

**IN THE ELEVENTH JUDICIAL DISTRICT  
OF THE STATE OF TENNESSEE**

**IN RE:**

**COVID-19 PANDEMIC**

**AMENDMENT TO  
WRITTEN PLAN OF THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF TENNESSEE**

Since May 6, 2020, the courts of the Eleventh Judicial District have been operating pursuant to a set of approved COVID-19 protocols ("Covid-19 Protocols"). See Standing Order Regarding the Easing of Restrictions of In-Person Proceedings (approved for use by the Tennessee Supreme Court on May 6, 2020). These Covid-19 Protocols have been affected by other orders entered by the Supreme Court since that time, including orders requiring the wearing of face coverings in July 2020 and orders providing for the limited suspension of in-person proceedings and jury trials in December 2020.

On May 14, 2021, the Supreme Court further modified its previous orders to remove certain limitations governing the operation of trial courts in particular (hereinafter "May 14 Order"). The May 14 Order, for example, modified courtroom capacity limitations, revised the requirements for social distancing and removed the mandatory requirement for the wearing of face coverings.

The Covid-19 Protocols for the Eleventh Judicial District are hereby amended by incorporating herein the May 14, 2021 Order of the Tennessee Supreme Court and attaching it hereto as Exhibit A. To the extent there are any provisions in the Covid-19 Protocols that are in conflict with the May 14 Order, those provisions are stricken in favor of and replaced by the provisions of the May 14 Order. As one example, all provisions in the current protocols that were necessary only to enforce previous courtroom capacity or social distancing limitations are hereby removed, subject only to the requirements now set forth in the May 14 Order.

The Covid-19 Protocols, as amended, are to be interpreted in accordance with the May 14 Order in all respects and specifically as regards capacity limitations, face coverings, and social distancing requirements. It is the intention of these amended Covid-19 Protocols to be no more restrictive than the May 14 Order.

The Courts of the Eleventh Judicial District are in agreement with this Amendment and make no further alterations to their respective plans.

- I. The Circuit and Chancery Courts of the Eleventh Judicial District;
- II. The Criminal Court of the Eleventh Judicial District;
- III. The General Sessions Court of Hamilton County, Tennessee;
- IV. The Juvenile Court of Hamilton County, Tennessee;
- V. The Municipal Court of Collegedale, Tennessee;
- VI. The Municipal Court of East Ridge, Tennessee;
- VII. The Municipal Court of Lookout Mountain, Tennessee;
- VIII. The Municipal Court of Red Bank, Tennessee;

- IX. The Municipal Court of Soddy Daisy, Tennessee;
- X. The Municipal Court of Signal Mountain, Tennessee; and
- XI. The Municipal Court of Chattanooga, Tennessee.

This the 21<sup>st</sup> day of May, 2021.



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KYLE E. HEDRICK, Presiding Judge  
Eleventh Judicial District

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED  
05/14/2021  
Clerk of the  
Appellate Courts

IN RE: COVID-19 PANDEMIC

\_\_\_\_\_  
No. ADM2020-00428  
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ORDER MODIFYING CAPACITY, DISTANCING, AND FACIAL COVERING  
REQUIREMENTS

On March 13, 2020, in response to the COVID-19 pandemic, the Chief Justice of the Tennessee Supreme Court declared a state of emergency for the Judicial Branch of Tennessee government and activated a Continuity of Operations Plan for the courts of Tennessee. See Tenn. Const. Art. VI, § 1; Tenn. Code Ann. §§ 16-3-501 to 16-3-504 (2009); Moore-Pennoyer v. State, 515 S.W.3d 271, 276-77 (Tenn. 2017); Tenn. Sup. Ct. R. 49. This state of emergency constitutes a “disaster” for purposes of Tenn. Sup. Ct. R. 49 and Tenn. Code Ann. § 28-1-116. The Court suspended in-person court proceedings and extended deadlines. On July 9, 2020, the Court ordered the mandatory use of facial coverings.

The suspension of in-person court proceedings and the extension of deadlines continued, with modifications, through February 12, 2021, at which time the Court lifted the suspension of in-person court proceedings in termination of parental rights cases, effective March 1, 2021. The Court also lifted the suspension of all other in-person court proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, effective March 15, 2021. The suspension of all jury trials was lifted on March 31, 2021. The Court has continued to grant discretion to all judicial districts to conduct in-person court proceedings in accordance with this Court’s prior orders and the approved comprehensive written plans for each judicial district.

With the continued decline of COVID-19 cases, hospitalizations, and deaths in Tennessee and the ready availability of COVID-19 vaccines, see Executive Order 80, the Court hereby adopts the following provisions:

1) The requirement of six feet of distance between persons in the courtroom is modified to require three feet of distance between persons in the courtroom, effective immediately.





2) Courtroom capacity requirements are lifted, effective immediately. Judges retain the discretion to limit the number of people in a courtroom as health and safety conditions or circumstances necessitate while ensuring the courts remain open and accessible.

3) The order requiring all persons to wear facial coverings in the courthouse and courtroom is lifted, effective immediately. Although the use of facial coverings will no longer be required, continued use of facial coverings in compliance with current CDC guidelines is strongly encouraged. Judges retain the discretion to require the use of facial coverings generally or in specific cases, particularly cases involving persons in the courtroom who are at an elevated risk from COVID-19. Any person desiring to wear a facial covering shall be allowed to do so.

4) Judicial districts, at their discretion, may modify their approved comprehensive written plans consistent with this order.

5) Courts that have been conducting business by means other than in-person court proceedings should continue to do so. Courts that are not utilizing technology available to them to conduct business by means other than in-person court proceedings need to implement the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact. All of these methods should be the preferred option over in-person court proceedings to competently, promptly, and diligently perform judicial and administrative duties.

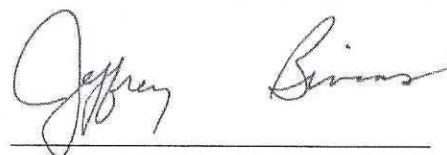
This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

The provisions of all other orders not affected by this order remain in effect.

Unless otherwise noted herein, the provisions of this order shall remain in place until further order of this Court.

It is so ORDERED.

FOR THE COURT:

A handwritten signature in cursive script, appearing to read "Jeffrey Bivins", written in black ink. The signature is positioned above a horizontal line.

Jeffrey S. Bivins, Chief Justice

*Cornelia A. Clark*

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Cornelia A. Clark, Justice

*Sharon S. Lee*

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Sharon G. Lee, Justice

*Holly Kirby*

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Holly Kirby, Justice

*Roger A. Page*

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Roger A. Page, Justice