



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 Brody Kane, presiding judge 15th judicial district

DATE: May 4, 2020

RE: **15th Judicial District – Proposed Plan for Reopening**

On April 30, 2020 the Supreme Court received the 15th Judicial District Proposed Plan for Reopening. It is approved with the following modification:

- (1) Please clarify for all courts that the number of persons in any courtroom at a given time should be limited to 10, plus the judge, court personnel, and court security.
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15TH JUDICIAL DISTRICT COVID PLAN
PURSUANT TO SUPREME COURT ORDER OF APRIL 24, 2020

This the 30th day of April, 2020, it appears to this Court that the Centers for Disease Control and Prevention has determined that a novel coronavirus (COVID-19) continues to present a serious public health threat;

Therefore, The Chief Justice of the Tennessee Supreme Court has issued an Order Modifying Suspension of In-Person Court Proceedings and Further Extension of Deadlines, filed on April 24, 2020; that the judge of each court was directed to coordinate with the presiding judge of their judicial district on a plan for allowing access to the courts; that all courts shall continue to operate under the Court's March 25, 2020 order until such plan is approved by the Chief Justice;

Courts are directed to continue to conduct as much business as possible by means other than in-person proceedings, including use of telephone, videoconferencing, and email;

Courts are tasked with the development of a comprehensive written plan to gradually begin conducting in-person court proceedings in some non-emergency matters; each plan should contain guidelines and restrictions designed to minimize to the greatest extent possible the risk of the spread of COVID-19 from in-person court proceedings; that such plans could include, among other things, limitations of number of persons in the courtroom, staggering of hearing times, social distancing in the courtroom; management of witnesses, the use of protective equipment, health screening measures, etc.

In the alternative, a written plan may consist of an election to continue operation under the guidelines and restrictions set forth in the Supreme Court's March 25, 2020 order;

Among other matters within the jurisdiction of the Courts are matters of detainer and debt collection; that the Order of the Supreme Court directs that no court may take any action to effectuate an eviction, ejection, or other displacement from a residence during the effective dates of the order, based upon failure to make a rent, loan or other similar payment, absent extraordinary circumstances;

Orders of protection and temporary injunctions that would otherwise expire are expressly extended by the Tennessee Supreme Court through Friday, June 5, 2020;

This plan shall be supplemented and submitted for approval when Municipal Courts and Wilson County General Sessions, Division II, plan to begin reopening.

Courthouse screening procedures apply to court staff and guests. Everyone is encouraged to wear PPE.

THEREFORE, IT IS OFFERED by the Courts of the 15th Judicial District that the following measures will remain in place until further order of the courts:

I. COURTROOM PROCEDURE - CIRCUIT CIVIL - ALL COUNTIES

A) IN PERSON HEARINGS

- 1) All in person hearings allowed pursuant to the Supreme Court Order of March 25, 2020 regarding emergencies shall be conducted according to the rules regarding each individual courthouse that have been approved by the Supreme Court in this Order.
- 2) Each litigant will be provided with a "Notice to Persons Coming to Court" at least 24 hours prior to hearing.

B) MOTIONS

- 1) ALL motions and status conferences will be heard on Zoom on a case by case basis. ALL motions and cases shall be set through Connie Ford, Administrative Assistant for Judge Clara Byrd at (615) 449-7170 or email at connie.ford@tncourts.gov.

C) PRO SE UNCONTESTED DIVORCES

- 1) Pro se uncontested divorces may be heard by Zoom or Facetime.
- 2) The Final Decree and Divorce Certificate must be signed by the parties and filed with the Circuit Court Clerk.
- 3) A copy of each parties' driver licences must be filed with the Clerk and the parties must have their I.D. available to show on screen when the hearing begins.

D) FINAL HEARINGS

- 1) Any case that may be finalized in less than one hour may be set for hearing by Zoom. If the matter is not an emergency and will take more than one hour it will not be set until after May 31, 2020.
- 2) All exhibits shall be filed with the Clerk 72 hours prior to the hearing.

E) CIVIL JURY TRIALS

- 1) NO jury trial will be set at this time until the Covid-19 virus has been contained and the Supreme Court allows jury trials to resume.

2) Docket Call is currently scheduled for September 10, 2020. All jury trials will be set on that date.

II. COURTROOM PROCEDURE - CHANCERY - ALL COUNTIES

A) All necessary and in-person hearings pursuant to the Supreme Court Order other than Trousdale Chamber days, will be conducted in the Chancery Courtroom in Lebanon, Wilson County, Tennessee and will be coordinated with the Wilson County Clerk and Master's office.

B) Chambers days will recommence on the 1st Tuesday and the last Wednesday of each month in Wilson County and 1st and 3rd Friday of each month in Trousdale County.

C) All attorneys and litigants appearing for said in-person hearings are required as follows:

1) Disinfect their seating and work area with Covid-19 compliant disinfectant supplies which they are to bring with them upon entry into the Courtroom.

2) Disinfect their seating and work area with Covid-19 compliant disinfectant supplies which they are to bring with them upon leaving the Courtroom at the conclusion of their hearing.

3) Maintain a minimum safe distance of six feet from all other persons.

4) Use of face masks is optional.

5) Failure to comply with the above requirements may result in removal from the Courtroom and possible incarceration.

6) Hearings may be scheduled by teleconference or video conference and shall be coordinated with the Wilson County Clerk & Master's office and the Clerk and Master's office of the county in which venue lies.

7) Parties and witnesses shall remain in their vehicles until summoned into the building for their case. The docket will be addressed on a case by case basis with only 1 matter at a time permitted inside the Courtroom.

8) The Sheriff's office will make available deputies to stand at the door to inquire of those attending, their name, to obtain their cell number and direct the person to remain in their vehicle until summoned, name of their attorney and to provide a copy of the "Notice to Persons Coming to Court. Each deputy will have a copy of the court docket listing the names of all persons scheduled to be in court.

