



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 Jill Ayers, presiding judge 19th judicial district

DATE: April 29, 2020

RE: **17th JUDICIAL DISTRICT PLAN REGARDING EXPANSION OF IN-PERSON HEARINGS AND COURTHOUSE ENTRY IN ACCORDANCE WITH SUPREME COURT ORDER NO. ADM2020-00428**

On April 27, 2020, the Tennessee Supreme Court received the 17th JUDICIAL DISTRICT PLAN REGARDING EXPANSION OF IN-PERSON HEARINGS AND COURTHOUSE ENTRY IN ACCORDANCE WITH SUPREME COURT ORDER NO. ADM2020-00428. This plan is detailed and comprehensive. The plan is approved with the following conditions:

(1) **Cleaning:** The plan states that, in the Marshall County Gen. Sess. and Juvenile Courts (top of page 22), surfaces will be wiped down with disinfectant between hearings. However, there is no mention that this type of cleaning will take place in the other courts of Marshall County or the other counties in this district. The plan does state on the last page that, when and where available, disinfectants will be "displayed for appropriate use at each person's discretion while attending in-person hearings." Some sort of routine cleaning process like the one in the Marshall County Gen. Sess. and Juvenile Courts should be considered.

(2) **Personal Protection Gear:** The Marshall County Gen. Sess. and Juvenile Courts are the only courts in this district that specifically state they will provide personal protection gear to court personnel. Under the 17th JD's plan, all courts will provide this type of gear to the courthouse security team and will encourage visitors to use this gear, but only Marshall County Gen. Sess. and Juvenile Courts mention the use of this gear by court personnel. If the courthouse security team in each county is being provided with masks, they should also be made available to court personnel.

(3) The following courts state that the provisions of their respective circuit & chancery courts shall apply to them "subject to modifications by the Judge:" Bedford County Municipal Court, Moore County Gen. Sess. Court, Moore County Juvenile Court, Marshall County Municipal Court, Lincoln County Gen. Sess. Court, Lincoln County Municipal Court, and Lincoln County Juvenile Court. The plan should make clear that the judge can make modifications that are more restrictive, but modifications should not be made that are less restrictive.

(4) While it is certainly understandable that Bedford County courts are in a different situation, the proposed plan does not discuss use of video conferencing or other alternative means for the Bedford County General Sessions Court. This should be being utilized. If assistance from the AOC Tech staff is needed, they are ready to assist.

IN THE SEVENTEENTH JUDICIAL DISTRICT OF TENNESSEE

IN RE: CONVID-19 PANDEMIC

) No. ADM2020-00428

) 17th JUDICIARY SITTING *EN BANC*

**PLAN REGARDING EXPANSION OF IN-PERSON HEARINGS AND COURTHOUSE
ENTRY IN ACCORDANCE WITH SUPREME COURT ORDER NO. ADM2020-00428**

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 Tennessee Supreme Court Order No. ADM2020-00428; Tenn. Const. 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. By Tennessee Supreme Court Order entered March 25, 2020 (No. ADM2020-00428)(hereinafter “Continuation Order”), the Tennessee Supreme Court ordered a continuation of the suspension of in-person court proceedings and the extension of deadlines as set forth in the Continuation Order. On April 24, 2020, the Tennessee Supreme Court entered an order modifying the suspension of in-person court proceedings and further extension of deadlines (hereinafter “Modification Order”). Said Modification Order requires, in part, the following

“The 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.”

In furtherance of the mandate set forth in the Modification Order, the undersigned judges of the Seventeenth (17th) Judicial District, General Sessions, Juvenile Court, and Municipal Court of Bedford, Lincoln, Marshall, and Moore counties do hereby issue the below Plan in accordance with the terms of the Modification Order.

The judiciary of this judicial district has been monitoring developments related to the pandemic closely. While the undersigned judges are anxious for the business of the judiciary to return to the level of efficiency maintained prior to the COVID-19 pandemic, we realize that issues regarding an expansion of in-person proceedings in light of the COVID-19 pandemic must be approached with the utmost care for our system and its participants alike. Furthermore, the safety of not only the general public, but also the court staff, attorneys and security team is one of our chief concerns. Decisions regarding the method by which people gain entry and exit the courthouses of this judicial district have always been left to the local officials and Sheriffs, and since the entry of the March 13, 2020 Tennessee Supreme Court Order, these individuals/groups have sought the input of the judiciary and accommodated the needs of the court in every way. As a result, the undersigned judges do not wish to alter the methods by which these groups formulate a plan of action related to this issue. The appropriate local officials and Sheriffs have been consulted in order to formulate this Plan and the undersigned judges have attempted to set forth the Plan that has been presented by said groups.

