

## **IN THE 28<sup>TH</sup> JUDICIAL DISTRICT OF TENNESSEE**

### **GUIDELINES FOR IN-PERSON COURT PROCEEDINGS FOR THE CHANCERY, CIRCUIT, GENERAL SESSIONS, JUVENILE AND MUNICIPAL COURTS OF THE 28<sup>TH</sup> JUDICIAL DISTRICT OF TENNESSEE**

In Response to the COVID-19 pandemic the Tennessee Supreme Court on March 13, 2020 and as Amended on March 25, 2020, SUSPENDED “in-person” court proceedings, except under limited conditions. These restrictions applied to trial courts of record, general sessions, juvenile courts, and municipal courts. But whereas the Tennessee Supreme Court has recently modified the suspension of in-person court proceedings but has also Ordered that social distancing and other efforts remain in place including limiting persons in the courtroom, scheduling cases at staggered times, arranging for separate rooms for witnesses and other measures designed to limit people from being in close proximity to one another, in accordance with the Tennessee Supreme Court order filed on April 24, 2020, the 28th Judicial District hereby establishes the following protocols for implementing the gradual controlled return to “in-person” proceedings in the courts of the 28<sup>th</sup> Judicial District.

In spite of this limited “reopening” and pursuant to Supreme Court recommendations, all Courts will continue to conduct as much business as possible by means other than in-person court proceedings and will continue, and even increase, if possible, the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact whenever possible.

Therefore, the following guidelines apply to all courts within the district:

## A. PERSONS PERMITTED TO APPEAR DURING “IN-PERSON” PROCEEDINGS

### 1. GENERALLY

Subject to the safety protocols identified in other parts of this order, each Court will permit only the following persons to be present in the Courtroom during “in-person” proceedings:

1. the immediate parties to the action and their counsel;
2. persons allowed to attend by virtue of Tennessee Constitution Art. 1, §35 (c) - Victims of Criminal Offenses;
3. permitted media as approved below; and
4. personnel essential to the functions of the Court

### 2. MEDIA REQUESTS

Members of the media may attend any “in-person” court proceeding consistent with Tennessee Supreme Court Rule 30, under the Court’s “safety protocols”:

## B. SAFETY PROTOCOLS TO BE FOLLOWED DURING “INPERSON” HEARINGS

During “in-person” proceedings, the Courts will adhere to the following public-safety protocols:

### 1. ADVANCED SCREENING OF ALL PERSONS ENTERING THE COURTHOUSE

In conjunction with the Sheriff’s staff and municipal police departments, all persons will be screened prior to entry to help ensure that symptoms are not currently present or manifesting, and to help ensure that other risk factors are not present. Each

person shall be asked to report on the information below, and no person will be allowed admittance who answers affirmatively to any category of information.

Each Courthouse will be single access entry, to the extent possible, during times that any court is in session. Each court building will still utilize, however, any respective entrances to accommodate ADA compliant ramps, when available and necessary.

The Courts recognize and take these measures in an attempt to identify and avoid risks that may be detectable, therefore, effective immediately and until further notice, no person, including courthouse staff, counsel, parties, media, and citizens requesting access who fall into any one of the listed categories below shall enter the courthouse, any courtroom, judicial assembly room, or courthouse office space:

1. Persons who presently or who have exhibited health conditions in the previous twenty-four (24) hours involving a fever over 100.4, a persistent cough, any shortness of breath, any persistent chest pain, or bluish lips or face.
2. Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with Covid-19 within the past fourteen (14) days.
3. Persons who have been asked to self-quarantine by any doctor, hospital, or health agency.
4. Persons who have had a recent onset of loss of taste or smell.

## 2. USE OF SOCIAL DISTANCING IN THE COURTROOMS

All Courts will instruct on and enforce social distancing within the Courtroom. All Courts will require at least 6 feet distance between and among those allowed to be present in the courtroom or waiting area, absent a need to communicate more closely in

person. Those participants who meet the criteria to be present in the Courtroom will sit in designated spaces.

