



Supreme Court State of Tennessee

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401 SEVENTH AVENUE NORTH
NASHVILLE, TENNESSEE
37219

MEMORANDUM

TO: Judge William Rogers, presiding judge 2nd judicial district

DATE: May 5, 2020

RE: 2nd Judicial District Re-Opening Plan

On May 1, 2020, the Tennessee Supreme Court received the 2nd Judicial District Re-Opening Plan. That plan is approved with the following modification:

(1) With regard to all courts, the 10 person in the courtroom at any time limitation must include attorneys in counting the 10. Only the judge, court personnel, and court security should be excluded from the count.

**PLAN FOR REOPENING
THE
COURTS OF THE
SECOND JUDICIAL DISTRICT**

Sullivan County

TARGET DATE TO REOPEN

MONDAY, MAY 4, 2020

CHILD SUPPORT ENFORCEMENT – MAGISTRATE ONKOTZ MAY 11, 2020

GENERAL SESSIONS KINGSPORT – JUDGE CONKIN/JUDGE
TOOHEY/JUVENILE COURT MAY 11, 2020

Submitted by:

*William (Bill) Rogers,
Presiding Judge
Second Judicial District*

A GRADUATED RETURN TO NORMALCY Consolidated Plan to Expand Court Services in the 2nd Judicial District/Sullivan County

References:

- 1. Tennessee Executive Orders 17, 21, 22, 23, and 27, Governor Bill Lee**
- 2. Supreme Court of Tennessee Orders dated; March 13, 2020, March 25, 2020, and April 24, 2020**

If Sullivan County appears to have experienced an acceptably stable or sustained declining trend in the growth of COVID-19, and adequate testing county wide is available with local hospital capacity existing to deal with both the current case load and any potential surge; then Phase One to expand Criminal and Civil Court services within the 2nd Judicial District is projected to begin on May 4, 2020 (this plan is subject to the approval of the Chief Justice of the Supreme Court of Tennessee). Any contradictions between this plan and the latest Supreme Court order will be resolved in favor of the Supreme Court order.

Expansion of Court services will begin under the following guidance:

Phase One

Pursuant to the directive of the Tennessee Supreme Court's Order Modifying Suspension of in-person Court proceedings and further extension of deadlines the 2nd Judicial District submits its Phase One plan as follows:

The objective of this District is to ensure the safety and welfare of all employees and citizens within this District. That being said, the following guidelines along with individual plans are hereby implemented.

- Pursuant to the Supreme Court mandate, the suspension of jury trials shall remain in effect through at least Friday, July 3, 2020. Any exceptions must

be based on extraordinary circumstances and approved by the Chief Justice of the Tennessee Supreme Court.

- The Courts will encourage the use of Court proceedings as much as possible by means other than in-person proceedings. When possible, matters will be heard by telephone, or video conferencing using platforms such as Zoom, Web-Ex, facetime, or other approved online meeting forums.
- Pursuant to Supreme Court mandate, no judge, clerk, or other court official shall take any action 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 this 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.
- In a first move toward normalcy, Courtrooms can be utilized for dockets and in-person hearings with physical distancing maintained and a maximum gallery size of 10 individuals. Wearing of cloth masks by staff and the public are encouraged. Court Officers are charged with ensuring compliance.
- Court officers and other staff shall ensure only litigants (check the docket) and attorneys are allowed past the security screens in the front lobby. Witnesses are only allowed by exception and when called, utilizing witness holding rooms when necessary.
- Security check points will be provided with infrared thermometers to take the temperature of all individuals prior to entry. Employees and the public with temperatures of 100.4 degrees Fahrenheit or greater should leave the premises immediately. Security will ask screening measures related to COVID-19 and have the authority to deny entry. If an individual is denied

entry, they will be required to provide their name, address and phone numbers for contacting purposes. Strict medical confidentiality will be honored.

