

IN THE CRIMINAL COURT OF HAMILTON COUNTY, TENNESSEE

IN RE: COVID-19 PANDEMIC)
) EN BANC
)
) CASE NO. 310014
)

2020 MAR 23 PM 3:09
VICTOR J. AM. OLIVER
CLERK

ORDER AND PROTOCOLS FOR IMPLEMENTING
TENNESSEE SUPREME COURT'S LIMITED SUSPENSION ORDER:

FILING OF DOCUMENTS BY ELECTRONIC MAIL

This matter came before the Hamilton County Criminal Court upon its own motion to supplement protocols previously established for implementing the orders of the Tennessee Supreme Court entered on March 13, 2020.

By way of background, on March 13, 2020, and in response to the COVID-19 pandemic, the Tennessee Supreme Court entered an order suspending in-person court proceedings (“**Limited Suspension Order**”).¹ As part of this Limited Suspension Order, the Supreme Court ordered that “[a]ll in-person proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, are suspended from the close of business on Friday, March 13, 2020 through Tuesday, March 31, 2020[.]” (“**Suspension Period**”).²

The Limited Suspension Order contained several exceptions to the suspension of “in-person” proceedings, including that trial courts may conduct in-person court proceedings when “necessary to protect constitutional rights of criminal defendants, including bond-related matters and plea agreements for incarcerated individuals[.]”³ However, trial courts are “urged to limit in-person courtroom contact as much as possible by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing.”⁴ That said, the Supreme Court has been clear that its order “is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.”⁵

¹ See *In Re: COVID-19 Pandemic*, No. ADM2020-00428 (Tenn. March 13, 2020) (Order Suspending In-Person Court Proceedings).

² See *In Re: COVID-19 Pandemic*, No. ADM2020-00428, at 1 (Tenn. March 13, 2020) (Order Suspending In-Person Court Proceedings).

³ See *In Re: COVID-19 Pandemic*, No. ADM2020-00428, at 1 (Tenn. March 13, 2020) (Order Suspending In-Person Court Proceedings).

⁴ See *In Re: COVID-19 Pandemic*, No. ADM2020-00428, at 2 (Tenn. March 13, 2020) (Order Suspending In-Person Court Proceedings).

⁵ See *In Re: COVID-19 Pandemic*, No. ADM2020-00428, at 3 (Tenn. March 13, 2020) (Order Suspending In-Person Court Proceedings).

To that end, the Hamilton County Criminal Court hereby enters this Order to implement the Tennessee Supreme Court’s Limited Suspension Order, specifically with respect to “utilizing available technologies, including alternative means of filing.”

TABLE OF CONTENTS

I. Authority and Overall Objective.....2

II. Email Filing of Documents.....2

 A. General Process of Filing.....2

 B. Subject Line and Pages Limits on Documents3

 C. Signatures on Document.....3

 1. Form of Signature3

 2. Multiple Signatures.....3

 3. Filings by the Court3

 D. Clerk’s Email Addresses for Filing4

 1. Submission to the Appropriate Division of Court4

 2. Grand Jury Matters and Petitions for Extraordinary Relief.....4

III. Effect and Time of Filing4

IV. Service of Papers on Other Parties4

V. Retention Procedures for Documents of Independent Significance.....5

VI. Optional Procedures and Subject to Modification5

I. AUTHORITY AND OVERALL OBJECTIVE

The Court has received authority from the Tennessee Supreme Court to adopt a system of filing through use of electronic mail. To that end, the Court has worked with the Criminal Court Clerk to devise protocols to allow email filing of papers, pleadings, orders and documents (“Documents”) without having to appear in the Clerk’s office.

II. EMAIL FILING OF DOCUMENTS

A. GENERAL PROCESS OF FILING

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

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

B. SUBJECT LINE AND PAGES LIMITS ON DOCUMENTS

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

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

C. SIGNATURES ON DOCUMENT

1. Form of Signature

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

2. Multiple Signatures

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

3. Filings by the Court

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

D. CLERK'S EMAIL ADDRESSES FOR FILING

1. Submission to the Appropriate Division of Court

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

- Division1filing@hamiltontn.gov
- Division2filing@hamiltontn.gov
- Division3filing@hamiltontn.gov

2. Grand Jury Matters and Petitions for Extraordinary Relief

For Documents relating to matters pending the consideration of the grand jury, and all Documents relating to requests for extraordinary relief, shall be filed in Division 2, which then may redirect as appropriate.

III. EFFECT AND TIME OF FILING

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

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

IV. SERVICE OF PAPERS ON OTHER PARTIES

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

Upon the agreement of all parties, appropriate service of Documents may be accomplished by email, such as by copying all parties on the original email filing made to the

clerk. All parties are encouraged to accept email service of Documents during the Suspension Period.

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

V. RETENTION PROCEDURES FOR DOCUMENTS OF INDEPENDENT SIGNIFICANCE

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

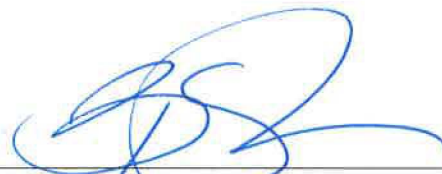
VI. OPTIONAL PROCEDURES AND SUBJECT TO MODIFICATION

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

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

It is so ordered.

Enter, this the 23 day of March, 2020.



BARRY A. STEELMAN, Judge



TOM GREENHOLTZ, Judge



DON W. POOLE, Judge