



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 Jeffery Wicks, presiding judge 9th judicial district

DATE: May 6, 2020

RE: 9th Judicial District Re-Opening Plan

On May 4, 2020, the Tennessee Supreme Court received the 9th Judicial District Re-Opening Plan. The plan is approved with the following condition:

(1) Paragraph 4 should be revised to reflect that the 10-person limit for all courtrooms should include the witness in the count of the 10 persons. The 10 should only exclude the judge, court personnel, and court security. Also, the provision allowing a judge to grant prior approval of more than 10 should be deleted.

IN THE NINTH JUDICIAL DISTRICT OF TENNESSEE

IN RE: COVID-19 PANDEMIC

PLAN FOR IN-PERSON COURT PROCEEDINGS FOR NON-EMERGENCY MATTERS

Pursuant to Tennessee Supreme Court Order dated April 24, 2020, In Re: COVID-19 PANDEMIC, No. ADM2020-00428, the following is a plan to begin conducting in-person court proceedings for non-emergency matters in the trial, general sessions, juvenile, municipal, and child support courts in the Ninth Judicial District.

The Ninth Judicial District consists of the counties of Loudon, Meigs, Morgan and Roane. Our district has three (3) trial court judges, six (6) general sessions/juvenile court judges, six (6) municipal court judges, and a child support magistrate. We are a rural district with a total population of approximately 140,000 and so far, we have not been greatly impacted by the COVID-19 pandemic. As of May 4, 2020, our district has been fortunate and has not experienced any deaths attributable to the virus. To date, our district has experienced a combined total of 59 confirmed cases of COVID-19, and 41 of those people infected have fully recovered. The breakdown per county is as follows: Roane County has 7 confirmed cases and 7 have recovered; Morgan County has 6 confirmed cases and 6 have recovered; Meigs County has 9 confirmed cases and 4 have recovered; Loudon County has 37 confirmed cases and 24 have recovered.

Not only is each courthouse and/or justice center in the district unique, so are the various courtrooms and/or other rooms where court is conducted. Some counties and municipalities have more resources than others and are able to implement more stringent procedures than this plan

requires. Therefore, the judges of our district agree that it would not be practicable to adopt a “one-size-fits-all” plan to address how each court in our district will operate under the circumstances. However, all judges in the district have agreed to abide by the following plan and that it should be submitted for approval by the Tennessee Supreme Court to allow in-person court proceedings for non-emergency matters in the trial, general sessions, juvenile, municipal, and child support courts. This plan sets forth the minimum standards and procedures each court has agreed to abide by. However, each judge may increase the standards and procedures at his/her discretion.

Plan

1. The judges of the 9th Judicial District will continue to ensure that all attorneys, court clerks, court officers, court reporters, parties, participants, and others, will adhere to the guidelines set forth and established by the Centers for Disease Control and Prevention and the Tennessee Department of Health regarding methods to minimize the spread of the COVID-19 virus. *See* [cdc.gov/coronavirus](https://www.cdc.gov/coronavirus) and [tn.gov/health/cedep/](https://www.tn.gov/health/cedep/)
2. All jury trials in the district will be suspended through July 3, 2020. Any exceptions must be based on extraordinary circumstances and with prior approval by the Chief Justice of the Tennessee Supreme Court. Unless a jury trial is approved, all jury trials currently scheduled through the above date shall be rescheduled and the parties notified.
3. In order to reduce the number of in-person court proceedings, all judges are encouraged to handle matters by the use of telephone, teleconferencing, email, video conferencing or other means, whenever possible and/or practicable. It will be at the sound discretion of each individual judge to decide which matters are appropriate for

such telephonic or video proceedings. To avoid the transportation of incarcerated defendants, the use of video conferencing is encouraged for all courts conducting pleas, arraignments, or other criminal matters regarding incarcerated defendants. It shall be at the sound discretion of the judge to determine if the criminal matter is appropriate to be handled through video conferencing. In the event defendants are required to be transported to court, the transporting department shall be responsible for screening the defendant for any COVID-19 symptoms and take his/her temperature prior to transport. If the defendant exhibits and symptoms of COVID-19 or has a fever above 100.4°, the defendant shall not be transported. The number of incarcerated defendants transported shall be approved by the judge prior to transport.

