



# 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 Lisa Rice, presiding judge 1st<sup>th</sup> judicial district

DATE: April 30, 2020

RE: **1st Judicial District – Proposed Plan for Reopening**

---

On April 29, 2020 the Supreme Court received the 1<sup>st</sup> Judicial District Proposed Plan for Reopening. The plan is thorough and well done. It is approved with the following modification:

(1) The number of persons in a courtroom at any one time should be limited to 10, plus the judge, court personnel, and court security.

---

***FIRST JUDICIAL DISTRICT***

---

**PROPOSED PLAN FOR REOPENING OF THE TRIAL, GENERAL SESSIONS,  
JUVENILE AND MUNICIPAL COURTS OF THE FIRST JUDICIAL DISTRICT**

**COUNTIES OF CARTER, JOHNSON, UNICOI and WASHINGTON**

**CITIES/MUNICIPALITIES OF ELIZABETHTON, WATAUGA,  
MOUNTAIN CITY, ERWIN, TOWN OF UNICOI, JOHNSON CITY and  
JONESBOROUGH**

**and FIRST JUDICIAL DISTRICT FELONY RECOVERY COURT**

---

**ANTICIPATED DATE OF INCEPTION: MAY 4, 2020**

---

**DISTRICT WIDE PRECAUTIONS and GUIDELINES FOR LIMITED IN-  
PERSON PROCEEDINGS:**

- 1. Courthouses will be limited to one point of entry.**
- 2. Only litigants/defendants appearing on the docket will be permitted into the courthouses. No spectators or support groups will be permitted entry. Clerks in each county will post a notification on the exterior of the courthouse that only the litigants or defendants will be permitted into the courthouse.**
- 3. Clerks/Court Security Personnel will, where practicable, utilize screening measures available, such as touchless thermometers and the relevant COVID-19 health questions prior to entry into the courthouses of the district for litigants/defendants, attorneys, probation officers, etc.**
- 4. Masks and/or gloves will be encouraged and permitted. Some Judges will require court officers and bailiffs, as well as essential court personnel, to wear protective devices. This will be at their discretion and they will notify**

**affected persons of their requirements prior to court convening. Where available, hand sanitizer will be present at counsel tables and on the bench.**

**5. Social distancing will be observed in each courtroom in the District by either marking seats that may be occupied or marking off two-three seats that will be unoccupied so that no person is sitting next to, in front of or directly behind another. Attorneys and clients will sit at opposite ends of counsel table (to confer as necessary with the safety conditions and protocol determined by the attorney/clients.) Essential courtroom personnel will maintain six foot distances from each other to the greatest extent practicable. Witnesses must remain outside the courtroom or courthouse, depending on the volume of each docket. The attorney calling the witness for any hearing or bench trial will be responsible for accessing that witness's appearance in court when needed, by telephone or other means. Once a witness has completed their testimony, they must immediately leave the building. Child witnesses will not be permitted absent prior approval by the Judge presiding over the case.**

**6. Courts will continue to conduct, to the greatest extent possible with available technology, hearings, arraignments and other appropriate matters by telephone, email, video conference (via Zoom, Webex, etc.), to limit in-person proceedings.**

**7. Courtrooms and other public areas, as well as high traffic and high touch areas, such as door handles, railings, gates between gallery and the bench, counsel table and podium will be periodically sanitized.**

**8. Judges in each court will have the discretion to stagger their dockets in increments of time or alphabetically, depending on the case load. Each Judge will be mindful of the desire to limit the number of litigants/defendants**

**present in the courtrooms at one time.**

**TRIAL LEVEL CIVIL COURTS:**

**Circuit and Chancery Courts district wide will observe the general guidelines set out above. Circuit and Chancery Courts will stagger their dockets so that all matters will typically have a specific appearance time. Child Support dockets will be staggered to a maximum of 10 cases per session. The Child Support dockets will be posted on the courthouse door/entrance or given to courthouse security personnel to advise each litigant when they will be permitted to enter the courthouse for their case. No jury trials will be conducted pending further orders of the Supreme Court.**

