



# 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 Greg McMillan, presiding judge 6th judicial district

DATE: May 1, 2020

RE: **6th Judicial District – Proposed Plan for Reopening**

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On April 29, 2020 the Supreme Court received the 6th Judicial District Proposed Plan for Reopening. Please submit an updated plan addressing the following areas:

- (1) The number of persons in any courtroom at any one time should be limited to 10, plus the judge, court personnel, and court security.
  - (2) What are the plans for access to the courthouse and other buildings in which court will be held? Some, like the juvenile court, have addressed this issue, but others have not. What health screening will take place as persons enter the building?
  - (3) How will social distancing be handled in the areas outside the actual courtrooms?
  - (4) How will witnesses be handled?
  - (5) All courts should be utilizing staggered times for larger dockets. How will this be handled?
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**IN THE 6<sup>TH</sup> JUDICIAL DISTRICT  
KNOX COUNTY, TENNESSEE  
COVID-19 Comprehensive Plan of Action**

Pursuant to Order No. ADM2020-00428 entered by the Tennessee Supreme Court on April 24, 2020, Gregory S. McMillan, as presiding judge of the 6<sup>th</sup> Judicial District, hereby submits the comprehensive plan prepared by the courts within Knox County.

**Chancery Court**

The Chancellors will continue to conduct *ex parte* hearings such as ID divorces, uncontested conservatorships, and uncontested adoptions by telephone, Zoom, or another video device as may be appropriate.

The Chancellors will conduct other nonjury hearings in the courtroom one case at a time and subject to adequate spacing among counsel, parties, witnesses and other necessary participants with any and all persons in excess of adequate spacing required to remain outside the courtroom until channeled back into the courtroom as spacing permits. No party or counsel in a case will be excluded from the courtroom while that case is in progress.

No jury trials will be conducted until after July 3, 2020.

Any represented party's attorney or unrepresented party may file a written request to have a courtroom case heard by telephone, zoom or other video device. Any party, attorney or witness may file a written request to appear in a courtroom case by telephone, zoom or other video device. The chancellors will consider each such request on a case by case basis.

For the month of May 2020, as to probate cases before the clerk and master:

The Clerk and Master will conduct probate cases in the probate courtroom one case at a time and subject to adequate spacing among everyone present. He will also conduct all common form probate cases in the probate courtroom by appointment only and subject to adequate spacing among everyone present.

Prior to June 1, 2020, the Chancellors will reassess the circumstances and announce whether the above plan will continue beyond May 31, 2020, subject to the expiration, modification, or extension of the Supreme Court's ORDER of April 24, 2020.

**Circuit Court**

Jury Trials that are scheduled for May, June and July are cancelled because of the inability to provide a safe mechanism for a jury to hear a trial and deliberate in a fashion that would provide appropriate social distancing. When jury trials are available, "displaced" trials will be given scheduling priority to the extent possible.

Bench trials will proceed as scheduled. To the extent a bench trial will necessitate more than a total of six people in the courtroom at a time (including all parties and counsel), counsel shall notify the court's judicial assistant at least five days in advance so that proper accommodations can be made. To the extent that you do not advise the court within the time constraints, the bench trial may not proceed on the scheduled date. Bench trials will not be conducted on Thursdays due to the space accommodation needed for 4<sup>th</sup> Circuit Court Orders of Protection.

All pleadings filed after May 1, 2020 should include an email address for all attorneys or record or pro se parties.

Motion docket days are cancelled until further notice. Until further notice, counsel are not permitted to notice a matter for hearing without the court's consent.

### **Motions other than summary judgment.**

- Motions to Compel will still be subject to Local Rule VI—motions must be accompanied by a proposed Order which will be entered ten (10) calendar day after filing **unless the adverse party files a written response** prior to the expiration of the ten (10) day period. However, all motions to compel must be delivered by email to the adverse counsel/party and the certificate of service shall reflect electronic delivery.
- Effective immediately, for any other motion that is currently pending or filed before May 1, 2020, but has not been heard or addressed by an order of the respective court, a written response to the motion must be filed no later than May 20, 2020 and the Court may choose to rule without need for a hearing.
- For any other motion filed after May 1, any party opposing the motion will have thirty days to file a written response and thereafter the Court may choose to rule without need for a hearing.
- All parties and counsel shall make a good faith effort to resolve all motions and discovery disputes prior to filing any motions.