In accordance with the mandate as set forth by the Modification Order, the undersigned judges do hereby enter the following Plan in an effort to protect the health and welfare of the general public, incarcerated persons, attorneys, court personnel, corrections officers, sheriffs' deputies, law enforcement officers, health care workers, and other professionals who regularly come in contact with same. In balancing the need to conduct the business of the judiciary with the safety and welfare of the aforementioned and the safety of the general public for which we serve, the undersigned Judges, sitting *en banc*, do find it necessary and appropriate to temporarily take the following safety measures:

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED:

I. PLAN OF ENTRY

A. BEDFORD COUNTY

The Plan of Entry is to create a single entry access point. In order to ensure that social distancing protocols are followed while awaiting entry, demarcations on the walkways entering the building will be made to ensure that patrons maintain a safe distance (minimum six (6) feet) from other individuals while awaiting entry. Once an individual reaches the entry control point, said individual will enter the appropriate area to be screened as typical entry protocols required prior to the COVID-19 pandemic. Courthouse Security Team (“CST”) shall be issued masks and gloves. As screening is being conducted, CST will be supplied a docket in order to ascertain and/or record the person’s name, contact number and business with the court. Additionally, as screening is being conducted, CST will be allowed to question individuals regarding whether they are experiencing any COVID-19 related symptoms. If affirmative answers are given, said individual will not be permitted to enter the building. If said individual is a defendant/litigant, their matter will be continued to another date and time certain. If negative answers are given, said individual will be able to gain access and will be directed to the appropriate courtroom. Furthermore, if available, CST is encouraged to utilize touchless thermometers as an additional measure to screen individuals before entry into the courthouse. Any individual with an elevated body temperature of 100° or greater will not be allowed to enter. If said individual is a defendant/litigant, their matter will be continued to another date and time certain.

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings.

Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties.

To facilitate transfer of in-custody individuals, said individuals will be transferred to the courthouse in small groups in a staggered fashion. The staggering of the inmate groups will be based upon the number of in-custody inmates needed for that particular day's docket. The timing of their

delivery will be as needed to facilitate an efficient disposition of the docket. Upon arrival, in-custody individuals will be allowed to consult with their respective attorney in certain designated areas. To protect the general public and the in-custody individuals alike, in-custody individuals will not be allowed to come into contact with the general public.

Cell phones are generally prohibited inside the courthouse; however, they will temporarily be allowed during this time to accommodate moral support and/or to facilitate efficient contact.

B. MOORE COUNTY

The Moore County Courthouse is a “multi-use facility” that houses various public service offices. The plan of entry listed below is intended to only address entry for judicial activities.

The Plan of Entry is to create a single entry access point. In order to ensure that social distancing protocols are followed while awaiting entry, demarcations on the walkways entering the building will be made to ensure that patrons maintain a safe distance (minimum six (6) feet) from other individuals while awaiting entry. Once an individual reaches the entry control point, said individual will enter the appropriate area to be screened as typical entry protocols required prior to the COVID-19 pandemic. Courthouse Security Team (“CST”) shall be issued masks and gloves. As screening is being conducted, CST will be supplied a docket in order to ascertain and/or record the person’s name, contact number and business with the court. Additionally, as screening is being conducted, CST will be allowed to question individuals regarding whether they are experiencing any COVID-19 related symptoms. If affirmative answers are given, said individual will not be permitted to enter the building. If said individual is a defendant/litigant, their matter will be continued to another date and time certain. If negative answers are given, said individual will be able to gain access and will be directed to the appropriate courtroom. Furthermore, if available, CST is encouraged to utilize touchless thermometers as an additional measure to screen individuals before entry into the courthouse. Any individual with

an elevated body temperature of 100° or greater will not be allowed to enter. If said individual is a defendant/litigant, their matter will be continued to another date and time certain.

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the

court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties.

To facilitate transfer of in-custody individuals, said individuals will be transferred to the courthouse in small groups in a staggered fashion. The staggering of the inmate groups will be based upon the number of in-custody inmates needed for that particular day's docket. The timing of their delivery will be as needed to facilitate an efficient disposition of the docket. Upon arrival, in-custody individuals will be allowed to consult with their respective attorney in certain designated areas. To protect the general public and the in-custody individuals alike, in-custody individuals will not be allowed to come into contact with the general public.