**TRIAL LEVEL CRIMINAL COURTS:**

**Criminal Courts will be conducted with observation of the general guidelines set out above. Appearance dockets and miscellaneous or plea dockets for defendants who are not incarcerated will be conducted with staggered time frames designed by alphabet of the Defendant's last name, or if they are represented by the Public Defender's Office, or by private counsel. The Clerk and/or Security Personnel at each courthouse will post or advise defendants of the time of their appearance. Those represented by counsel can coordinate with the Clerk of the Court the time for their appearance. Incarcerated individuals will be brought into court and seated, typically, in the jury box, with at least one seat between each defendant. Any inmate with any conditions that may reflect a risk of infection with COVID-19, will not be brought to Court but will be quarantined, consistent with current district-wide jail policies. The number of persons permitted into the courtrooms will be limited, depending on the size of the courtroom in each county. For example, Johnson County has a very large courtroom and could safely**

**accommodate 20 or more individuals (excluding essential court personnel). Other courtrooms are smaller and the number permitted will be limited to 10-15 persons. No jury trials will be conducted until further orders of the Supreme Court.**

***For Defendants released on bond, the bonding companies will be required to provide the correct date and time of court appearance to their clients.***

**Grand Jury proceedings will be conducted as previously approved. A jail nurse, if available, or the clerk will utilize a touchless thermometer to take the temperature of each Grand Juror before entering the room. A courtroom will be utilized rather than the typical jury rooms, to maximize social distancing. Masks and/or gloves may be used if desired by each Grand Juror. To limit exposure, each law enforcement agency will designate one representative to present the case for their particular department. The exception would be for a complicated case that would require the arresting or charging officer's familiarity for the required testimony to the Grand Jury. Hand sanitizers will be provided in the courtrooms. Lunch will be brought in for each juror for their individual meals (i.e. no mass orders of pizzas, etc.) Service of existing Grand Jury members will be extended until new jury panels are permitted to be brought into Court for selection of a new Grand Jury for each County.**

**GENERAL SESSIONS and JUVENILE COURTS:**

**Each General Sessions and Juvenile Court Judge will observe the general safety guidelines set out above. Due to the variance in volume county to county, each General Sessions Judge will have the ability to stagger their criminal dockets alphabetically by the last name of the defendant for the time of their appearance. Each judge will be charged with limiting the number of persons in the**

**courtroom that can be safely accommodated based upon the size of the courtroom. The desired amount is a maximum of 20 persons in Johnson County, (excluding essential court personnel) due to the large courtroom available, and 10-15 persons in the remaining counties. Inmates will be brought over from jail in each county and will be placed in the jury box or holding room, with at least one seat between them. Any inmates exhibiting COVID-19 symptoms will not be brought over to court but will be quarantined consistent with existing jail policies. The dockets of each General Sessions Court may also be divided or staggered on whether the defendant is represented by private counsel, the Public Defender's Office or does not yet have counsel. This division will also be in the discretion of the Judge. Court clerks and courthouse security will assist each Judge in advising the defendants of the expected time of their appearance for that day and what time they are to return to court.**

**Carter County General Sessions Judge, Keith Bowers, Jr. will implement a policy for Driving on Revoked License charges to reset these matters until late summer. These defendants will be provided a future court date to return with their valid license, if they are eligible, at the security entry point to minimize the individuals entering the courtroom.**

**To maximize the ability of each court to stagger appearance times and adhere to those schedules, the Offices of the District Attorney General, the Office of the District Public Defender and private counsel are encouraged to engage in plea discussions prior to the scheduled court date for their clients. This will eliminate plea negotiations occurring in the courtroom.**

**For civil dockets, the same staggering of times for cases will occur as outlined above for criminal dockets, based upon the discretion of the Judge.**

