



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 Don Elledge, presiding judge 7th judicial district

DATE: May 1, 2020

RE: 7th Judicial District Re-Opening Plan

On April 29, 2020, the Tennessee Supreme Court received the 7th Judicial District Re-Opening Plan. Please revise your plan and address the following:

- (1) The number of persons in any courtroom at any one time should not exceed 10, plus the judge, court personnel, and court security personnel.
 - (2) The procedures for admission to the various courthouses or buildings housing courts should be addressed. Also, what health screening will be done?
 - (3) How will social distancing be addressed outside the respective courtrooms?
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CRIMINAL AND CIRCUIT COURT

STATE OF TENNESSEE
SEVENTH JUDICIAL DISTRICT
ANDERSON COUNTY

DONALD R. ELLEDGE
CRIMINAL AND CIRCUIT COURT JUDGE
100 NORTH MAIN STREET
CLINTON, TN 37716
TEL (865) 457-7875
FAX (865) 463-0129

April 29, 2020

Kimberly Ferguson
Judicial Assistant

Email: Rachel.harmon@tncourts.gov
Administrative Office of the Courts
ATTN: Rachel Harmon
511 Union Street, Suite 600
Nashville, Tennessee 37219

RE: Purposed COVID-19 ORDER

Dear Rachel:

Please find enclosed our proposed Order from the Seventh Judicial District concerning gradually opening up the Court. Please have the Chief Justice review this, and if it satisfactory, please let me know.

I hope you and your family are doing well. Rachel, I really admire how hard you work and how professional you are.

Sincerely,

Donald R. Elledge
DRE/klf

Enclosure:

IN THE SEVENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
ANDERSON COUNTY CIRCUIT AND CRIMINAL COURT

IN RE:

STANDING ORDER: 2020-03

COVID-19 PANDEMIC

DP 2020 APR 29 AM 11:02
FILED AC CIRCUIT COURT

STANDING ORDER REGARDING GRADUALLY OPENING THE
COURT

On or about March 13, 2020, the Supreme Court declared a state of emergency, and an Order was entered setting out guidelines for the in-person court proceedings as a result of the “disaster”, caused by the COVID-19 PANDEMIC. That Order was supplemented by the Order of March 25, 2020, and both Orders were supplemented by Order filed on April 24, 2020. The Order of April 24, 2020, and specifically paragraph number three on page two of that Order required the Presiding Judge of each District or other designee, to develop a comprehensive plan to begin non-emergency in person proceedings. The Presiding Judge of the Seventh Judicial District, the undersigned, personally consulted with every sitting Judge in the Seventh Judicial District, either by telephone, or in person at a joint meeting with those Judges on April 28, 2020. On that date, as a result of that contact with all Judges, either by phone, and as a result of our meeting on April 28, 2020, and in compliance with paragraph three of the Supreme Court Order of April 24, 2020, the Judges agreed as follows as it pertains to non-emergency in person proceedings and it is so ORDERED:

1. That each Court will conduct as much business as possible by means other than in person Court proceedings and those proceedings will continue as in the past pursuant to the previous Orders of this Court, and by telephone, teleconferencing,

email, video conferencing, or other means that do not directly involve in person contact.

2. That the Clerk's Office for each Court, shall continue to fully cooperate as they in the past with the Clerks of this District doing a tremendous job for each Court in this District.
3. That the facility where each Judicial proceeding is being held, continues to be open, and will continue to be open with the handling of all Judicial proceedings.
4. That each Judge has surveyed their Courtroom capacity as it pertains to maintaining a six foot distance between each individual in that Courtroom, and has agreed and thus it is therefore Ordered that during this period of time, unless otherwise modified by the Supreme Court Order, no Court shall exceed its capacity that recognizes social distancing. For example, the Circuit and Criminal Courtroom has a capacity for one hundred and ninety-two people, however to recognize the social distancing rule of six feet, that Courtroom capacity is twenty-four. Likewise General Session Division I in the Anderson County Courthouse is sixteen, and the Chancery Courtroom located on the third floor with the other two Courtrooms has a social distancing capacity of ten. Until otherwise modified, each Judge shall recognize their total Courtroom capacity and shall not allow more than their total capacity for the six foot social distancing guidelines to be exceeded.
5. That there are five Municipal Courts, one Juvenile Court, two General Sessions, one Chancery Court and one Circuit/Criminal Court. Many of these Courts are located in different facilities, however the parties have agreed that as it pertains to witnesses the following guidelines shall be enforced in each case that a witness is

