

## **OPEN COURTS**

### **Are the Circuit and Chancery Courts open?**

Yes, the Circuit and Chancery Courts remain open, though some proceedings are limited. On March 13, 2020, the Supreme Court ordered a limited suspension of some “in-person” court proceedings. This limited suspension is subject to several exceptions.

Absent unforeseen circumstances, Circuit and Chancery Court judges will be present and available in the office during the Suspension Period.

### **How long is the suspension period?**

The Suspension Period for “in-person” proceedings will currently expire on March 31, 2020.

### **Will the Suspension Period be extended?**

Possibly, but it is too early to tell. The Chief Justice has made clear that the Supreme Court “may amend this Order as the situation evolves, and we understand more about the obstacles judges and court staff are facing.”

### **Why did the Supreme Court suspend some “in-person” proceedings?**

As the Chief Justice has noted, the goal of the Suspension Period is “to limit the number of people coming into court each day while continuing to meet our duty and administer justice.

Indeed, the Chief Justice correctly observed that “[p]ublic spaces in courthouses tend to be small tightly packed bench seats that provide the type of situations public health officials have encouraged people to avoid during the COVID-19 outbreak.”

Thus, in issuing its Order, the Supreme Court has responsibly struck “a balance in limiting the public’s exposure to the virus with continuing essential court functions judges must provide to ensure the administration of justice.”

### **What does the Supreme Court’s Suspension Order say?**

In general, the Supreme Court has suspended “[a]ll “in-person” proceedings in all state and local courts in Tennessee,” through Tuesday, March 31, 2020.

Importantly, however, the Suspension Order contains important exceptions to the suspension of “in-person” court proceedings. For example, the Circuit or Chancery Court may hold an “in-person” hearing, subject to safety protocols where it relates to relief from abuse, or temporary injunctive relief.

The Circuit and Chancery Courts will also continue to act where “in-person” proceedings are not required. These types of cases may include those that can be held via telephone or video conferencing and where the Court can act without a hearing.

## **PUBLIC SAFETY**

### **If an “in-person” hearing occurs, how will the Court protect public safety?**

During the limited “in-person” hearings, the Court will be following guidance from the Centers for Disease Control to minimize the risk of spreading COVID-19. These measures include the following, among others.

- Participants will be screened to the degree possible before they are allowed to enter the courtroom to ensure that specifically identified various risk factors are not present. If risk factors are present, the “in-person” proceedings will be rescheduled.
- The Court will limit access to the courtroom during “in-person” hearings. All persons appearing for an “in-person” proceeding, including counsel, parties, court room staff, and media, will also be pre-screened under the same criteria before entering the courtroom. If risk factors are present for essential persons, the “in-person” proceedings will be rescheduled.
- The courtroom and surrounding offices will be cleaned and sanitized before and after their use.
- The Court will enforce appropriate social distancing in the courtroom.
- The Court will also include reminders as to proper coughing and sneezing etiquette, and its plans to have on hand (and require the use of) hand sanitizer and other preventive devices.

### **Who may attend “in-person” proceedings?**

If “in-person” proceedings are required to be held, the Court will limit the number of persons appearing in the courtroom. In general, the Court will permit only the following persons to be present in the courtroom during any “in-person” proceedings;

- the immediate parties to the action and their counsel;
- media receiving permission to attend by the Circuit or Chancery Court or the Supreme Court; and
- personnel essential to the functioning of the court.

### **Are members of the media allowed to attend “in-person” proceedings?**

Yes, of course, but with advance permission. Members of the media may attend any “in-person” court proceeding upon approval by the Circuit or Chancery Court or the Supreme Court, consistent with the Tennessee Supreme Court Rule 30.

## **COURT HEARINGS**

### **Will the Circuit and Chancery Court be holding “in-person” hearings?**

Yes, but only under limited and special circumstances.

The Court will conduct “in-person” proceedings only in proceedings (1) related to relief from abuse, including, but not limited to, orders of protection, (2) Department of Children’s Services emergency matters related to child protection, (3) related to emergency child custody orders, (4) related to petitions for temporary injunctive relief, (5) related to emergency mental health orders and, (6) related to emergency protection of elderly or venerable persons.

The Court is developing other solutions to hold evidentiary hearings remotely. However, while this technology is not fully in place at present, the Court is working quickly to implement these solutions.

### **My case must be heard during the Suspension Period. What can I do?**

The parties must, after notifying the other party, that he or she intends to call the Clerk and offering to include the other party in the call, call the Clerk or Clerk and Master to schedule a telephone or video conference.

### **What happens after I submit a Request to Have an In-person Hearing in a Case that Fits Under an Exception to the Rule?**

After the Court receives a request to be heard, the Court will first determine whether it can act without holding an “in-person” proceeding, such as by way of telephone or video conferencing.

If an “in-person” proceeding must be held, the Court may specially schedule the case for a specific time. Please know that the Court will schedule an “in-person” proceeding only if

- the Court believes that proceedings cannot otherwise be conducted by telephone or video conference; and
- the matter is of an emergency nature and cannot be held at a time after the Suspension Period expires.
- Please remember, in-person hearings may only be held in cases fitting under one of the delineated exceptions.