

To: Tennessee Supreme Court – Chief Justice Bivins  
Rachel Harmon, General Counsel, Administrative Office of the Courts

From: Chancellor Jerri S. Bryant, Presiding Judge, 10<sup>th</sup> Judicial District

**IN THE TENTH JUDICIAL DISTRICT OF THE STATE OF TENNESSEE**  
**(BRADLEY, POLK, MCMINN, MONROE COUNTIES)**

**ORDER ON THE RETURN TO IN-PERSON HEARINGS**

The various courts in this district have conferred and hereby submit the 10<sup>th</sup> Judicial District Comprehensive Plan Regarding Limited In-Person Proceedings, pursuant to the Supreme Court Order filed April 24, 2020.

**General Procedures Applicable to all Courts**

In furtherance of the mandates set forth in the modification order, the Presiding Judge, on behalf of all judges in the Tenth Judicial District, including Municipal court, Juvenile court, General Sessions court, Criminal court, Circuit courts and Chancery court, and also in conjunction with the District Attorney General and Public Defender of Bradley, Polk, McMinn and Monroe Counties, does hereby submit the plan as described below, for approval by the Supreme Court. This plan was the result of efforts of various parties in interest in all four (4) counties, including the sheriffs, clerks, security, and court personnel. The plan, as set forth in this document, upon approval by the Supreme Court, is intended to protect the health and welfare of the general public, attorneys, court personnel, corrections officers, security personnel, law enforcement officers, health care workers, incarcerated persons, and other persons who regularly come in contact with the courts in this district.

1. A maximum number of people in the courtroom at one time shall be limited to ten (10) lawyers and/or litigants.
2. Social distancing as recommended by the CDC will be followed at all times.
3. Courtroom benches will be labeled for seating purposes in compliance with social distancing.
4. Courts will only conduct one case at a time and, upon the conclusion of that case, all surfaces touched by any parties, witnesses, and/or attorneys shall be cleaned in the

- manner recommended by the CDC and prepared for the next case.
5. Litigants on other cases that may be set for the same day will be asked to wait in the parking lot in their cars or in their attorney's offices, until such time as they have been notified that the Court is ready for their case. Attorneys will not be allowed to congregate in the hallways, empty rooms, or clerks' offices of the courthouse, before or after cases.
  6. Pursuant to the Supreme Court Order, the suspension of jury trials shall remain in effect until at least Friday, July 3, 2020. All current jury panels will be extended until further Orders of the Court.
  7. Pursuant to Supreme Court recommendations, all courts will continue to conduct as much business as possible by means other than in-person court proceedings. Courts are encouraged to continue and increase the use of telephone, teleconferencing, email, video conferencing, or other means that do not involve in-person contact.
  8. Following the timeline and pursuant to the Supreme Court Order, no judge, clerk, or other court official shall take any action to effectuate an eviction, ejection, or other displacement from a residence during the effective dates of the current Supreme Court Order based on the failure to make a rent, loan, or other similar payment, absent some extraordinary circumstances as determined by a judge in a court of competent jurisdiction. Nothing in this Supreme Court Order affects the obligation, terms, or conditions for payment under existing contracts.
  9. Court officers and other staff shall ensure **only litigants and attorneys** are allowed past the security checkpoint in the front lobby of the courthouses. Witnesses will only be allowed to enter the courthouse when called in for their testimony at the court hearing. Hallways and stairwell doors are to remain clear. There will be no congregation in the hallways or stairwells. All personnel are encouraged to bring and wear appropriate masks over their noses and mouths.
  10. Attorneys should inquire of litigants and witnesses that if they have any symptoms of illness, they are to stay home until they have been tested. Likewise, attorneys are not to come to court if they have any symptoms of illness. Anyone with a temperature of 100.3 or greater shall not come to the courthouse.
  11. Clerks will advise any employees with any symptoms of illness to be tested and stay home until they receive test results. Social distancing must be maintained at all work spaces, common areas, and in courtrooms.
  12. A plan of entry is created at each courthouse to create a single entry access point for attorneys and litigants.
  13. In order to ensure social distancing protocols are followed while awaiting entry, demarcations on the walkways entering the building may be made to ensure the court attendees maintain a safe distance (a minimum of 6 feet) from each other while

awaiting entry. Court security shall be issued masks and gloves. Court security will also be provided a court docket in order to ascertain and/or record the person's name, contact number, and business with the court. Court security will be allowed to question individuals regarding whether they are experiencing any COVID-19 related symptoms. If affirmative answers are given, said individual will not be permitted to enter the building. If said individual is a litigant in a civil case, their case will be continued to another date and time certain. In criminal cases, they will be asked to remain in their vehicle until further orders by the court. If available, court security is encouraged to use touchless thermometers as an additional measure to screen individuals before entry into the courthouse. Any individual with a temperature of 100.3 or greater will not be allowed to enter and his/her case will be continue to a date certain.