**In most counties, Juvenile hearings are set at staggered times and all**

are conducted on an individual case basis in each court. The only persons permitted in court for juvenile matters during this period, in addition to essential court personnel, are the parents/guardians/necessary DCS personnel, Guardian ad Litem and counsel for each litigant. Children will not be present for any juvenile custody or removal proceeding, unless absolutely necessary, and with prior Court approval. If a child witness is required, the child shall be brought in immediately prior to their testimony and must leave the courthouse immediately afterward. If it is necessary to conduct a delinquent or unruly hearing during this period, the child, due to the right of confrontation, may be present. The Clerk of each Juvenile Court shall assist the Court, along with the Courthouse security in notifying litigants entering the courthouse for juvenile hearings, of the time of their appearance. Those individuals may not enter the courthouse until the time designated for their hearing.

**JOHNSON CITY JUVENILE COURT:**

Johnson City Juvenile Court is a Court of limited jurisdiction, hearing exclusively juvenile matters. Judge Sharon Green has been utilizing video and telephone conferencing as well as Webex or Zoom, when available and will continue to do so to resolve as many matters as possible without the necessity of in-person proceedings, during this period. All the general safety guidelines outlined above will be applied for any in-person proceedings. Judge Green, as do the Judges with dual Sessions/Juvenile jurisdiction, hears cases individually and typically at staggered time intervals. This practice will continue. All litigants will be notified by posting of a notice on the front of the courthouse to call the clerk and they will be signed in by the clerk for purposes of their appearance. The litigant will provide a telephone number and then return to their vehicle to wait for their case to be called.

**Johnson City Juvenile Court has the capability to provide a password to their Wi-fi that is operable to the parking lot for the building. Those litigants without minutes on their phones can receive notification in this fashion. Alternatively, an email address can be provided by the litigant for notification purposes. Child support dockets will be staggered with a maximum of 10 cases per hour set. Litigants will be required to wait outside the courthouse until their case is called. A separate exit will be utilized for those departing the courthouse so as to minimize contact with any court personnel or any others entering the courthouse.**

**Judge Sharon Green has provided a specific plan of re-opening applicable to her Court, which is attached to this document.**

**MUNICIPAL COURTS:**

**There are seven (7) municipal courts in the First Judicial District. These courts vary in the frequency of their sessions, from every other month to twice weekly, where court is held, from City Council rooms to designated courtrooms, and the number of litigants typically in attendance, from an average of 1-2 to 30-40. Some Municipal Courts have suspended conducting any court at all until after May 31<sup>st</sup> and have no matters to be heard until June or July, 2020. All Municipal Court Judges in this District are willing to implement the safety measures outlined above for their courts. All Municipal Courts will restrict the number of litigants in their Courts from one at a time to a maximum of 10. All Courts have a bailiff or court officer available and city clerk or recorder who will be available to assist notifying those waiting that their case is ready to be called. Many Municipal Courts permit those charged with traffic violations to attend driving safety classes. As those are currently suspended, many are permitting litigants to complete an on-line driving safety classes in lieu of in-person attendance.**



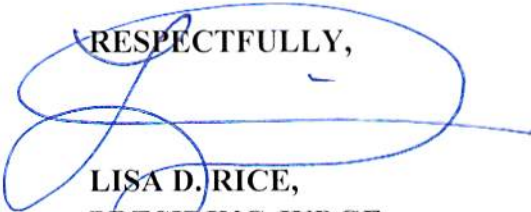
Elizabethton Municipal Judge, Jason Holly, and Judge Richard Norris, Watauga Municipal Judge, have submitted specific plans for re-opening their Courts. Those plans are attached to this document.

**FIRST JUDICIAL DISTRICT FELONY RECOVERY COURT:**

The First Judicial District Felony Recovery Court meets each Wednesday, in the Carter County Criminal Courtroom. This Court will meet in compliance with the same safety guidelines as outlined above. The courtroom is large enough for social distancing for Participants and the Recovery Court Team. Participants can be brought in court on a staggered basis, if there are more than 15 participants present for Court and appropriate social distancing cannot otherwise be observed. Any participant or Team member exhibiting any symptoms of COVID-19 will not be permitted to enter into the courtroom. Some meetings have been, and will continue to be, conducted via Zoom.