Upon entry to the courthouse, Security will check body temperatures, via contactless infrared thermometer. Refusal will result in denial of entry to the building. Any

person with a temperature of 100.4 or above will be required to immediately leave the building. All other persons will be immediately directed to use the hand sanitizer stations located at the front of the building, before proceeding further into the building. The following pre-screening questions shall be asked and the answers recorded:

- a) "Do you have a cough?"
- b) "Do you have a fever?"
- c) "Have you had contact with anyone diagnosed with Covid-19 or anyone that is awaiting testing results for COVID-19?"
- d) "Have you traveled outside of the United States within the last 14 days?"

An affirmative response to even one of the above four questions will result in the denial of entry to the building. Security will advise the Defendant of his/her new court date and notify the Clerk and Master of same.

III. CRIMINAL COURT -ALL COUNTIES

A) All in person and out of custody proceedings will recommence subject to the precautionary steps set forth in this Order. Counties will be at variance with other counties due to the differences in facilities, resources and docket sizes.

B) **Trials:** Cases set for jury trial during the months of April, May, June and the first two weeks of July shall be removed from the trial calendar immediately. Such cases shall be reset for trial via Zoom on May 7, 2020 at 9:00 a.m. Attorneys are to contact the Court's secretary via michelle.wright@tncourts.gov to set up participation in the conference.

C) **Arraignments:** Appearance by Attorney and Defendant are waived upon a waiver filed pursuant to T.R. Crim. P., Rule 10. Attached to the arraignment shall be an Order stating the next scheduled court date. Court dates shall be scheduled through the Clerk's office and the District Attorney's office. Available dates will be emailed to the Bar.

D) **Initial Disposition Date:** Appearance by Attorney and Defendant are waived if the case cannot be resolved. A Disposition Date #2 Order shall be filed with the Clerk setting forth the scheduled court date for Disposition Date #2. The Order shall also reflect that Disposition Date #2 shall be a settle or set disposition date. Court dates shall be scheduled through the Clerk's office and the District Attorney's office. Available dates will be emailed to the Bar.

E) **Second Disposition Date:** Those cases currently set on a second or subsequent disposition date will be treated as a settle or set disposition date so as to limit future court dockets. Waiver of same may only come with court approval. Attorneys are responsible for responding to emails on active cases for purposes of negotiation and be prepared to proceed.

F) The Sheriff's Department is directed to restart the service of subpoenas and other process for criminal cases.

G) Covid-19 compliant disinfectant wipes are to be made available to attorneys in all jail visitation areas.

H) The Court will have discretion as to the form of participation by counsel, parties, witnesses and other persons at any hearing or trial. Parties are encouraged to stipulate testimony wherever possible.

I) Any bench trial, hearing, guilty plea or the like may be scheduled via Zoom. Guilty pleas may be handled via Skype or Zoom from the attorney's office, in person in the courtroom or other suitable location. Attorneys are to obtain the client's signature prior to the court date should a plea be entered via Skype or Zoom. Defendants are to meet with probation prior to entering his/her plea. Jury trial waiver forms shall be provided to the Court prior to the entry of the plea.

J) Each attorney is responsible for sanitizing the area to which he/she comes in contact to his/her satisfaction through the use of Clorox wipes, disinfectant or the like before and after their appearance.

K) Court personnel permitted in the courtroom at any one time shall be composed of the following:

- a) Judge (1)
- b) Court Reporter (1)
- c) Sheriff's Deputy (2)
- d) Court Officers (2)
- e) Probation Officer (1)
- f) Private Attorney (1)
- g) District Attorneys (1-2)
- h) Public Defender (1)
- i) Clerk (1)

L) Attorneys and Defendants are free to remain anywhere in the courtroom to maintain social distancing, so long as the Court and Court Reporter are able to hear. No person shall be required to use the podium or microphone system.

M) Covid-19 compliant disinfectant will be used periodically throughout the day to treat the courtroom.

IV. COURTROOM PROCEDURE - CRIMINAL COURT:

A) WILSON COUNTY:

1) To better allow social distancing, for dockets containing 30 or more Defendants, in custody cases will be taken at 8:30 a.m. Out of custody cases will be heard at 10:30 a.m. for those with the last names beginning with A-M. Cases for those with last names beginning with N-Z will be heard at 1:30 p.m. As of April 30, 2020 the following dates will require staggered docket times:
May 11, 12, 15, 18, 26, 29, June 4, 17 and 18.

2) As Friday mornings are reserved for Recovery Court, on Fridays the regular docket will begin with jail cases and out of custody cases for those with last names beginning with A-M at 10:00 a.m. Cases for those with names beginning with N-Z will begin at 1:30 p.m.

a) Please note that dockets containing fewer than 30 Defendants shall be heard in their entirety beginning at 8:30 a.m. or if it is a Friday docket beginning at 10:00 a.m., subject to each of the safety precautions set forth in this Order.

3) Attorneys will be permitted to consolidate his/her cases at one of the aforementioned three docket times with approval of the Court.

4) Dockets will be shortened by increasing the number of available disposition dates by converting former jury trial dates.

a) In custody arraignments will be handled via Skype.

b) In custody guilty pleas may be handled via Skype or in person in the courtroom. Attorneys are to obtain the client's signature prior to the court date should a plea be entered via Skype.

5) Out of custody cases shall observe the following precautions:

a) Defendants with representation shall remain inside his/her vehicle until such time the person is notified to enter the Criminal Justice Center. Attorneys will also wait in their vehicle or the lobby if sufficient social distancing is observed.

b) Attorneys and bondsmen shall each have the Defendant's phone number available for contact via messaging.

c) Each bonding company shall make a representative of the company available on each court date to facilitate the texting of Defendants to allow efficient handling of the docket.

d) Guilty pleas may be handled via Skype or Zoom from the attorney's office, in person in the courtroom or other suitable location. Attorneys are to obtain the client's signature prior to the court date should a plea be entered via Skype or Zoom. Defendants are to meet with probation prior to entering his/her signed plea. Jury trial waiver forms shall be provided to the Court prior to the entry of the plea.

6) The Sheriff's office will make available deputies to stand at the door to inquire of those attending, their name, to obtain their cell number, name of their attorney, to provide a copy of the "Notice to Persons Coming to Court" and direct the person to remain in their vehicle until summoned. Each deputy will have a copy of the court docket listing the names of all persons scheduled to be in court.