4. In order to comply with social distancing guidelines, all benches and/or seats in the courtrooms will be measured so as to maintain a minimum of six (6) feet between individuals. Every individual seat will then be clearly identified with either tape or any other acceptable manner. The only persons allowed to enter and be seated in the gallery of the courtroom will be the parties, their attorneys, victims, and witnesses. The court officers are responsible for ensuring that all persons in the courtroom adhere to social distancing guidelines. Not including the judge, court personnel, witnesses, or court security, the number of persons allowed in the courtrooms will be limited to 10, unless prior approval is granted by the court. Once the maximum seating capacity has been reached, no other persons will be allowed to enter the courtroom. In regard to the courthouses located in Meigs County, Morgan County, and Roane County that contain other county offices, such as County Clerk, Register

of Deeds, etc., the sheriff's department will be responsible for ensuring that social distancing guidelines are followed in the hallways outside these offices.

5. All courthouses/justice centers/municipal buildings in the district currently allow people to only enter the facility through a single entrance and this practice will continue. Those in line to enter the facility through security are required to remain at least six (6) feet apart and stand on pre-marked places. In order to limit the number of people who enter these facilities, sheriff's deputies and/or city police officers will be posted at the entrance. The deputies/officers will be allowed to screen individuals by asking questions to determine if the individual is experiencing symptoms of the COVID-19 virus and if they are, they will not be allowed to enter the courthouse/justice center/municipal building. Although the screening methods for persons entering a courthouse/justice center/municipal building in our district may vary from county to county or city to city according to their resources and manpower, their intended goal is to reduce the risk of the spread of the COVID-19 virus and they have been doing an exemplary job. For example, Meigs County Courthouse requires everyone to sign in and out, and be scanned with a touchless thermometer. Morgan County requires anyone appearing for court to sign in and return to their vehicle. Those that do not have a cellular phone are provided a pager so that they can be notified of the specific time they are to appear in court. The Loudon County Justice Center requires people appearing for court to sign in, provide a cellular phone number or their parking space number, and then return to their vehicle. Once they are needed to appear in court, they will receive a phone call or a sheriff's deputy will go to their parking spot. Roane County requires everyone to be scanned with a touchless

thermometer prior to entering through security and everyone must abide by social distancing guidelines both prior to and after entry. Although the use of touchless thermometers is encouraged at every facility conducting court, it is not mandated due to staffing concerns and costs of the devices.

6. A good method for judges to limit the number of persons attempting to gain access to the courthouse/justice center/municipal building is to stagger the hearing times for the cases on their docket. Since the number and type of cases on any particular docket vary depending on the court, each judge will determine if he/she needs to stagger the hearing times and devise a strategy best suited for his/her court. The judges can either stagger the cases depending on the amount of time each hearing will require; alphabetically based on the defendant's last name; by grouping cases according to mutual defense counsel; or any other method in the judge's discretion. In order to limit the amount of time litigants are in the courtroom, all attorneys are directed to resolve as many issues/cases as possible prior to the court date. The courtroom shall not be used as a venue to negotiate their respective cases. In the event an attorney becomes aware that his/her client is exhibiting symptoms of the COVID-19 virus, the attorney shall notify the court and direct their client to stay home.
7. As is our current practice, any witnesses and/or victims scheduled for a hearing will be required to remain in a separate room or vacant courtroom, if one is available, or in their vehicle until they are called to testify. Any exceptions to this rule must be first approved by the judge.
8. All persons entering the courtroom are encouraged, but not required, to wear personal protective equipment (PPE) designed to protect the wearer's body from infection. (i.e.

masks, gloves, and goggles). Hand sanitizer must be available in the courtrooms at various locations for use by anyone entering the courtroom. The courtrooms should be disinfected periodically throughout the day, if possible, and shall be disinfected at the end of the day by the cleaning staff.

9. No action shall be taken by any judge, clerk, or other court official to effectuate an eviction, ejection, 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 the current Supreme Court 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.
10. The Grand Jury of Morgan County shall meet as scheduled on May 18, 2020, provided a courtroom or other room is available that will comply with social distancing guidelines. The criminal court judge shall be notified in advance of the location where the grand jury will meet and must approve of the location.
11. Criminal Court will begin its term in Loudon County on May 4, 2020, through June 5, 2020. Since no jury trials will take place, the non-jury dockets currently scheduled for two days a week, Mondays and Fridays, will be extended to five days a week, Monday through Friday. By doing so, the number of cases set on any particular day will be decreased and those cases will be staggered, if needed. This change in docketing of cases will begin as soon as this plan is approved by the Supreme Court.

