

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

IN RE: * STANDING ORDER
*
COVID-19 PANDEMIC * JUDICIARY SITTING *EN BANC*

**STANDING ORDER REGARDING THE EASING OF RESTRICTIONS
OF IN-PERSON PROCEEDINGS**

By Order of April 24, 2020, the Tennessee Supreme Court modified its prior Orders entered March 13, 2020, and March 25, 2020, which suspended in-person court proceedings. That Order was in response to the ongoing developments of the COVID-19 pandemic. The Supreme Court Orders have been put in place and modified for the protection of the public while maintaining access to the courts.

The April 24, 2020 Order mandates certain actions. In accordance therewith, jury trials remain suspended through July 3, 2020 unless is an exception based on extraordinary circumstances approved by the Chief Justice. While jury trials are suspended, the courts shall continue to conduct as much business as possible by means other than in-person court proceedings. Those proceedings will be conducted under the guidelines and restrictions for operation of the March 25, 2020 Order entered by the Tennessee Supreme Court unless a comprehensive plan for the Judicial District in which a court is located is approved by the Chief Justice. The plan must be written, address all courts within the Judicial District, and be a comprehensive plan addressing how that Judicial District shall gradually begin to conduct in-person court proceedings other than jury trials and some non-emergency matters while

minimizing to the greatest extent possible the risk of the spread of COVID-19 from in-person court proceedings.

This Order constitutes the comprehensive written plan for the courts in the Eleventh Judicial District and is submitted to the Tennessee Supreme Court for its consideration. Upon the Supreme Court's approval and/or modification of the terms and conditions contained herein, the courts of the Eleventh Judicial District shall proceed to hold hearings in a manner consistent with this plan beginning May 18, 2020, or as soon as practicable and permissible thereafter.

This plan is submitted on behalf of all courts in the Eleventh Judicial District. It is important to note that the courts in this Judicial District are physically located in a number of different buildings. The Chancery Court and the Circuit Court of Hamilton County, Tennessee, are located in the Hamilton County Courthouse. The Criminal Court, the General Sessions Court, and the City Court of Chattanooga, Tennessee are located in the Hamilton County Courts Building. The Juvenile Court of Hamilton County, Tennessee is located in two separate buildings not in close proximity to the above-referenced courts. Each of the various municipal courts has its own physical building in a structure removed from downtown Chattanooga. These are the Municipal Courts of Soddy Daisy, Red Bank, East Ridge, Collegedale, Signal Mountain, and Lookout Mountain.

The Hamilton County courthouse houses various non-court related County offices. It is not exclusively a courthouse. The security for the courthouse is provided by an independent security agency, Walden Security. Walden Security is employed by Hamilton County. There also is some security provided by the Hamilton County Sheriff's Department. Because of this

structure, the courts can only address security protocols for access to the courtrooms and ancillary officers. The County Mayor is exploring the possibility of obtaining and having installed walk-through security devices which measure temperature. However, until such time as that can be accomplished, the courts in the Hamilton County Courthouse will implement their own temperature-taking protocols as soon as appropriate thermometers can be obtained. Obtaining these thermometers is in process.

The Hamilton County Courts Building houses only court-related offices. The Hamilton County Sheriff addresses security in that courthouse. Currently, all persons seeking access to that Courts Building are having their temperature taken by the Hamilton County Health Department. It is unknown how long this protocol shall continue. Therefore, when and if that practice ceases, the courts in the Hamilton County Courts Building will follow the temperature-taking protocol set out herein.

Each of the municipal courts addressed herein is housed in a building owned by the municipality that court serves and must work with that municipality on the security measures recommended herein. Therefore, different municipal courts may have different protocols in the written plan of each.

General Procedures

1. Any conflict between the procedures in this Order which are inconsistent with an order attached as an exhibit shall be resolved in the manner providing the most protective procedure.

2. All jury trials are suspended until July 3, 2020, unless otherwise ordered by the Chief Justice.

3. Courts shall continue to conduct as much business as possible by other than in-person court proceedings and are encouraged to continue to use and to increase the use of telephone, teleconferencing, mail, video conferencing, and other means that do not involve in-person contact to address court business and proceedings. These methods are the preferred option over in-person hearings.

4. Each person who seeks in-person entry into a courtroom addressed herein is encouraged to wear a mask upon entry to the courtroom and continue to wear that mask until the judge instructs otherwise.

Each person seeking entry into a courtroom shall answer CDC recommended questions asked by court personnel. If the answers to these questions indicate no risk of COVID-19 spread, person shall then have his or her temperature measured by a touchless thermometer operated by court personnel who is wearing a mask. If either the questionnaire answers or the temperature reading indicates there is a risk of spread of COVID-19, that person shall be refused admission to the courtroom and the hearing in issue will be rescheduled or adjudicated with evidence and arguments presented by non in-person means. The measurement of temperature is contingent upon the availability of appropriate thermometers which each court will seek to obtain if applicable.

5. Courtrooms will be sanitized periodically during the day based upon use and will be sanitized at the end of each day. The wearing of face masks is encouraged by all litigants,

witnesses, and attorneys. If available, hand sanitizer will be present in the courtrooms in locations where it can be easily accessed.

6. There will be no more than ten persons excluding court personnel (the judge, court reporter, bench clerk, and security) in a courtroom at one time. Witnesses are excluded from the courtroom until called and shall not present evidence in person until the court has determined in-person testimony is preferable over other non-in-person means of presenting testimony. Support persons shall be permitted in the courtroom only at the discretion of the judge.

7. Dockets and hearing times will be staggered according to the procedures of each court to reduce the number of people in a courtroom.

8. Judges' offices and Court Clerks' offices remain open for business with limited in-person contact.

9. These provisions are augmented by the procedures of each of the individual court plans submitted as exhibits to this plan.


10. The plans of the individual courts submitted as exhibits to this Order are incorporated herein and augment this Order and are as follows:

- 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.

The plan of Circuit and Chancery Courts for a gradual recommencement of in-person court proceedings is as follows:

ENTER this 4th day of May, 2020.



L. MARIE WILLIAMS, Presiding Judge of the
Eleventh Judicial District (after Consultation with
the Judges of all other Courts in the Eleventh
Judicial District)

WRITTEN PLAN OF CIRCUIT AND CHANCERY COURTS FOR GRADUAL RECOMMENCING OF IN-PERSON COURT PROCEEDINGS

- Admission to the Hamilton County Courthouse is controlled by the County Mayor. This courthouse is the location of several county offices including the Register of Deeds, the County Clerk, the County Mayor, the County Attorney, offices of the County Commissioners, and other offices. Therefore, the County Mayor must address access in light of the needs of the public to access all of these offices. He is working cooperatively with us. He agrees there is a need to measure the temperature of all persons entering the courthouse and he is investigating the purchase of walk-through security scanners that measure temperature.
- Concerning access, the plan of the Circuit and Chancery Courts will apply to the courtrooms, chambers, offices, jury rooms, and witness rooms only.
- This judicial district anticipates following these procedures through July 3, 2020, or until the Tennessee Supreme Court orders otherwise. It is our hope to begin this procedure May 18, 2020, or as soon as practicable upon approval of a plan for this judicial district by the Tennessee Supreme Court whichever is earlier.
- Our plan for access to the court facilities referenced above will include the following precautions:
 - Alcohol based hand sanitizer that is at least 60 percent alcohol, if available, will be visibly present with easy access.
 - Prior to entering a courtroom, any parties, witnesses, and/or attorneys will answer the questions recommended by the CDC, which questions will be asked by a court officer.
 - All attorneys, parties, support persons, and witnesses will be asked to wear face masks while in the vicinity of the courtrooms, judges' offices, outer office, jury rooms, and witness rooms and related common areas and when entering the courtroom and/or being questioned upon entry. At the discretion of the Court, these may be dispensed with once entry to the courtroom has occurred.
 - A distance of six feet will be maintained between all persons in the courtroom. An exception to this requirement will be attorneys and clients conferring at counsel table as necessary. Seats in the courtroom will be marked to ensure this distance is maintained.
 - Hand-shaking is discouraged.

