



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: 19th Judicial District Comprehensive Plan Regarding Limited In-Person Proceedings Pursuant to Supreme Court Order Entered April 24, 2020

On April 27, 2020, the Tennessee Supreme Court received the 19th Judicial District Comprehensive Plan Regarding Limited In-Person Proceedings Pursuant to Supreme Court Order Entered April 24, 2020. This plan is detailed and comprehensive. The plan is approved with the following conditions:

- (1) Courthouse screening procedures apply to court staff as well as guests, and court staff is encouraged to use PPE the same as guests.
- (2) The plan should provide that it will be supplemented and submitted for approval when Municipal Courts plan to begin reopening after May 31, 2020.
- (3) For Robertson County General Sessions Court, Part B, Number 5 states, in part, "Announcements and settlements may be conducted by video conferencing upon request of the attorney." The judge can and should initiate, and indeed require, many of the announcements and settlements to be done by video conferencing. It should not be at the choice of the attorney.
- (4) Please reduce the maximum number of people allowed in any courtroom to 10, plus court staff.

IN THE NINETEENTH JUDICIAL DISTRICT FOR THE STATE OF TENNESSEE
MONTGOMERY and ROBERTSON COUNTIES, TENNESSEE

19TH Judicial District Comprehensive Plan Regarding Limited In-Person Proceedings
Pursuant to Supreme Court Order Entered April 24, 2020

Part A: General Procedures applicable to all courts

1. A determination of the capacity of each courtroom in the district shall be made based on seating individuals on alternate rows, six (6) feet apart, and spaces shall be marked for the public. Court officers and Judges will be responsible for ensuring social distancing in the courtrooms.
2. Currently the courthouse in each county in the 19th Judicial District is set up with COVID screening procedures in place for any person to enter the building. Such process shall continue with regard to any parties entering the buildings for hearings under this limited procedures. Additionally, the courtrooms will be sanitized periodically during the day based upon use. Hand sanitizer will also be available in the Courtrooms. The wearing of masks will be encouraged, but not required.
3. Courtroom admission for cases on the docket (excluding bench trials and matters requiring witness testimony) shall be limited to the parties (under the social distancing guidelines set forth above) attorneys, defendants and authorized court personnel. Victims may be present in the courtroom but may be restricted to one support person.
4. Bench trials, and other matters requiring witness testimony, shall be conducted consistent with social distancing requirements. Witnesses will be required to wait outside the courtroom, and if required by county restrictions, outside of the courthouse but as close as possible, depending on space available in each building.
5. In an effort to minimize the number of people entering the courthouses, Judges and staff will coordinate calendars to avoid large dockets in multiple courtrooms on the same floor of the courthouse on the same day.
6. Courtroom admission requirements shall not be applied in a manner to preclude counsel from being present during a client's appearance, or to preclude media coverage of any proceeding consistent with Rule 30 of the Rules of the Supreme Court.

Part B: Criminal Court Dockets

1. As some attorneys and parties may be high risk for COVID, Judges will continue to utilize technology for video arraignments and remote hearings for incarcerated defendants, and for remote settlements upon agreement of the parties.

2. The area of greatest concern to the criminal court dockets has been the inability to take up matters for defendants who are out on bond who appear on criminal non-jury dockets. These would include, but not be limited to, arraignments, appearances, and contested motions such as motions to suppress. These non-jury dockets will be broken down into separate dockets for incarcerated defendants and defendants on bond as follows:
 - a. Subject to courtroom availability, incarcerated defendants shall be scheduled on separate days from other in-person proceedings and shall continue to be held via video when possible, with limited scheduled appearances in person.
 - b. Attorneys may present Written Waivers of Arraignments and Appearances when they have been arraigned and the presence of their clients will be excused.
 - c. Dockets for defendants on bond will be staggered based on the docket at the discretion of the judge to avoid large gatherings of people entering the courthouse at the same time and to coordinate social distancing in the courtroom. For example, a criminal court arraignment docket would be divided based on volume into various start times. At least 10 days' notice of these schedule times will be provided. **Bonding companies will be responsible for notifying clients of their court time.**
 - d. Contested motions will be decided on the pleadings unless the parties advise the Judge that testimony is required or arguments are requested. Any motions requiring hearing shall then be scheduled consistent with the procedures herein.
3. Continuing procedures that have been in place during the time of suspended in-person proceedings, matters that are on for status will be handled off-docket and attorneys and parties will not appear. Attorneys will provide updates to the Judge prior to court. After review and input from both the state and defense, the next court date will be scheduled. Cases set for dismissal will be dismissed unless either party brings to the Court's attention a reason not to dismiss. Attorneys and parties will not appear.