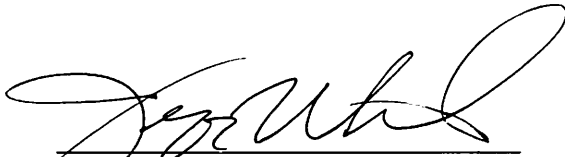
12. The chancery, circuit and criminal courts for the 9th Judicial District have decided to begin conducting in-person court proceedings for non-emergency matters as soon as this plan is approved, or thereafter at the discretion of the judge/chancellor, and agree to abide by the standards and procedures set forth in this plan.
13. The general sessions/juvenile courts of Loudon County, Morgan County and Roane County have decided to begin conducting in-person court proceedings for non-emergency matters as soon as this plan is approved, or thereafter at the discretion of the judge, and agree to abide by the standards and procedures set forth in this plan.
14. The general sessions/juvenile court judge for Meigs County has decided to continue to operate under the guidelines set forth in Tennessee Supreme Court Order dated March 25, 2020, In Re: COVID-19 PANDEMIC, No. ADM2020-00428, until June 1, 2020. At that time, if the decision is made to begin conducting in-person court proceedings for non-emergency matters, the court agrees to abide by the standards and procedures set forth in this plan.
15. The child support magistrate for the 9th Judicial District has decided to begin conducting in-person court proceedings for non-emergency matters as soon as this plan is approved or shortly thereafter at her discretion, and agrees to abide by the standards and procedures set forth in this plan.
16. The municipal court judges of the cities of Oliver Springs, Rockwood, Harriman, and Kingston (Roane County) have decided to begin conducting in-person court proceedings for non-emergency matters as soon as this plan is approved, or thereafter at the discretion of each judge, and further agree to abide by the standards and procedures set forth in this plan.

17. The municipal court for the City of Lenoir City (Loudon County) will be closed until June 1, 2020. At that time, if the decision is made to begin conducting in-person court proceedings for non-emergency matters, the judge agrees to abide by the standards and procedures set forth in this plan.

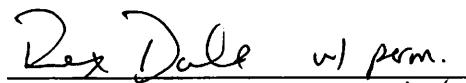
18. The municipal court for the City of Loudon (Loudon County) has decided to remain closed until July 1, 2020. At that time, or any earlier time, if the decision is made to begin conducting in-person court proceedings for non-emergency matters, the judge agrees to abide by the standards and procedures set forth in this plan.

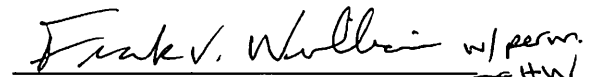
This plan will be effective upon approval by the Tennessee Supreme Court and will become an order of this court. The order will continue in effect until further notice or subsequent order of the Tennessee Supreme Court. Anything contained in this plan that contradicts with the latest order of the Supreme Court will be resolved in favor of the Supreme Court's order.

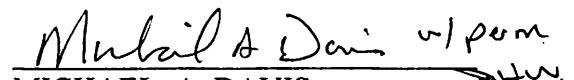
Enter this the 4th day of May, 2020.



JEFFERY H. WICKS
Criminal Court Judge and
Presiding Judge

 w/perm. JHW
MICHAEL S. PEMBERTON
Circuit Court Judge

 w/perm. JHW
REX A. DALE
Loudon County General Sessions
and Juvenile Court Judge

 w/perm. JHW
FRANK V. WILLIAMS, III
Chancellor

 w/perm. JHW
MICHAEL A. DAVIS
Morgan County General Sessions
and Juvenile Court Judge

 w/perm. JHW
HANK SLEDGE
Loudon County General Sessions
and Juvenile Court Judge

Dennis Humphrey w/perm.
DENNIS W. HUMPHREY
Roane County General Sessions
and Juvenile Court Judge

Terry Stevens w/perm.
TERRY STEVENS
Roane County General Sessions
and Juvenile Court Judge

Casey Stokes w/perm.
CASEY M. STOKES
Meigs County General Sessions
and Juvenile Court Judge

Jennifer Raby w/perm.
JENNIFER RABY
Child Support Magistrate

Joseph Van Hook w/perm.
JOSEPH VAN HOOK
Oliver Springs City Judge

Dana Pemberton w/perm.
DANA PEMBERTON
Rockwood City Judge

Charles Crass w/perm.
CHARLES CRASS
Harriman City Judge

Brenda Hall McDonald w/perm.
BRENDA HALL MCDONALD
Kingston City Judge

Robin McNabb w/perm.
ROBIN MCNABB
Lenoir City Judge

Roger Delp w/perm.
ROGER DELP
Loudon City Judge