Cell phones are generally prohibited inside the courthouse; however, they will temporarily be allowed during this time to accommodate moral support and/or to facilitate efficient contact.

C. MARSHALL COUNTY

The Plan of Entry is to create a single entry access point. In order to ensure that social distancing protocols are followed while awaiting entry, demarcations on the walkways entering the building will be made to ensure that patrons maintain a safe distance (minimum six (6) feet) from other individuals while awaiting entry. Once an individual reaches the entry control point, said individual will enter the appropriate area to be screened as typical entry protocols required prior to the COVID-19 pandemic. Courthouse Security Team ("CST") shall be issued masks and gloves. Face Shields have been ordered and will be utilized when available. As screening is being conducted, CST will be supplied a docket in order to ascertain and/or record the person's name, contact number and business

with the court. Additionally, as screening is being conducted, CST will be allowed to question individuals regarding whether they are experiencing any COVID-19 related symptoms. If affirmative answers are given, said individual will not be permitted to enter the building. If said individual is a defendant/litigant, their matter will be continued to another date and time certain. If negative answers are given, said individual will be able to gain access and will be directed to the appropriate courtroom. Furthermore, if available, CST is encouraged to utilize touchless thermometers as an additional measure to screen individuals before entry into the courthouse. Any individual with an elevated body temperature of 100° or greater will not be allowed to enter. If said individual is a defendant/litigant, their matter will be continued to another date and time certain.

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for

testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties.

To facilitate transfer of in-custody individuals, said individuals will be transferred to the courthouse in small groups in a staggered fashion. The staggering of the inmate groups will be based upon the number of in-custody inmates needed for that particular day's docket. The timing of their delivery will be as needed to facilitate an efficient disposition of the docket. Upon arrival, in-custody individuals will be allowed to consult with their respective attorney in certain designated areas. To protect the general public and the in-custody individuals alike, in-custody individuals will not be allowed to come into contact with the general public.

Phones are generally prohibited inside the courthouse; however, they will be allowed during this time to accommodate moral support and/or to facilitate efficient contact.

D. LINCOLN COUNTY

The Lincoln County Courthouse is a "multi-use facility" that houses various public service

offices. The plan of entry listed below is intended to only address entry for judicial activities.

The Plan of Entry is to create a single entry access point. In order to ensure that social distancing protocols are followed while awaiting entry, demarcations on the walkways entering the building will be made to ensure that patrons maintain a safe distance (minimum six (6) feet) from other individuals while awaiting entry. Once an individual reaches the entry control point, said individual will enter the appropriate area to be screened as typical entry protocols required prior to the COVID-19 pandemic. Courthouse Security Team (“CST”) shall be issued masks and gloves. As screening is being conducted, CST will be supplied a docket in order to ascertain and/or record the person’s name, contact number and business with the court. Additionally, as screening is being conducted, CST will be allowed to question individuals regarding whether they are experiencing any COVID-19 related symptoms. If affirmative answers are given, said individual will not be permitted to enter the building. If said individual is a defendant/litigant, their matter will be continued to another date and time certain. If negative answers are given, said individual will be able to gain access and will be directed to the appropriate courtroom. Furthermore, if available, CST is encouraged to utilize touchless thermometers as an additional measure to screen individuals before entry into the courthouse. Any individual with an elevated body temperature of 100° or greater will not be allowed to enter. If said individual is a defendant/litigant, their matter will be continued to another date and time certain.

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10)

people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties.

To facilitate transfer of in-custody individuals, said individuals will be transferred to the courthouse in small groups in a staggered fashion. The staggering of the inmate groups will be based upon the number of in-custody inmates needed for that particular day's docket. The timing of their delivery will be as needed to facilitate an efficient disposition of the docket. Upon arrival, in-custody

individuals will be allowed to consult with their respective attorney in certain designated areas. To protect the general public and the in-custody individuals alike, in-custody individuals will not be allowed to come into contact with the general public.

Phones are generally prohibited inside the courthouse; however, they will be allowed during this time to accommodate moral support and/or to facilitate efficient contact.