Additionally, the Deputy will check body temperatures, via contactless infrared thermometer. Refusal will result in denial of entry to the building. Any person with a temperature of 100.4 or above will be required to immediately leave the building. All other persons will be immediately directed to use the hand sanitizer stations located at the front of the building, before proceeding further into the building. The following pre-screening questions shall be asked and the answers recorded:

a) "Do you have a cough?"

b) "Do you have a fever?"

c) "Have you had contact with anyone diagnosed with Covid-19 or anyone that is awaiting testing results for COVID-19?"

d) "Have you traveled outside of the United States within the last 14 days?"

An affirmative response to even one of the above four questions will result in the denial of entry to the building. Security will advise the Defendant of his/her new court date of July 17, 2020 at 10:00 a.m. and notify the Clerk of same.

7) Social distancing shall be observed at all times during the handling of the docket with six feet between all persons. Groups of ten shall be brought in the courtroom for disposition of those cases. As the Wilson County Criminal courtroom is extremely large each of the Defendants shall arrange themselves into previously marked locations within the courtroom. The Sheriff's Department is directed to mark ten spots throughout the courtroom for this purpose. The wearing of face masks and protective shields is encouraged and is in the discretion of the participants.

8) An additional group of ten Defendants shall be spread out inside the lobby or the General Sessions Courtroom, if available, to await entry into the courtroom. Upon the courtroom group of ten being resolved, the lobby group of ten shall be admitted and an additional group of ten then summoned from their vehicles.

9) The local rule excluding cell phones in the Criminal Justice Center is hereby temporarily suspended in order to facilitate the efficient handling of the docket.

10) Additionally, one Court Officer will be stationed in the lobby to ensure these guidelines are followed and to assist in the rotation of the groups of ten pursuant to paragraph 7 above.

11) The Court's paper docket shall reflect which Assistant District Attorney and Assistant Public Defender is handling each particular case. Handwritten notations are suitable.

12) All building employees, including SCAN and probation, shall park in the parking lot area nearest the sallyport or the far lot to assist in the efficient handling of the docket.

13) A hand sanitizing station shall be made available to the public in the lobby of the Criminal Justice Center and courthouse.

14) Only parties to a case shall be allowed to enter the courtroom. Other persons coming to the parking lot who are not parties, (i.e. victims or necessary witnesses) shall be directed to either remain in their vehicle and refer to the "Notice to Persons Coming to Court."

15) **15th Judicial District Recovery Court** - Weekly meetings will take place on Fridays at 8:00 a.m. in the Circuit Division II courtroom with social distancing observed. These meetings will have anywhere from 8 to 15 participants.

B) MACON and SMITH COUNTIES:

1) On all days that court is scheduled to be in session, a Court Officer will be stationed at the entrance to the Justice Center parking lot with a copy of the Court Docket listing the names of all persons scheduled to be in court for that Docket.

2) The Court Officer will stop each vehicle and determine the name of the person coming to court and verify that the person is scheduled to be in court, and make note that the person is present.

3) The Court Officer will determine whether or not the person has an attorney and, if so, the name of the attorney.

- 4) The Court Officer will then deliver to the persons scheduled to be in court a copy of the **Notice To Persons Coming To Court** (a copy of the Notice is attached).
- 5) The Court Officer will then direct the driver to park the vehicle in the parking lot and leave at least one vacant parking space on each side of the vehicle. The Court Officer will direct all occupants to remain inside the vehicle until notified further.
- 6) When the time for the court session to begin has arrived, the Court Officer shall provide the information obtained from the arriving parties to the Judge.
- 7) The attorneys for any parties will be advised that their client is in the parking lot so the attorneys can consult with the client and arrange with the Judge the specific time for the client to enter the building and courtroom.
- 8) Parties without an attorney will be informed by the Court Officer when they can enter the building and courtroom.
- 9) The Judge will determine when, and if, each party can enter the courtroom.
- 10) If a party is experiencing any symptoms of Covid-19 or has been exposed to someone with Covid-19 within the past 14 days or has traveled outside of the United States within the past 14 days, the Court will continue that party's case to a later date and have the Court Officer inform the party of the new court date, and also inform any other persons that might be involved in that party's case.
- 11) Only parties to a case shall be allowed to enter the courtroom. Other persons coming to the parking lot who are not parties, victims or necessary witnesses, and have no business to conduct at the Justice Center, shall be directed to either remain in their vehicle or leave.
- 12) If any party to a case does not have a vehicle in which to wait, the Court Officer will direct that person to an area inside the Justice Center where the person can wait, while maintaining at least 6 feet of distance from any other person.
- 13) Each person entering the courtroom shall be directed by the Court Officer where to sit, and each person must be seated at least 6 feet away from any other persons in the courtroom. No additional persons shall be allowed to enter the courtroom when the 6 feet distance cannot be maintained.
- 14) All areas of the courtroom, where persons coming to court proceedings will be seated or will come into contact, must be sprayed with a disinfectant spray that is EPA registered and labeled as bactericidal, virucidal and fungicidal, before the persons are allowed to enter the courtroom. The spraying must be repeated after persons have left the courtroom and before new persons are allowed to enter the courtroom.

15) The Court Officer shall not allow persons to congregate in the lobby of the Justice Center or at the entrance to the Justice Center. If a person comes to the Justice Center while court is in session, for a purpose other than coming to court, the Court Officer shall determine the reason for the visit and direct the person to the appropriate office.

16) Bench trials will be scheduled separate from the regular Court Docket with only the parties and witnesses involved in the trial allowed to be present in the courtroom during the trial. All persons will be directed to maintain at least 6 feet of separation during the trial.

C) JACKSON and TROUSDALE COUNTIES:

1) When you arrive at the Trowsdale Justice Center check in with the Circuit Court Clerk or Sheriff's Deputy and receive an assigned number.

2) When you arrive at the Jackson County Courthouse check in with the Circuit Court Clerk or Sheriff's Deputy and receive an assigned number.

3) Your case will be heard based upon the number you are assigned, which will be as follows:

(a) 1-10 will be allowed entry into the courtroom at 9:00 a.m.;

(b) 11-20 will be allowed entry into the courtroom at 10:00 a.m.;

c) 21-30 will be allowed entry into the courtroom at 11:00 a.m.;

(d) 31-40 will be allowed entry into the courtroom at 1:00 p.m.;

This procedure would continue until all matters have been addressed.