- Court staff shall undergo the same questioning, temperature-taking, and other precautions as others upon entry to the courtroom and offices. They are encouraged to wear a mask when in contact with others.
- All courtrooms will be routinely cleaned with an appropriate disinfectant. The witness stand will be cleaned after each witness and counsel table and the podium will be cleaned after use by each person if practicable. Limited availability of disinfecting products may hinder this effort.
- There will be a limitation on the number of persons in the courtroom. The limitation is ten people exclusive of court personnel, the judge, and security. This limitation is addressed by staggering hearing times and assigning to each motion or trial a specific hearing time. Only the attorneys, parties, and witnesses necessary to be present in person will be permitted in the courtroom at any one time. Staggered hearing times will be set in advance of motions and trials. The necessity for parties and witnesses to appear in person as opposed to remotely will be addressed in pretrial conferences or discussions. Social distancing will be enforced at all times by court officers and the Court. Witnesses will be excluded from the courtroom until they are called. No extraneous persons will be permitted in the courtroom.

Daily Dockets:

- A scheduling conference will be held in each case, at which time the Judge will determine from the parties the anticipated length of the hearing, the number of witnesses who will be called, and the issues to be addressed. At this time, the Court will emphasize the Supreme Court's Order stating a preference for communication without in-person contact. After consultation with lawyers, the Court will decide which witnesses will or will not testify in person.
- Only attorneys and clients for one case at a time will be permitted in the courtroom unless the Court directs otherwise. The presence of support persons, paralegals, law clerks, and witnesses will be addressed in the pretrial conference.
- Cases will be docketed in a staggered manner based on the information obtained in the scheduling conference.
- Attorneys will be required to keep the Court advised as to whether or not their designated hearing time will be utilized so that time may be assigned to another case if it is not utilized.
- No witnesses or "support persons" will be permitted in the courtroom unless they are permitted to testify in person. They will be placed in separate rooms as permissible. If no separate rooms or other place where they can be safely socially distanced are available, they will remain in their cars. They will provide cell phone numbers to the attorney who

has required them to be present and the court officer so that they can be contacted when their testimony is necessary.

Child Support Hearings Involving Maximus:

- The hearing times on these cases will be set in a staggered manner. Social distancing will be enforced. If social distancing is not possible because of the number of people present, those whose cases have not been reached will be instructed to wait outside of the courthouse or in their cars. Temporarily, days will be added for the hearing of child support cases.

Motion Call Procedure:

No in-person motion call will be conducted . The attorney filing the motion shall initiate communication with the appropriate court clerk and all attorneys and unrepresented parties by the Wednesday before the motion would have been set pursuant to Local Rule 6.02(b). A hearing time and date will be assigned to the motion by the bench clerk in that conference. The following procedures shall be followed. Failure to follow these procedures may result in the motion being stricken.

When a motion is filed, the motion and response must state:

- Argument time estimate
- It is presumed the motion will be heard by phone or electronic means. If in-person hearing is requested, articulate the necessity therefor
- Whether proof is expected and, if so, number of witnesses
- What efforts were made to reach agreement
- Proposed order must be filed by all parties

Any motion with a *pro se* litigant must give notice of the time and date the motion is set for hearing and the phone number the clerk instructs shall be called.

Because of a large number of *pro se* litigants, in addition to the above, Chancery Court, Part 1, requests the following procedure:

- On all motions filed in Part 1, the Clerk will affix to the motion a notice that the movant must telephone a certain number to schedule a date for the hearing by a date certain. Failure to do so results in the striking of the motion.

Chancery Court, Part 2, requests the following procedures:

- The motion shall include the date and time the motion is scheduled to be called, consistent with the current practice in Chancery Court and the "Motion Call Procedure" noted above.

- Prior to the noted date and time of hearing, an objection to the motion may be raised in writing or by phone to the Chancellor's judicial assistant (NOT the Chancellor directly).
- If an objection is raised as noted in No. 2, above (prior to the date and time the motion is scheduled to be heard), a special setting for hearing the motion shall be arranged with counsel and coordinated through the Chancellor's judicial assistant.
- If no objection is raised prior to the hearing, the motion shall be called at the time scheduled or as soon thereafter as the Court's docket shall permit. NO COUNSEL SHALL APPEAR IN PERSON UNLESS SPECIFICALLY AUTHORIZED BY THE CHANCELLOR. If a self-represented litigant appears, in person, when the motion is called, the Court officer shall direct the self-represented litigant to immediately call the Chancellor's judicial assistant to make arrangements for a special setting for the motion.
- If no objection is raised as noted in No. 2 above, and no self-represented litigant appears in person, the Court Officer shall notify the Chancellor's judicial assistant who will notify the Chancellor of the lack of objection or appearance and provide the Chancellor the Order submitted contemporaneously with the filing of the motion.

Court and Clerks:

Goal is for most motions to be disposed of on Monday

Clerks set motions which they cannot schedule on Monday because of volume of motions or complexity on another day. The motion and response state what other day in that week an attorney is unavailable.

Uncontested trials such as agreed divorces shall be conducted by phone or Zoom or Web-X unless the parties are both *pro se*, in which case they shall appear in person.

Defaults may be set to be conducted by phone or Zoom or Web-X. If opposing party appears, that party participates in hearing. If the plaintiff is *pro se*, the plaintiff and its witnesses shall appear in person.

Adoptions may be conducted by Zoom or Web-X or in person with social distancing.

Proposed by L. Marie Williams, Presiding Judge, in consultation with all Chancellors and Circuit Court Judges of Hamilton County, Tennessee

**IN THE CRIMINAL COURT FOR THE ELEVENTH JUDICIAL DISTRICT
HAMILTON COUNTY, TENNESSEE**

**IN RE: COVID-19 PANDEMIC:
PLAN FOR CONTINUED OPERATIONS**

This matter came before the Hamilton County Criminal Court upon its own motion to formally propose, and request approval for, protocols for continued operations during the COVID-19 Pandemic.

On April 24, 2020, the Tennessee Supreme Court entered an “Order Modifying Suspension of In-Person Court Proceedings” that extended the limited suspension of “in-person” court proceedings through May 31, 2020.¹ As part of this Suspension Order, the Supreme Court directed the trial courts and the Presiding Judge of each judicial district to develop written plans for continued operations for “non-emergency” matters. More specifically, the Supreme Court ordered that

[t]he presiding judge or the designee of the presiding judge of each judicial district, in coordination with the designated judge or other designee of the general sessions, juvenile, and municipal courts within each judicial district, shall develop a comprehensive written plan to gradually begin conducting in-person court proceedings (other than jury trials) in some non-emergency matters. Each plan should contain guidelines and restrictions designed to minimize to the greatest extent possible the risk of the spread of COVID-19 from in-person court proceedings.²

Accordingly, and in response to the Orders of the Supreme Court, and in addition to measures taken by other courts, the Criminal Court for the Eleventh Judicial District sets forth its proposed plan for continued operations as follows:

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¹ See *In Re: Covid-19 Pandemic*, No. ADM2020-00428 (Tenn. April 24, 2020).

² See *id.* at 2.

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I. COURTS TO REMAIN OPEN

Consistent with constitutional requirements and the directives of the Supreme Court, the Hamilton County Criminal Court remains open and is prepared to address business brought before it. The Court will address the need to have in-person proceedings in accordance with the Supreme Court’s Suspension Order and the needs of each individual case.

II. PLACING MATTERS ON THE DOCKET FOR RESOLUTION

A. CONTINUED GENERAL PROHIBITION ON IN-PERSON PROCEEDINGS

The Court will not convene each day and await for matters to be presented. Rather, the Court will continue to operate largely in accordance with its March 16, 2020 order. These operations will continue to rely heavily upon the use of video conference and telephone capabilities for resolving matters. The Court will use these procedures in all cases, including those in which the accused may not be in custody.