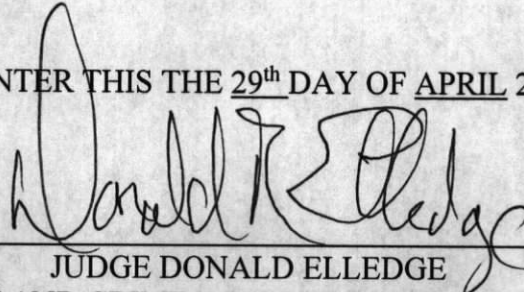
to testify, and the “Rule” is requested so that the witness is excluded from the Courtroom:

- a. The Circuit/Criminal Court; The Chancery Court; and the General Sessions Division I Court are all located on the third floor of the Courthouse in Clinton. That Courthouse contains no witness rooms. Therefore, if the remaining Courts have sufficient space in their witness room, that will be the first option. If not, then each Judge will make a determination as to whether or not the witnesses can be safely excluded from the Courtroom when the “Rule” is requested, and placed in adjacent hallway without any problem with social distancing. Should any Judge find those witnesses can not be spaced appropriately in adjoining hallways, then the Bailiff for any Court that has that problem shall take the cell phone number of that witness and direct that witness to return to their car, and they will be called as needed.
 - b. The Courts further recognize that most people have a great fear of contracting COVID-19 virus, and therefore in fact if there is any witness that objects to a hearing before the Courtrooms are fully opened up and back to normal, then each Court is encouraged to continue the case until another time that is agreeable to all parties including the witness.
6. Non-jury cases, whether criminal or civil may be heard at the Judge’s discretion based upon the projected length of case, and number of witness who may testify.
 7. That the total number of cases to be heard by each Judge in each Court shall be set based upon the Judge’s expectation of time for each case; the staggering of total cases per hour; and limiting the number of cases to be heard each hour in each day. It is important that cases be staggered so that the Courtroom capacity is

not exceeded, and this may even mean one case with their witnesses will be heard with the Courtroom otherwise empty. This applies to both Criminal and Civil cases.

8. Upon entering each Courtroom, everyone is “encouraged” to use both gloves and facemasks. This is not an order of the Court; it is simply an encouragement.
9. The use of thermometers shall be at the discretion of each Judge, with the understanding that the Court does not have the assets to purchase these individual thermometers.
10. There shall be no jury trial until the Supreme Court lifts its restriction of jury trials.
11. That all types of hearings previously sanctioned by the Tennessee Supreme Court, shall continue to be heard, and again, each Judge is encouraged to utilize available technologies such as and telephone, teleconferencing, email, video conferencing, as set out above.
12. That the Grand Jury for Anderson County shall be able to meet in the County Commission Room, which is the normal Grand Jury meeting room and that room has sufficient spacing so that each member of the Grand Jury can exercise physical distancing.
13. That this Order shall take effect upon approval by the Tennessee Supreme Court.
14. That if this Plan/Order is approved by the Tennessee Supreme Court, then it shall remain in effect until otherwise terminated or modified by Order of the Tennessee Supreme Court.

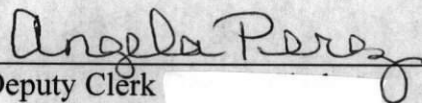
ENTER THIS THE 29th DAY OF APRIL 2020



JUDGE DONALD ELLEDGE
CIRCUIT AND CRIMINAL COURT PRESIDING JUDGE

Clerk's Certificate of Service

I hereby certify that a copy of this Order has been served on M. Nichole Cantrell, Chancellor General Sessions Division I Judge, Don A. Layton, General Sessions Division II Judge, Roger Miller, Juvenile Court Judge, Brian Hunt, Child Support Magistrate, Josephine Clark, City Judges for the City of Norris, Rocky Top, Oak Ridge, Oliver Springs and Clinton by placing the same in the United States Mail, postage prepaid this the 29th day of April, 2020.


Deputy Clerk [REDACTED]