



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: Chancellor Tony Childress, 29th judicial district

DATE: April 30, 2020

RE: 29th Judicial District Guidelines for In-Person Hearings

Thank you for submitting 29th Judicial District Guidelines for In-Person Hearings. Revisions will need to be made in the following areas and a revised plan submitted before approval of the whole plan is approved:

- (1) Access to the courthouse/Management of areas outside of the courtroom for each county. What are the plans of the local officials for access to the courthouse, and how they will manage social distancing in the areas close to the courtroom? Will there be health screening done for entrance to the courthouse? If so, what type of screening? Will they require masks or other personal protective gear? Will local officials be given a docket to help them control access?
- (2) The number of persons in any courtroom at any given time should be no more than 10, plus the judge, court personnel, and court security.
- (3) The plan should encourage use of alternatives to in court proceedings such as video conferencing, phone conferencing, etc.
- (4) What are the plans for cleaning of the courthouse and in the courtroom? Are there current problems with supplies in either county? In-person proceedings should not go forward if adequate cleaning procedures and not in place and followed.

(5) What are the plans for the General Sessions Court, Juvenile Court, any municipal courts in Lake County?

We would suggest you review some of the approved plans that are posted on the AOC website.



TONY A. CHILDRESS

CHANCELLOR OF THE CHANCERY COURT OF TENNESSEE

TWENTY-NINTH JUDICIAL DISTRICT

DYER COUNTY AND LAKE COUNTY

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April 28, 2020

Chief Justice Bivins,

The courts in the 29th Judicial District are eager to get back to handling the judicial business of the people, and with that in mind and the safety of everyone being our utmost concern, the following is the plan for the conduct of in-person judicial proceedings in the courts of this district. This plan was developed after conversations with multiple stakeholders, and as the presiding judge of this judicial district I now submit our plan to you for your review and approval.

Should this plan is not be approved an explanation of why approval was denied would be of considerable value as an attempt is made to make appropriate adjustments. So, if approval is not granted would you please aid us by providing an explanation of why approval was denied?

I thank you in advance for the your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tony A. Childress", is written over a faint, larger version of the signature.

Tony A. Childress
Presiding Judge 29th Judicial District

GUIDELINES FOR IN-PERSON COURT PROCEEDINGS
IN THE TWENTY-NINTH JUDICIAL DISTRICT

I. Definitions:

- A. Local officials are those officials who are responsible for the operation and control of a building where a courtroom is located, or the designee of that official.
- B. Courthouse means the official courthouse of a county.
- C. Courtroom means a space in any building where court proceedings are held.
- D. Court personnel means the judge, security officers, court clerks and court reporters.

II. Admissions into a building where a court proceeding is held:

- A. The determination of what circumstances or restrictions admittance into any building where a courtroom is located is left to the discretion of local officials.

III. Admission into courtrooms:

- A. If a health screening is required to enter the building where a courtroom is located an additional health screening shall not be required to enter a space being used as a courtroom located in that building.
- B. If a face covering is required to enter the building where a courtroom is located a face covering shall be worn at all times in the courtroom.
- C. Face coverings and personal protection equipment will be allowed to be worn in any courtroom by those who choose to wear them.
- D. Local officials will determine the safest route to be taken to enter and exit a courtroom.
 - (1). If practical, the closest points should be used for these routes.
 - (2). If practical, different entrance and exit points should be used.

IV. In-person proceedings:

- A. The Incarcerated.

- (1). Local jails:

- (a). Inmates incarcerated at the local jails are not to be transported from

the jail to attend a court proceeding. All proceedings involving those who are incarcerated at a local jail will occur at the courtroom located at the Dyer County jail or the conference room at the Lake County jail.

- (i). Exceptions can be made at the discretion of the Sheriff.
- (ii). Exceptions must be approved by the presiding judge.