However, the Court may specially schedule a limited in-person hearing to resolve issues requiring an evidentiary hearing. This scheduling may occur either on the Court’s own initiative or at the request of a party.

B. PARTIES’ “REQUEST FOR PROCEEDINGS”

As to matters not noticed by the Court, the Court invites notice from any affected party that an issue is present which may require resolution or action by the Court. Parties are encouraged to submit to the Court a “Request for Proceedings” to address other matters.

Where a party wishes to submit a Request for Proceedings, the Court asks that the Request be submitted in one of the following ways:

- submit an informal request to the particular division of court through the Court’s website: <https://www.criminalcourt2.org/schedule>; or
- file a formal motion seeking an in-person proceeding with the Criminal Court Clerk’s office.

III. COURT ACTION UPON RECEIPT OF A “REQUEST FOR PROCEEDINGS”

A. RESOLUTION *WITHOUT* IN-PERSON PROCEEDINGS

Upon receiving a Request for Proceedings, the Court will first determine whether the matter can be addressed without convening in-person proceedings, such as by video conference or telephone proceedings. If the matter can be so addressed, the Court will schedule a time to address the issue in that manner.

1. Types of Proceedings Contemplated

At present, the Court contemplates that the following proceedings can be held without convening in-person proceedings using existing technology, and it would invite Requests for Proceedings on these issues. By way of example, and not of limitation, the Court contemplates that custodial arraignments and agreed probation violations, for example, may be held without convening in-person proceedings.

The Court also will hold remote hearings on pleas where all appropriate completed paperwork, including the *signed* plea agreement and *signed* probation and restitution orders, are provided to the Court in advance of the scheduled time of plea.

Where evidentiary hearings occur, the Court requests that the parties submit pre-marked exhibits to the Court in advance of the scheduled hearing.

2. Agreed Orders or Contested Matters Submitted on Papers

The Court also invites Requests for Proceedings on matters where agreed orders can be presented. Parties are also encouraged, where appropriate and subject to consent of all parties, to submit contested matters to the Court upon motion, with an agreed request for ruling and joint waiver of argument.

The Court will also take under advisement petitions for relief filed by a surety that identifies with particularity the grounds for the relief requested, with leave to reconsider in a hearing if the surety is aggrieved.

B. RESOLUTION BY IN-PERSON PROCEEDINGS

If the in-person proceeding *is* subject to an exception to the Suspension Order and cannot be addressed remotely, the Court will schedule a special time to convene and address the matter.

1. Conditions to Convening

As a condition to convening in-person proceedings, the Court will require the following:

- **Plea Proceedings:** The Court respectfully requires that a final agreement exist and that, prior to transporting and convening, all paperwork has been reviewed, signed, and completed. Although issues are expected to arise, the Court will not generally convene proceedings so that the parties can complete negotiations.
- **Evidentiary Hearings:** The Court respectfully requires
 - that the parties need a judicial resolution of the issue, meaning that the parties have reached an impasse and that a judicial decision is actually desired and necessary; and
 - that all witnesses will be present at the designated time and will be prepared to testify.

2. Court to Address Only Noticed Matters

Upon convening on a scheduled proceeding, the Court will address only the immediately noticed matter, and it will not otherwise remain in session generally to await announcement on unresolved matters. In other words, the process is to “gavel in” to start the scheduled proceedings and to “gavel out” immediately upon the conclusion of the instant proceeding or at the conclusion of all specifically scheduled business. Only scheduled or noticed proceedings will be addressed by the Court at the special set time.

C. PERSONS PERMITTED TO APPEAR DURING IN-PERSON PROCEEDINGS

1. Generally

Subject to the safety protocols identified below, the Court will permit only the following persons to be present in the courtroom during any in-person proceeding:

- the immediate parties to the action and their counsel;
- persons allowed to attend by virtue of Tenn. Const. art. 1, § 35(c);
- permitted media as approved below; and
- personnel essential to the functioning of the Court.

2. Media Requests

Members of the public and media may attend video conference proceedings as a room “participant.” The Court may “mute” the microphone of any person, including media representatives, who are not parties to the immediate proceeding.

Media may also attend any in-person court proceeding upon approval by the Criminal Court consistent with Tennessee Supreme Court Rule 30.

Upon being notified that the media has sought permission to attend from this Court or from the Supreme Court, the Court will defer all proceedings to permit such an inquiry to occur. *Cf.* Tenn. Sup. Ct. R. 30(d)(2) (“Media requesting coverage shall be allowed to present proof, either at the evidentiary hearing or by affidavit.”).

All media personnel receiving approval from this Court to attend in-person proceedings will be permitted to attend under the Court’s safety protocols.

D. SAFETY PROTOCOLS USED DURING IN-PERSON HEARINGS

During these limited in-person proceedings, the Court will adhere to the following public-safety protocols:

1. Advanced Screening of Persons Entering the Courthouse

The Criminal Court and the Court of General Sessions adopt the protocols governing courthouse access that are set forth in the Hamilton County General Sessions Court protocols.

2. Advanced Screening of All Persons Entering Courtroom

In conjunction with the Sheriff and the staff at the detention facilities, defendants will be screened prior to transport to ensure that symptoms are not currently present or manifesting, and to ensure that other risk factors are not present. Each defendant shall be affirmatively asked to report on the information below, and no person shall be transported that answers affirmatively to any category of information.

Moreover, no person, including counsel, parties, courtroom staff, and media, who fall into one of the listed categories below shall enter any Criminal Court courtroom, jury assembly room, or judicial corridor:

- Persons who have exhibited health conditions in the previous (twenty-four) 24 hours involving fever of over 100.4, cough, shortness of breath or difficulty breathing, persistent chest pain, headache, or sore throat.

- Persons who have been asked to self-quarantine by any doctor, hospital or health agency.
- Persons who have been diagnosed with, or have had contact with, anyone who has been diagnosed with COVID-19 within the last 14 days.

Each person seeking entrance to these places shall be affirmatively asked by the courtroom bailiff to report on the information above, and no person shall be admitted who answers affirmatively to any category of information above.

The Court recognizes that this is not a perfect solution given the incubation period for COVID-19, but the Court takes these measures in an attempt to identify and avoid risks that may be detectable.

3. Sanitation of Facilities

The internal detention facilities will be sanitized prior to their use and at regular intervals during the day when in use.

Each courtroom will be sanitized by trained staff at regular intervals during the day and at the conclusion of proceedings.

Sanitization measures include wiping of solid surfaces, desks, tables, chairs, microphones, and door handles with disinfectant and disposable wipes. These sanitation efforts are taken in addition to daily cleaning of the courtroom.

4. Use of Social Distancing in the Courtroom

Absent absolute necessity or constitutional requirement, the Court shall not permit more than ten (10) persons in the courtroom at any one time, including lawyers, parties, and party representatives, but exclusive of essential courtroom personnel and approved media.

The Court will instruct on and enforce appropriate social distancing in the courtroom. The courtroom bailiffs shall be responsible for helping to enforce the social distancing protocols during the holding of any in-person hearings.

Absent permission given by the Court upon a showing of necessity, only one lawyer will be permitted at counsel table. All other persons affiliated with a party, including the accused, must be seated, at appropriate distances, in the gallery or other places designated by the Court.

5. Use of Social Distancing Outside of the Courtroom

Witnesses or other persons shall remain outside of the courtroom until their presence is required; provided that no more than five persons per side may remain outside of the courtroom

at any one time. If required by county restrictions, additional persons may be asked to wait outside of the courthouse, but in near proximity, depending on space available in each building. The Court will look to the parties to help implement these measures by restricting as appropriate the number of people required at any hearing and by explaining in advance these restrictions to their witnesses and others.