14. Court security will be located in each courtroom and will direct each person entering the courtroom to the appropriate place to sit and await their case. Witnesses will be advised to remain in their vehicles until they are needed for testimony. Some courtrooms in the district have adequate seating capacity to recognize social distancing and can allow witnesses to remain in the hallway, in the designated seating area, as long as they maintain social distancing.
15. It is the responsibility of the attorney representing a party to be able to contact their client and any witnesses they intend to call for a particular case.

## **MUNICIPAL COURTS**

**CLEVELAND:** Cleveland Municipal Court's proposed re-opening is May 14, 2020.

Upon approval of the Cleveland City Council, the Cleveland City Manager and the Cleveland City Police Chief, Cleveland Municipal Court will re-open with the following COVID-19 safety protocol:

A Cleveland City Police officer will be stationed outside the Cleveland Police Service Center with the tickets. The officer will wear gloves. The officer will wear a mask, if desired. The officer will ensure that all defendants remain 6 feet apart as they arrive, until called into Court. The officer will question each defendant to determine if they have any symptoms, are running a fever or have been exposed to the virus. Those defendants will be required to leave immediately and their case will be rescheduled. The officer will then radio the Court officer in the courtroom and the court officer will obtain the tickets for those defendants who are present. The court officer will bring the tickets in the courtroom in the order in which the defendants arrived.

There will be an "X" placed 10 feet from the Judge's bench and an "X" 10 feet apart down the middle aisle in the courtroom. After each case, the defendant shall immediately exit the courtroom as directed by the court officer to ensure proper social distancing. The court officer will sanitize the area before the next defendant is called to come forward. All contested cases will be rescheduled to a later date. There will be no more than 10 persons allowed in the courtroom, including the Judge, City prosecutor, the court clerk and the court officer. Anyone wishing to pay a ticket will be required go next door to the Municipal building to pay. Only defendants will be allowed in the courtroom unless the defendant is a minor. If the defendant is a

minor, the minor will be accompanied by one parent or guardian. The use of personal protection, such as face masks and gloves, will be encouraged to protect all involved. If available, hand sanitizer will be available in the courtroom.

The city court clerk will send a notice to all defendants. The notice will encourage all defendants to handle all cases through the clerk to keep the numbers in court to a minimum.

The proposed plan will be re-evaluated at least every 14 days and submitted to the presiding judge in the 10<sup>th</sup> Judicial District.

**CHARLESTON**: Charleston Municipal Court will remain under the March 25, 2020 Supreme Court Order.

**BENTON**: Benton Municipal Court has continued all prior court dates to June 15, 2020, provided facilities are available. During all court proceedings, social distancing guidelines shall be strictly observed. Use of masks and/or gloves will be encouraged and permitted. During any hearings that require exhibits, use of gloves shall be required at a minimum. No more than ten (10) individuals will be allowed into the courtroom at any given time. Periodic sanitization of high traffic public areas, such as podiums, tables, and the like shall be conducted. Law enforcement will assist by coordinating announcements and entry of individuals into the Justice Center and/or courtroom.

**COPPERHILL**: Copperhill Municipal Court will remain under the March 25, 2020 Supreme Court Order.

**TELLICO PLAINS**: In March, it was decided to continue all cases to June, 2020. Also, at that time, the Tellico Plains police department ceased writing tickets and conducting certain law enforcement activity pursuant to the State's COVID-19 directives. In June, the court will reassess the situation and determine how Tellico Plains will conduct its municipal courts, given the limited personnel and facility where municipal court is held.

**VONORE**: Vonore City Court is generally held one day per month. The estimated average of cases on a docket is 50. An estimated average of defendants appearing to enter a plea or request driving school is 20. On average there are less than 2 trials each month.