4) Once a number has been assigned, the party will be allowed to leave until their designated time.

5) Only Plaintiffs, Defendants, attorneys, clerks, court officers and court personnel will be permitted in the building. If a witness is needed, approval must be obtained from the Court prior to their entry into the courtroom. However, if a necessary witness is unavailable or is not present, the matter will be rescheduled.

6) All participants will be denied access to the building until their designated time.

7) In between each time slot, the court will be sanitized pursuant to the CDC guidelines.

8) All participants must practice social distancing.

9) Face masks are encouraged, however, not mandatory.

10) Anyone experiencing symptoms related to Covid-19 will be rescheduled.

V. COURTROOM PROCEDURE - GENERAL SESSIONS

A) Wilson County General Sessions Div I - Juvenile:

- 1) Department of Children's Services dockets will continue to be handled via Zoom.
- 2) Delinquency dockets will be limited to ten cases in the morning session and ten cases in the afternoon session of court.
- 3) Parties are to check in with the Clerk's office upon entering the building and receive a color coded card and further instructions on how to proceed.
- 4) Juveniles will be limited to the presence of one parent.
- 5) Social distancing guidelines are to be observed by all persons in the courtroom.
- 6) Large trials not able to be conducted via Zoom will be continued to a later date.

B) Wilson County General Sessions Div II:

- 1) Will continue to operate under the previous guidelines set out in this Courts' Order of March 25, 2020.
- 2) General Sessions Clerks are granted authority to continue cases to future dates until further notice.

C) Wilson County - General Sessions/Family Court Div III:

- 1) The Court will continue to provide drop boxes located outside the front doors of the courthouse during normal business hours through May 31, 2020. The drop boxes are only available Monday through Friday, from 8:00 a.m. until 4:00 p.m.
- 2) Any person who has been diagnosed with COVID-19, or has resided with or otherwise had close contact with someone diagnosed with COVID-19; and/or any person who has been asked to self-quarantine by any physician, hospital or health agency, shall not attempt to enter the courthouse for any purpose.
- 3) Upon entry to the courthouse, Security will check body temperatures, via contactless infrared thermometer. Any person with a temperature above 100.4 will be required to immediately leave the building. All other persons will be immediately directed to use the hand sanitizer stations located at the front of the building, before proceeding further into the building.
- 4) The Wednesday probate docket will continue to be heard via Zoom video digital platform through May 31, 2020.
- 5) The Thursday domestic motion docket will continue to be heard via Zoom video digital platform through May 31, 2020.

- 6) Absent an emergency, Court permission is required to schedule in-person motions and other interim hearings between now and May 31, 2020; and it shall be the burden of the party requesting the in-person hearing to show why an in-person hearing is necessary.
- 7) Subject to approval by the Supreme Court, Probate Court and General Sessions/Family Court Division III will re-open as to trials on May 11, 2020, under the specific rules designated herein, for the safety of the court staff, attorneys, and citizens.
- 8) The Probate and General Sessions/Family Court shall continue to undertake *ex parte* requests, and in-person hearings for emergency child custody hearings, orders of protection hearings, and emergency conservatorship hearings, all as expressly allowed by the Supreme Court's Orders dated March 13, 2020; March 25, 2020; and April 24, 2020.
- 9) The Court may stagger hearings to reduce the number of people in the courthouse at the same time.
- 10) To reduce the volume of in-person contact, the Court may continue to utilize video digital platforms as it deems appropriate.
- 11) Only attorneys, litigants, and essential witnesses will be allowed in the courthouse. No friends, family, or other emotional support persons will be allowed to enter the courthouse. No litigant may have more than three (3) non-party witnesses in the courthouse at the same time.
- 12) There shall be no more than ten (10) people in the courtroom at any time.
- 13) Only attorneys and litigants may enter the courtroom before the hearing. No party shall enter the courtroom until their case is called.
- 14) Witnesses shall remain in the hallway or in their vehicle in the parking lot, this being at the discretion of the Court, until such time as they are called to testify.
- 15) The ban on cell phones inside the courthouse will be temporarily suspended if a cell phone is needed to notify witnesses what time to appear; but the cell phones shall be turned over to the attorney or a Security Officer upon entering the courthouse.
- 16) All individuals shall practice safe social distancing at all times while in the courthouse.
- 17) All witnesses are instructed to leave the courtroom as soon as their testimony is concluded, and promptly make their way to exit the courthouse. All parties to the case are instructed to leave the courtroom as soon as hearing is concluded, and promptly make their way to exit the courthouse.
- 18) To the extent requested, attorneys and clients shall be responsible to bring in their own disinfectants to clean the counsel table or work areas before their hearing.

19) The Court will have discretion as to the form of participation by counsel, parties, witnesses and other persons at any hearing or trial, including but not limited to, as follows:

- a) Dispensing with any requirement for a person to be physically present in the courtroom and making provision for alternative means of complying with any such requirement.
- b) Directing methods of attendance at, and participation in, a hearing, or trial (for example, in person, by telephone, by audio-visual link).
- c) Directing where and how any person attending or participating in a hearing or trial (for example, in person, by telephone, by audio-visual link).
- d) Directing where and how any person attending or participating in a hearing or trial in person must conduct themselves in respect to their physical proximity to other persons in attendance (for example, to maintain 'social distancing').

20) Counsel are advised that discovery time lines are not tolled under the Supreme Court's Order.