6. Availability of Personal Protective Equipment

The Court cannot provide personal protective equipment for parties or witnesses, but the Court encourages each person to bring their own masks and gloves when entering the Courtroom. The Court will not require use of masks.

At the beginning of proceedings, the Court shall include reminders as to proper coughing and sneezing. The Court will provide, and shall require the use of, hand sanitizer, tissues, and no-touch trash receptacles.

Courtroom personnel and deputies coming into close contact with persons shall have masks and gloves.

7. Closure of Facilities

If the Court later determines that the courtroom has likely been exposed to a person with confirmed or suspected COVID-19, the Court shall close its facilities, fully sanitize the courtroom and shall not reopen the courtroom for a period of at least 48 hours.

IV. ARRAIGNMENTS

A. ARRAIGNMENTS WITH CUSTODIAL DEFENDANTS

If an accused is in custody, the Court will hold arraignments by video conference in the same manner as other proceedings. The Court anticipates that a member of the staffs of the District Attorney General and District Public Defender will be present through video conference. Privately retained counsel shall also appear only through video conference and shall not be permitted in the courtroom.

B. ARRAIGNMENTS WITH NON-CUSTODIAL DEFENDANTS

1. Arraignment with Private Counsel

When an accused is on pretrial release, and has retained private counsel, the Court requests that a waiver of arraignment be filed unless the accused requests a formal arraignment.

If the accused requests a formal arraignment, counsel shall notify the Clerk's office of the request and request a specific time for a proceeding to occur over video conference.

2. Arraignment without Private Counsel

When an accused is on pretrial release, but has not retained private counsel or cannot afford to retain private counsel, the Court will follow the following procedures:

a. Arraignment Days

A principal concern of the Court is to keep to a minimum the number of persons required to appear in person in the Courthouse. To that end, each Division shall hold non-custody arraignments on different days and in accordance with the following schedule:

- First Division: On Fridays
- Second Division: On Wednesdays
- Third Division: On Thursdays

b. Scheduling of Arraignments

Each Division of Court shall schedule arraignments in two-hour blocks with no more than ten (10) people being scheduled for any one block of time. One person at a time shall be permitted to enter the courtroom for arraignment, with all others waiting outside of the courtroom. All persons not in the courtroom shall be appropriately spaced at least six or more feet apart, and the entire third floor may be used.

c. Conduct During Arraignments

For all in-person arraignments, the Court shall follow the safety protocols identified above, including screening and sanitation measures.

d. Other Parties Present

The Court does not require the physical presence of members of the offices of the District Attorney General and District Public Defender. Such persons may attend by video conference or be excused upon permission of the Court.

V. ADMINISTRATIVE TASKS

As to routine scheduling and administrative tasks:

A. SCHEDULING OF CASES

Where a division of court has entered orders scheduling various proceedings, the Court may enter orders scheduling matters, *sua sponte*, on new cases appearing on the discussion dockets. The Court may also enter, *sua sponte*, orders setting plea deadlines on cases where the matter is ready to set for plea.

B. CURRENT CASE MANAGEMENT DEADLINES

In accordance with Supreme Court's April 24, 2020 Order, the Court will not automatically extend case management deadlines. However, for good cause shown, the Court may grant relief based upon the individual needs of each case and of the parties.

C. MODIFICATION OF ORDERS

The Court believes that these administrative tasks can be accomplished without convening the Court or its personnel, and it anticipates that these measures will help keep the dockets moving. However, these orders will also be subject to modification if other exigencies require or the parties are unduly burdened by the dates selected.

VI. EMAIL FILING OF DOCUMENTS

A. GENERAL PROCESS OF FILING

In general, a filer may make use of email filing of documents under the following procedures:

- A filer shall submit the document as a portable document format (.pdf) file attached to an email addressed to the appropriate division of court.
- Upon receipt, the Clerk will send a confirmation of receipt to the filer by reply email.
- The Clerk shall print the Document and stamp it as having been e-filed.
- The Clerk shall file with the original court file the Document, the covering email, and confirmation response.

B. SUBJECT LINE AND PAGES LIMITS ON DOCUMENTS

The subject line of the filing email shall identify the case style and number.

A Document submitted for email filing, along with all attachments, shall not exceed 25 pages. All documents exceeding 25 pages shall be personally filed directly with the Criminal Court Clerk's Office.

C. SIGNATURES ON DOCUMENT

1. Form of Signature

Each Document filed by email may be signed either by typing the filer's name preceded by the symbol "s/" or by a scanned image of the filer's signature on the pleading.

2. Multiple Signatures

Where a Document contains multiple signatures, the filer may (1) file a scanned image of the Document containing all necessary signatures; (2) file the Document without the requisite signatures, but with a representation by the filer that all signatories have consented to the filing of the Document. A party who disputes the authenticity of an email-filed Document containing multiple signatures shall file an objection to the Document within five (5) days of service of the Document.

3. Filings by the Court

Any order or other court-issued Document filed through email without the handwritten signature of a judge or clerk has the same force and effect as if the judge or clerk had signed a paper copy of the Document and it had been entered on the docket in paper form.

D. CLERK'S EMAIL ADDRESSES FOR FILING

1. Submission to the Appropriate Division of Court

Filing shall be directed to the Division of Court in which the matter that is the subject of the filing is currently pending. The email addresses for the respective Divisions of Court are as follows:

- Division1filing@hamiltontn.gov
- Division2filing@hamiltontn.gov

- Division3filing@hamiltontn.gov

2. Grand Jury Matters and Petitions for Extraordinary Relief

Until September 1, 2020, all documents relating to matters pending the consideration of the grand jury, and all documents relating to requests for extraordinary relief, shall be filed in Division 1, which then may redirect as appropriate.

E. EFFECT AND TIME OF FILING

Filing a Document through email constitutes filing of the Document for all purposes under the Rules of Criminal Procedure and Local Rules of this Court. Each emailed-filed Document becomes a part of the Court's official record and the filing party is bound by the Document as filed.

A Document filed by email filing is deemed to have been filed as of the time submitted by the filer. Filing a Document by email does not alter the filing deadline for that Document. In order for a Document to be considered timely filed on a deadline date, the filing must be submitted on the deadline date before midnight.

F. SERVICE OF PAPERS ON OTHER PARTIES

Filers are responsible for certifying appropriate service of process on the other parties, and each Document shall contain a certificate of service noting the method and date of service.

Upon the agreement of all parties, appropriate service of documents may be accomplished by email, such as by copying all parties on the original email filing made to the clerk. All parties are encouraged to accept email service of documents during the Suspension Period.

The Clerk shall not serve, and shall not be responsible for serving, any documents filed by persons other than the Court. However, the Clerk shall serve all filings and orders made by a Division of Court.

G. RETENTION PROCEDURES FOR DOCUMENTS OF INDEPENDENT SIGNIFICANCE

A Document filed by email that requires an original signature other than that of the filer, such as affidavits and declarations, shall be maintained in paper form by counsel representing the party on whose behalf the Document was filed for one year after all time periods for all appeals expire. On request of the Court, counsel must provide the original Document for review.

H. OPTIONAL PROCEDURES AND SUBJECT TO MODIFICATION

At present, the procedures for email filing set forth herein are optional, and no person shall be required to utilize email filing to file documents with the Criminal Court Clerk.

The protocols identified herein are subject to modification by the Supreme Court, the Criminal Court, or the Presiding Judge of the Eleventh Judicial District of Tennessee, or her designee.

VII. RECOVERY COURT OPERATIONS

Subject to modification, the Recovery Courts shall conduct operations as follows:

A. STAFFING AND COURT STATUS SESSIONS

In-person courtroom status conferences, incentive and sanction hearings, and in-person team staffing shall be conducted by video conference, whether over Cisco Webex or by Zoom.

On-site Recovery Court personnel shall be reduced to the director and case managers as needed for essential operations. All other personnel have been instructed not to report to the courthouse during the Suspension Period, but shall perform work remotely where able to do so.