II. FACILITATION OF HEARINGS

A. BEDFORD COUNTY

Compared to the other counties composing the 17th Judicial District, Bedford County is an anomaly in the extreme, relative to the COVID-19 Virus. As to the number of confirmed cases of the COVID-19 Virus, on April 24, 2020, (according to the Tennessee Department of Health) Moore County has 3, Lincoln 12, Marshall 22, and Bedford 165. Bedford County leads the State of Tennessee in the rate of rise in COVID-19 cases. On April 14, 2020, there were only 25 confirmed cases. There has been a 500% increase in a 10 day period.

i. GENERAL SESSIONS and JUVENILE

The Bedford County General Sessions Criminal Dockets have become quite large during this pandemic. The first docket in May has 243 defendants. Unfortunately, all the dockets are approaching this size. These numbers are ungovernable relative to our ability to maintain the protocols of social distancing. As a result, the Bedford County General Sessions Criminal Court shall continue under the provisions of the Tennessee Supreme Court March 25, 2020, Order, at the discretion of the Bedford County General Sessions Judge and shall be determined on a week-by-week manner.

All defendants shall maintain contact with their attorneys so that they may be advised of the status of their case relative to appearance dates. Further, the same potential problem exists concerning the

Bedford County Juvenile Court Child Support dockets, which are routinely in excess of 100 Respondents, not counting the Petitioners for each case.

The Bedford County Juvenile Court shall maintain the discretion as to whether the Child Support Docket may be held, based upon the activity in the Justice Center and the available room for social distancing. In the event it should be determined the Child Support Docket may not proceed, the litigants will be advised by their attorney or Court personnel as to the date of reschedule.

For purposes of clarification, General Sessions Civil Court and other Juvenile Court matters not addressed above shall go forward in accordance with the plans that follow.

The plans concerning General Sessions Criminal Court and the Juvenile Child Support Docket are offered for approval but shall be enacted at the discretion of the relevant Court.

a. BEDFORD COUNTY GENERAL SESSIONS CIVIL COURT

The Bedford County General Sessions Civil Court will hold regularly scheduled dockets to the extent the subject matter is allowed under the Tennessee Supreme Court's Order. The docket shall be managed in a staggered manner, with the cases to be scheduled in approximate ten (10) minute increments, one case at a time. Only the parties to the litigation for a particular case shall be allowed in the courtroom. The Court shall determine if there is an agreement as to the disposition, if there is a motion for default judgment, or if the case is contested. If there is an agreement or a default judgment is proper, the Court shall enter a disposition upon the Civil Warrant at that time.

If the case is contested, the matter shall be rescheduled for a special set and individual hearing, at a time as soon as practicable, that will allow compliance with the goal of promoting social distancing and limiting the litigants exposure to each other and the public in furtherance of the attempt to limit the dispersion of the Covid-19 virus. At a special set hearing, only the parties, their attorneys, witnesses, and necessary court staff will be allowed in the courtroom.

b. BEDFORD COUNTY GENERAL SESSIONS CRIMINAL COURT

Due to the unavoidable delay in court proceedings that has necessarily been caused by the COVID-19 pandemic, there is a tremendous back log in the disposition of Criminal cases in Bedford County. The continuation of cases, accumulation of new cases, and the inability to have in-person court attendance has caused a tremendous increase in docket size. The Court, along with the CST shall insure that social distancing is maintained at all times in the courtroom. As a result, no one inside the courtroom may sit any closer than six (6) feet apart from each other on the same pew. Further, there must be an empty pew in front and behind each person inside the courtroom, in order to insure proper social distancing. When available, the Court shall make use of one or more of the Circuit and Chancery courtrooms for additional space to seat litigants.

In order to combat and try to reduce the large numbers of people that will inevitably be coming to the Bedford County General Sessions Court, the Court shall institute the following measures:

(1) Only defendants, alleged victims, attorneys and court staff shall be allowed in the courtroom for the purpose of preserving space for necessary parties.

(2) All defendants who are represented by an attorney, and have maintained contact with their attorney, shall be excused from attending at the discretion of their attorney until such time as the court deems their attendance is necessary. Attorneys shall have the duty of contacting their clients to the extent possible and reporting to the court if they have been able to do so.

(3) Cases shall be liberally continued and spread out over the next several months to absorb the great influx of cases and thereby reduce docket size.

(4) There shall be an emphasis and priority for the disposition of all cases concerning pretrial detainees.

(5) Attorneys, to the extent possible, shall contact the District Attorney General's Office in

advance of court to attempt the negotiation and disposition of their client's case.

(6) The District Attorney General's Office is strongly encouraged to recognize the extraordinary circumstances at present and to make the utmost effort to resolve cases.

