



Supreme Court State of Tennessee

CHIEF JUSTICE
JEFFREY S. BIVINS

JUSTICES
CORNELIA A. CLARK
SHARON G. LEE
HOLLY KIRBY
ROGER A. PAGE

401 SEVENTH AVENUE NORTH
NASHVILLE, TENNESSEE
37219

MEMORANDUM

TO: Judge Craig Johnson, 14th judicial district

DATE: April 29, 2020

RE: **A GRADUATED RETURN TO NORMALCY: Consolidated Plan to Expand Court Services in the 14th Judicial District/Coffee County**

On April 27, 2020, the Tennessee Supreme Court received the 14th JUDICIAL DISTRICT PLAN **A GRADUATED RETURN TO NORMALCY: Consolidated Plan to Expand Court Services in the 14th Judicial District/Coffee County**. This plan is detailed and comprehensive. Phase I of the plan is approved with the conditions listed below. The Court prefers to consider a Phase 2 plan at a later time.

(1) Maximum number of people in the courtroom at one time needs to be reduced. If you have 20 litigants, they may have 20 attorneys, plus the judge, court personnel, and court security. Then, when a witness comes in, that further increases the number. The number in the courtroom needs to be reduced to 10 (lawyers and litigants), plus judge, court personnel, and court security.

(2) Provisions regarding cleaning procedures in the courtrooms beyond having hand sanitizer present should be included.

A GRADUATED RETURN TO NORMALCY

Consolidated Plan to Expand Court Services in the 14th Judicial District/Coffee County

References:

- 1. COVID-19 CDC Guidelines, Opening up America Again, April 2020**
- 2. Tennessee Executive Orders 17, 21, 22, 23, and 27, Governor Bill Lee**
- 3. Supreme Court of Tennessee Orders dated; March 13, 2020, March 25, 2020, and April 24, 2020**

Preamble

Unfortunately, the threat of COVID-19 will be with us for the foreseeable future, therefore, it is necessary for us to provide clear guidance and an evidence-based framework to expand court services. Under the terms of this plan, the Courts of 14th Judicial District will remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with the current pandemic.

Plan

If Coffee County continues to experience an acceptably stable or sustained declining trend in the growth of COVID-19, and adequate testing county wide is available with local hospital capacity existing to deal with both the current case load and any potential surge; then Phase One to expand Criminal and Civil Court services within the 14th Judicial District is projected to begin on May 11, 2020 (this plan is subject to the approval of the Chief Justice of the Supreme Court of Tennessee). Any contradictions between this plan and the latest Supreme Court order will be resolved in favor of the Supreme Court order.

It is the responsibility of the Presiding Judge, or her designee, to ensure that the appropriate benchmarks discussed in the above paragraph have been met. Only then should Courts begin to expand their services.

Expansion of Court services will begin under the following guidance:

Phase One

The following general guidelines are in effect for Phase One:

- Pursuant to the Supreme Court mandate, the suspension of jury trials shall remain in effect through at least Friday, July 3, 2020. Any exceptions must be based on extraordinary circumstances and approved by the Chief Justice of the Tennessee Supreme Court.
- Pursuant to Supreme Court recommendations, all Courts should continue to conduct as much business as possible by means other than in-person court proceedings. Courts are encouraged to continue and even increase the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact.
- Pursuant to Supreme Court mandate, no judge, clerk, or other court official shall take any action to effectuate an eviction, ejectment, or other displacement from a residence during the effective dates of the current Supreme Court order based upon the failure to make a rent, loan, or other similar payment absent extraordinary circumstances as determined by a judge in a court of competent jurisdiction. Nothing in this order affects the obligations, terms, or conditions for payment under existing contracts. The same concern may not exist if a delinquent tax property or blighted property is unoccupied. Under those circumstances, a court may allow those matters to proceed at the court's discretion.
- In a first move toward normalcy, Courtrooms can be utilized for dockets and in-person hearings with physical distancing maintained and a maximum gallery size of 20 litigants. Benches are marked where seating is appropriate. Only attorneys and court personnel allowed in front of the bar while utilizing physical distancing. Wearing of cloth masks by staff and the public are encouraged. Court Officers are charged with ensuring compliance.
- Court officers and other staff shall ensure only litigants (check the docket) and attorneys are allowed past the security screens in the front lobby. Witnesses are only allowed by exception and when called, utilizing witness holding rooms when necessary.
- Sheriff's staff shall screen daily all staff and public that enter into the Justice Center with temperature and symptom checks. Employees and the public with temperatures of 100.4 degrees Fahrenheit should leave the premises immediately.
- Court Officers shall post information about health precautions for attorneys, litigants, and staff (such as maintaining an appropriate physical distance). Hallway and stairwell doors shall remain open, 2 persons maximum in elevators (elderly and disabled only), hand sanitizer shall be utilized to the extent possible. All personnel advised to bring and wear appropriate mask over nose and mouth.

