



Supreme Court State of Tennessee

CHIEF JUSTICE
JEFFREY S. BIVINS

JUSTICES
CORNELIA A. CLARK
SHARON G. LEE
HOLLY KIRBY
ROGER A. PAGE

401 SEVENTH AVENUE NORTH
NASHVILLE, TENNESSEE
37219

MEMORANDUM

TO: Judge Ronald Thurman, presiding judge 13th judicial district

DATE: May 5, 2020

RE: 13th Judicial District Re-Opening Plan

On May 1, 2020, the Tennessee Supreme Court received the 13th Judicial District Re-Opening Plan. The plan is approved with the following modifications:

- (1) The list of specific countries regarding travel by anyone seeking to enter a courthouse should be deleted. If inquiry is made, it should ask about any international travel. All international travel is now restricted.
- (2) The plan should specify how a court will impose social distancing requirements rather than just relying on those present to stay at least 6 feet apart.
- (3) Although all of maximum number of persons restriction for each courtroom probably complies with this, for the sake of uniformity with other plans, the count should be made based a maximum of 10, plus the judge, court personnel, and court security.

THIRTEENTH JUDICIAL DISTRICT FOR TENNESSEE

IN RE:)
) **STANDING ORDER No. 2020-01**
COVID-19 PANDEMIC)
) **JUDICIARY SITTING *EN BANC***

**STANDING ORDER REGARDING THE OPERATIONS OF
ALL COURTS IN THE THIRTEENTH JUDICIAL DISTRICT**

In light of ongoing public health concerns arising from the COVID-19 pandemic, the state of emergency declared by Governor Bill Lee, and the order of the Tennessee Supreme Court of April 24, 2020, the Circuit, Chancery, Criminal, General Sessions, and municipal judges of the Thirteenth Judicial District find it necessary to adopt a plan of operations for the protection of the health and safety of the general public, litigants, court staff, attorneys, and members of law enforcement.

IT IS THEREFORE ORDERED, ADJUDGED, and DECREED:

1. That this order shall take effect immediately, and shall remain in effect until revoked or modified by further order of the undersigned sitting *en banc*.
2. **PHYSICAL ACCESS TO COURTS.** The following persons shall not enter any courthouse, justice center, or other court facility:
 - a. Persons who have been diagnosed with, or have had contact with anyone who has been diagnosed with, COVID-19.
 - b. Persons with apparent symptoms of COVID-19, such as fever, severe cough, or shortness of breath, regardless of whether they have been diagnosed with the same.

c. Persons who have been advised to self-quarantine by any physician, hospital, board of health, or other medical provider or health agency, or who reside with anyone who has been advised to self-quarantine.

d. Persons who have traveled to any of the following countries within fourteen (14) days of their attempt to access a court facility:

- i. The People's Republic of China;
- ii. North Korea;
- iii. South Korea;
- iv. Ecuador;
- v. Italy;
- vi. Spain; or
- vii. Singapore.

e. Persons who reside or, within the last fourteen (14) days, have had close contact with, anyone who has traveled to any of the countries identified in the immediately preceding paragraph.

3. GUIDELINES FOR CONDUCT OF IN-PERSON COURT PROCEEDINGS.

All in-person court proceedings shall adhere to the following guidelines:

a. All people seeking access to the court facility shall maintain separation of six (6) feet from person to person while entering or exiting the building and while transiting any security checkpoint.

b. All security officers shall, to the greatest extent practicable while fulfilling their obligations to ensure safety, maintain separation of six (6) feet from any person entering or exiting any court facility or transiting any security checkpoint.

c. The maximum total number of people, including court staff, attorneys, litigants, witnesses, and security personnel, allowed in any courtroom during any proceeding within this district is set forth in the attached Schedule A.

d. Any courts holding dockets on the same date in the same facility shall stagger the opening of those dockets to minimize the number of people attempting to access court facilities at the same time.

e. All court facilities shall maintain a sufficient quantity of hand wash and paper towels (or functioning automatic hand dryers) to supply for the expected population of the facility at all times.

f. All regularly-touched surfaces in all court facilities shall be cleaned and sanitized regularly.

g. All courtrooms shall be supplied with hand sanitizer, with separate dispensers of sanitizer located, at a minimum, on each counsel table, the witness stand, the bench, the clerk's bench, and the court reporter's table.

h. All persons in any court room shall maintain a distance of six (6) feet from all other persons in the same court room at all times.

i. Any party, witness, attorney, or member of court staff who wishes to wear a mask or gloves will be permitted to do so.

j. Attorneys and judges will communicate with court security staff to ensure adherence to all requirements outlined herein.

4. **CIVIL MATTERS.** The following guidelines apply to all civil matters pending in any court within this district:

a. All civil proceedings currently scheduled for in-person appearances through Friday, May 29, 2020, shall be rescheduled for a date on or after June 1, 2020.

b. Civil proceedings not specifically prohibited by the Supreme Court's order of April 24, 2020, and scheduled to occur before June 1, 2020, may be conducted via video conference or telephonically at the request and agreement of the parties and their attorneys.

c. Courts may, in the sole discretion of the judge presiding over the proceeding, conduct proceedings in person, subject to the guidelines established herein. Any party or attorney may request that a proceeding be held in person. Any such request shall be made in writing and shall articulate with specificity the reasons why the proceeding should be conducted in person, and why the matter cannot be adequately addressed remotely.

d. In the event permission to proceed in person is granted, only the judge, the clerk, the attorneys, the parties, security personnel, necessary witnesses, and the court reporter (if any) will be allowed in the courtroom.

e. All social distancing guidelines shall be adhered to as outlined herein, and witness shall be staged in separate waiting areas in compliance with Schedule A. No hearing shall be permitted that requires more witnesses than space permits while complying with social distancing guidelines and Schedule A.

f. Any party or attorney for any party who desires to call any witness to testify at an in-person proceeding shall provide to the court and the clerk a list of witnesses at least

forty-eight (48) hours prior to the hearing. The presiding judge may limit the number of witnesses per hearing, in his or her sole discretion.

g. All docket calls are hereby suspended and shall be rescheduled by the appropriate court not earlier than June 1, 2020. Any attorney or party who wishes to set a case for trial shall contact the appropriate judge to schedule a conference call for all parties.