B. CASE MANAGEMENT

The Recovery Courts shall also use remote case management, including by video conference and by in-person home visits.

During in-person home visits, case managers shall not be within ten (10) feet of any participant and shall remain outside of the participant's residence at all times.

C. SUBSTANCE-USE TESTING

The Recovery Court shall continue to use "patch" testing for substance use. Where patches are affixed to participants, such patching shall be in a place outside of the county courthouse.

D. GROUP MEETINGS

The Recovery Courts shall suspend requirements on attending group meetings in person, but shall encourage attendance by remote measures where available.

The Recovery Courts shall defer to treatment and mental health partners as to counseling, substance use treatment, intensive outpatient treatment, or aftercare meetings.

Respectfully submitted,



BARRY A. STEELMAN, Judge *(permission)*



TOM GREENHOLTZ, Judge



DON W. POOLE, Judge

HAMILTON COUNTY GENERAL SESSIONS COURT
PLAN TO RESUME COURT PROCEEDINGS
SUBMITTED APRIL 30, 2020

I. COURTS BUILDING, ATRIUM & CLERKS' OFFICES

- A.** Hamilton County General Sessions Court ("HCGSC") criminal pleadings may be filed in the office of the Criminal Court Clerk, Vince Dean ("GS Criminal Clerk's Office"). When waiting to enter the Criminal Clerk's Office, members of the public must remain in the Hamilton County-Chattanooga Criminal and Civil Courts Building ("Courts Building") first floor lobby/atrium area ("HC Atrium") at least six (6) feet apart. Please consult and review any other procedures and protocols set forth and adopted by the GS Criminal Clerk's Office.
- B.** HCGSC civil pleadings may be filed in the office of the Civil Court Clerk, Larry Henry ("GS Civil Clerk's Office"). When waiting to enter the Civil Clerk's Office, members of the public must remain in the HC Atrium at least six (6) feet apart. Please consult and review any other procedures and protocols set forth and adopted by the GS Civil Clerk's Office.
- C.** The only persons allowed in the HCGSC criminal or civil courtrooms (Courtrooms #1, #3, #4, #5, and #6) are the following: (1) judges and administrators; (2) parties to a case; (3) court clerks; (4) probation employees; (5) district attorneys; (6) public defenders; (7) other civil or criminal attorneys; (8) witnesses; (9) security officers; (10) media; (11) maintenance and sanitation workers; and other necessary persons as determined by HCGSC (court personnel). No more than five (5) to ten (10) persons, exclusive of the court personnel above, will be allowed in each of the courtrooms at any given time.
- D.** Members of the public (parties, defendants, witnesses) should wear face coverings while inside the Courts Building.
- E.** All persons listed above shall remain on the first floor HC Atrium or second floor of the Courts Building and shall practice social distancing (six feet apart) until their case or name is called by a court officer, court personnel, or attorney. To assist with social distancing while inside the Courts Building, signage and other markings will be placed on the floors and chairs/benches. Persons will be prohibited from congregating near entrances to the Courts Building, the GS Criminal Clerk's Office, the GS Civil Clerk's Office, or the elevator. A maximum of one (1) person may use the elevator at any given time. County officials should monitor the total number of persons inside the HC Atrium and the second and third floors of the Courts Building to ensure there is no overcrowding. Rescheduling of cases may be necessary if social distancing cannot be accomplished.
- F.** Before and after each docket, HCGSC will continue to sanitize surfaces (bench, party tables, public benches, etc.) in each courtroom and in the Courts Building and HC Atrium. HCGSC will also sanitize certain high-contact areas in each courtroom multiple times during the course of each docket. HCGSC will encourage all persons to wear protective gear and to utilize hand sanitizer to persons inside of the Courts Building. HCGSC will endeavor to have hand sanitizer readily available if it can be procured for a reasonable cost.

HCGSC PLAN TO RESUME COURT PROCEEDINGS

I. HAMILTON COUNTY GENERAL SESSIONS COURT PROCEEDINGS

- A. Whenever possible, HCGSC will continue to conduct criminal court proceedings in accordance with the Tennessee Supreme Court's March 27, 2020 Limited Suspension Order ("TSC Order") through means other than in-person proceedings. This will include the use of email, telephone or videoconferencing, or other means. HCGSC will continue to utilize the Courts Building (Courtrooms #1, #3, and #4) to hear all criminal court matters. Any "morning" dockets will begin at 8:30 a.m. and any "afternoon" dockets will begin at 1:30 p.m.
- B. HCGSC Recovery Court and Mental Health Court will continue to operate in accordance with the TSC Order until further notice. In-person team staffing and in-person dockets are currently suspended and will continue through telephone and videoconference. Case management and treatment will continue through remote and virtual meetings. HCGSC Recovery Court and Mental Health Court will drug test participants in a manner that limits the number of persons present at the Courts Building. On-site personnel will continue to be reduced to the Recovery Court and Mental Health Court directors and case managers, and all other personnel shall work remotely.
- C. If possible, district attorneys and defense attorneys shall attempt to schedule all other criminal court proceedings with the HCGSC administrators for the purpose of minimizing in-person contact throughout the Courts Building. Again, these proceedings may be conducted by telephone or videoconference whenever possible. Finally, If possible, **district attorneys and defense attorneys shall attempt to resolve cases prior to any specifically set court date.**
- D. HCGSC will attempt to increase the number of in-person criminal court proceedings, when necessary, in "phases" to provide maximum protection to the public, defendants, attorneys, support staff, law enforcement, court officers, and all other all persons who might be inside or outside of the courtrooms while in the Courts Building. As such, HCGSC plans to operate in the following "phases":
 - 1. **PHASE 1 – From the adoption of this Judicial District Master Plan and until May 18, 2020** – HCGSC will continue to only hear "in custody" cases in Courtrooms #3 and #4 beginning at 8:30 a.m. Monday thru Friday. All other cases, including cases currently set for the 1:30 afternoon docket during this time, will be rescheduled or otherwise resolved without the need for in-person contact.
 - 2. **PHASE 2 – Beginning May 18, 2020 and until June 3, 2020** – HCGSC will operate three (3) criminal courtrooms (Courtrooms #1, #3, and #4). The "morning" docket will begin at 8:30 a.m. The "afternoon" docket will begin at 1:30 p.m. HCGSC will hear cases associated with sixty (60) defendants per day in each courtroom. Persons involved in each case shall remain in the HC Atrium or second floor of the Courts Building at least six (6) feet apart until called into their respective courtroom by a court officer or attorney. District attorneys and defense attorneys shall use all means available to limit the number of persons in

HCGSC PLAN TO RESUME COURT PROCEEDINGS

each courtroom, at any given time, to five (5) to ten (10) persons exclusive of court personnel.

3. **PHASE 3 – Beginning June 3, 2020 and until further notice** – If there is a stable or sustained decline in the number positive COVID-19 cases in Hamilton County, HCGSC will gradually add more cases to each docket every day under the same conditions as Phase 2.