(2). Tennessee Department of Corrections (TDOC):

- (a). Inmates incarcerated at a facility operated by the TDOC may be transported to a courtroom at the discretion and under the guidelines of the TDOC.
 - (i). A proceeding involving such an inmate shall be scheduled to begin at least 15 minutes after a preceding proceeding has ended and set to end at least 15 minutes before a subsequent proceeding is scheduled to begin.
 - (ii). Proceedings involving inmates who are transported at the same time and in the same transport vehicle may be scheduled to occur at the same time.

B. Those who may attend court proceedings:

- (1). Attendance at in-person court proceedings will be limited to the parties, their counsel, court personnel, and witnesses.
 - (a). Witnesses shall be kept out of the courtroom until called to testify and then shall immediately exit the courtroom when their testimony ends.
 - (i). It will be encouraged that witnesses who have no other business to conduct in the building where a courtroom is located be denied entrance into that building until they are called to testify.
 - (b). Exceptions to those who may attend an individual court proceeding can be made on a case by case basis by the judge.
 - (c). A care-giver for a party or witness may accompany the person for whom they provide care to the court proceeding.
 - (i). Examples include but are not limited to: a parent of a minor child who is a party or witness; or a person who provides

medical care or assistance with mobility to a person who is a party or witness.

C. Number allowed in a courtroom:

- (1). The number of people allowed into a courtroom at any one time will depend on the size of the courtroom and will be made by local officials on a courtroom by courtroom basis.
 - (a). Every effort will be made to comply with occupancy guidelines.
 - (i). Guidelines recommend by the State of Tennessee or the CDC for similar activities will be used.
 - (ii). Court personnel will not be counted toward determining occupancy guideline numbers.

D. Seating:

- (1). Seating shall be at locations designated by local officials.
 - (a). As much as practical the distance between seating locations will comply with social distancing guidelines.
 - (i). Guidelines recommend by the State of Tennessee or the CDC will be used.

E. Social distancing and management in courtroom:

- (1). Social distancing distances will be based on the distances recommended by the State of Tennessee or the CDC.
- (2). Management of social distancing in the courtroom will be the responsibility of the judge and security personnel.

F. Court times:

- (1). When necessary court times will be staggered to limit the number of people in the courtroom.
 - (a). Staggering of court times will be at the discretion of each judge.
 - (i). If an attorney has multiple cases set on one day every effort will be made to group that attorney's cases into one setting

time.

- (ii). Parties or attorneys will not be allowed into the courtroom until the time their case is set to be heard.

V. The Municipal Court of Dyersburg, a.k.a., Dyersburg City Court:

- A. The Municipal Court of Dyersburg elects to operate under the guidelines set forth in the Supreme Court's order of March 25, 2020, until at least May 15, 2020, at which time the circumstances will be evaluate to determine if in-person court proceedings should resume under the approved guidelines for the 29th Judicial District.

VI. The General Sessions and Juvenile Courts of Dyer County:

- A. The General Sessions and Juvenile Courts of Dyer County elect to operate under the guidelines set forth in the Supreme Court's order of March 25, 2020, until at least May 15, 2020, at which time the circumstances will be evaluate to determine if in-person court proceedings should resume under the approved guidelines for the 29th Judicial District.

VII. Miscellaneous:

- A. Frequent cleaning of common and high traffic areas will be encouraged with the understanding this may not occur due to the unavailability of cleaning agents and/or the personnel to clean.
- B. Understanding that public access to the court is of utmost importance to the public and our our judicial system, one location in every courtroom will be reserved for media, and one member of the media will be allowed into court proceedings on a first come basis. Current media credentials shall be presented before access will be granted.
- C. In many instances the buildings where courtrooms are located are used for purposes other than court related proceedings. Thus, management of social distancing guidelines inside those portions of the building will be left to the discretion of local officials.
- D. These guidelines will go into effect upon the approval of the Chief Justice of the Tennessee Supreme Court.
- E. Unless terminated earlier or extended further by order of the Supreme Court or by order of the presiding judge of this judicial district, these guidelines will remain in effect until May 31, 2020.