Vonore City Court is held in the City Council room of the Vonore City Hall. The room is not large enough to support social distancing of more than 8 people. The city hall does not have a foyer, hall or any other common area that will support social distancing. However, the court area is accessed by an outside door, with portico, and a separate parking lot.

Upon the initial Supreme Court Order of March 13, 2020, the April and May dockets were continued. Thereafter, the decision was made to continue the June dockets. Upon approval of this re-opening plan, the Vonore Municipal Court will resume hearing cases on July 13, 2020. In order to protect city employees by limiting their exposure, City Court will be conducted after regular business hours, beginning at 6:00 p.m.

**Re-opening Plan** – With assistance from the Court Clerk, Police Chief, and City Attorney, the following re-opening plan has been formulated for approval:

In-court personnel will be limited to the Judge, Clerk, City Attorney and one city officer. Court personnel in and outside of the courtroom will take all steps possible to keep social

distancing of six (6) feet. The courtroom will be limited solely to defendant and/or their attorney. All other person(s) must remain in their vehicles at all times unless instructed to appear before the court. Entrance into City Hall will be limited to the parking lot side of the building.

City officers wearing gloves, masks and/or any other protective gear they deem necessary will be placed at the entrance. City officers will ensure that the social distancing guidelines are being observed, both inside and outside the building.

Defendants will be instructed that if they, or anyone they have had direct contact with, feel sick or had a fever in the last 14 days, they must inform the court and will be given a reset date at least 30 days from that date.

City officers will ensure that the court has all necessary paperwork to hear the defendant's case. If the citation is for registration and the defendant shows proper registration, then the city may dismiss that case and excuse the defendant from appearing in court. If the citation is for Financial Responsibility and the defendant shows proof of insurance at the time of the citation, then the city may dismiss that case and excuse the defendant from appearing before the court.

The city may also work out an agreed resolution with any defendant that does not have a commercial driver's license. The court will accept that agreement and the defendant can be excused from appearing before the court.

Defendants and/or their attorney appearing before the court will be allowed into the building, one case at a time, in the order that they appeared to the city officer(s) at the entrance.

Removable tape will be placed on the courtroom floor, 6 feet from the bench and other courtroom personnel indicating where those in the courtroom should stand.

Any exposed surface that is touched by the defendant, his attorney, or exhibits shall be sanitized between cases.

Arrangements have been made so that eligible defendants may attend driving school online. Certification of attendance attested pursuant to the "Online Notary Public Act" or pursuant to Executive Order No. 26 by a "deceleration under penalty of perjury" shall be accepted.

The court will continue to revise these procedures, adapting to changes that may become necessary pursuant to further orders and/or as are necessary to ensure the safety and health of all persons before the court and in the City Hall.

The court will continue to comply with all recommendations and guidelines promulgated by the Tennessee Supreme Court, the Presiding Judge of this Judicial District, the Governor of the State of Tennessee and the Mayor of Vonore, Tennessee.

**ATHENS:** Social distancing will be observed by having an officer present at the entry door at all times who will collect the cell phone numbers of person(s) appearing and will call them into the courtroom in groups of 5. Chairs will be placed in the courtroom with a space of at least 6 feet between and around each chair.

**ETOWAH:** Due to the COVID-19 crisis, we will be taking precautionary actions to help continue to fight the spread of this virus.

When you arrive to court you will need to enter the outside gymnasium at the Etowah Community Center, where you will check in with the clerks and be given a number. Seating arrangements will be designated throughout the gym. You will wait there until your group is called, then you will be able to proceed into the courtroom. It will be your responsibility to pay attention to when your group goes.

Only a group of 3 will be allowed inside the courtroom at a time.

No other persons will be permitted to enter the court other than the defendant, unless they are with legal representation (i.e. their lawyer) or unless the defendant is a juvenile, which can be

accompanied by 1 parent/legal guardian.

If you need a hearing that will be scheduled a later date.

One you have been seen by the judge and are finished in the courtroom, you will exit through the main doors at the community center.

**CALHOUN:** Calhoun Municipal Court will remain under the March 25, 2020 Supreme Court Order.

**ENGLEWOOD:** Social distancing will be observed by having an officer present at the entry door at all times who will collect the cell phone numbers of person(s) appearing and will call them into the courtroom in groups of 5. Chairs will be placed in the courtroom with a space of at least 6 feet between and around each chair.

