



## Supreme Court State of Tennessee

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### MEMORANDUM

TO: Judge Larry Stanley, presiding judge 31st judicial district

DATE: May 7, 2020

RE: 31<sup>st</sup> Judicial District Re-Opening Plan

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On May 5, 2020, the Tennessee Supreme Court received the 31st Judicial District Re-Opening Plan. The plan is approved with the following condition:

(1) The number of persons in any courtroom at any given time should not exceed 10, plus the judge, court personnel, and court security.

**THIRTY - FIRST JUDICIAL DISTRICT  
PROPOSED PLAN FOR REOPENING OF THE TRIAL, GENERAL SESSIONS,  
JUVENILE AND MUNICIPAL COURTS  
OF THE THIRTY - FIRST JUDICIAL DISTRICT**

**COUNTIES OF WARREN and VAN BUREN**

**CITIES/MUNICIPALITIES OF McMINNVILLE**

**and THIRTY -FIRST JUDICIAL DISTRICT ADULT RECOVERY COURT**

**ANTICIPATED DATE OF INCEPTION: MAY 11, 2020**

**DISTRICT WIDE PRECAUTIONS and GUIDELINES FOR LIMITED  
INPERSON PROCEEDINGS:**

1. Courthouses will be limited to one point of entry.
2. Only litigants/defendants appearing on the docket will be permitted into the courthouses. No spectators or support groups will be permitted entry. Clerks in each county will post a notification on the exterior of the courthouse that only the litigants or defendants will be permitted into the courthouse.
3. Clerks/Court Security Personnel will, where practicable, utilize screening measures available and the relevant COVID-19 health questions prior to entry into the courthouses of the district for litigants/defendants, attorneys, probation officers, etc.
4. Masks and/or gloves will be encouraged and permitted. Some Judges will require court officers and bailiffs, as well as essential court personnel, to wear protective devices. This will be at their discretion and they will notify affected persons of their

requirements prior to court convening. Where available, hand sanitizer will be present at counsel tables and on the bench.

5. Social distancing will be observed in each courtroom in the District by either marking seats that may be occupied or marking off two-three seats that will be unoccupied so that no person is sitting next to, in front of or directly behind another. Attorneys and clients will sit at opposite ends of counsel table (to confer as necessary with the safety conditions and protocol determined by the attorney/clients.) Essential courtroom personnel will maintain six-foot distances from each other to the greatest extent practicable. Witnesses must remain outside the courtroom or courthouse, depending on the volume of each docket. The attorney calling the 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 their testimony, they must immediately leave the building. Child witnesses will not be permitted absent prior approval by the Judge presiding over the case.

6. Courts will continue to conduct, to the greatest extent possible with available technology, hearings, arraignments and other appropriate matters by telephone, email, video conference (via Zoom, Webex, etc.), to limit in-person proceedings.

7. Courtrooms and other public areas, as well as high traffic and high touch areas, such as door handles, railings, gates between gallery and the bench, counsel table and podium will be periodically sanitized.

8. Judges in each court will have the discretion to stagger their dockets in increments of time or alphabetically, depending on the case load. Each Judge will be mindful to limit the number of litigants/defendants present in the courtroom at one time.

**TRIAL LEVEL CIVIL COURTS:**

Circuit and Chancery Courts district wide will observe the general guidelines set out above. Circuit and Chancery Courts will stagger their dockets so that all matters will typically have a specific appearance time. Child Support dockets will be staggered to a maximum of 10 cases per session. The Child Support dockets will be posted on the courthouse door/entrance or given to courthouse security personnel to advise each litigant when they will be permitted to enter the courthouse for their case. No jury trials will be conducted pending further orders of the Supreme Court.

**TRIAL LEVEL CRIMINAL COURTS:**

Criminal Courts will be conducted with observation of the general guidelines set out above. Appearance dockets and miscellaneous or plea dockets for defendants who are not incarcerated will be conducted with staggered time frames designed by alphabet of the Defendant's last name, or if they are represented by the Public Defender's Office, or by private counsel. The Clerk and/or Security Personnel at each courthouse will post or advise defendants of the time of their appearance. Those represented by counsel can coordinate with the Clerk of the Court the time for their appearance when necessary. Incarcerated individuals will be brought into court and seated, typically, in the jury box, with at least one seat between each defendant. Any inmate with any conditions that may

reflect a risk of infection with COVID-19, will not be brought to Court but will be quarantined, consistent with current district-wide jail policies. The number of persons permitted into the courtrooms will be limited, depending on the size of the courtroom in each county. No jury trials will be conducted until further orders of the Supreme Court. ***For Defendants released on bond, the bonding companies will be required to provide the correct date and time of court appearance to their client.***