I. HAMILTON COUNTY GENERAL SESSIONS CIVIL COURT PROCEEDINGS

- A. Whenever possible, HCGSC will continue to conduct civil court proceedings in accordance with the TSC Order through means other than in-person proceedings. This will include the use of email, telephone or videoconferencing, or other means. HCGSC will continue to utilize the Courts Building (Courtrooms #5 & #6) to hear all civil court matters.
- B. Mental health involuntary commitment proceedings, pursuant to Title 33 of the Tennessee Code Annotated, will continue through telephone or videoconference in accordance with the TSC Order.
- C. As directed by the TSC Order, no detainer initial case settings, detainer motions, or detainer bench trials will be set until June 3, 2020 (at the earliest). HCGSC will continue to conduct proceedings in accordance with the TSC Order with respect to detainer “extraordinary circumstances.”
- D. HCGSC will attempt to increase the number of in-person civil court proceedings, when necessary, in “phases” to provide maximum protection to the public, parties, attorneys, support staff, law enforcement, court officers, and all other all persons who might be inside or outside of the courtrooms while in the Courts Building. As such, HCGSC plans to operate in the following “phases”:
 1. **PHASE 1 – From the adoption of this Judicial District Master Plan and until May 18, 2020** – No in-person court civil proceedings will be held. This prohibition includes initial case settings (commonly known as “docket call”), motions, and bench trials.
 2. **PHASE 2 – Beginning May 18, 2020 and until June 3, 2020** – No bench trials will be set; however, initial case settings and motions may be heard at 9 a.m., 10 a.m., 11 a.m. or 1 p.m. (Mondays through Fridays). These in-person civil proceedings will be limited to ten (10) cases per hour on Mondays, Tuesdays, Wednesdays and Fridays, and will be spaced between two (2) courtrooms (Courtrooms #5 and #6). On Thursdays, these in-person civil proceedings will be limited to five (5) cases per hour, and will be held in Courtroom 6.
 3. **PHASE 3 – Beginning June 3, 2020 and until further notice** – Initial case settings, motions and bench trials (including detainer actions) may be heard at 9 a.m., 10 a.m., 11 a.m. or 1 p.m. (Mondays through Fridays). These in-person civil Proceedings will be limited to twenty-five (25) cases per hour on Mondays,

HCGSC PLAN TO RESUME COURT PROCEEDINGS

Tuesdays, Wednesdays and Fridays, and will be spaced between two (2) courtrooms (Courtrooms #5 and #6). On Thursdays, these in-person civil proceedings will be limited to ten (10) cases per hour, and will be held in Courtroom #6. Further, if there is a stable or sustained decline in the number positive COVID-19 cases in Hamilton County, HCGSC will gradually add more cases to each docket.

- E. With respect to any in-person court proceeding scheduled during the aforementioned times, **parties are encouraged to resolve their matter(s) prior to any scheduled court date(s), and shall attempt to hold their matter(s) via telephone or videoconferencing when possible.** Parties may also agree to reset their in-person court proceedings to a time/date beginning in October of 2020.
- F. Finally, parties and/or attorneys are required to cooperate with the GS Civil Clerk's Office when scheduling their in-person proceedings during Phase 2 and Phase 3, estimating the number of witnesses and party representatives that will be present. In the event that more than eight (8) total persons are expected to be present (including attorney(s)) for any given case, the case shall be set Friday at 1 p.m. (if possible). This will minimize the number of persons present in the Courts Building and HC Atrium.

The aforementioned HCGSC plan is approved and submitted to Hamilton County Presiding Judge Marie Williams this 30th day of April, 2020.



Honorable Judge Christie Sell, Division 1



Honorable Judge Alex McVeagh, Division 2



Honorable Judge Gerald Webb, Division 3



Honorable Judge Lila Statom, Division 4



Honorable Judge Gary W. Starnes, Division 5

IN THE JUVENILE COURT OF HAMILTON COUNTY, TENNESSEE

Proposed Plan for Recommencing Limited In-Person Hearings

Pursuant to Tennessee Supreme Court Order Modifying Suspension of In-Person Court Proceedings and Further Extension of Deadlines No. ADM2020-00428 filed April 24, 2020, the following plan will be implemented upon approval to gradually begin conducting in-person court proceedings in some non-emergency matters.

- 1) Hamilton County Juvenile Court will remain open during regular business hours at both the main courthouse located at 1600 East Third Street and the Child Support Division located at 1221 East Main Street subject to the following limitations.
- 2) The Court will continue to conduct business by means other than in-person hearings and will continue to increase the use of telephonic and video conferencing (WebEx) or other means that do not involve in-person appearances, with in-person appearances used as a last resort after reasonable consideration of alternatives including and up to a continuance to a later date. All dockets will be reviewed at least seven (7) days prior to the scheduled hearing by the Judge or Magistrate who will confer with attorneys where appropriate, determine whether the case is ready for a hearing, and set up a WebEx hearing. Self-represented litigants will be contacted by Court staff or a Deputy Clerk regarding the same. All cases will be staggered in increments of time rather than a normal docket call time. Necessary documents, reports or other exhibits should be lodged with the Clerk prior to the hearing.
- 3) New Arrests will continue to be judicially reviewed within hours. Detention hearings will continue to be held daily at staggered times in thirty-minute increments as have been done since the pandemic began.
- 4) Hamilton County Juvenile Court Recovery Court will continue to meet via WebEx or Zoom. Serious Habitual Offender Community Action Program "SHOCAP" leadership meetings will be held via WebEx.
- 5) The following programs and/or regular meetings will be cancelled until further notice:

Hamilton County Juvenile Court Youth Court Sessions
Hamilton County Juvenile Court Commission Meetings
Foster Care Review Board Meetings
Child Support Clinics
- 6) Juveniles on probation, house arrest and any other program that requires regular meetings or telephonic reporting must continue to report by telephone by contacting their probation officer prior to scheduled meetings.

7) Attorneys are strongly encouraged to mail, email, or fax pleadings to the Clerk's Office for filing rather than coming in to the courthouse. Additional guidance for filing remotely is available on the County web site and through the Clerk's Office.

8) Court Security Staff will be available at the front door of each location to answer questions and direct the public as appropriate. Court staff will check-in at the door and obtain immediate contact information for visitors who will then be asked to remain outside or in their cars. Screening for staff and visitors will be accomplished with touchless thermometers and Health Department recommended health questions relevant to COVID-19 before entry into the courthouse. Within the lobby, most chairs have been removed to provide ample distance for visitors who must be allowed into the courthouse and who have been appropriately screened. Ten adequately spaced chairs are all that remain in the lobbies. Staff will be required to wear masks when in contact with any other person or when moving about the building. Gloves are available to anyone in the building and are strongly encouraged when exchanging documents and other items. Staffing levels will be adjusted on a regular basis by the Administrator to meet obligations in the building while continuing to limit the presence of some staff members who will continue to work from home.

9) As most Juvenile Court hearings are closed to the public, the number of people inside a courtroom at any given time is naturally limited. However, a limit of ten (10) will be used at the Third Street location and a limit of seven (7) will be used at the Main Street location. Within the courtrooms, attorneys and litigants will be asked to distance themselves from others, utilizing the space-marked galley seats rather than counsel table.

10) The Court is taking every reasonable precaution within the facilities to ensure the best sanitary practices. These include frequent disinfecting of all regularly-touched surfaces, restrooms and waiting areas, making hand sanitizer available, and requiring staff members and visitors to strictly adhere to contact instructions promulgated by the health experts in addition to the mandated requirements above.

Respectfully submitted this 30th day of April, 2020.

/s/ Rob Philyaw
Robert D. Philyaw, Judge

COLLEDGEDALE MUNICIPAL COURT

PLAN TO ADDRESS RE-OPENING COURT WITH RESTRICTIONS TO ADDRESS
CORONA VIRUS PANDEMIC

Date: May 1, 2020

Implementation: Beginning on May 6, 2020, and remaining in place until notification from Supreme Court of termination of restrictions for in-person sessions

The plan is to open our Court to in-person sessions on May 6, 2020, our first scheduled session in May. Fortunately, our seating involves the use of movable chairs, so we are able to create proper social distancing by spacing chairs both side-to-side and front-to-back with a minimum of six feet in between every chair. We also have a large room adjacent to our courtroom that can accommodate ten people with similar spacing. We will provide seating for ten people in the courtroom and ten in the adjoining room. Beyond that, we can probably accommodate 4-5 in lobby with proper spacing. Beyond that number, we will take their phone numbers and direct them to wait outside or in their car and we will call them as space becomes available.