Part C: Civil Court Dockets

1. Motions will continue to be decided on pleadings or WebEx/Zoom unless all attorneys and Judge agree to an in-person hearing that will be specially scheduled by the Judge's assistant.
2. Bench trials will be conducted by WebEx/Zoom unless all attorneys and Judge agree to an in-person hearing that will be specially scheduled by the Judge's assistant.
3. Dockets and trial times will be staggered at the discretion of the Judge. Motion days will also be staggered at the discretion of the Judge in order to reduce the number of people entering the courthouse at the same time.

4. Uncontested divorces (attorney represented and self-represented litigants) will be decided on the pleadings.

Part D: Child Support Dockets

1. Child Support criminal arraignments and criminal contempt trials currently scheduled through May 31 will be continued in an effort to reduce the jail population.
2. Parties are not required to appear for civil first appearances. The court will issue an order setting the matter for trial with written notice to the parties at their last known address. The order will include a notice informing the parties that they are strongly encouraged to consent to a telephonic hearing by completing the provided consent form and returning it to the magistrate's office by mail, facsimile or email prior to trial.
3. Child Support Civil Trials will be limited to no more than five (5) Trials scheduled one hour apart.
4. Notice of times to appear will be published to the parties at least 10 days in advance.

Part E: General Sessions and Juvenile Court Dockets

Montgomery County Plan attached as Exhibit A.

Robertson County Plan attached as Exhibit B.

Part F: Municipal Court Dockets

City of Clarksville Municipal Court (Montgomery County) will remain closed through May 31, 2020.

Coopertown (Robertson County) will remain closed through May 31, 2020.

Cross Plains (Robertson County) will remain closed through May 31, 2020.


Greenbrier (Robertson County) will remain closed through May 31, 2020.

City of Springfield Municipal Court (Robertson County) will remain closed through May 31, 2020.

White House (Robertson County jurisdiction) will remain closed through May 31, 2020.

Millersville has jurisdiction over Robertson County citizens, but is in Sumner County, TN: therefore the 18th Judicial District plan will include Millersville.

Submitted this 27th day of April, 2020.



JILL BARTEE AYERS, Presiding Judge

cc: Judge Ross H. Hicks
Judge William R. Goodman, III
Judge Ted A. Crozier
Judge Kathryn W. Olita
Chancellor Laurence M. McMillan, Jr.
Magistrate Ashleigh L. Travis
Judge Kenneth R. Goble, Jr.
Judge L. Raymond Grimes
Judge Wayne C. Shelton
Judge Timothy K. Barnes
Judge Joel W. Perry
Magistrate Melanie Stark
Judge Charles W. Smith
Gary Dilliha
William F. Kroeger
Joseph Zanger

EXHIBIT A

Montgomery County General Sessions and Juvenile Courts

- 1) Initial Appearance-The Court will formulate a document that sets out what the defendant is charged with and the possible penalties, sets a docket call for them to return with an attorney and includes an indigence form with instructions. The defendants will be notified to appear to the clerks window to receive their packet on the date originally set between the hours of 8:30-3:30. The clerks would require the defendant to present a valid ID and sign a receipt which will be attached to their warrant. Should a defendant on bond not appear, we will issue a capias. Should defendant that was cited/OR'd not appear we will issue a Show Cause instead of a capias. Then, on the show cause date, if they do not appear we will issue a capias.
- 2) If a matter is on the docket for a docket call and an attorney is noted we will set those for trial without the need for anyone to appear and then will notify the respective attorney of the trial date. This will require the three criminal judges to go through the warrants in advance and set those cases. If there is a conflict, that attorney can file the appropriate motion.
- 3) For all matters that have been set to be dismissed, the attorneys are to submit the appropriate judgment form on or before the date the matter was to be dismissed. If costs are a condition and are still owing, those will become a civil debt. If public service was required and they've managed to stay out of further trouble, we will waive that requirement. If there are other requirements(A&D, counseling, etc.) the attorney will have to get the ADA to sign off on a dismissal. Otherwise, the matter will be given a new date.
- 4) Docket calls without attorneys will be staggered alphabetically every thirty minutes (with no more than 15 people per half hour) starting at 9:30 with a standard lunch break. This will be setup by the clerk's office. Should the defendant have hired an attorney, that attorney can do a Notice of Appearance in advance of that date and not appear on the date of the docket call. The clerks will provide a new court date to the attorney.
- 5) For trials that are set, we will only take announcements. If the matter is being dismissed/nollied, or waived to the Grand Jury(with signed waiver) only the attorney is to be present. As with all agreements, an email from the ADA must be attached. If the agreement is a plea, the attorney shall have his client present. These will be done between 8:30-9:30 the morning that the trial was set. If no agreement has been met, the court will set a trial sometime after the 1st of June. If the defense attorney knows that a hearing is going to be required, they can file a motion in advance and a trial date will be given without the need of personal appearance. There will absolutely no discussions about the case other than the announcement. All negotiating must be done prior to this date. Attorneys and their clients are to comply with all social distancing requirements set out by the county mayor, the Supreme Court and the Sheriff's Department for the courthouse.
- 6) Recovery Courts will be managed by their respective Judge. VTC will continue on Zoom for the time being.
- 7) All Juvenile courts will be managed by their respective judge in coordination with their YSO and Danette Woodcock. They will mirror the above standards.
- 8) Civil cases will be heard at staggered times and will only be given to cases with attorneys and only as deemed necessary by the court.
- 9) Only ex parte petitions for Orders of Protection will be heard and will be staggered into for different hearing times.
- 10) All other matters will be reset to after the 1st of June.