- Court Officers shall post information about health precautions for attorneys, litigants, and staff (such as maintaining an appropriate physical distance). Hallway and stairwell doors shall remain open, 2 persons maximum in elevators (elderly and disabled only), hand sanitizer shall be utilized to the extent possible. Further, the courtrooms shall be sanitized by court personnel with disinfectant spray at least 3 times per day. All personnel are advised to bring and wear appropriate mask over nose and mouth.
- Attorneys should advise litigants with any symptoms of illness to be tested and to stay home until they receive test results.

District 2 has four primary courthouses each with unique characteristics and capabilities. The four primary courthouses are (1) Blountville Justice Center which houses Criminal and Child Support Enforcement Courts; (2) Bristol Justice Center which houses Juvenile, Civil, Municipal; Circuit and General Sessions Courts; (3) Kingsport Justice Center which houses Juvenile, Civil, Municipal; Circuit and General Sessions Courts; and (4) Kingsport City Hall which houses Chancery and Circuit Courts; along with Bluff City which conducts its Municipal Court in its City Hall building located in Bluff City, Tennessee. Each Judge will be charged with establishing his or her specific guidelines with the following parameters:

1. Each Judge will set the guidelines for his or her courtroom to limit the number of individuals in the gallery at one time. In no event shall there be more than 10 individuals, exclusive of Court personnel and attorney's. The number should ensure a safe distance of at least 6 feet. Further, when feasible, litigants will be required to sign in and then return to their vehicle or outside to be called in.
2. Personal protection such as face masks and the appropriate use of disinfectants will be used.
3. As in-person proceedings in non-emergency matters will be limited and left to the discretion of the Judge, hearings will be staggered.

I (a) Justice Center – Blountville Criminal Court/Recovery Court/Child Support/Probate Court

- The admission of the public into the courthouse is by way of a single point of entry where each participant will be screened by court security officers. In addition to the routine safety screening, each person will be asked a series of general health questions directly related to the spread of COVID-19, and each person's temperature will be taken with a noncontact thermometer. The Justice Center also houses the Criminal Court Clerk's office, the Clerk & Master's office, and the District Attorney General's office, and these screening measures should be utilized for every person entering the building regardless of their business.
- In order to promote social distancing, the number of persons allowed in the gallery of the courtroom shall be limited to ten (10). Seats will be marked off in such a fashion that individuals will be at least six feet from each other, and only every other row of seating will be utilized. As far as the attorneys and court personnel, every effort will be made to comply with social distancing, including limiting the number of attorneys and court personnel in the courtroom at any given time.
- In order to minimize the risk of the spread of COVID-19 from in-person court proceedings the Administrative Assistant to the Court will work closely with the attorneys for both the prosecution and defense to schedule out-of-custody defendant to appear at the courthouse at a specific, designated, and agreed upon time. To this end, the Administrative Assistant and the attorneys will have to ascertain the type of hearing to be had, the approximate length of time for said hearing, as well as the number of matters for each attorney, in order to accurately stagger hearing times.
- In order to manage social distancing in the courthouse, all parties and witnesses shall remain outside the courthouse in their cars or the parking lot area spaced a sufficient distance from each other to comply with social distancing guidelines. The burden will be upon the attorneys to have their

clients and witnesses available at the courthouse at the appropriate time. In the event that the hearing is a mixture of in-person and video conferencing, it will be the attorney's responsibility to ensure that the witnesses are available at the appropriate time to appear before the Court.

- The attorneys will notify their clients and/or witness when it is appropriate for them to enter the courthouse.
- Persons who are coming to the courthouse for in-person hearings are encouraged to wear personal protective items, such as masks and gloves. Unfortunately, the Court is not able at this time to supply such items to participants. While the Court may have very limited cleaning and disinfecting materials available, the attorneys are encouraged to have a supply of same in the case the Court doesn't have a sufficient supply.

(b) Justice Center – Blountville Recovery Court

- The Court will meet in compliance with the same safety guidelines as outlined as above for Blountville Criminal Court.
- 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 10 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.