D) Jackson County:

1) All criminal and civil proceedings scheduled for in-court appearances through Friday, May 29, 2020, shall be rescheduled for a date not earlier than June 1, 2020, with the following exceptions:

- a) All criminal arraignments shall continue to be conducted by either videoconferencing or by in-person proceedings in the large courtroom. During these proceedings, only the Judge, the Circuit Court Clerk, the Assistant District Attorney General, criminal defense attorney, court security officers, and the defendant shall be allowed in the courtroom. All social distancing recommendations shall be adhered to.
- b) A criminal proceeding that is specifically requested to proceed in-person by either the Assistant District Attorney, defense attorney, law enforcement officer, or Jackson County Sheriff's Department, after articulating a particular reason to conduct an in-person hearing and permission to do so is granted by the court shall be allowed. In the event permission is granted, during these proceedings, only the Judge, the Circuit Court Clerk, the Assistant District Attorney General, criminal defense attorney, court security officers, the defendant, the victim and necessary witnesses shall be allowed in the courtroom. All social distancing recommendations shall be adhered to, and

witnesses will be kept in separate waiting areas. No hearing shall be permitted that requires more witnesses than space permits while exercising social distancing requirements.

c) It is suggested that in order to reduce the number of individuals coming to court, to help control the manageability of the dockets when normal court functions resume, and to help contain the possibility of the spread of this disease, that the Assistant District Attorney General assigned to the General Sessions Court should review the cases docketed for disposition and consult with law enforcement to determine which low-level offenses the Office of the District Attorney would decline to prosecute, and those cases shall be dismissed by the Court without further court appearances.

(d) A civil proceeding that is not specifically prohibited by order of the Tennessee Supreme Court referenced above, and scheduled before Monday, June 1, 2020, may be conducted by video-conferencing at the request and agreement of the parties or their attorneys of record; A specific written request to proceed in-person may be made by a party or attorney, after articulating a particular reason to conduct an in-person hearing, why such hearing cannot be conducted remotely, and permission to do so is at the discretion of the court. In the event permission is granted, during these proceedings, only the judge, the clerk, the court reporter, the attorneys, the parties, and necessary witnesses will be allowed in the courtroom. All social distancing recommendations shall be adhered to, and witnesses will be kept in separate waiting areas. No hearing shall be permitted that requires more witnesses than space permits while exercising social distancing requirements.

2) All juvenile matters which are scheduled for in-court appearances through Friday, May 29, 2020, shall be rescheduled for a date no sooner than June 1, 2020, with the following exceptions:

- a) Initial proceedings related to emergency child custody or visitation orders;
- b) Proceedings involving allegations of dependency and neglect that are scheduled before June 1, 2020 may be conducted by video-conferencing at the request and agreement of the Department of Children's Services, the attorneys of record for the parties and the Guardian Ad Litem; A specific, written request to proceed in-person may be made by the above named individuals, after articulating a particular reason to conduct an in-person hearing, why such hearing cannot be conducted remotely, and permission to do so is at the discretion of the court. In the event permission is granted, during these proceedings, only the judge, the clerk, the court reporter, the attorneys, the parties, and necessary witnesses will be allowed in the courtroom. All social

distancing recommendations shall be adhered to, and witnesses will be kept in separate waiting areas. No hearing shall be permitted that requires more witnesses than space permits while exercising social distancing requirements.

c) A juvenile proceeding involving allegations of a delinquent or unruly minor that is scheduled before June 1, 2020 may be conducted by video-conferencing at the request and agreement of the Youth Services Officer, the Assistant District Attorney, the attorney for the minor child, the minor child, and the parent or guardian of the minor child. A specific, written request to proceed in-person may be made by the above named individuals, or a law enforcement officer, after articulating a specific reason to conduct an in-person hearing and permission to do so is granted by the court. In the event permission is granted, during these proceedings, only the Judge, the Youth Services Officer, the Circuit Court Clerk, the Assistant District Attorney, attorney for the minor child, court security officers, the minor child, his/her parent of legal guardian, the victim and necessary witnesses shall be allowed in the courtroom. All social distancing recommendations shall be adhered to, and witnesses will be kept in separate waiting areas. No hearing shall be permitted that requires more witnesses than space permits while exercising social distancing requirements.

d) The Court continues to encourage the Department of Children's Services, the attorneys of record and the parties, to maintain communication and resolve as many matters as possible through submission of Agreed Orders and/or video-conferencing.

3) The General Sessions Court and Circuit Court Clerk has designated personnel who shall continue to report to their scheduled work locations. The remainder of the Court's personnel shall be permitted to work remotely from home as directed by their supervisor, and shall be available to conduct the business of the court through telephone, call forwarding, video-conferencing, and email. They shall also be subject to recall for on-site work as necessary to continue essential services.

4) To the extent that anything in this Proposal conflicts with the Order of the Tennessee Supreme Court, the Order of the Tennessee Supreme Court shall supercede.

E) Macon County:

1) On all days that court is scheduled to be in sessions, a Court Officer will be stationed at the entrance to the Justice Center parking lot with a copy of the Court Docket listing the names of all persons scheduled to be in court for that Docket.

2) The Court Officer will stop each vehicle and determine the name of the person coming to court and verify that the person is scheduled to be in court, and make note that the person is present.

- 3) The Court Officer will determine whether or not the person has an attorney and, if so, the name of the attorney.
- 4) The Court Officer will then deliver to the persons scheduled to be in court a copy of the **Notice To Persons Coming To Court** (a copy of the Notice is attached).
- 5) The Court Officer will then direct the driver to park the vehicle in the parking lot and leave at least one vacant parking space on each side of the vehicle. The Court Officer will direct all occupants to remain inside the vehicle until notified further.
- 6) When the time for the court session to begin has arrived, the Court Officer shall provide the information obtained from the arriving parties to the Judge.
- 7) The attorneys for any parties will be advised that their client is in the parking lot so the attorneys can consult with the client and arrange with the Judge the specific time for the client to enter the building and courtroom.
- 8) Parties without an attorney will be informed by the Court Officer when they can enter the building and courtroom.
- 9) The Judge will determine when, and if, each party can enter the courtroom.
- 10) If a party is experiencing any symptoms of Covid-19 or has been exposed to someone with Covid-19 within the past 14 days or has traveled outside of the United States within the past 14 days, the Court will continue that party's case to a later date and have the Court Officer inform the party of the new court date, and also inform any other persons that might be involved in that party's case.
- 11) Only parties to a case shall be allowed to enter the courtroom. Other persons coming to the parking lot who are not parties, victims or necessary witnesses, and have no business to conduct at the Justice Center, shall be directed to either remain in their vehicle or leave.
- 12) If any party to a case does not have a vehicle in which to wait, the Court Officer will direct that person to an area inside the Justice Center where the person can wait, while maintaining at least 6 feet of distance from any other person.
- 13) Each person entering the courtroom shall be directed by the Court Officer where to sit, and each person must be seated at least 6 feet away from any other persons in the courtroom. No additional persons shall be allowed to enter the courtroom when the 6 feet distance cannot be maintained.
- 14) All areas of the courtroom, where persons coming to court proceedings will be seated or will come into contact, must be sprayed with a disinfectant spray that is EPA registered and labeled as bactericidal, virucidal and fungicidal, before the persons are

allowed to enter the courtroom. The spraying must be repeated after persons have left the courtroom and before new persons are allowed to enter the courtroom.

