



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 Rex Ogle, presiding judge 4th judicial district

DATE: May 4, 2020

RE: 4th Judicial District Re-Opening Plan

On April 30, 2020, the Tennessee Supreme Court received the 4th Judicial District Re-Opening Plan. Please revise your plan and address the following:

- (1) Please provide more specifics about how access to the respective courthouses or other buildings in which court will be held will be handled and if health screenings will be a part of the process.
- (2) Please provide information on how general sessions, juvenile, and municipal judges within the district will operate.

IN THE COURTS OF THE FOURTH JUDICIAL DISTRICT OF TENNESSEE,
COCKE, GRAINGER, JEFFERSON AND SEVIER COUNTIES

IN RE: COVID-19 PANDEMIC

Re: Plan for Re-Implementation of In-Person Court Proceedings

I.

Introduction

Due to the Covid-10 Pandemic, The Supreme Court of Tennessee entered Orders dated March 13, and March 25, 2020 which suspended most in-person court proceedings. By Order dated April 24, 2020, that Court entered an Order directing each judicial district to develop a written plan for all Courts within the District to gradually re-implement in-person proceedings (other than jury trials, which remain suspended through Friday July 3, 2020). In the meantime, Courts were/are encouraged to do as much business as possible by means other than in-person proceedings, e.g., telephone, videoconferencing, etc. Judicial Districts are directed to continue operating under the Supreme Court's Order of March 25, 2020 until the Chief Justice has approved the District's plan for the gradual re-implementation of in-person proceedings. This document contains the plan for all Courts within the Fourth Judicial District. The plan will not be effective until approval by the Chief Justice.

By the Order of April 24, each judicial district's plan should include guidelines and restrictions including, but not limited to:

- (1) Admission into the courthouse
- (2) Limitation of the number of persons in the courtroom
- (3) Staggering of hearing times
- (4) Management of social distancing in the courthouse and courtroom, and
- (5) Handling of witnesses (e.g., having witnesses remain in their vehicles or placing them in separate rooms.

Alternatively, each Court within the District may elect to continue to operate under the restrictions set forth in the Supreme Court's Order of March 25, 2020.

II.

Plan for Gradual Re-Implementation of In-Person Proceedings

(A.)

Guidelines and Restrictions

1. In general, all lawyers, court personnel, parties and participants should follow the Guidelines established by the Centers for Disease Control and Prevention (CDC) Regarding prevention of spreading of Coronavirus Disease (COVID 19). See cdc.gov/coronavirus;
2. Frequently touched areas in the courtroom, judge's chambers, in-court meeting rooms and holding cells are to be cleaned and disinfected at least daily and in accordance with CDC guidelines. In the Courtrooms, the lectern and counsel tables will be cleaned after each hearing;
3. The use of personal protection such as masks and gloves, when appropriate, is encouraged. Such use may be mandated by the Judge of the Court;
4. In the event that lawyers, parties, witnesses, court personnel or other participants are at higher risk of serious illness or are sick, every accommodation should be made to enable the appearance of members of this group remotely;
5. Parties with questions regarding admission to Courthouses should refer to the web sites for the respective counties or call the Court Clerk. This plan, when approved, will be forwarded to the County Mayors and Sheriffs of the respective Counties;
6. There shall be no more than ten persons in the Courtroom at any time. The ten-person limitation applies to lawyers and litigants—the Judge, court personnel and security are not included in the count. Further, it is recognized that Grand Jury proceedings will necessarily require more than ten persons to be in the Courtroom. See below. In no event shall persons in the Courtroom be closer to each other than six feet;
7. Persons must maintain at least six feet distance between themselves and other persons, except for attorneys and their clients. Distancing within the Courtroom will be managed by the Bailiff, Court Clerk, and Judge. Places in the Courtroom behind and in front of the bar will be marked to indicate where participants (lawyers, parties, witnesses, probation officers, clerks and bailiffs) are permitted to sit or stand. Seating in the Courtroom will be likewise marked;

8. Until cases are called, witnesses and parties must remain at a location as directed by Court personnel. i.e., in their vehicles, in a separate room with social distancing, or outside the Courthouse;
9. Hearing times may be staggered by the Judges of the Courts if necessary;
10. Lawyers and Pro-Se Litigants are encouraged to share documents with each other electronically;
11. Lawyers and Pro-Se Litigants are to work diligently with each other to resolve as many issues as possible in advance of in-court proceedings to limit in-court time as much as possible; and
12. Since each Courtroom and docket are different, a Judge may suggest additional more restrictive guidelines to minimize risk at In-Person Court Proceedings.

(B.)
Jury Trials

Per the Supreme Court Order of April 24, jury trials remain suspended through Friday, July 3, 2020.

(C.)
Non-Jury Matters

Parties are encouraged and the Court may require them to continue to conduct as much business as possible by means other than in-person proceedings, e.g., by telephone or videoconferencing. Parties and witnesses must dress appropriately, as if they were appearing personally before the Court.

(D.)
Grand Jury Proceedings

The following extra precautions are to be taken to benefit jurors and other justice system staff during the COVID-19 pandemic to ensure safety for all:

1. Location of the proceeding shall provide space for social distancing for all Jurors, the Foreperson, District Attorney staff and Witnesses;
2. A digital temperature check shall be conducted by Sheriff's Office staff of all members present, and witnesses and court personnel interacting with jurors;
3. Jurors will be provided gloves, hand sanitizer, sanitizing spray and wipes during the Grand Jury meeting;
4. Courtroom where Jurors are meeting will receive extra cleaning and sanitizing; and

5. Alternate Jurors will be on standby by telephone, to reduce Jurors in attendance, if the need arises to use them.

(E.)

All Courts/Magistrates Within the Fourth Judicial District

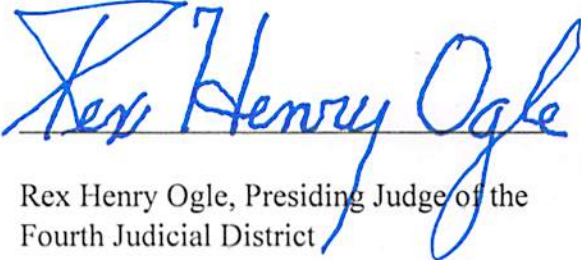
Beginning seven days after approval of this plan, Courts will conduct in-person proceedings but only consistently with this plan. In Civil cases, Parties must confer privately to determine if a matter may proceed on an in-person basis consistently with these rules. If it may proceed, the parties must then confer with the Court to finalize a date and time for the in-person hearing.

III.

Conclusion

This Plan shall take effect upon approval by the Chief Justice of the Supreme Court. With respect to the matters contained herein, this Plan supersedes all prior Orders by the Fourth District.

ENTER: This the 30 day of April, 2020.


Rex Henry Ogle, Presiding Judge of the
Fourth Judicial District

CC: All Fourth District
State Judges and Magistrates;
General Sessions Judges; and
Municipal Judges