- Attorneys should advise litigants with any symptoms of illness to be tested and to stay home until they receive test results.

Justice Center

- Clerk's offices, probation and youth services and other offices in Justice Center shall continue to provide services through alternative means when feasible. Phone, electronic, and digital filing and payment systems utilized. Limited "in person" contact with the public by exception. If required, the office shall make arrangements through the front security desk.
- Clerk's offices will be at full staff and will provide manning of a front lobby "help desk" to facilitate litigant traffic, filings, and payment of fines and costs. Sheriff's office to provide desk and Plexiglas shield.
- Advise employees with any symptoms of illness to be tested and to stay home until they receive test results. Create policies that make it possible for these employees to isolate, quarantine, and/or work from home if feasible.
- Physical distancing must be maintained in all work spaces and common areas where possible.
- Sheriff's office to mark line and social distancing requirements in front lobby. Front Desk is also charged with tracking number of people in Justice Center and keeping that number at an acceptable level.

Circuit/Chancery/Probate Court

- A limited Grand Jury, with appropriate social distancing measures, will be conducted in May with the normal arraignment date.
- Pleas, arraignments, and other business for incarcerated defendants will continue to be accomplished by video means. Criminal dockets in Circuit will be limited to announcements, settlements and/or pleas. There shall be no cases set for "discussion only" unless approved by assigned judge. Attorneys are instructed to work/negotiate their cases outside of court time. Evidentiary motions and hearings will be set specially by the judge assigned if time sensitive.
- Cases set for status conference updates in Domestic or Probate Court will be handled by a written status report (form available on Chancery website)
- Uncontested divorces can now be approved via one affidavit signed by only one of the parties if all other appropriate agreements, orders, and/or plans are signed by both parties. It is intended that no attorney

assisted uncontested divorce shall be heard in open court, except in extraordinary circumstances upon approval of the judge. Evidentiary motions and hearings will be set at a separate time by the judge assigned if time sensitive.

- Domestic defaults will be handled by normal procedures at 9am in court with corroborating witness testimony via affidavit if feasible.
- Domestic Pro Se matters will be handled in open court at 9am.
- If a Civil Motion, Criminal Motion, or Domestic docket is too large to limit numbers in the courtroom on any certain day; be prepared for dockets to be divided up by time slots. Notice will be provided. Default settings will remain set at 9am. Pro Se matters will also remain set at 9am. Motions requiring evidence will only be set by permission of the judge at a separate time.
- “In person” probates will continue to be suspended. Probates will be opened by a sworn Oath of Representative. This can be done by mail or appointment to deliver the original will.