EXHIBIT B

ROBERTSON COUNTY GENERAL SESSIONS AND JUVENILE COURT

Comprehensive Plan for Reintegration of In-Person Proceedings

Pursuant to Tennessee Supreme Court Order Entered April 24, 2020

Part A: General Procedures

1. Capacity limitations of the Robertson County Office Building's two courtrooms (labeled Courtroom A and Courtroom B) shall be determined based upon seating individuals on alternate rows, six (6) feet apart, and all designated seating spaces shall be identified as an appropriate seat.
2. Currently, court access and entrance to the Robertson County Office Building is implementing COVID screening procedures for any person entering the building. Such process shall continue with regard to any required person/party entering the building for court related matters and hearings. In efforts to reduce COVID19 from surface exposure via touching, persons entering the court area shall not be allowed to bring personal belongings including but not limited to purses, bags, and/or other items that must be examined through scanner bed. To reduce touching of doorknobs and door bars, implementation of propping doors open whenever appropriate and does not create a risk to safety and security. The wearing of masks, although not required at this time, are permitted and encouraged.
3. Mitigation of exposure to COVID 19 will continue to be implemented by social distancing guidelines, modified work schedules for staff with alternative work stations from home as may be appropriate and as much as possible.
4. Courtroom admission for cases on the docket shall be limited to attorneys, defendants, required witnesses, authorized persons and court personnel. Victims may be present in the courtroom (victim's support person attendance will be determined on a case-by-case basis).
5. Trials/hearings and/or other matters requiring witness testimony, shall be conducted consistent with social distancing requirements. Witnesses will be required to wait outside the courtroom; this may include waiting outside of the Robertson County Office Building in designated area or in personal automobile then notified when may enter.
6. In an effort to minimize the number of people entering the court areas of the Robertson County Office Building, General Session Judge, Juvenile Court Magistrate and court staff will coordinate calendars to avoid large dockets in both Courtroom A and Courtroom B on the same day. Staggering of designated times for each case will be implemented to reduce and prevent multiple persons and parties appearing at the same time. Hearings will be assigned specific designated times to commence and end. The designated time allocated must be strictly adhered to. Any deviation (late

arrival) by the parties and/or attorneys shall result in the matter not going forward and a reset will be necessary. Any attempted negotiations shall occur prior to the in-person hearing date and times.

7. Courtroom admission requirements shall not be applied in a manner to preclude counsel from being present during a client's appearance, or to preclude media coverage of any proceeding consistent with Rule 30 of the Rules of the Supreme Court.

PART B. General Sessions Court

1. The General Sessions Courtroom has a seating capacity of one hundred thirty-seven. In order to maintain social distancing, the Courtroom capacity will be limited to thirty people, not including attorneys, court staff and court officers.
2. In the event that a docket is greater than thirty people, additional individuals will provide their name and telephone number to court staff prior to entering the building and will be called to enter the Courtroom as seats become available.
3. Jail dockets will continue to be conducted on Tuesday mornings, separate from Dockets from defendants on bond.
4. Recovery Court dockets will continue to be conducted by video conferencing while the Supreme Court Order is in effect.
5. Additional settlement dockets will be conducted on Friday mornings for attorney with announcements only. Announcements and settlements may be conducted by video conferencing upon request of the attorney.

PART C. Juvenile Court

1. Juvenile Court will continue to implement video/telephonic conferencing on non-emergency matters; to include but not limited to, annual permanency hearings, status reviews, most motions, foster care review board, etc. Juvenile Clerks will continue to accept and encourage pleadings and other filings by email, facsimile and/or drop box. Physical, in-person access to the Juvenile Clerk will remain limited and as deemed necessary to carry out constitutional functions and time-sensitive matters. See attached "EMERGENCY AND NON-EMERGENCY REQUESTS."
2. Dependency, Neglect and Abuse contested hearings (ex parte/removals included) to which the parent(s) rights are directly affected (did not enter an Immediate Protection Agreement, etc.) will be conducted in-person with only the necessary parties and witness in attendance. All "General Procedures" as stated above will be strictly adhered to.