Attorneys and clients will sit at opposite ends of counsel tables (to confer as necessary within the safety conditions and protocols). Others who are allowed within the gallery of the courtroom will sit in marked locations. In all Courtrooms, regardless of size, the number of litigants/defendants and attorneys shall not exceed 10. The Judge, court personnel and Court security are not included in this number.

Witnesses must remain outside the Courthouse or in a designated waiting area, if available. The attorney calling a witness for any hearing or bench trial will be responsible for accessing that witness's appearance in Court when needed by telephone or other means. Once a witness has completed his/her testimony they must immediately leave the building.

Child witnesses will not be permitted absent prior approval of the Judge presiding over the case.

Courthouse security personnel will ensure that all persons in the hallways and common areas within the courthouse are abiding by the social distancing guidelines.

### 3. AVAILABILITY OF PERSONAL PROTECTIVE EQUIPMENT AND SUPPLIES

Each Court will strongly encourage the use of face masks and disposable gloves by those entering the Courthouse facilities, and when available will provide face masks, and will require the use of hand sanitizer, tissues, and no-touch trash receptacles. Signage will be placed throughout each court building to remind visitors of social distancing guidelines.

#### 4. SANITATION OF FACILITIES

The courtroom facilities will be sanitized prior to each use and at regular intervals during the day when in use; and at the conclusion of each day's proceedings.

Sanitation measures will include the wiping of all surfaces with disposal wipes and/or proper disinfectants.

#### C. SPECIFIC SCHEDULES

Although each court will continue to utilize and encourage the use of telephone and video conference hearings whenever possible, it will be necessary for each court to schedule limited in-person court proceedings to achieve the ends of justice, and each individual judge will do so, but only in accordance with appropriate safety measures.

##### A. CHANCERY COURT:

Counsel and/or pro-se litigants must schedule all hearings with the Court. Each case scheduled shall be set for a specific time by the scheduling clerk. Cases will be staggered accordingly.

##### B. CIRCUIT COURT:

There will be no jury trials until after July 3, 2020, at the earliest. There will be no grand jury meetings during the month of May. If a grand jury needs to be convened in the month of June, prior approval of the Tennessee Supreme Court will be secured before it is convened. Bench Trials and Motion hearings will be scheduled individually with the court. Only one case will be scheduled at any specific time and cases will be staggered accordingly.

### C. GENERAL SESSIONS COURTS:

All general sessions courts and municipal courts with general sessions jurisdiction will meet according to schedules set out by the individual judges, in accordance with the mandates and orders of the Tennessee Supreme Court, as modified by this order.

### G. MUNICIPAL COURTS

Municipal courts will convene at times set by each individual municipal judge, and all proceedings will be conducted according to the strict social distancing, sanitation and occupancy criteria as set forth in this order. Each court will limit entry into whatever building in which the court is being heard and the courtroom to ensure proper social distancing. All municipalities are ordered to follow the safety protocols set forth in this order.

All guidelines, schedules and protocols are subject to modification by the Supreme Court, or the Presiding Judge of the Twenty-eighth Judicial District of Tennessee.

Because of the differing responsibilities of each Court, each judge is may submit a specific plan, with additional reopen criteria, if necessary, which will be forwarded by the presiding judge to the Supreme Court for approval; however, and until modified by order of the Supreme Court, the following requirements will be observed in all courts in

all counties of the 28<sup>th</sup> Judicial District (some are repeated in other parts of this order, but are placed here for convenience):