15) The Court Officer shall not allow persons to congregate in the lobby of the Justice Center or at the entrance to the Justice Center. If a person comes to the Justice Center while court is in session, for a purpose other than coming to court, the Court Officer shall determine the reason for the visit and direct the person to the appropriate office.

16) Bench trials will be scheduled separate from the regular Court Docket with only the parties and witnesses involved in the trial allowed to be present in the courtroom during the trial. All persons will be directed to maintain at least 6 feet of separation during the trial.

F) Smith County:

1) On all days that court is scheduled to be in session, a Court Officer will be stationed at the entrance to the Justice Center parking lot with a copy of the Court Docket listing the names of all persons scheduled to be in court for that Docket.

2) The Court Officer will:

a) Stop each vehicle and determine the name of the person coming to court and verify that the person is scheduled to be in court, a necessary witness, or a victim, and then make note that the person is present.

b) Request from persons desiring to enter Court a cellular phone number that said person will be able to immediately reply, or determine if they have no such contact number.

c) Ask if the person already has an attorney representing them on the matter they wish to appear in court regarding.

d) Ask the following pre-screening questions and record the answers; "Do you have a cough?"; "Do you have a fever?"; "Have you had contact with anyone diagnosed with COVID-19 or anyone that is awaiting testing results for COVID-19?"

3) The Court Officer will then deliver to the persons scheduled to be in court a copy of the **NOTICE TO PERSONS COMING TO COURT** (a copy of the Notice is attached).

4) When the time for the court session to begin has arrived, the Court Officer shall provide the information obtained from the arriving parties to the Judge.

- 5) At the call of the docket the attorneys for any parties will be advised that their client is in the parking lot so the attorneys can consult with the client and arrange with the Judge the specific time for the client to enter the building and courtroom.
- 6) All parties, necessary witnesses, and victims will be informed by the Court Officer when they can enter the building and courtroom.
- 7) The Judge will determine when, and if, each party can enter the courtroom and communicate that information to the Court Officer.
- 8) If a party is experiencing any symptoms of Covid-19 or has been exposed to someone with Covid-19 within the past 14 days or has traveled outside of the United States within the past 14 days, the Court will continue that party's case to a later date and have the Court Officer inform the party of the new court date, and also inform any other persons that might be involved in that party's case.
- 9) If any party to a case does not have a vehicle in which to wait, the Court Officer will direct that person to an area inside the Justice Center where the person can wait, while maintaining at least 6 feet of distance from any other person.
- 10) Each person entering the court facility shall be directed by the Court Officer where to stand while waiting to enter the court room. There will be designated standing areas in the lobby to stand. When entering the court facility, lobby or courtroom each person must observe social distancing guidelines and remain 6 feet away from other persons.
- 11) The doors to the court facility and court room will remain open if at all possible to avoid the necessity of multiple people opening and closing doors to limit cross contamination.
- 12) One case will be heard at a time in the court room and the parties will be directed where to stand depending on the number of people present. There will be an "on deck" area in the lobby where court officers will direct parties to stand as they wait for their turn to enter the court room.
- 13) All areas of the court facility, where persons coming to court proceedings will be seated or will come into contact, must be sprayed with a disinfectant spray that is EPA registered and labeled as bactericidal, virucidal and fungicidal, before another case and people are allowed to enter the courtroom. The spraying must be repeated after persons have left the courtroom and before new persons are allowed to enter the courtroom.
- 14) The Court Officer shall not allow persons to congregate in the lobby of the Justice Center or at the entrance to the Justice Center. If a person comes to the Justice Center

while court is in session, for a purpose other than coming to court, the Court Officer shall determine the reason for the visit and direct the person to the appropriate office.

15) All other personnel deemed necessary by the Judge will be allowed in the court room including; attorneys, clerks, liaisons to service providers, etc.

16) The Sheriff and his staff shall at all times determine the level of in-person contact attorneys or other parties shall have with inmates, all while considering applicable constitutional requirements.

17) The guidelines of this plan should be observed. If it is determined that this plan practically cannot be observed then the plan should be amended and resubmitted.

G) Trowsdale County - General Sessions and Juvenile:

1) When you arrive at the Trowsdale Justice Center check in with the Circuit Court Clerk and receive an assigned number.

2) Your case will be heard based upon the number you are assigned, which will be as follows:

(a) 1-10 will be allowed entry into the courtroom at 9:00 a.m.;

(b) 11-20 will be allowed entry into the courtroom at 10:00 a.m.;

c) 21-30 will be allowed entry into the courtroom at 11:00 a.m.;

(d) 31-40 will be allowed entry into the courtroom at 1:00 p.m.;

This procedure would continue until all matters have been addressed.

3) Once a number has been assigned, the party will be allowed to leave until their designated time.

4) Only Plaintiffs, Defendants, attorneys, clerks, court officers and court personnel will be permitted in the Justice Center. If a witness is needed, approval must be obtained from the Court prior to their entry into the courtroom. However, if a necessary witness is unavailable or is not present, the matter will be rescheduled.

5) All participants will be denied access to the Justice Center until their designated time.

6) In between each time slot, the court will be sanitized pursuant to the CDC guidelines.

7) All participants must practice social distancing.

8) Face masks are suggested, however, not mandatory.

9) Anyone experiencing symptoms related to Covid-19 will be rescheduled.

VI. COURTROOM PROCEDURE - MUNICIPAL COURTS

A) Lebanon - Wilson County:

1) All court is continued until June 1. The courtroom is currently being configured to be able to hold court after that date maintaining social distancing per the guidelines. Will also be limiting the number of people allowed into the courtroom at one time.