**NIOTA:** Niota Municipal Court will remain under the March 25, 2020 Supreme Court Order.

**SWEETWATER:** On court days, there will only be one entrance to the building, with an officer stationed there. The officer will advise all court participants that a mask must be worn at all times they are in the building and courtroom. All persons in the courtroom will be required to wear a mask at all times, except when addressing the court. Masks will be provided to those without one, although notices are being sent beforehand to everyone on the docket. All court personnel will wear masks. All persons in the courtroom will maintain a minimum distance of 10 feet. If excess persons seek entry into the courtroom the overflow will be directed to wait outside or in their vehicles until contacted. Hand sanitizers will be provided at the courtroom entrance, in the courtroom and on the judge's bench, and people will be required to use it upon entry into the courtroom.

**MADISONVILLE:** Madisonville Municipal Court will remain under the March 25, 2020 Supreme Court Order.

Unless otherwise presented in this plan, all municipal courts will remain under the March 25, 2020 order.

### **SESSSIONS / JUVENILE COURTS**

The Sessions / Juvenile Courts of all four (4) counties have agreed to remain under the March 25, 2020 Supreme Court Order, at this time. After other courts in the district have begun to have in-person hearings, a new plan may be submitted for approval.

### **CRIMINAL COURTS**

The courts will continue to use video-conferencing to conduct as much business as possible by means other than in-person court proceedings.

No jury trials will be conducted. The grand jury will meet on a scheduled basis following the protocols for persons permitted in the courtroom.

At the discretion of the Court and on a scheduled basis, some in-person hearings may be conducted for in-custody defendants concerning motion hearings, hearings on violations of probation, and sentencing. Bench trials for in-custody defendants may be conducted on a scheduled basis following the protocols for persons permitted in the courtroom.

For all persons permitted in the courtroom for an in-person proceeding the following protocol will apply:

- a. Except for unusual circumstances, the ten-person limit will be enforced with social distancing.
- b. No extraneous persons will be permitted into the courtroom. Victims, witnesses, and parties will be permitted into the courtroom only for their case. The attorneys will be responsible for notifying them when they can enter the building.
- c. All in-person hearings will be on a scheduled basis with notice to court security.
- d. The courtroom and public areas will be sanitized between all in-person hearings.
- e. Participants will be encouraged to wear masks. Masks will be required if one approaches another within a distance of 6 feet; gloves will be required if one touches an exhibit or pleadings.

At the discretion of the Court, out-of-custody cases will be scheduled for status hearings, plea or assignment hearings, or review of the conditions of bond. These hearings may be conducted using video-conferencing. Matters rescheduled will be by agreed order and signed by the defendant to prove notice.

All other aspects of the March 25, 2020 order will remain in effect.

### **CIRCUIT AND CHANCERY COURTS**

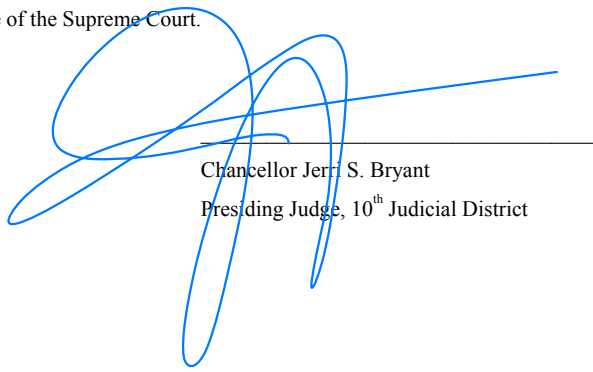
The civil docket shall follow the above guidelines. Dockets will be divided up with time slots assigned. Circuit Court will have a docket call with attorneys to begin the morning at 8:30 a.m., as social distancing allows. Chancery Court will maintain “Zoom Days” every other week, in which motions, ID divorces (including pro se divorces) will be heard and will be scheduled through the Chancellor’s assistant. Chancery Court will have Zoom meeting the day before to set the following day’s docket.

Courtroom benches will be marked where seating is appropriate to ensure social distancing. Only attorneys and court personnel will be allowed in front of the bar and will be required to utilize physical distancing. Wearing of cloth masks by the staff and public will be encouraged. If a situation arises in which physical distancing cannot be maintained, for example, during the handling of exhibits or approaching a witness to handle exhibits, a mask will be required as determined by the judge. In Chancery Court, attorneys will not be allowed to approach the bench or witness without wearing a mask.