(c) Justice Center – Blountville Child Support

Beginning with the week of **May 11, 2020** cases will be heard via Zoom, WebEx, or other approved online meeting forum.

- The magistrate will be in the 2nd floor courtroom of the Sullivan County Justice Center in Blountville, with laptop, printer and internet capability.
- The defendant will either be in his/her attorney's office or in the Grand Jury meeting room of the Sullivan County Justice Center, with laptop and internet.
- The Assistant District Attorney will join from her office in Blountville.
- Court officer will be available, with appropriate personal protection, to provide documents between the defendant and the magistrate, as well as security.
- Laptops for defendant and petitioner will be provided by Susan Russell of the District Attorney's office.
- Provision for attendance by petitioners is the responsibility of the Support Enforcement Division of the District Attorney's office. Until those provisions are in place, hearings will only be conducted in matters not requiring petitioners' presence.
- Cases normally heard in Kingsport on Wednesdays will be heard in Blountville as Kingsport Justice Center is not equipped with appropriate courtroom internet access, nor is there space available for separation of parties.
- On Grand Jury days, magistrate will move from the courtroom to her office.

- This plan does not currently address ingress and egress to the justice center. That issue requires coordination with the security officers and will be addressed prior to May 11, 2020. Cases will be scheduled 20-30 minutes apart to assist with this issue.
- Plans for gradually conducting in-person hearings are being considered and include the following:
 - Continuing to utilize the upstairs courtroom in the Justice Center in Blountville because of the space available for social distancing.
 - Hearings will be conducted one at a time, with 20-30 minutes between hearings.
 - Only petitioner and defendant will be permitted in the courtroom, with defendant seated at the witness stand and petitioner seated in the jury box. Witnesses will remain outside the justice center until called by the bailiff.
 - Counsel will be seated at counsel tables.
 - This arrangement should allow for proper social distancing.

(d) Justice Center - Probate Court

- The Court will meet in compliance with the same safety guidelines as outlined above for Blountville Criminal Court.
- Admission to the courtroom will be limited to parties to a case and their attorneys. Witnesses will remain in the parking lot and will be called in by the attorneys as needed. In order to maintain social distancing in the courthouse, all parties and witnesses shall remain outside the courthouse in their cars or the parking lot area spaced a sufficient distance from each other to comply with social distancing guidelines until notified by a representative from Probate Court that their case is ready to be heard.

- The Court will use a staggered schedule setting cases one at a time with 30-45 minutes in between each case.
- Social Distancing will be exercised in the courtroom at all times with persons allowing six feet between them.
- Personal protective equipment (PPE) will be encouraged but will not be required. Anyone wearing PPE will be allowed to wear same in the courtroom.

II (a) Justice Center – Bristol Sessions/Chancery/Circuit/Juvenile Court/Municipal Court

- There are five courtrooms of various sizes and related offices in the court building. Public access is through an outer Lobby which is connected to the municipal building.
- The courts in the building are General Sessions/Juvenile Division I, General Sessions/Juvenile Division IV, Circuit Court, Chancery Court, Bristol Tennessee Municipal Court, Bristol Tennessee Juvenile Court and offices for clerks, district attorney and public defender.
- Access to the courtrooms is controlled by a security checkpoint that separates the court building from the outer lobby.
- Admission to the court area will be limited to parties to a case and their attorneys. Witnesses will remain in the outer lobby and the parking lot and be called as needed. When admitted, witnesses will be kept in rooms separate from the courtroom unless testifying. Security shall limit the number of people in the outer lobby in order to enforce social distancing.

