



CHANCERY COURT

STATE OF TENNESSEE

TENTH JUDICIAL DISTRICT

JERRI SAUNDERS BRYANT
CHANCELLOR
(423) 746-5412
FAX (423) 744-2828

McMINN COUNTY COURTHOUSE
6 EAST MADISON AVENUE
ATHENS, TENNESSEE 37303

Memo

To: 10th Judicial District Courts & Court Personnel

From: Chancellor Jerri S. Bryant, Presiding Judge

Date: 3/14/2020

Re: Supreme Court Order Suspending In-Person Proceedings

Established Procedures for 10th Judicial District

(Bradley, Monroe, McMinn & Polk Counties)

A Supreme Court *Order Suspending In-Person Court Proceedings* was filed on March 13, 2020 for all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, from the close of business on March 13, 2020 through March 31, 2020, subject to following exceptions,

- *Proceedings necessary to protect constitutional rights of criminal defendants, including bond-related matters and plea agreements for incarcerated individuals*
- *Civil and criminal jury trials that are in progress as of March 13, 2020*
- *Proceedings related to relief from abuse, including but not limited to orders of protection*
- *Proceedings related to emergency child custody orders*
- *Department of Children's Services emergency matters related to child protection*
- *Proceedings related to petitions for temporary injunctive relief*
- *Proceedings related to emergency mental health orders*
- *Proceedings related to emergency protection of elderly or vulnerable persons*
- *Proceedings directly related to the COVID-19 public health emergency*
- *Other exceptions as approved by the Chief Justice*

In compliance with the Supreme Court Order, the following procedures have been implemented for the 10th Judicial District:

GENERAL SESSIONS COURTS

- *Arraignments and hearings will be conducted by video to minimize person to person contact.*
- *Information as to future court dates will be provided by the clerks office and/or posted on the Justice Center front doors.*
- *All emergency cases that necessitate in person hearings will be heard on a case by case basis.*
- *Only attorneys for the parties, subpoenaed witnesses, defendants, and victims will be allowed in court for emergency court hearings. Any other non essential parties including family members or members of the general public will not be allowed to enter the courtroom.*

CRIMINAL COURTS

1. *For cases scheduled for between today and April 1, 2020, the following process will be followed:*
 - *In-custody defendants:*
 - Jury trials will be rescheduled by agreed order*
 - Status and Plea / assignment settings will be reset by agreed order*
 - Plea agreements and Violation of Probation hearings will be heard using Securus and/or SKYPE from the jail*
 - *Out-of-custody defendants:*
 - Jury trials will be rescheduled by agreed order*
 - Arraignments, Status and Plea / assignment hearings will be reset*
 - The Clerks will prepare notices for each defendant.*
2. *All in-custody defendants accused of violating probation will be afforded a hearing while the assigned Judge is in the county. The hearings will occur utilizing SKYPE, Securus, or Video Arraignment equipment (in Monroe County) on a date determined throughout the week of court. Any cases requiring testimony by witnesses will be individually scheduled and the courtroom will be sanitized between hearings.*
3. *Plea agreements for incarcerated individuals can be scheduled for plea hearing via SKYPE, Securus, or video in Monroe County. Provision will be made to guard the constitutional rights of crime victims and the accused to appear and allocate.*

CIRCUIT & CHANCERY COURTS

The courts will remain open. However, all court cases that are currently set for hearing between March 16, 2020 and March 31, 2020, that do not fit in the above noted exceptions, will be continued to a court date after April 6, 2020. A drop box method may be utilized for court filings when possible to minimize in-person contact. Documents placed in the drop box for filing will be filed and processed accordingly.

Orders of Protection, emergency issues, delinquent tax payments will continue to be processed by the clerks, even if the offices are required to close. Judges will set emergency hearings through the clerks' office.

PUBLIC

The public is urged to delay any non-emergency, in-person contact, with the clerk's office while we chart this new territory. The public may make any necessary payments by mail, online, phone (some fees will apply), or a designated drop off location, where available. The clerk's office will accept fax filings, if allowed per statute.

LAWYERS

The lawyers are also urged to delay any non-emergency, in-person contact, with the clerk's office during this time. The clerk's office will accept fax filings, if allowed per statute.

Lawyers are requested to communicate with the clerk's office regarding any potential emergencies as defined in the Supreme Court Order (filings, ex parte orders, etc.) Lawyers are also requested to provide updated contact information, including email address and phone (cell) numbers. During this time, lawyers and/or their staff, will not be allowed behind the clerk's counter.

Lawyers are encouraged to screen cases that are currently set for hearing for suitability for telephonic or skype hearings. The judges will make every effort to handle as many issues as possible using this method.

If and in the event an in-person emergency hearing is determined to be necessary, the court has been instructed to conduct one (1) hearing at a time. Only lawyers, their client(s), witnesses, and the necessary court personnel will be allowed in the courtroom. The courtroom will be cleaned after each hearing.

*Lawyers, with regard to **Criminal Court**, the following plan has been put in place:*

1. *For cases scheduled for between today and April 1, 2020, the following process will be followed:*

- *In custody defendants:*
Jury trials will be rescheduled by agreed order
Status and Plea / assignment settings will be reset by agreed order
Plea agreements and Violation of Probation hearings will be heard using Securus and/or SKYPE from the jail
- *Out of custody defendants:*
Jury trials will be rescheduled by agreed order
Arraignments, Status and Plea / assignment hearings will be reset as follows:

	Judge Freiberg	Judge Donaghy
Bradley County	April 13	April 20
Polk County	July 20	April 7
McMinn County	May 11	May 4
Monroe County	April 20	April 27

The Clerks will prepare notices for each defendant.

2. *All in custody defendants accused of violating probation will be afforded a hearing while the assigned Judge is in the county. The hearings will occur utilizing SKYPE, Securus, or Video Arraignment equipment (in Monroe County) on a date determined throughout the week of court. Any cases requiring testimony by witnesses will be individually scheduled and the courtroom will be sanitized between hearings.*
3. *Plea agreements for incarcerated individuals can be scheduled for plea hearing via SKYPE, Securus, or in Monroe County. Provision will be made to guard the constitutional rights of crime victims and the accused to appear and allocate.*
4. *District Attorney will review in-custody defendants unable to make bond. Bond recommendations will be made and in-custody defendants will be given priority for resolution.*
5. *For post-dispositional defendants with report dates, an agreed order will be presented delaying the report date.*
6. *Written waivers of the right to a public forum will be executed as necessary. A proposed draft order will be submitted by the Public Defender's Office.*
7. *Specialty Courts, including the TN ROCS dockets, will be suspended. The participants will be advised of the next review. Their behaviors will be monitored by the Treatment Teams and any immediate problems requiring court attention brought to the attention of the judge.*

8. *Grand Juries have been suspended by the Order. The Clerk will provide to the judge a list of any defendant being held and unable to make bond for a period in excess of 90 days. These cases will be set on either judge's next date for hearing to appoint counsel. These hearings will occur via SKYPE, Securus, or video in Monroe County.*
9. *Any emergency cases requiring an in-person hearing under the order will be scheduled for individual review. The courtroom will be sanitized between any such proceedings.*

This is a quickly evolving situation. Please refer to the normal media outlets for further updated information. All questions are to be directed to the clerk of the court where the case is filed or to be filed.