Grand Jury proceedings will be conducted as previously approved. A courtroom will be utilized rather than the typical jury rooms, to maximize social distancing. Masks and/or gloves may be used if desired by each Grand Juror. To limit exposure, each law enforcement agency will designate one representative to present the case for their particular department. The exception would be for a complicated case that would require the arresting or charging officer's familiarity for the required testimony to the Grand Jury. Hand sanitizers will be provided in the courtrooms. Lunch will be brought in for each juror for their individual meals (i.e. no mass orders of pizzas, etc.) Service of existing Grand Jury members will be extended until new jury panels are permitted to be brought into Court for selection of a new Grand Jury for each County.

**GENERAL SESSIONS and JUVENILE COURTS:**

Each General Sessions and Juvenile Court Judge will observe the general safety guidelines set out above. Due to the variance in volume, county to county, each General Sessions Judge will have the ability to stagger their criminal dockets alphabetically by the last name of the defendant for the time of their appearance. Each judge will be charged with limiting the number of persons in the courtroom that can be safely accommodated based upon the size of the courtroom. The desired amount is a maximum of 10-15 person

in each county. Inmates will be brought over from jail in each county and will be placed in the jury box or holding room, with at least one seat between them. Any inmates exhibiting COVID-19 symptoms will not be brought over to court but will be quarantined consistent with existing jail policies. The dockets of each General Sessions Court may also be divided or staggered on whether the defendant is represented by private counsel, the Public Defender's Office or does not yet have counsel. This division will also be in the discretion of the Judge. Court clerks and courthouse security will assist each Judge in advising the defendants of the expected time of their appearance for that day and what time they are to return to court.

To maximize the ability of each court to stagger appearance times and adhere to those schedules, the Offices of the District Attorney General, the Office of the District Public Defender and private counsel are encouraged to engage in plea discussions prior to the scheduled court date for their clients. This will eliminate plea negotiations occurring in the courtroom.

For civil dockets, the same staggering of times for cases will occur as outlined above for criminal dockets, based upon the discretion of the Judge.

In most counties, Juvenile hearings are set at staggered times and all are conducted on an individual case basis in each court. The only persons permitted in court for juvenile matters during this period, in addition to essential court personnel, are the parents/guardians/necessary DCS personnel, Guardian ad Litem and counsel for each litigant. Children will not be present for any juvenile custody or removal proceeding, unless absolutely necessary, and with prior Court approval. If a child witness is required,

the child shall be brought in immediately prior to their testimony and must leave the courthouse immediately afterward. If it is necessary to conduct a delinquent or unruly hearing during this period, the child, due to the right of confrontation, may be present. The Clerk of each Juvenile Court shall assist the Court, along with the Courthouse security in notifying litigants entering the courthouse for juvenile hearings, of the time of their appearance. Those individuals may not enter the courthouse until the time designated for their hearing.

**MUNICIPAL COURTS:**

All Municipal Court Judges in this District are willing to implement the safety measures outlined above for their courts. All Municipal Courts will restrict the number of litigants in their Courts from one at a time to a maximum of 10. All Courts have a bailiff or court officer available and city clerk or recorder who will be available to assist notifying those waiting that their case is ready to be called. Many Municipal Courts permit those charged with traffic violations to attend driving safety classes. As those are currently suspended, many are permitting litigants to complete an online driving safety class in lieu of in-person attendance.

**THIRTY- FIRST JUDICIAL DISTRICT ADULT RECOVERY COURT:**

The Thirty- First Judicial District Felony Recovery Court meets each Tuesday, in Warren County. This Court will meet in compliance with the same safety guidelines as outlined above. The courtroom is large enough for social distancing for Participants and the Recovery Court Team. Participants can be brought in court on a staggered basis, if there are more than 15 who cannot participate by the Zoom application. Appropriate

social distancing can be observed. Any participant or Team member exhibiting any symptoms of COVID-19 will not be permitted to enter into the courtroom. Some meetings have been, and will continue to be, conducted via Zoom.

This proposal for re-opening, on a limited basis, the Courts of the Thirty-First Judicial District is submitted for review and approval after consultation with all Trial, General Sessions, Juvenile and Municipal Judges for the Thirty-First Judicial District.

Respectfully,

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JUDGE LARRY B. STANLEY, JR.