5. **CRIMINAL MATTERS.** The following guidelines apply to all criminal matters pending in any court within this district:

a. All criminal proceedings not currently permitted by the Tennessee Supreme Court's order of March 25, 2020, for any defendant who is not in custody shall be rescheduled for a date not earlier than June 1, 2020.

b. Court shall continue to conduct initial appearances or arraignments for defendants who are in custody. These appearances shall continue to be conducted either by video conference or in person, at the discretion of the judge presiding over the proceeding. Any in-person proceeding shall adhere to the social distancing guidelines established herein.

c. Any party or attorney, including the District Attorney General, may request that criminal proceedings not permitted by the Tennessee Supreme Court's order of March 25, 2020, (e.g., motions, pleas, bench trials, etc.) proceed in person. The judge presiding over any such proceeding retains sole discretion as to whether it may be had in person.

d. In the event a judge grants permission to proceed in person as outlined in the immediately preceding paragraph, only the judge, the clerk, the attorneys, the defendant, security personnel, necessary witnesses, victim, and the court reporter (if any) will be allowed in the courtroom.

e. Any party or attorney for any party who desires to call any witness to testify at an in-person proceeding shall provide to the court and the clerk a list of witnesses at least forty-eight (48) hours prior to the hearing. The presiding judge may limit the number of witnesses per hearing, in his or her sole discretion.

f. Cases involving defendants who are in custody and defendants who are not in custody shall not be heard on the same docket. Courts shall conduct separate dockets for in-custody and out-of-custody defendants at separate times so as to minimize the risk of COVID-19 exposure to these separate populations.

g. All social distancing guidelines shall be adhered to as outlined herein, and witness shall be staged in separate waiting areas in compliance with Schedule A. No hearing shall be permitted that requires more witnesses than space permits while complying with social distancing guidelines and Schedule A.

6. **PROVISIONS FOR SPECIFIC COURTS.** The following specific provisions apply only to the courts noted below:

a. **CLAY COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS.** The Clay County General Sessions and Municipal Courts within Clay County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020.

b. **CUMBERLAND COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS.** The Cumberland County General Sessions Court and Municipal Courts within Cumberland County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020. Any in-person proceedings not permitted by that order shall be conducted in strict compliance with this order. No

hearing shall be permitted that requires more persons present in any courtroom than permitted by the attached Schedule A.

c. DEKALB COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS. The Dekalb County General Sessions and Municipal Courts within Dekalb County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020.

d. OVERTON COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS. The Overton County General Sessions and Municipal Courts within Overton County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020. Any in-person proceedings not permitted by that order shall be conducted in strict compliance with this order. No hearing shall be permitted that requires more persons present in any courtroom than permitted by the attached Schedule A.

e. PICKETT COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS. The Pickett County General Sessions and Municipal Courts within Pickett County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020.

f. PUTNAM COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS. The Putnam County General Sessions and Municipal Courts within Putnam County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020. Any in-person proceedings not permitted by that order shall be conducted in strict compliance with this order. No hearing

shall be permitted that requires more persons present in any courtroom than permitted by the attached Schedule A.

g. WHITE COUNTY GENERAL SESSIONS AND MUNICIPAL COURTS.

The White County General Sessions and Municipal Courts within White County shall continue to operate under the guidelines and procedures set out in the Tennessee Supreme Court's order of March 25, 2020. Any in-person proceedings not permitted by that order shall be conducted in strict compliance with this order. No hearing shall be permitted that requires more persons present in any courtroom than permitted by the attached Schedule A.

7. Any deviation from the requirements of this order shall require the prior, written approval of the presiding judge of the Thirteenth Judicial District.

8. To the extent that any portion of this order conflicts with the Tennessee Supreme Court's order of April 24, 2020, the latter controls.

IT IS SO ORDERED.

ENTERED at 11:15 Am on this 30th day of April, 2020.



RONALD THURMAN
Chancellor and Presiding Judge
Thirteenth Judicial District



GARY S. MCKENZIE
Criminal Court Judge



WESLEY THOMAS BRAY
Criminal Court Judge



AMY V. HOLLARS
Circuit Court Judge



JONATHAN LEE YOUNG
Circuit Court Judge

SCHEDULE A

Maximum Number of Persons Allowed in Courtrooms of the 13th Judicial District

1. Pickett County Courtroom: 10 people
2. Clay County Courtroom: 15 People
3. Overton County Courtroom: 15 People
4. Putnam County Criminal and General Sessions Courtroom: 15 People
5. Cumberland County Criminal and General Sessions Courtroom: 15 People
6. Dekalb County Criminal and General Sessions Courtroom: 10 People
7. White County Criminal and General Sessions Courtroom: 15 People.

*The maximum number of people includes all court staff, security, attorneys, Judge, probation services and defendants.