B) Mt. Juliet - Wilson County:

1) We will conduct three adult court dates and two juvenile court dates, (if needed) in May and June.

2) Due to the current Covid-19 precautions and guidance, we are planning on resuming court operations with all available precautions in place. We will have one of our staff members check in each person on the docket when they arrive. The staff member will check the Defendant's temperature with a touchless thermometer, and obtain a phone number for that Defendant. They will then advise the Defendant to wait in their vehicle until they are called on the docket. At that time a staff member will call them and they can enter the courtroom for their hearing. Any post-hearing business will be conducted at the Clerk's window as usual, with our staff members following all necessary precautions. Immediately following court, the courtroom, rest rooms and lobby of the headquarters building will all be properly disinfected.

C) Watertown - Wilson County:

1) All court canceled until June 9.

D) Alexandria - Wilson/Smith Counties:

1) The next scheduled court is July 14. If necessary at that point people will be asked to wait in their vehicles and will be called in individually.

E) Gainesboro - Jackson County:

1) All court is continued until August 2020.

F) Lafayette and Red Boiling Springs - Macon County:

1) Parties shall be required to wait outside the court facilities until their individual case is called by the bailiff.

2) Only the cited party shall be allowed in the courtroom for the purpose of determining the status of their case and to determine if a trial is requested by the cited party.

- 3) All trials are to be continued to either the end of that day's docket or shall be reset for an alternative hearing date.
- 4) All witnesses to any given trial shall be required to wait outside the court facility until that specific witness is called by the bailiff.
- 5) All persons in the courtroom shall be required to maintain strict social distancing per the guidelines at all times.
- 6) The Clerk of the Court shall be responsible for limiting the number of citations set for any given date so as to limit the number of matters set on that date to a reasonable level, additional court dates shall be made available by the Judge so as to limit the number of cases heard on any given date to a reasonable level.

G) Carthage and Gordonsville - Smith County:

- 1) Next court is scheduled for June 4. All parties will be required to wait in their vehicles until called by the bailiff to enter. To maintain social distancing per the guidelines only ten people at a time will be allowed in the courtroom.

H) South Carthage - Smith County: The next scheduled court is May 22, 2020. If there is still concern at this time cases will be continued to the last Friday in June.

SUBMITTED for approval this the 30th day of April 2020.

HONORABLE BRODY KANE
 PRESIDING JUDGE
 15TH JUDICIAL DISTRICT OF TENNESSEE

- | | | |
|------|-----------------------|------------------------------|
| cc - | Chancellor C.K. Smith | Judge Andrew Stanford |
| | Judge Clara Byrd | Judge Richard Brooks |
| | Judge Tiffany Gipson | Judge Randy Wakefield |
| | Judge Ken Witcher | Judge Sharon Linville |
| | Judge Michael Collins | Judge James Flood |
| | Judge Kenny Linville | Judge Carolyn Christoffersen |
| | Judge Haywood Barry | Judge Bob Lee |
| | Judge Barry Tatum | Judge Angel Kane |
| | Judge Ensley Hagan | |
| | Judge Lee Richardson | |

NOTICE TO PERSONS COMING TO COURT
WILSON COUNTY JUDICIAL CENTER
134 SOUTH COLLEGE STREET

1. Only attorneys, parties, and pre-approved essential witnesses will be allowed in the courthouse. (You are a party if you have sued someone, or if someone has sued you, or if you have been charged with a crime or offense.) No friends, family, or other emotional support persons will be allowed to enter the courthouse. No litigant may have more than three (3) non-party witnesses in the courthouse at the same time; and there shall be no more than ten (10) people in the courtroom at any time.
2. If you have been told to wait in your vehicle, you must park your vehicle at least one parking space away from other vehicles and stay inside your vehicle. Your attorney or the attorney who requested your appearance will notify you when it's time for you to enter the Judicial Building.
3. If you or someone with you needs to use the restroom inside the Judicial Building, you must notify a Security Officer at the front door. Only one person at a time will be allowed inside the building to use the restroom.
4. Do not enter the Judicial Building if you are sick. Common symptoms of COVID-19 are fever, cough and shortness of breath or difficulty breathing, but some people have other symptoms such as headache, chills, new loss of taste or smell, sore throat, body aches, nasal congestion, runny nose, vomiting and diarrhea. If you are sick or if you have been diagnosed with COVID-19, or if you have resided with or otherwise had close contact with someone diagnosed with COVID-19; and/or if you have been asked to self-quarantine by any physician, hospital or health agency, you shall not attempt to enter the Judicial Building for any purpose.
5. Upon entry to the courthouse, a Security Officer will check your body temperature, via contactless infrared thermometer. Any person with a fever will be required to immediately leave the building. All other persons will be immediately directed to use the hand sanitizer stations located at the front of the building, before proceeding further into the building. If you have a mask, you are encouraged to wear it while inside the Judicial Building; and you must maintain a distance of at least 6 feet from other people at all times while inside the building.
6. No attorney or party shall enter the courtroom until their case is called; and witnesses shall not enter the courtroom until they are called to testify. All witnesses shall leave the courtroom and exit the courthouse as soon as their testimony is concluded. All parties to the case are likewise instructed to leave the courtroom and exit the courthouse as soon as your hearing is concluded.