This proposal for re-opening, on a limited basis, the Courts of the First Judicial District is submitted for review and approval after consultation with all Trial, General Sessions, Juvenile and Municipal Judges for the First Judicial District.

RESPECTFULLY,



LISA D. RICE,  
PRESIDING JUDGE,  
FIRST JUDICIAL DISTRICT

**cc: Judge Stacy L. Street  
Judge J. Eddie Lauderback  
Judge Robert D. Arnold  
Judge Keith Bowers, Jr.  
Judge David R. Shults  
Judge Dennis Brooks  
Judge Joseph Shults  
Judge Richard Norris**

**Judge Jean A. Stanely  
Chancellor John C. Rambo  
Judge Robert Lincoln  
Judge William "Bliss" Hawkins  
Judge Stannard E. Widener  
Judge Jason Holly  
Judge Sarah Shults  
Judge William Cockett**

## JOHNSON CITY JUVENILE COURT

- Highly visible signage on the front door of the Juvenile Court notifying the public that Juvenile Court is observing the recommendations of the CDC for social/physical distancing and the limitation on the number of persons present in any area of the building will remain posted.
- When an individual arrives at the Johnson City Juvenile Court for a scheduled hearing, they will be instructed by a noticeable sign on the door of the courthouse, to call the front clerk's desk, where they will be "signed in" by a clerical employee. The individual will provide his/her telephone number (and/or email address) to the deputy clerk, and will return to their vehicle to wait until notified to come into the court building. If the individual does not have minutes on his/her cell phone to receive a call, he/she will be provided the password to access the court's wi-fi which is accessible between the building and the parking lot in order to receive notification.
- Prior to entering the court building, all individuals will be screened by a clerical employee with the following five questions:

Are you experiencing a cough, shortness of breath, or sore throat?

Have you been in close contact with a confirmed case of COVID-19?

Have you had a fever in the last 48 hours?

Have you had new loss of taste or smell?

Have you had vomiting or diarrhea in the last 24 hours?

- Any individual who answers “yes” to any of these questions will be asked to leave the premises and will be encouraged to seek medical attention. The Juvenile Court will not maintain a record of the individual's name who answered “yes” to any question and will not violate their medical confidentiality.
- Entrance by the public into the Johnson City Juvenile Court building will be through the front door only. Members of the public who enter the building will be able to use hand sanitizer provided by the Juvenile Court at various locations in the building. Exit from the court building by the public will be through a designated side door which shall prevent persons leaving the courtroom from having physical contact with any individual(s) in the lobby in violation of the social/physical distancing requirements.
- A table will be maintained at least 6 feet away from the front counter of the clerk’s work space for those who must conduct business in person. “Intake” forms will be placed on clipboards on the table so that members of the public can complete those forms without direct contact with the clerical employees prior to being called to the front window. Persons may not move beyond the table without the permission of a clerical employee.
- The preference will be for cases to proceed via video or telephone conferencing, to the extent possible. In order for this to happen, WebEx and Zoom Pro applications (and projector) are available in the courtroom and will continue to be used for this purpose by the Johnson City Juvenile Court.
- All hearings will be set at staggered times. For child support hearings, the hearings will be set on one-hour intervals, with no more than 10 cases set per

hour. Other hearings will be set at 20-30 minute intervals, depending on the nature of the case, with no more than one case in the courtroom and one case in the lobby waiting to be called into the courtroom at any one time.