- Notice will be posted in the outer lobby that only defendants and parties to a case will be allowed in the courtroom. Access to clerks' offices will remain open to the public subject to screening at the security checkpoint.
- A "drop box" is available to the public outside the building for payments to clerks and filing of court documents.
- So social distancing can be observed, seating in each courtroom will be restricted by blocking off certain seats to allow six feet distance between each person. Seating will range up to 10 people depending on the size of the courtroom. This will be in addition to the judge, court officers, staff and attorneys.
- When necessary to limit the number of people in the courtroom, courts will use staggered scheduling or divide dockets alphabetically with admission times posted in the outer lobby and security will control who is admitted.
- Touchless thermometers have been ordered by the county will be used at the security checkpoint. When practical, security will use relevant COVID-19 health questions before allowing entry into the court building.
- Cases involving incarcerated persons will be handled by video (webex, zoom, etc.)
- In all other cases, when possible and appropriate, judges will try to resolve matters by telephone, video conference, email or other technology to limit in person proceedings.
- Signs will be posted as a reminder to wear masks or other face coverings and to practice social distancing. Attorneys and parties will be reminded to maintain a distance of not less than six feet from each other and from others in the courtroom.

(b) Justice Center – Bristol Juvenile Court

- The City of Bristol, TN. Juvenile Court utilizes the Sullivan County Tennessee Courthouse, located at 801 Anderson Street, Bristol Tennessee. All guidelines that are implemented by judicial staff, City of Bristol, Tennessee, Sullivan County Health Department and State of Tennessee, for entrance and public safety into said building shall be followed.
- The City of Bristol, TN. Juvenile Court shall continue to conduct emergency hearings through the use of video conferencing and other means to limit the amount of person-to-person contact.
- In the event that an in-person hearing is necessary, there shall be no one admitted into the Courthouse for any proceeding unless they are either a direct party to the matter or a subpoenaed witness. **No person showing outward symptoms of COVID-19 shall be permitted into the Courthouse and no exceptions shall be made.**
- Social distancing practices shall be implemented. Only necessary personnel will be allowed entrance into the actual Courtroom, to include the presiding Judge, essential Court personnel, attorneys, parties to the matter and any security staff. All witnesses shall be made to wait in the area that has been designated for the Court. Attorneys, their clients and subpoenaed witnesses shall be directed to maintain a distance of no less than six (6) feet between one another and others in the waiting area and the Courtroom.
- Personal protective equipment, such as masks and hand sanitizer, shall be available and utilized as needed by any parties involved in the proceeding(s). All persons are welcome to wear a mask for safety of themselves and others.
- Under these guidelines, the City of Bristol Tennessee Juvenile Court shall begin to integrate more in-person proceedings into weekly dockets throughout the month of May 2020.

- Juvenile cases are heard in closed courtrooms, one case at a time. Only persons admitted in court will be guardian ad litem, attorneys, necessary DCS personnel and court staff. No children will be brought to court without prior court approval.

III Justice Center - Kingsport Sessions/Chancery/Circuit/Juvenile Court/Municipal Court

- There are four courtrooms of various sizes and related offices in the court building. Public access is through one door with security just inside the door. These courts will continue to use Zoom as well as WebEx and Skype for the purpose of conducting all in-custody arraignments of defendants and for pleas, preliminary hearings, motion hearings and trials of incarcerated individuals. Primarily this has been used by the Public Defender but private attorneys will also be requested to participate in hearings with their clients in this fashion.
- Persons who are appearing for arraignment who have made bond or who were issued citations or criminal summons will be given paperwork advising them of their charges and next court date by the security screeners and will not be allowed to enter the building beyond the security checkpoint. Indigency forms will also be made available to those persons.
- During docket call for criminal cases, only defendants and counsel will be allowed access to the courtroom. Witnesses and other interested persons will be asked to stay outside the building until the case is called for hearing. Defendants will be allowed access to the courtroom based upon availability of space with persons being segregated in alphabetical order according to their last name. A similar procedure will be used for the civil docket. No more than 10 persons plus the Judge and court personnel will be allowed in the courtroom at any one time.