(7) If there is an agreed disposition, the court will entertain all guilty pleas in accordance with the social distancing protocols.

c. BEDFORD COUNTY JUVENILE COURT

All Juvenile Court proceedings requiring in-person attendance shall be conducted with strict compliance to social distancing protocols. The Court, along with the Court Security Officers, shall insure that no one inside the courtroom will sit closer than six (6) feet apart from each other on the same pew and there must be an empty pew in front of and behind each person. The noted exceptions are for the parents and/or guardians of a juvenile required to attend a court proceeding. Only attorneys, juveniles and their parents and/or guardians, alleged victims, parents accused in dependency and neglect proceedings, court staff and Department of Children's Services staff/Service Providers may gain admittance inside the courtroom. All of which is subject to the final determination of the Court relative to maintaining social distancing under the circumstances.

d. JUVENILE DELINQUENT AND UNRULY PROCEEDINGS

All Juveniles who are detained under Petitions for Delinquent and/or Unruly behavior shall have detention hearings within the requisite time frame in accordance with the Tennessee Rules of Juvenile Procedure. All Delinquent and Unruly cases/trials shall be conducted in accordance with the standards listed above concerning social distancing.

e. DEPENDENT AND/OR NEGLECT CASES

Preliminary Hearings, concerning Ex Parte Orders restraining parents alleged Dependent and Neglected Acts against their children, shall be promptly held in conformity with the requisite rules

governing such matters. Adjudicatory Hearings in such matters shall be specially set for hearing individually with only the litigants and necessary personnel present for that case alone.

f. FOSTER CARE REVIEW AND PERMENANCY PLAN HEARINGS

These cases have been successfully heard and presented through the use of WebEx, Zoom and other media during the Interim Tennessee Supreme Court Orders concerning the Covid-19 Pandemic. This has resulted in not having to transport and unnecessarily expose juveniles to the virus. The Court, in all cases where it is possible, shall continue to implement these procedures using this media during the pendency of this Covid-19 Pandemic.

g. JUVENILE COURT CHILD SUPPORT CASES

Traditionally, as a matter of practice, child support cases have been negotiated and discussed outside of the courtroom, with only pleas and contested hearings occurring inside the courtroom as the cases develop. This practice shall continue, since it is amenable to the goal of social distancing inside the courtroom. However, a new emphasis shall be placed on the social distancing outside the courtroom. The Court, members of the District Attorney General's Office, Attorneys, and CST shall take the necessary measures to insure proper social distancing. This will vary depending upon the level of activity in the Justice Center. When extra courtrooms are available, they shall be utilized in accordance with the social distancing protocols previously described herein. Otherwise, the various attorney/client meeting rooms shall be utilized to separate individuals, along with the social distancing that shall be required in the large hallway.

h. BEDFORD COUNTY GENERAL SESSIONS ORDERS OF PROTECTION

The Bedford County General Sessions Orders of Protection Docket will be held at the regularly scheduled time. These cases have fallen within the exceptions allowed for in-person court proceedings during the Covid-19 Pandemic and have therefore been ongoing and uninterrupted. They shall

continue with the same safeguards in place to comply with the protocols of social distancing as in all Bedford County General Sessions and Juvenile Court cases as described above.

ii. GRAND JURY

In considering appropriate distances and the limited size of the rooms where the Grand Jury convenes, it is necessary, for the interim, to conduct grand jury business in an alternate place. The clerk, in coordination with the Court, will identify places where appropriate social distancing may be maintained. These designated places, from time to time, may vary depending upon availability. The Clerk and the Court will decide upon such place prior to calling the Grand Jury. Once ascertained, the Clerk will advise each Grand Juror of the selected meeting place. The District Attorney, or his designee, shall be responsible to ensure that appropriate distancing is maintained in a similar fashion as listed above.

iii. CIRCUIT CIVIL/CRIMINAL and CHANCERY

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties,

defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties. Temporarily, cell phones will be allowed inside the courtroom in order for individuals to utilize for the purposes contained herein.

The court encourages the use of appearances/hearings via electronic means. If a proceeding must be held in-person, the court will ensure that participants in the courtroom are separated consistent with social distancing and other precautions as referenced herein. Hearings via electronic means shall be set by the party requesting said hearing. The requesting party shall obtain the necessary conference phone numbers and/or *Zoom* links from the designated Judge and/or judicial assistant.