NOTICE TO PERSONS COMING TO COURT
WILSON COUNTY CRIMINAL COURT
105 EAST HIGH STREET

- A. If you have been told to wait in your vehicle, you must stay inside of your vehicle. A Court Officer will call out the name of your case when you need to enter the Justice Center or you will be texted by your attorney or bonding agent.
- B. Only parties to a case are allowed to enter the courtroom. You are a party to a case if you have sued someone, someone has sued you, or you have been charged with committing some crime, including a traffic violation. If the case is in Juvenile Court involving a child that is neglected or abused, parents, foster parents and custodians are also allowed to enter the courtroom when the child's case is heard. If any friends or family members have come with you to court, they must remain in their vehicle. If someone needs to testify as a witness, they will be notified when they can enter the courtroom.
- C. If you are the victim of a crime and the charges against the person who committed the crime is set today, you should talk to the District Attorney about the case. If you need to talk to the District Attorney you can call the Circuit Court Clerk's Office at 615-444-1488 or tell a Court Officer stationed at the front of the Justice Center. Be sure to give your name and the name of the person who committed the crime against you, and your phone number, so the District Attorney can call you. If you do not have a phone, the District Attorney can come talk to you outside of the courtroom.
- D. Do not enter the Justice Center if you are sick. Common symptoms of Covid-19 are fever, cough and shortness of breath or difficulty breathing, but some people have other symptoms such as headache, chills, new loss of taste or smell, sore throat, body aches, nasal congestion, runny nose, vomiting and diarrhea. If you are sick or if you have been exposed to someone with Covid-19 within the past 14 days, or you have traveled outside of the United States within the past 14 days, you should inform the Judge and your case will be continued. You can inform the Judge by calling the Circuit Court Clerk's Office at 615-444-1488 or you can inform a Court Officer located at the front of the Justice Center. Be sure to give your name and provide a phone number and address so you can be informed of your new court date.
- E. When you enter the courtroom, you will be told where you need to sit so that you are at least 6 feet away from other persons. You must also try to maintain a distance of at least 6 feet from other people while inside of the Justice Center, if possible. If you have a mask, you are encouraged to wear it while inside of the Justice Center.
- F. If you or someone with you needs to use the restroom inside of the Justice Center, you must notify a Court Officer at the front door. Only one person at a time will be allowed inside to use the restroom.

NOTICE TO PERSONS COMING TO COURT

MACON COUNTY

- A. If you have been told to wait in your vehicle, you must park your vehicle at least one vacant parking space away from other vehicles and stay inside of your vehicle. A Court Officer will call out the name of your case when you need to enter the Justice Center.
- B. Only parties to a case are allowed to enter the courtroom. You are a party to a case if you have sued someone, someone has sued you, or you have been charged with committing some crime, including a traffic violation. If the case is in Juvenile Court involving a child that is neglected or abused, parents, foster parents and custodians are also allowed to enter the courtroom when the child's case is heard. If any friends or family members have come with you to court, they must remain in their vehicle. If someone needs to testify as a witness, they will be notified when they can enter the courtroom.
- C. If you are the victim of a crime and the charges against the person who committed the crime is set today, you should talk to the District Attorney about the case. If you need to talk to the District Attorney you can call the Circuit Court Clerk's Office at 615-666-2354 or tell a Court Officer stationed at the front of the Justice Center. Be sure to give your name and the name of the person who committed the crime against you, and your phone number, so the District Attorney can call you. If you do not have a phone, the District Attorney can come talk to you outside of the courtroom.
- D. Do not enter the Justice Center if you are sick. Common symptoms of Covid-19 are fever, cough and shortness of breath or difficulty breathing, but some people have other symptoms such as headache, chills, new loss of taste or smell, sore throat, body aches, nasal congestion, runny nose, vomiting and diarrhea. If you are sick or if you have been exposed to someone with Covid-19 within the past 14 days, or you have traveled outside of the United States within the past 14 days, you should inform the Judge and your case will be continued. You can inform the Judge by calling the Circuit Court Clerk's Office at 615-666-2354 or you can inform a Court Officer located at the front of the Justice Center. Be sure to give your name and provide a phone number and address so you can be informed of your new court date.
- E. When you enter the courtroom, you will be told where you need to sit so that you are at least 6 feet away from other persons. You must also try to maintain a distance of at least 6 feet from other people while inside of the Justice Center, if possible. If you have a mask, you are encouraged to wear it while inside of the Justice Center.
- F. If you or someone with you needs to use the restroom inside of the Justice Center, you must notify a Court Officer at the front door. Only one person at a time will be allowed inside to use the restroom.

NOTICE TO PERSONS COMING TO COURT

SMITH COUNTY

- A. A Court Officer has provided you with this notice and taken your name and a contact number that you will be required to respond when called or texted. If you do not have a cell phone preventing your immediate response then you will remain in your vehicle until instructed by the Court Officer.
- B. The Court Officer will ask screening questions to anyone desiring to enter the court room including; "Do you have a cough?", "Do you have a fever?", "Have you had contact with anyone diagnosed with COVID-19 or anyone that is awaiting testing results for COVID-19?".
- C. Only parties, necessary witnesses, and victims to a case are allowed to enter the courtroom. You are a party to a case if you have sued someone, someone has sued you, or you have been charged with committing some crime, including a traffic violation. If the case is in Juvenile Court involving a child that is neglected or abused, parents, foster parents and custodians are also allowed to enter the courtroom when the child's case is heard. If any friends or family members have come with you to court, they must remain in their vehicle. If someone needs to testify as a witness, they will be notified when they can enter the courtroom.
- D. If you are the victim of a crime and the charges against the person who committed the crime is set today, you should talk to the District Attorney about the case. If you need to talk to the District Attorney you can call the Circuit Court Clerk's Office at 615-735-0500 or tell a Court Officer stationed at the front of the Justice Center. Be sure to give your name and the name of the person who committed the crime against you, and your phone number, so the District Attorney can call you. If you do not have a phone, the District Attorney can come talk to you outside of the courtroom.
- E. Do not enter the Justice Center if you are sick. Common symptoms of Covid-19 are fever, cough and shortness of breath or difficulty breathing, but some people have other symptoms such as headache, chills, new loss of taste or smell, sore throat, body aches, nasal congestion, runny nose, vomiting and diarrhea. If you are sick or if you have been exposed to someone with Covid-19 within the past 14 days, or you have traveled outside of the United States within the past 14 days, you should inform the Judge and your case will be continued. You can inform the Judge by calling the Circuit Court Clerk's Office at 615-735-0500 or you can inform a Court Officer located at the front of the Justice Center. Be sure to give your name and provide a phone number and address so you can be informed of your new court date.
- F. When you enter the courtroom, you will be told where you need to sit so that you are at least 6 feet away from other persons. You must also try to maintain a distance of at least 6 feet from other people while inside of the Justice Center, if possible. If you have a mask, you are encouraged to wear it while inside of the Justice Center.
- G. If you or someone with you needs to use the restroom inside of the Justice Center, you must notify a Court Officer at the front door. Only one person at a time will be allowed inside to use the restroom.