General Sessions/Juvenile Court

- Orders of Protection will be heard daily. Hearings will be scheduled every thirty minutes beginning at 10:00.
- Pleas, arraignments, and other business for incarcerated defendants will continue to be accomplished by video means. Criminal dockets in General Sessions will be limited to announcements, settlements and/or pleas. There may be no time for discussion periods. Attorneys are instructed to work/negotiate their cases outside of court time.
- If a Criminal docket is too large to limit numbers in the courtroom on any certain day, be prepared for dockets to be divided up by time slots. Notice will be provided. In addition, on some Civil days when both Judges are available, the Judges may “split” the docket in an effort to hear cases as scheduled.
- Traffic tickets will be heard as scheduled by limiting the number of contested traffic hearings to adhere to the maximum number of litigants in the courtroom.
- In Juvenile Court dependent/neglect cases, litigants are encouraged to conduct video conferences prior to any court hearing dates in an effort to reach an agreement. When no agreement can be reached, video hearings are strongly encouraged and can be utilized until further notice.
- Juvenile Court unruly/delinquent cases will be limited to announcements, settlements and/or pleas. There may be no time for discussion periods.

Municipal Courts/Tullahoma and Manchester

- Participants in Court will maintain physical distancing of at least 6 feet at all times while in City Hall and the courtroom. This should be implemented by marks on the floor while waiting to go through metal detector into the courtroom. In the courtroom this should be implemented by having seats marked.
- Depending on the number of chairs available at the 6ft spacing and average number of cases on the docket, a staggered docket in 30 minutes increments may be required. The Clerk and Chief of Police shall determine if that is necessary and if so, the method in which participants will be notified. If necessary each officer shall be assigned one of the 30 minute docket times for their citations and that time be noted on the citation.
- If during the check-in through the metal detector or at any time during Court, it comes to attention of a city staff member, that a person may be have symptoms consistent with COVID-19, they will be required to leave and their case reset. Hand Sanitizer shall be made available at all access points and the courtroom deputy and officers assisting with the metal detector and check-in shall wear approved mask. All others encouraged to use masks.
- Consider reducing or imposing public service in a greater number of cases, or deferring payment of fines and costs.

Phase Two:

If, after a minimum of 20 days in Phase One, the trend of new cases continues to decline, and/or the Supreme Court restrictions are relaxed, the District may

proceed to Phase Two (by public announcement) with the concurrence of the Chief Justice.

The following general guidelines will be in effect for Phase Two as modified, Phase One guidelines still in effect if not modified:

- In a second move toward normalcy, Courtrooms can be utilized for dockets and in-person hearings with physical distancing maintained and a maximum gallery size of 30 litigants. Benches are marked where seating is appropriate. Only attorneys and court personnel allowed in front of the bar while utilizing physical distancing. Wearing of cloth masks by staff and the public are encouraged. Court Officers are charged with ensuring compliance.

Justice Center

- Clerk's offices, probation and youth services and other offices in Justice Center shall be accessible to the public to provide services, although alternative means are still available and encouraged. Clerks shall modify office arrangements to allow for protective distancing and the use of other protective measures.

Circuit/Chancery/Probate Court

- Grand Jury returns to normal, with appropriate social distancing measures, and will be conducted in June with the normal arraignment date.
- "In person" probates now allowed, although alternative means are still encouraged.

General Sessions/Juvenile Court

- Courtrooms can be utilized for dockets and in-person hearings with physical distancing maintained and a maximum gallery size of 30 litigants at a time. Benches are marked where seating is appropriate. Only attorneys and court personnel allowed in front of the bar while utilizing physical distancing. Wearing of cloth masks by staff and the public are encouraged. Court Officers are charged with ensuring compliance.

Municipal Courts/Tulahoma and Manchester

- Same as Phase One

If the spread of COVID-19 continues to decline for an ample period of time, then after Phase Two, Courts and the Justice Center will return to normal operations. Nevertheless, there is a chance that Coffee County may experience continued outbreaks that will force us to revert to an earlier phase. Our Judges will work with local law enforcement and other City, County and State officials to ensure that, to the extent possible, courthouses remain accessible to carry out essential constitutional functions and time-sensitive proceedings.

It is therefore ORDERED and DECREED,

Vanessa Jackson
Circuit Judge, Part II

L. Craig Johnson
Circuit Judge, Part I