- Future dockets will be set on the hour to further limit the number of persons needing access to the courtroom at any given time.
- Social distancing will be exercised in the courtroom at all times with persons allowing six feet between them.
- Security screeners will inquire of all persons entering the courthouse whether they are exhibiting any symptoms of illness such as cough or fever. Additionally, infrared thermometers will be available to the screeners and court staff for additional screening, if necessary.
- Personal protective equipment (PPE), i.e. gloves, facemasks, etc. will not be required, but anyone wearing PPE will be allowed to wear same in the courtroom.

IV City Hall – Kingsport

- The admission into the courthouse is not a problem as there are many City of Kingsport offices, most of which are currently closed, and the courtroom is on the second floor with the clerk's offices on the first floor. As a result of the interaction between City and Court use, the courthouse is closed only on directive of the City of Kingsport.
- In order to promote social distancing, the number of persons in the courtroom should be limited to 10 in the gallery area. This does not include the attorneys for the litigants, Court personnel, and a court reporter which are generally within the rail where the case is tried. The Plaintiff's and Defendant's desks have been separated as far as possible and a presentation podium is in the middle with a witness stand to the right of the Judge, approximately ten feet from the bench.
- In order to minimize the risk of the spread of COVID-19 from in-person court proceedings, this will require much more activity on the part of the Administrative Assistant to the Court to call counsel for the parties who

have scheduled by Court approval an in-person court proceeding to ascertain the number of parties, witnesses, and the approximate time needed for the trial, in order to stagger hearing times.

- In order to manage social distancing in the courthouse, which will be very difficult due to the fact that only a small courtroom area and a witness room is available in which to place witnesses, yet handle social distancing of those witnesses, it may be necessary to place the burden on the attorneys who are participating in the trial to have their witnesses available, in cases in which there are a number of witnesses other than the parties and one or two witnesses each, either in their car in the parking lot, in their law office, or personal home to be called by the attorney at the time that the witness is next to be presented at trial.
- The Court has ordered, pursuant to a directive of the County, through its officials, an infrared thermometer which will be utilized by the offices stationed at the security checkpoint prior to persons being permitted to enter the courtroom.
- Motion Day proceedings will be conducted as much as possible by means other than in-person. Pursuant to Local Rule 3, all matters which require more than thirty minutes shall not be set on Motion Day. Contested custody cases and divorce actions shall not be heard on Motion Days but shall be set for trial by the courts. By Standing Order of Chancery and Circuit Court, uncontested divorces on grounds of Irreconcilable Difference, if all statutory requirements are met, the Court will grant the submitted Order granting the divorce on grounds of Irreconcilable Difference. Uncontested Divorces on other grounds will also be considered under the criteria outlined for Irreconcilable Differences and if the statutory requirements of Rule 55 of TRCP and Local Rules are met.
- The Court will encourage court proceedings as much as possible by means other than in-person court proceedings. The Court has previously and increasingly heard various motions in some proceedings by use of telephone,

and video conferencing recently by the use of Zoom. This will be the preferred option over in-person court proceedings due to the antiquity of the courtroom and City of Kingsport functions which also conducts its board meetings in the courtroom in the evenings, in order to operate under the guidelines and restrictions as set forth in the Supreme Court of Tennessee's Order of March 25, 2020.

V Bluff City Municipal Court

- Bluff City Municipal Court is located at the City Hall Building 661 Railroad St., Bluff City, Tennessee which has its own strict compliance requirements. Otherwise, their policies will be the same as other Courts in this District.

Submitted this 1 day of May, 2020.


WILLIAM K. ROGERS, Presiding Judge

cc: Judge Ray Conkin
Judge James F. Goodwin
Judge A.D. Jones, Jr.
Judge Randy Kennedy
Judge Michael Large
Judge Klyne Lauderback
Magistrate Jeff Luethke
Judge John S. McLellan, III
Chancellor E.G. Moody
Magistrate Linda Onkotz
Judge Curt Rose
Judge David Tipton
Judge Mark Toohey