & REGISTER:**



11 CLE Credits
(Pending Approval)

**\$200 for those receiving
CLE credit, \$150 if not***

Breakfast and lunch provided

***Paralegals and legal assistants are highly encouraged to register!**

*Judge Stephanie J. Williams and the
Fourth Circuit Court Present:*

Home for the Holidays

Adoption Ceremonies

November 19th, 2026

at Two Rivers Mansion

with
photos • music • special guests • treats

To schedule a hearing

Scan QR code:



Or contact Special Master Kristen Menke
at KristenEMenke@jnsnashville.gov

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