With the introduction of the remote proceedings capability through *Zoom*, most non-essential proceedings (particularly civil matters) may be conducted remotely, and there would be no limitations on those remote proceedings so long as reasonable notice and access is provided to the participants. In

order to ensure that all parties have notice of the method in which the hearing will be conducted, the express agreement of all parties will have to be obtained by the party requesting the hearing in order to set an electronic hearing. In the event that any party does not expressly agree to an electronic hearing, an in-person hearing will be conducted subject to the protocols listed above.

iv. MUNICIPAL COURTS

The provisions listed under Bedford County Circuit Civil/Criminal and Chancery herein shall apply to the various municipal courts located in Bedford County subject to modifications by the Judge. The Plan of Entry procedures will be modified based upon the location in which the municipal court is held. Nothing herein shall be interpreted to limit the discretion of the Judge to modify and/or continue matters during this state of emergency subject to the provisions of the Modification Order and other Executive Orders entered by the Tennessee Supreme Court and Governor of the State of Tennessee.

B. MOORE COUNTY

i. GENERAL SESSIONS and JUVENILE

The provisions listed under Moore County Circuit Civil/Criminal and Chancery herein shall apply to the Moore General Sessions and Juvenile Court subject to modifications by the Judge. Nothing herein shall be interpreted to limit the discretion of the Judge to modify and/or continue matters during this state of emergency subject to the provisions of the Modification Order and other Executive Orders entered by the Tennessee Supreme Court and Governor of the State of Tennessee.

ii. GRAND JURY

In considering appropriate distances and the limited size of the rooms where the Grand Jury convenes, it is necessary, for the interim, to conduct grand jury business in an alternate place. The clerk, in coordination with the Court, will identify places where appropriate social distancing may be

maintained. These designated places, from time to time, may vary depending upon availability. The Clerk and the Court will decide upon such place prior to calling the Grand Jury. Once ascertained, the Clerk will advise each Grand Juror of the selected meeting place. The District Attorney, or his designee, shall be responsible to ensure that appropriate distancing is maintained in a similar fashion as listed above.

iii. CIRCUIT CIVIL/CRIMINAL and CHANCERY

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry to the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized

(split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties. Temporarily, cell phones will be allowed inside the courtroom in order for individuals to utilize for the purposes contained herein.

The court encourages the use of appearances/hearings via electronic means. If a proceeding must be held in-person, the court will ensure that participants in the courtroom are separated consistent with social distancing and other precautions as referenced herein. Hearings via electronic means shall be set by the party requesting said hearing. The requesting party shall obtain the necessary conference phone numbers and *Zoom* links from the designated Judge and/or judicial assistant.

With the introduction of the remote proceedings capability through *Zoom*, most non-essential proceedings (particularly civil matters) may be conducted remotely, and there would be no limitations on those remote proceedings so long as reasonable notice and access is provided to the participants. In order to ensure that all parties have notice of the method in which the hearing will be conducted, the express agreement of all parties will have to be obtained by the party requesting the hearing in order to set an electronic hearing. In the event that any party does not expressly agree to an electronic hearing, an in-person hearing will be conducted subject to the protocols listed above.

C. MARSHALL COUNTY

i. GENERAL SESSIONS and JUVENILE

All court personnel will be issued masks and gloves. Until Marshall County's COVID-19 cases decrease for two continuous weeks, masks shall be worn by courthouse personnel during court proceedings. Masks will be available for defendants/litigants as supplies allow.

Social distancing will be strictly enforced by marking on the floor with tape where each person shall stand. Each litigant will be given their own pen for necessary forms. Surfaces will be wiped down with disinfectant after each group.

All inmates will participate via video conferencing using *Moxtra* to capture digital signatures. In addition to *Zoom*, our courts will continue to utilize *Moxtra*, which is software that allows video conference with integrated digital signature. Essentially, the software combines *Zoom* and *DocuSign*. Inmates will not be transported to the courthouse.

Anyone sentenced to jail time will be ordered to submit to a free COVID-19 test at the Marshall County Health Department within 7 days of their report date to jail. When reporting to jail, the defendant shall bring a copy of their test results.

