



# 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 David Duggan, presiding judge pro tempore 5th judicial district

DATE: May 4, 2020

RE: **5th Judicial District – Proposed Plan for Reopening**

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On May 1, 2020 the Supreme Court received the 5th Judicial District Proposed Plan for Reopening. This plan to continue operating under the guidelines and restrictions of this Court's March 25, 2020, at this time is approved. The plan also contemplates hearing additional in court matters as of June 1, 2020. Given that changes still are occurring on a very frequent basis, we request that you submit a revised plan prior to June 1 which addresses the proposed manner in which you propose to proceed at that time.

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PROPOSED PLAN TO BEGIN CONDUCTING IN-PERSON COURT PROCEEDINGS FOR  
THE FIFTH JUDICIAL DISTRICT  
BLOUNT COUNTY, TENNESSEE

Opening Statement and Election

The judges of the Fifth Judicial District in Blount County, Tennessee elect to continue to operate under the guidelines and restrictions set forth in the Supreme Court's March 25, 2020 order, and our local orders incorporating the same, through May 31, 2020.

We wish to state our reason for electing to continue to operate under the March 25 order: We are concerned that neither the State nor our County has reached the point of a decline in new COVID-19 cases for fourteen days in order to meet federal guidelines for entering into a phase one of reopening. Our District has been charting statistics for both the State and our County since April 7. We are concerned that between April 7 and April 21, the number of new cases reported on a daily basis, for the State, ranged from a low of 156 on April 21 to a high of 478 on Sunday, April 26, the last date included as of the date of the initial draft of this plan. During the most recent five days from April 22 through April 26, the number of new cases each day for the State has been in excess of 400. At least since the time of April 7, a record for new cases was set on Sunday, April 26 with 478 new cases.

As for the County, we went for eleven days, from April 11 through April 21, with no new cases reported. Beginning April 22, we had one new case each day for three consecutive days followed by four new cases on April 25.

Accordingly, we have determined that it is not yet appropriate to open our courts to additional in-person hearings.

Current Proposed Plan Beginning June 1

At this time, and subject to further public health developments, we plan to begin opening our courts to additional in-person hearings on June 1, 2020 within the following guidelines:

1. We will begin conducting bench trials in June.
2. We will begin hearing certain types of motions and other matters by in-person hearings in June. Motions and other matters not specifically addressed will continue to be conducted by telephonic, audiovisual, or other electronic means. These motions and other matters may vary from court-to-court based on the types of dockets in each court, but it is presently anticipated that the following courts will allow in-person hearings on the following types of motions and other matters:
  - a. Circuit Court, Division I: Pro se agreed divorces shall be heard by appointment only and staggered throughout the day. Any contested matter that requires an in-person hearing will be scheduled at a specific time, and times will be staggered. All types of criminal motions and hearings will be allowed.
  - b. Circuit Court, Division II: In-person hearings will be conducted for motions for default (because defendants may appear on the date of hearing), motions for summary judgment, motions to dismiss, and motions in limine, and also for all types of criminal motions and hearings.
  - c. Sessions Court, Divisions I, III, and IV: All court of record cases (divorces, other domestic relations cases, orders of protection and probate) will be heard following the guidelines set out in the latest Order of the Tennessee Supreme Court filed April 24, 2020, and as further defined and revised by the general provisions of the plan herein.

Involuntary mental health commitment hearings shall continue as is with audio/video link up with Peninsula Hospital.

Civil cases and especially criminal cases pose greater problems due to the volume of cases. The General Sessions judges will meet with the General Sessions clerk and representatives of the Blount County Sheriff's Office to work on the logistics of a limited opening. The General Sessions courts will have an action plan in place on or about June 1, 2020.

- d. Sessions Court, Division II/Juvenile Court: The Blount County Juvenile Court will continue to utilize and will even expand its use of telephonic, electronic, and audiovisual systems in order to conduct hearings. For any case in which there is an agreement or a waiver of hearing and stipulation of facts, the proceeding will be conducted by telephonic or audiovisual means.

To the extent practicable and in the Court's discretion, the Court will resume in-person proceedings for contested preliminary, adjudicatory, dispositional, and termination of parental rights hearings. The parties may also agree to conduct these hearings, even if contested, entirely by telephonic or audiovisual means. Due to the very small size of the Juvenile courtrooms, and in order to maintain proper social distancing, the courtrooms cannot accommodate in-person hearings that require more than eight persons. For those cases in which there are more than eight persons, the Court will require the parties and their counsel to utilize a

combination of in-person courtroom appearance and satellite hearing rooms. The satellite hearing rooms provide real-time audio-visual connections with the courtrooms and are located in the courthouse on the same floor as the courtrooms.

Delinquent and unruly detention hearings will be conducted via audiovisual means, unless a party moves to have the hearing conducted in-person. Informal adjustments shall be completed via audiovisual and electronic means. Pretrial diversions, judicial diversions, and plea agreements in delinquent, unruly, and juvenile traffic offender cases will be completed via audiovisual and electronic means, as long as all parties are in agreement. Delinquent, unruly, and juvenile traffic offender adjudicatory and dispositional hearings shall be conducted in-person.

Child support hearings may be conducted by telephonic, electronic, and audiovisual means. In-person child support hearings currently scheduled for June shall be continued to a later date.

The Court will utilize time-specific docketing and will notify the parties and their counsel of the time that their hearings are set. Parties and their counsel shall follow all CDC, federal, and state guidelines regarding personal hygiene and illness. Parties and their counsel will be encouraged to wear face masks, if they are available, during any in-person proceedings. Parties and their counsel should not attempt to enter the courthouse until it is time for their hearing. Witnesses shall be required to wait in their cars or outside the courthouse until such time as they are called to testify. No one will be allowed to wait in the lobby. Seating in the courtrooms has been arranged to allow proper social distancing.

- e. Alcoa Municipal Court: Municipal Court will resume for regular hearings on citations on June 2. The courtroom will be set-up with a limited number of chairs spaced apart for social distancing. It is possible that there will be a limit of ten persons at a time in the courtroom. Others will have to wait in their cars or in the parking lot and will be summoned to the courtroom when the case is called. Check-in will be at the front office window, with taped measures on the floor where people will stand while waiting in line. The clerk will keep the list of persons admitted to the courtroom, and as a person leaves court the clerk will call out in the parking lot the next name on the list to enter the courtroom. People will be encouraged to wear masks but will not be required to. The City of Alcoa is willing to hold court each Tuesday and Thursday until the docket is caught up, if necessary.
- f. Maryville Municipal Court: Municipal Court will resume for regular hearings on citations on June 9. The Court will strive to maintain social distancing within the courtroom. It is likely that only a certain number of people will be allowed to enter the courtroom at one time. Others will likely remain in their cars and be summoned to the courtroom when the case is called.