- All chairs in the courthouse lobby will be arranged at a distance of at least six feet from one another. No persons will be allowed to stand in the lobby or the hallways of the court building. The chairs in the lobby will be wiped down with disinfectant every few hours.
- Two separate and private meeting rooms will be made available for meetings between a client and his/her client or witnesses. The private meeting rooms will be wiped down with disinfectant every few hours, if they have been used.
- During in-person hearings, all participants shall observe the social/physical distancing requirements of 6 feet. When the case is called, the only persons who may be present in the courtroom are the parties to the proceeding, the attorneys for the parties, the Guardian ad Litem, court reporter, and the interpreter, if needed. All non-party witnesses who are necessary for a hearing will wait in their vehicles until they are called to testify.
- Common spaces, counters, computers, telephones, door handles, counsel tables, and the courtroom podium will be wiped down with disinfectant wipes every few hours during business hours.
- No children shall be present in the courtroom at any time except in delinquency and unruly cases in which they are the youth charged with having committed the delinquent or unruly acts unless prior approval has been obtained from the court.
- These procedures shall remain in effect until May 31, 2020.

**REOPENING PLAN FOR  
ELIZABETHTON MUNICIPAL COURT**

**BACKGROUND INFORMATION**

Elizabethton Municipal Court is held in the Elizabethton City Hall building in the City Council Chambers. This room seats approximately 120 spectators and staff. This building is two (2) levels and houses the municipal payment center and several city offices on the second floor. The building includes a parking lot adjacent to the building, across the street and along the street in front of City Hall. There is also a drive-through window where utility, taxes and traffic/code violations can be paid Monday through Friday.

The Elizabethton Police Department is used to sign up for driving school and to show compliance on insurance and necessary repairs to vehicles. A relatively large portion of municipal court issues are handled in this manner; thus, alleviating the need to appear in court.

Municipal Court is typically held every other Tuesday and Thursday of the month beginning at 8:00 A.M. EST. Prior to the COVID-19 outbreak, several days were added to handle cases that were reset because of the unfortunate and recent passing of Judge T.J. Little. On average there are 100-120 cases on the Municipal Court's docket. Approximately half of those cases appear before the court. Most of these cases can be handled expeditiously. Very few of them require a hearing. Therefore, the court has specific hearing dates ever so often to hear these matters.

There are cases set for May 7<sup>th</sup>, 8<sup>th</sup>, 27<sup>th</sup> and 28<sup>th</sup>. The cases set for May 7<sup>th</sup> and 8<sup>th</sup> are being reset. The Elizabethton City Manager, Daniel Estes and Mayor, Curt Alexander, however, are discussing whether City Hall will remain closed to visitors until June 1, 2020. If so, cases for the 27<sup>th</sup> and 28<sup>th</sup> will also be reset.

**REOPENING PLAN**

With assistance from the court clerk, city attorney and the Supreme Court's order, the following reopening plan is proposed:

1. Entrance into City Hall will be limited to the parking lot side of the building;
2. Additional city officers wearing gloves, masks and any other protective gear they deem necessary will be placed at the entrance of the building and in the hallway;
3. In-court personnel will be limited to the judge, clerk, city attorney and one city officer;
4. In-court personnel will wear gloves at a minimum and masks depending on their direct contact with the defendants;
5. Court personnel in and outside of the courtroom will take all steps possible to keep social distancing of six (6) feet;

6. The podium will be removed, and piece of removable tape will be placed on the courtroom floor six (6) feet from the bench. Defendants may only approach the bench if they have difficulty hearing;
7. All documents will be verified by the city attorney prior to being passed up to the bench. If the document shows that there are in compliance, the document will be returned to the defendant immediately;
8. Courtroom seating has been limited to meet social distancing requirements in all directions. The office in the courtroom will ensure persons are sitting in the designated seats;
9. The courtroom will be limited solely to defendants, unless they are a minor. If so, only one parent/guardian may enter the courtroom with the minor child. All other persons must remain in their vehicles at all times unless instructed to appear before the court;
10. In addition to limited seating, pieces of removable tape will be placed in the courtroom aisle, the hallway inside the building and the sidewalk outside the building six (6) feet apart;
11. The officer at the building entrance and in the hallway will ensure that the social distancing guidelines are being observed and that the court has all necessary paperwork to hear the defendant's case;
12. Defendants will be called up in the order that they are lined up in, and once their case is finished, they will immediately leave the courtroom and the parking lot area;
13. If the citation is for a vehicle repair or payment of fines and it is a first setting, then the city attorney will give the defendant a reset date without the need to appear before the court;
14. If the citation is for Financial Responsibility and the defendant shows proof of insurance at the time of the citation, then the city attorney may dismiss that case and excuse the defendant from appearing before the court;
15. If the citation is for registration and the defendant shows proper registration, then the city attorney may dismiss that case and excuse defendant from appearing in court;
16. If the defendant wants to attend Defensive Driving Class, then the city attorney may provide the defendant with the information to register for the class and excuse the defendant from appearing before the court;
17. The city attorney may also work out resolution with the defendant and if both parties agree, the court will accept that agreement and the defendant can be excused from appearing before the court;
18. If the defendant wants a trial, then the city attorney may give the defendant a court date after July 1<sup>st</sup> to be determined by the court;
19. Defensive Driving Class will be limited to nine (9) participants and the instructor with all social distancing guidelines being observed;
20. The courtroom and the seats will be disinfected completely after court. The seats will be immediately disinfected after being used;