The Judge, Clerk, Prosecutors, Public Defenders and Private Counsel will diligently review the docket and will waive appearance in all matters where appropriate.

ii. GRAND JURY

In considering appropriate distances and the limited size of the rooms where the Grand Jury convenes, it is necessary, for the interim, to conduct grand jury business in an alternate place. The clerk, in coordination with the Court, will identify places where appropriate social distancing may be maintained. These designated places, from time to time, may vary depending upon availability. The Clerk and the Court will decide upon such place prior to calling the Grand Jury. Once ascertained, the Clerk will advise each Grand Juror of the selected meeting place. The District Attorney, or his

designee, shall be responsible to ensure that appropriate distancing is maintained in a similar fashion as listed above.

iii. CIRCUIT CIVIL/CRIMINAL and CHANCERY

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties. Temporarily, cell phones will be allowed inside the courtroom in order for individuals to utilize for the purposes contained herein.

The court encourages the use of appearances/hearings via electronic means. If a proceeding must be held in-person, the court will ensure that participants in the courtroom are separated consistent with social distancing and other precautions a referenced herein. Hearings via electronic means shall be set by the party requesting said hearing. The requesting party shall obtain the necessary conference phone numbers and *Zoom* links from the designated Judge and/or judicial assistant.

With the introduction of the remote proceedings capability through *Zoom*, most non-essential proceedings (particularly civil matters) may be conducted remotely, and there would be no limitations on those remote proceedings so long as reasonable notice and access is provided to the participants. In order to ensure that all parties have notice of the method in which the hearing will be conducted, the express agreement of all parties will have to be obtained by the party requesting the hearing in order to set an electronic hearing. In the event that any party does not expressly agree to an electronic hearing, an in-person hearing will be conducted subject to the protocols listed above.

iv. MUNICIPAL COURTS

The provisions listed under Marshall County General Sessions and Juvenile Court herein shall apply to the various municipal courts located in Marshall County subject to modifications by the Judge. The Plan of Entry procedures will be modified based upon the location in which the municipal court is held. Nothing herein shall be interpreted to limit the discretion of the Judge to modify and/or

continue matters during this state of emergency subject to the provisions of the terms of the Modification Order and other Executive Orders entered by the Tennessee Supreme Court and Governor of the State of Tennessee.

D. LINCOLN COUNTY

i. GENERAL SESSIONS and JUVENILE

The provisions listed under Lincoln County Circuit Civil/Criminal and Chancery herein shall apply to the Lincoln General Sessions and Juvenile Court subject to modifications by the Judge. Nothing herein shall be interpreted to limit the discretion of the Judge to modify and/or continue matters during this state of emergency subject to the provisions of the Modification Order and other Executive Orders entered by the Tennessee Supreme Court and Governor of the State of Tennessee.

ii. GRAND JURY

In considering appropriate distances and the limited size of the rooms where the Grand Jury convenes, it is necessary, for the interim, to conduct grand jury business in an alternate place. The clerk, in coordination with the Court, will identify places where appropriate social distancing can be maintained. These designated places, from time to time, may vary depending upon availability. The Clerk and the Court will decide upon such place prior to calling the Grand Jury. Once ascertained, the Clerk will advise each Grand Juror of the selected meeting place. The District Attorney, or his designee, shall be responsible to ensure that appropriate distancing is maintained in a similar fashion as listed above.

iii. CIRCUIT CIVIL/CRIMINAL and CHANCERY

A CST member will be located in each courtroom and will direct each person gaining entry as to the appropriate place to sit to await their case. Upon entry into the courtroom, defendants/litigants

will be instructed to observe social distancing guidelines by sitting not less than two (2) rows apart and six (6) feet between each person. In order to ensure that proper social distancing protocols are followed, permissible seating areas will be designated with tape or other appropriate markings. Furthermore, the court may limit the number of individuals in an individual courtroom to ten (10) people or less, excluding attorneys and court personnel. If more than ten (10) people are needed for a matter or for efficient disposition of that particular day's docket, the Court and CST will ensure that individuals remain seated in the designated areas while awaiting their case. When the designated seating capacity is reached, no one else, exclusive of court personnel and attorneys, will be permitted to enter the courtroom until a seat has been vacated. Priority for seating will be given to parties, defendants, victims and one (1) caregiver, if required, for any person having business with the court. If sufficient seating capacity exists after priority seating, the courtroom will be open to the general public but said individuals must sit in a designated seat as denoted herein. If a witness is needed for testimony, said witness may be directed to wait in their automobile until notified via cell phone to enter the building. An alternative method will be to have the witness wait in a witness room (if available) until they are needed for testimony. Furthermore, when available, multiple courtrooms will be utilized (split the docket) in order to assure that seating capacity is sufficient to allow for proper social distancing to occur. Once an individual's matter has concluded, they will be asked to depart from the single entry control point in order to free additional space for additional defendants/litigants.