In addition to the spatial restrictions, we will not allow any unnecessary personnel in the courtroom. We will allow one parent for juvenile drivers and one person to assist someone who due to age or physical infirmity requires assistance for mobility or to address another infirmity. We intend to otherwise allow only defendants and witnesses in the courtroom. We do have a separate room for prosecutors, public defenders, private attorneys, and ancillary support staff such as probation services.

We will have a screener at the court room door, and she will enforce the limitation of individuals entering the courtroom, offer hand sanitizer, make sure the individual has a mask, and take their temperature. If there is reason to believe that a person may have any active illness or their temperature is in excess of 100 degrees, they will be rescheduled, or if they are a witness, they will be allowed to remain but will be directed to return to their vehicle and the DA can communicate with them via cell phone.

Once we reach our seating capacity in the courtroom and the adjoining room, individuals will be directed to our lobby (with similar restrictive seating) and beyond that, will be directed to wait outside or in their vehicles.

Through not allowing unnecessary parties in the courtroom, we hope to minimize the number of people who will be required to remain outside the courtroom and the building.

Proposed by Kevin B. Wilson, Judge, in consultation with Court Clerk and City of Collegedale Administrative Personnel.

**EAST RIDGE MUNICIPAL COURT'S PLAN TO ADDRESS RE-OPENING OF COURT
WITH RESTRICTIONS TO ADDRESS THE COVID-19 PANDEMIC**

APRIL 28, 2020

Beginning May 5, 2020 and continuing until further notification of the Tennessee Supreme Court:

Overview: We have two dockets on Tuesdays - traffic and "reviews" are at 3:00 p.m. Our courtroom is fairly large but with social distancing we can only accommodate approximately 25 people at a time in the gallery. We will NOT be having traffic nor reviews appear in Court through the entire month of May but these people will be directed to the clerk's office where they can make arrangements to pay on their case, re-set for a later date, etc. Beginning the first Tuesday in June, we will start having the normal traffic and reviews to go directly to court subject to the parameters set forth below. Moreover, attorneys and defendants will be alerted by the clerk beginning in June as to the docketing of their case in order to spread the criminal docket out to comply with the guidelines below. Everyone appearing in court will be encouraged to wear appropriate face coverings.

Docket size: The clerk will review every docket ahead of court to keep the number of criminal matters to 27 or less. Attorneys and defendants may be contacted to reschedule nonviolent misdemeanors.

Building entrance: There will be an officer outside the building prior to 3:00 p.m. to direct traffic matters and reviews to the clerk as well as ask health-related question to determine admittance to the building. We are in the process of buying instruments that allow no-contact temperature readings and will utilize as those are available. If the officer determines that there is a health risk due to temperature or answers to questions, that case will be rescheduled by the officer prior to the person entering the building. Signs will also be present encouraging social distancing as well as directing people where to go.

Hearing of cases: Defendants will not be admitted until their case is ready to be pled or heard. They will remain outside the courtroom in the atrium and a police officer will assist with and encourage social distancing. Insofar as plea negotiations are concerned, defendants shall remain outside and their attorney or the DA will discuss their case with them. Attorneys will be encouraged to bring pens for their clients to use although the court will provide pens as needed for single use and then placed in a container and later disinfected.

Court entry: No person shall be admitted to the building without having satisfactorily answered questions related to symptoms of and exposure to COVID-19. Prior to entry to the courtroom, each person will be required to use hand sanitizer and upon entry to the courtroom, shall sit in one of the designated seats marked to insure appropriate social distancing. No person shall be admitted unless there is a chair available and within reason, every attempt will be made to keep non-essential people out of the courtroom. Witnesses will be admitted into the courtroom subject to the above but also may wait in their cars as desired and will be contacted via cellphone by the DA or court personnel as needed. The DA may also meet with witnesses in the hallway

adjacent to the court. Defense attorneys and the DA shall generally be in a separate room and will limit the number of attorneys that may be in the room at the same time in order to maintain 6 feet of separation.

Hearings and Pleas: All pleas and hearing will take place at the podium in front of the bench which is at least 10 feet from the bench, judge and clerk. All waivers, plea agreements or other necessary documents shall be signed prior to presentation to the court.

Submitted by Judge J. Cris Helton

MUNICIPAL COURT FOR THE TOWN OF LOOKOUT MOUNTAIN

Plan to Gradually Begin In-Person Court Proceedings

Dated May 2, 2020

This plan contains guidelines and restrictions designed to minimize the risk of the spread of COVID-19 from in-person court proceedings during the time that the state of emergency for the Judicial Branch remains in place.

I. Court to Remain Open

The Court shall remain open and will conduct as much business as possible by means other than in-person court proceedings, including teleconferencing and video conferencing or other means that do not involve in-person contact. All of these methods will be the preferred option over in-person court proceedings.

The Court Clerk's office will remain open for business. To limit in-person contact, the Clerk's office will be accessible to the public by utilizing available technologies, including teleconferencing, email, fax, and video conferencing during regular business hours. If available, drop boxes will be used as an alternative for filing of documents.

Declarations under penalty of perjury may be used as an alternative to a notary. To minimize in-person contact, electronic signatures to any pleadings or documents to be filed will be accepted.

II. Screening Measures for Entry into Town Hall

The Court has worked with and will continue to work with the Town of Lookout Mountain to coordinate and implement guidelines for the entry of people into Town Hall for the purpose of attending court.

All persons wishing to enter Town Hall shall first be screened in the "bay" (garage area for Town Hall) by medical personnel or an EMT. The screening shall

include evaluation and health questions pertinent to COVID-19. To the extent available, touchless thermometers will also be used.

Any person deemed to present a safety risk relative to the transmission of COVID-19 shall not be admitted inside Town Hall. In that event, the person shall be advised to leave the premises, and the person's case will be rescheduled to a later date.

Any persons who pass the screening procedure shall wait in the bay or outdoors in the immediate vicinity of the bay until the person's case is called.

III. Limitation of the number of persons allowed in the courtroom

Our Commission Room is used for our courtroom. In the courtroom, a defendant may be accompanied by no more than one person, excluding an attorney, interpreter, or necessary witnesses.

No more than ten (10) people will be allowed in the courtroom at any one given time. This number is exclusive of the Judge, Court Clerk, officers, attorneys, and other necessary professionals who may also be in the courtroom.

IV. Staggering of hearing times

The docket will begin with a group of no more than five cases. The individuals involved in the first group of cases will be brought by an officer from the bay to the courtroom. As cases are completed, individuals will be escorted by an officer from the courtroom. By a separate route, an officer will bring into the courtroom the individuals involved in the next case will be brought into the courtroom. This process will continue until the docket is completed.

V. Management of Social Distancing

All persons outside, in the bay, or anywhere inside Town Hall shall exercise "social distancing" by staying no less than six (6) feet away from all others whenever possible.

Seating in the bay and in the courtroom consists of movable chairs, which allows for proper social distancing by spacing chairs both side-to-side and front-to-back with at least six (6) feet between every chair.

VI. Handling of Witnesses

Each witness will remain in the bay until called to testify._

VII. Protection for Court Personnel and the Public.

For the safety of court personnel and the public, all persons are strongly encouraged to bring their own masks and gloves. Because of the lack of availability and costs, no masks and gloves will be provided.

Appropriate use of disinfectants is encouraged in the bay and throughout Town Hall. For that reason, hand sanitizer will be provided in various areas of Town Hall, including but not limited to, the lobby, bay area, and the courtroom.

Proposed by Flossie Weill, Judge, in consultation with Court Clerk and Chief of Police.

PLAN OF RED BANK COURT
REGARDING THE RE-OPENING OF COURT
WITH RESTRICTIONS TO ADDRESS THE COVID-19 PANDEMIC

MAY 1, 2020

Beginning May 4, 2020 and continuing until further notification of Supreme Court:

Overview

Red Bank City Court will not be open at least until June 8, 2020 for other than mandated reasons set forth in the Tennessee Supreme Court's prior orders.