All motions that can be decided upon the pleadings are encouraged and will be reviewed as such upon notice of the attorneys to the court. Short motions should be heard on WebX or Zoom, unless all attorneys and judge agree to an in-person hearing. In-person Circuit Court hearings will be scheduled with the Circuit Judges’ assistants. In-person Chancery Court hearings will be scheduled by the Clerk and Master or at the Zoom docket call.

Any exceptions to the above plan must be based upon extraordinary circumstances and

approved by the Chief Justice of the Supreme Court.

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right. The signature is positioned above a horizontal line.

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Chancellor Jerr S. Bryant  
Presiding Judge, 10<sup>th</sup> Judicial District





# Honorable Daniel R. Swafford

## Judge

General Sessions Court  
Bradley County Courthouse  
155 Ocoee Street Cleveland, TN 37311  
423-728-7264

Juvenile Court  
1620 Johnson Boulevard  
Cleveland, TN 37311  
423-728-7086

May 5, 2020

Attention: Chancellor Bryant

Greetings:

After our meeting on April 27, 2020, we began to look at our dockets and discuss how we could gradually start in person hearings. The dockets we specifically looked at included the Juvenile Justice docket, the Pro Se custody dockets, the DCS dockets, and the private matters the attorneys schedule for hearings in Juvenile Court. Our discussions did include the General Sessions Civil docket but we found that to not be feasible at this time given the volume. On Friday, May 1, 2020, we reviewed the letter submitted to the Bar by yourself, Judge Sharp, and Judge Puckett. Said letter included your plans to slowly re-open Court for in person hearings starting May 11, 2020. Myself, along with Magistrate Ivey and Director Towne, found that plan for re-opening Circuit and Chancery Courts almost identical to the plans that Director Towne had put together for the operation of the dockets discussed above. Again, with the exception of General Sessions Civil Court, we would like to follow your lead and start our Juvenile dockets on May 11, 2020 as well. Further, so that we would not be in the middle of the Circuit and Chancery courts being conducted at the Courthouse, all of our dockets would take place at the Juvenile Center. Our Juvenile staff is prepared and ready to follow all CDC guidelines concerning in person hearings as we have already been practicing these processes for our Juvenile arraignments. We have also been monitoring the plans that are being submitted and approved by the Supreme Court and posted on the AOC website. We have adopted some standards from the plans that are being approved for the various districts by the Supreme Court. We will continue to do as many cases as possible remotely (Skype, Zoom, etc.) as recommended by the Tennessee Supreme Court. We have attached a copy of our plan to this email for your review.

Thank you for your review and consideration of our request. Please let us know if we need to provide anything further to you concerning our request.

Thanks

Daniel R. Swafford  
General Sessions/Juvenile Court Judge

# BRADLEY COUNTY JUVENILE COURT

- Stagger dockets at 9 a.m. and 11 a.m. Allowing a minimum of 20 cases per docket.
- When Juvenile and Parent arrive, they will call in to one of two numbers to “check-in” but will remain in car until called. Upon calling they will give the juvenile’s name, parent name, and cell phone number. When it is time for juvenile and parent to enter building, a staff member will call them in.
- One parent will be allowed with juvenile (the custodial parent).
- 5 juveniles will be called at a time to come into the building. This will allot for 10 people. They will remain in the lobby until their case is called into court.
- If there are witnesses, they may remain in their car until time for their testimony. We do have availability to place them in an unoccupied office if necessary.
- If juvenile is represented by an attorney, we will continue have the option of using Skype or Zoom.
- If parent is incarcerated, they will appear by Zoom or Skype.
  
- Juvenile and parent will be asked upon entering the building if they have had any of the following symptoms in the last 24 hours: fever, cough, or difficulty breathing. If they answer yes, they will be asked to leave the building and reschedule their case. Juvenile and parent will also be asked to sanitize hands upon entering the building.
- Only essential court personnel will be allowed in the courtroom. The maximum number of people allowed in courtroom will be 10 people, excluding the judge, court personnel, or court security.
- We will continue to practice CDC’s guidelines for social distancing in the courtroom as well as the lobby. The courtroom will be marked in specific places for juvenile and parent to sit until case is called. The lobby will be marked as well.
- After each case is completed, we will disinfect the affected area that juvenile and parent were in. At the completion of the last docket, the courtroom will be cleaned and disinfected.
- All court personnel will be required to wear masks. Parent and juvenile will be asked to wear masks but not required.