21. Masks will be provided outside the courtroom for persons entering the courtroom. Defendants must take the masks with them and may not dispose of them on the city hall property. Masks are encouraged, but not required;
22. The court is considering using touchless thermometers for personnel and defendants prior to entering the courtroom;
23. Defendants will be instructed that if they feel sick or had a fever in the last 14 days, they must inform the court and will be given a reset date at least 30 days from that date;
24. If allowed to pay traffic citations online and not have points placed on licenses, the court will place an ad in the Elizabethton Star and Johnson City Press informing the public of the same in an effort to reduce the court's dockets; and
25. The court will continue to revise and adapt to any changes that may become necessary to ensure the safety and health of all persons before the court and in the City Hall.

Respectfully submitted this 28<sup>th</sup> day of April, 2020,

---

**JASON L. HOLLY, Municipal Judge**



# LAPORTE & NORRIS

Sam J. LaPorte (Retired)  
Richard L. Norris  
Andrew J. LaPorte

**ATTORNEYS AT LAW**

SUITE 301, 300 BROAD STREET • ELIZABETHTON, TN 37643 • (423) 543-1851 • FAX: (423) 543-0354

April 27, 2020

Judge Lisa Rice

Re: COVID 19 Accommodations/Court Schedule

Dear Judge Rice:

Please be advised that the Watauga Municipal Court is currently hearing cases every other month on Thursdays at 5:00 p.m. The Next court date is scheduled for May 28, 2020 @ 5:00 p.m. Pursuant to the current orders from the Tennessee Supreme Court, I intend to reset the May 28<sup>th</sup> court date to July 23, 2020 @ 5:00 p.m. We will post the notices on the entry doors of the Watauga City Hall, the location in which we hold Municipal Court.

On the July 23, 2020 Court date and going forward we intend to conduct Court via the social distancing guidelines. The Court is held in the city hall board room that will accommodate approximately 100 individuals. We generally on average have approximately 10 litigants per Court date that appear for their cases.

If you have any questions in this regard, please do not hesitate to call me.

Sincerely,



Richard L. Norris

RLN/bcn

enclosure

**FOR THE TRIAL, GENERAL SESSIONS, JUVENILE AND MUNICIPAL  
COURTS OF THE FIRST JUDICIAL DISTRICT**

**IN RE: PLAN FOR RE-OPENING COURTS  
COVID-19 PANDEMIC**

**ORDER**

**Upon review of the plan submitted to the Chief Justice of the Tennessee Supreme Court by the Courts of the First Judicial District providing for a comprehensive strategy for the gradual implementation of in-person proceedings under guidelines designed to minimize the possible risk of the spread of COVID-19, it is determined that said plan satisfies the requirements of Supreme Court Order No. ADM2020-00428, and is approved.**

**It is ORDERED that the Courts of the First Judicial District may operate under the provisions of the submitted plan and consistent with all other requirements and Orders of the Supreme Court of Tennessee.**

---

**JEFFREY S. BIVENS, CHIEF JUSTICE  
TENNESSEE SUPREME COURT**