Though contact information will be obtained by CST when a party having business with the court enters the courthouse, it will be the responsibility of the attorney representing such person to contact said individual for permitted entry when such person is not initially permitted to enter due to the maximum seating capacity being reached. CST personnel may assist in these contact efforts, but only to the extent that time permits as they exercise their primary duties. Temporarily, cell phones will

be allowed inside the courtroom in order for individuals to utilize for the purposes contained herein.

The court encourages the use of appearances/hearings via electronic means. If a proceeding must be held in-person, the court will ensure that participants in the courtroom are separated consistent with social distancing and other precautions. Hearings via electronic means shall be set by the party requesting said hearing. The requesting party shall obtain the necessary conference phone numbers and *Zoom* links from the designated Judge and/or judicial assistant.

With the introduction of the remote proceedings capability through *Zoom*, most non-essential proceedings (particularly civil matters) may be conducted remotely, and there would be no limitations on those remote proceedings so long as reasonable notice and access is provided to the participants. In order to ensure that all parties have notice of the method in which the hearing will be conducted, the express agreement of all parties will have to be obtained by the party requesting the hearing in order to set an electronic hearing. In the event that any party does not expressly agree to an electronic hearing, an in-person hearing will be conducted subject to the protocols listed above.

iv. MUNICIPAL COURTS

The provisions listed under Lincoln County Circuit Civil/Criminal and Chancery herein shall apply to the various municipal courts located in Lincoln County subject to modifications by the Judge. The Plan of Entry procedures will be modified based upon the location in which the municipal court is held. Nothing herein shall be interpreted to limit the discretion of the Judge to modify and/or continue matters during this state of emergency subject to the provisions of the Modification Order and other Executive Orders entered by the Tennessee Supreme Court and Governor of the State of Tennessee.

III. OTHER MATTERS

As mandated by the Modification Order, the various courts represented herein affirm that

although the terms of this Order allow for in-person hearings, alternative methods of conducting hearings other than in-person court proceedings, such as telephone conferencing, email, video conferencing, *Zoom* or *Moxtra*, should be the preferred option over in-person court proceedings. Additionally, while appearing in court, defendants/litigants are encouraged to use face masks and other reasonable personal protective equipment. Furthermore, where and when available, disinfectants will be displayed for appropriate use at each person's discretion while attending in-person hearings.

Nothing herein shall be interpreted to limit the discretion of the Judge to modify and/or continue matters during this state of emergency subject to the provisions of the terms of the Modification Order and other Executive Orders entered by the Tennessee Supreme Court and Governor of the State of Tennessee.


The effective date of this Order shall be the date in which same is approved by the Chief Justice. Upon approval, a copy of said Order shall be entered and spread upon the minutes of the clerk of each court comprising this judicial district.

This Order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

It is so **ORDERED**.

ENTER this 27th day of April, 2020.

J.B. COX w/ permission MWS
J.B. COX
Chancellor, 17th Judicial District


M. WYATT BURK
Circuit Court Judge, Part II, 17th Judicial District

N. Andy Myrick w/ permission MWS
N. ANDY MYRICK
Lincoln County General Sessions Court
and Juvenile Court Judge

Terry Gregory w/ permission MWS
TERRY GREGORY
Moore County General Sessions Court
and Juvenile Court Judge

John T. Bobo w/ permission MWS
JOHN T. BOBO
Shelbyville City Judge

Rhea Thompson w/ permission MWS
RHEA THOMPSON
Fayetteville City Judge

David McKenzie w/ permission MWS
DAVID MCKENZIE
Cornersville City Judge

Forest Durard, Jr. w/ permission MWS
FOREST DURARD, JR.
Circuit Court Judge, Part I, 17th Judicial District

Charles L. Rich w/ permission MWS
CHARLES L. RICH
Bedford County General Sessions Court
and Juvenile Court Judge

Lee Bussart w/ permission MWS
LEE BUSSART
Marshall County General Sessions Court
and Juvenile Court Judge

Barbara G. Medley w/ permission MWS
BARBARA G. MEDLEY
Lewisburg City Judge

Patrick P. Parnell w/ permission MWS
PATRICK PARNELL
Bell Buckle and Wartrace City Judge

Quinn Brandon Stewart w/ permission MWS
QUINN BRANDON STEWART
Petersburg City Judge

Debbie L. Zimmerle w/ permission MWS
DEBBIE L. ZIMMERLE
Chapel Hill City Judge