1. Public access to courthouses and other buildings holding court shall be limited to one entrance. At that one entrance, courthouse security personnel (where practicable and available) will be equipped with no contact thermometers where the temperature of all persons entering the court building may be taken with a beam to the forehead. Anyone with a fever greater than 100.4 shall be turned away. Also, security personnel shall ask questions to those attempting to enter the courthouse about their health situation- fever, cough, etc. Anyone with COVID 19 symptoms will be turned away;
2. No jury trials shall be conducted, nor grand juries convened until further order of the Supreme Court;
3. The same proper social distancing and sanitary observances required for courtrooms shall be observed for those waiting on in-court proceedings;
4. The number of persons in a courtroom (exclusive of the judge, court personnel, and court security) shall not exceed 10 people;
5. If not otherwise clear herein, all judges shall maximize the use of telephonic, video or other electronic means of holding court whenever possible;
6. In all courtrooms and waiting areas outside courtrooms, all seating shall be marked where seating is appropriate. Only attorneys and court personnel are allowed in front of the bar and shall continue to utilize physical distancing when doing so. Wearing of cloth masks by staff and the public is encouraged

but not required. Court Officers are charged with ensuring compliance of these requirements;

7. Court officers and other staff shall ensure only litigants (check the docket) and attorneys are allowed past the security screens at court building entrances. Witnesses are only allowed into the building by order of the court when called, utilizing witness holding rooms when necessary and if available;
8. Sheriffs and or municipal police staff shall screen daily all staff and public that enter into each court building according to procedures set out above. Court Officers and/or clerks shall post information about health precautions for attorneys, litigants, and staff (such as maintaining an appropriate physical distance). Hallway and stairwell doors shall remain open, as shall elevators with a 2 (two) person maximum in elevators (elderly and disabled only). Hand sanitizer shall be utilized to the extent possible. All personnel are advised and encouraged, but not required, to bring and wear appropriate mask over nose and mouth;
9. Daily cleanings shall be made according to Tennessee Health Department guidelines of offices and courtrooms when used;
10. Attorneys appearing in court should advise litigants with any symptoms of illness to be tested and to stay home until they receive test results;
11. Physical distancing must be maintained in all work spaces and common areas where possible and cleaned daily according to guidelines;

12. Each sheriff's office and/or municipal police department shall mark line and social distancing requirements in front the lobby or entrance area of each court building;
13. Pleas, arraignments, and other business for incarcerated defendants will continue to be accomplished by video means;
14. Appropriate cleaning of the court room using the Tennessee Health Department guidelines must occur before each use, in all courtrooms;
15. If during the check-in through the metal detector or at any time during Court, it comes to attention of any staff member, that a person may be have symptoms consistent with COVID-19, they will be required to leave and their case reset;
16. Hand Sanitizer if available, shall be placed at all access points;
17. No one other than attorneys, officers, litigants, or defendants will be allowed entry into courtroom without leave of court. While open courts are a very basic and important part of the American judicial system, this requirement shall be stayed until the expiration of this crisis;
18. A defendant-witness chair will be placed a minimum of six (6') feet from the judge's bench. The judge and court clerk will also be positioned at least six (6') feet from each other.

Again, in order to facilitate the April 24, 2020, Order of the Tennessee Supreme Court, all judges of the 28th Judicial District, including all Circuit, Chancery, General Sessions and Municipal Judges in all counties of the district, in addition to the specific

procedures listed herein for each courthouse, are encouraged, but not required, to develop and implement a plan for each of their individual respective courtrooms consistent with the nature of their unique dockets and the physical realities of their court facilities, but any such plan may not loosen any restrictions set out by this order unless approved by the Tennessee Supreme Court. Any such plan should include frequent sanitizing and wiping down areas used and touched by members of the public, judges, court personnel, witnesses, attorneys, and court security at regular intervals during the day. Likewise, areas of entry into courthouses and court facilities, elevators and other areas that are frequented by the public and courthouse staff shall be sanitized frequently during hours of operation and at the end of each day.

Such plan shall be submitted to the presiding judge who will forward it to the Chief Justice of the Tennessee Supreme Court for approval. Absent such approval, all courts must follow the procedures and protocols set forth in this order.

IT IS SO ORDERED

Entered this \_\_\_\_ day of May, 2020

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Clayburn Peeples  
Presiding Judge