Our plan is to reschedule all matters and not open court for our regular dockets until June 8, 2020, unless there are 14-day rule issues, domestic violence concerns that need to be addressed or constitutional issues. Defendants will still be allowed to pay their fines and costs and reschedule their cases with the court clerk. The court clerk will continue to contact attorneys and defendants to reschedule cases that are set prior to June 8, 2020.

The procedures set forth below will apply to cases that are heard prior to June 8, 2020 as well as subsequent to June 8, 2020 subject to modification as required by the pandemic.

Entry into the Building and Courtroom

Cases will be heard via video if possible. If an in-court appearance is necessary, no more than ten people will be allowed in the courtroom other than court personnel. No person shall be admitted to the building without having satisfactorily answered questions related to symptoms of and exposure to COVID-19. Prior to entry to the courtroom, each person will be required to use hand sanitizer and upon entry to the courtroom, shall sit in one of the available chairs that are placed a minimum of 6 feet apart. Masks will be encouraged but we do not have masks to provide for everyone. Red Bank is in the process of purchasing "no-contact" thermometers and will begin using them as soon as possible. No person shall be admitted unless there is a chair available and within reason, every attempt will be made to keep non-essential people out of the courtroom. Witnesses will be admitted into the courtroom subject to the above but also may wait in their cars as desired and will be contacted via cellphone by the DA or court personnel as needed. The DA may also meet with witnesses in the private hallway adjacent to the court.

Hearings and Pleas

When entering a plea or if a hearing, the Defendant and other parties shall be at a podium or table set approximately 8 feet from the bench and the parties will be encouraged to maintain a distance from each other of 6 feet. All waivers, plea agreements or other necessary documents shall be signed prior to presentation to the Court. There will be a plexiglass shield placed in front of the Judge and Clerk who generally sit directly in front of the podium.

Proposed by Johnny D. Houston, Jr, Judge of Red Bank City Court after consultation with the Court Clerk and Red Bank Police Department Police Chief and other court personnel.

EXHIBIT VIII

SODDY-DAISY CITY COURT
PLAN TO ADDRESS RE-OPENING COURT WITH RESTRICTIONS TO
ADDRESS CORONA VIRUS PANDEMIC

Date: April 29, 2020

Implementation: Our plan will begin on Tuesday, May 5, 2020 (our weekly court sessions are scheduled for Tuesday nights at 4:40pm), and remaining in place until notification from Supreme Court of termination of restrictions for in-person sessions. Our plan is to continue the restrictions already in place, and to have no in-person appearances for any matter, traffic or misdemeanor, set by citation, nor any criminal matter where the defendant is on bond, until June 2, 2020 or later. Constitutional necessity is our guiding principle. Further, if any in-court appearances are necessary between May 5 and June 2, then we intend to hold them in a Hamilton County General Sessions Courtroom under the exact terms and conditions approved for the Hamilton County General Sessions Courts

If we are required to have an in-person court appearance that cannot be accommodated by a borrowed Hamilton County General Sessions courtroom, then any such appearances will be limited to the defendant, the defense attorney and the assistant district attorney. Our courtroom is relatively small and seating involves the use of movable chairs, so we are able to create proper social distancing by spacing chairs both side-to-side and front-to-back with six feet in between every chair. However, **no one** will be allowed to enter into the courtroom, except as specifically granted permission by the Court, as is constitutionally necessary.

We will have a screener/officer at the door to enforce the limitation of individuals entering the courtroom, offer hand sanitizer, make sure the individual has a mask, and observe them for any signs of illness and question as necessary. If there is reason to believe the person may have any illness, we will have someone available to take their temperature. Anyone with a temperature over 100 degrees, will be rescheduled, or if they are a witness, they will be allowed to remain but will be directed to return to their vehicle and the DA can communicate with them via cell phone.

s/ D. Marty Lasley, Judge of Soddy-Daisy City Court

SIGNAL MOUNTAIN TOWN COURT

PLAN TO ADDRESS RE-OPENING COURT WITH RESTRICTIONS TO ADDRESS CORONA VIRUS PANDEMIC

Date: May 1, 2020

Implementation: The Signal Mountain Town court is and will remain open to hear cases by appointment. We will not be holding our regularly scheduled open court until June. Beginning on June 2, 2020, we will resume our normal court schedule, the First Tuesday and the Third Thursday of each month at 6 p.m. Court will be held under the conditions set forth below and which will remain in place until notification from Supreme Court of termination of restrictions for in-person sessions.

The plan is to open our Court to in-person sessions on June 2, 2020, our first scheduled session in June. Fortunately, our seating involves the use of movable chairs, so we are able to create proper social distancing by spacing chairs both side-to-side and front-to-back with six feet in between every chair. No more than 10 people will be permitted at a time in the courtroom. We also have a nearby lobby to place any overflow. We can reasonably anticipate the potential number of individuals attending by the unsatisfied citations scheduled that evening.

We expect to reasonably accommodate spectators and those accompanying parties for any given case. When the limit of 10 persons in court has been reached, others will be asked to remain outside the courtroom. We do have a separate room for prosecutors, public defenders, private attorneys, and ancillary support staff such as probation services.

We will have a police officer at the door who will enforce any necessary limitation of individuals entering the courtroom, offer hand sanitizer, observe them for any signs of illness and question them in accordance with Center for Disease Control Guidelines. If there is reason to believe the person may have any illness, we will not permit them to enter the courtroom and, if they are a party or essential witness, we will reschedule their case. Personal Protective Equipment shall not be required.

Once we reach our capacity, individuals will be directed to our lobby (with similar restrictive seating) and beyond that, they will be directed to wait outside or in their vehicles. We will notify them either by calling out their names, or we can call their cell phones if they are waiting in their vehicle.

Proposed by Gary S. Humble, in consultation with Court Clerk and the Signal Mountain Town Manager.

CHATTANOOGA CITY COURT

PLAN TO ADDRESS RE-OPENING COURT WITH RESTRICTIONS

Implementation: Court will reopen beginning on May 11, 2020, or upon approval of plan if later, and remaining in place until notification from Supreme Court of termination of restrictions for in-person sessions. We are working in conjunction with Hamilton County General Sessions Courts as the five Sessions Courtrooms and two City Courtrooms are all located on the second floor of the Courts Building.

The plan is to open our Court to in-person sessions on May 11, 2020, pending approval by the Tennessee Supreme Court. The seating in City Court consists of bench type seating, so we will be able to space defendants and witnesses at least six feet apart and with no more than ten defendants and/or witnesses in Court at a time. We will have all other defendants and witnesses to wait outside the Courtroom until they are called in by a Court Officer.

In addition to the spacial restrictions, we will not allow any unnecessary personnel in the courtroom. We will allow one parent for juvenile drivers and one person to assist someone who due to age or physical infirmity requires assistance for mobility or to address another infirmity. Any other required parties such as police officers, city inspectors, and city attorneys/attorneys representing a party, will be required to maintain a six foot distance as well.

There will also be a designated person at each entrance of the building to check temperatures before allowing entry into the building. If it is determined that a party or witness has a temperature, the case will be rescheduled. We will have a Court Officer at the door who will enforce the limitation of individuals entering the courtroom, request that the individual wear a mask, and observe them for any signs of illness and question as necessary.

All courtroom personnel will wear a mask and gloves. Although a mask will not be required for defendants and/or witnesses, it will be highly recommended that they wear a mask if they have one. Hand sanitizing stations will be placed outside the courtroom. Signage will also be placed outside the courtroom regarding distancing. The courtroom will be sanitized and/or disinfected several times a day by wiping down any surfaces that are touched regularly.

We are also initially limiting our docket sizes so that the number of people inside the courtroom and/or waiting outside in the building will be greatly reduced.

Through not allowing unnecessary parties in the courtroom, we hope to minimize the number of people who will be required to remain outside the courtroom and in the building.

Respectfully submitted by Judge Russell Bean and Judge Sherry Paty
Chattanooga City Court