3. Matters concerning visitation/custody/paternity, the Court will attempt to implement and resolve all issues by video/telephonic conferencing. In-person appearances will be limited to contested matters in which testimony is necessary for ruling. All "General Procedures" as stated above will be strictly adhered to.
4. Motions will be required to include legal basis and argument. A response to the Motion may be filed by opposing party within two weeks and will be required to include legal basis and argument. The Motion with Response will be decided on the pleadings unless the parties advise the Court that testimony is required. Any motions requiring hearing shall then be scheduled consistent with above "General Procedures."
5. Delinquency and Unruly offenses will be reviewed by the Youth Services Division and every attempt will be made to resolve matter without a court appearance. The Youth Services Division will address each case telephonically or by video conferencing. Each case will be screened for appropriate diversion, informal adjustment, and/or etc. If it becomes necessary for an in-person appearance and/or contested hearing, then case will be set pursuant to above "General Procedures" with limited attendance to the necessary parties and witnesses.
6. Child Support matters will be addressed in same manner and fashion as established in the "19th JUDICIAL DISTRICT PLAN REGARDING LIMITED IN-PERSON PROCEEDINGS" Part D.

**IN THE JUVENILE COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD**

**IN RE: EMERGENCY AND NON-EMERGENCY REQUESTS
AMENDED PURSUANT TO 19TH JUDICIAL DISTRICT COMPREHENSIVE PLAN**

The court will continue to conduct emergency **in-person or video/telephone hearings** (when available) for all matters involving the following:

1. Emergency Child Custody and Visitation Orders
2. Voluntary Surrenders of Parental Rights
3. DCS Emergency Removals
4. DCS Emergency Placement Issues
5. DCS annual Permanency Hearings
6. Detention Hearings
7. Extension of custody/probation hearings
8. Petitions requesting for emergency temporary injunctive relief
9. Other matters that receive exception by Honorable Chief Justice Bivins.

The Court will review and determine each matter on a case by case basis to determine whether or not an issue meets the above listed guidelines.

All matters that do not require an in-person appearance, such as motions not requesting emergency or injunctive relief, will be considered based upon the content of the filed motions and their respective responses. Additionally, Parties are encouraged to address any matter by Agreed Order when appropriate. The Court will consider conducting **only video/telephone hearings** on matters that are non-emergency and as deemed appropriate by the Court.

For emergency matters that require In-Person Hearings, in-person or video and/or telephone appearances can be arranged and scheduled by the Court (Motion Form attached). For non-emergency matters the attached appropriate Motion Form may be utilized and the Court will

give consideration and determine the appropriateness to scheduling an appearance through video conferencing.

All video conferencing will be scheduled by the Court through email. Video conferencing will occur through www.GoToMeeting.com. This service does not require any “in advance” software preparation for video conferencing; only requires a microphone and camera capabilities. If participation is via telephone (without video capabilities⁷), a phone number is provided in the email for call in to participate.

The Clerk’s office will continue to accept all filings via electronic means such as email or facsimile at sfisher@recourts.com and rwilson@recourts.com. Fax 615-382-2309.

Thanking all in advance,

Melanie E. Stark, Magistrate

**IN THE JUVENILE COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD**

MOTION FOR EMERGENCY HEARING FOR IN-PERSON/VIDEO APPEARANCE

In accordance with the Tennessee Supreme Court Order suspending in-person court proceedings, the undersigned request to bring the motion(s) set forth below for hearing before this court in that the issue(s) as listed below do/does constitute a listed exception as provided by said Supreme Court Order:

This Motion to requested to be heard by via in-person or video conferencing in that constitutes an exception to the Supreme Court Order.

Respectfully Submitted:

Attorney for _____

CERTIFICATE OF SERVICE TO ALL ATTORNEYS/PARTIES TO BE ATTACHED TO THIS
MOTION.

**IN THE JUVENILE COURT FOR ROBERTSON COUNTY, TENNESSEE
AT SPRINGFIELD**

**MOTION FOR NON EMERGENCY HEARING VIA VIDEO APPEARANCE or IN-
PERSON HEARING DUE TO TESTIMONY**

In accordance with the Tennessee Supreme Court Order suspending in-person court proceedings, the undersigned request to bring the motion(s) set forth below for hearing before this court on the below listed matters:

This Motion is requested to be heard via video/audio Court proceeding as it does not constitute an exception to the Supreme Court Order in-person request in that the matter is contested and testimony will be provided.

Respectfully Submitted:

Attorney for _____

CERTIFICATE OF SERVICE TO ALL ATTORNEYS/PARTIES TO BE ATTACHED TO THIS MOTION.