### **Summary judgment motions.**

- Effective immediately, for any motion for summary judgment that was or will be filed before May 1, 2020 and is not the subject of a prior order of the court, a response to the motion must be filed no later than June 1, 2020. Thereafter the Court may choose to rule without need for a hearing.
- For any summary judgment motion filed after May 1, 2020 a response as required by the Rules of Civil Procedure shall be filed no later than forty-five days after the date the motion for summary judgment was filed with the Court. The Court may decide the motion without need for a hearing.

## **Other Matters**

- Thirty days after the filing of any motion for default, the Clerk of the Court shall set the defaults for a date and time each month. Each motion for default shall be accompanied by a proposed order and an affidavit as to the amount of any claim for damages. If no one appears to contest the default, the moving party's order shall be entered on the day of the scheduled hearing.
- Hearings on temporary restraining orders, minor's settlement approval, possessory hearings in condemnation proceedings, sale of structured settlements or other emergency matters shall be scheduled with the court's judicial assistant with proper notice to all parties. Nothing in this Order shall change the statutory requirements for such hearings but the manner of the hearing will be set by the judge.
- Adoptions may be scheduled with the judicial assistant. Adoption hearings will be limited to the immediate family, DCS/home study workers and counsel and will take place in the courtroom rather than in chambers. Due to the current social distancing guidelines, friends and family members outside the immediate family will not be permitted to attend until further notice. The judge will provide arrangements for handling of any required consent for a minor over the age of 14 however the judicial assistant shall be notified when the adoption is set that the adoption is one that will require a consent proceeding. Adoptions may also be conducted by Zoom Conference.
- Termination of parental rights hearings will be scheduled with the court's judicial assistant and will be conducted in a fashion that is consistent with social distancing guidelines.

For all matters, the respective judges shall have exclusive authority to determine if a hearing is necessary, and if necessary, whether the hearing shall be in person or by alternative means, such as telephone conference or ZOOM conference.

## **Fourth Circuit Court**

Fourth Circuit Court intends to hear all scheduled matters. Unless the Court, after conferencing with pro se litigants and/or counsel, determines that an "in-person" hearing or trial is necessary, the Court intends to continue to conduct trials and hearings by alternate means, such as the use of telephone, teleconferencing, video-conferencing, or other means that do not involve in-person contact. In the event of an in-person proceeding, only the parties to the cases and necessary witnesses shall be allowed in the building. In order to provide the Court with the ability to facilitate alternate means of holding hearings, all litigants and counsel shall provide phone numbers and email addresses where they can be reached to facilitate scheduling and conducting court appearances. The required information may be sent to Rachel King using this email address

- (Rachel.King@knoxcounty.org). In order to help the Court determine whether an in-person hearing or any hearing at all is necessary for a motion to be decided, responses to motions must be filed no less than fifteen calendar days after a motion is filed or five calendar days before the motion is set to be heard. The Court reserves the right to decide motions on the pleadings.

Orders of Protection will continue to be held in person. Only the parties to the cases and necessary witnesses shall be allowed in the building. The docket will be split into morning and afternoon dockets, with the number of cases controlled to ensure that proper social distancing can be maintained both outside and inside the courtroom while the parties wait for their cases to be heard.

Counsel and litigants are encouraged to bring and use any protective personal equipment that they deem necessary for their well-being to any in-person court appearance. Any litigants who believe that they are at an increased risk because of the virus, have been exposed to the virus, or are experiencing any sign of illness, shall immediately inform the Court Clerk and opposing parties or counsel of this fact and shall not appear in person.

## **Criminal Court**

In response to the COVID-19 pandemic and the Tennessee Supreme Court Order of April 24, 2020, the Criminal Court Judges of the Sixth Judicial District sitting en banc do hereby enter the following order, subject to approval by the Tennessee Supreme Court, to address scheduling matters on the Criminal Court dockets:

1. The three criminal courts will continue with their current schedule of alternating days in session, unless otherwise specifically ordered, beginning with Division II on May 1, 2020.
2. All inmate cases will continue to be heard via video conference on the record, unless otherwise specifically ordered.
3. The following bonded matters may be added to the docket: pleas, sentencing hearings, agreed violation of probation resolutions, and contested matters other than jury trials.
4. Contested matters shall be scheduled by the court at specific times to ensure that the numbers of individuals present in the courtroom remains low and/or to facilitate video conferencing of the matter.
5. Furthermore, it shall remain in the sole discretion of the individual trial court judge to determine whether any matter will be heard in-person or by video conference.
6. The parties should contact the Criminal Court Clerk to request that an agreed matter or contested matter be added to the docket.

This order shall remain in effect until May 31, 2020. However, it may be revisited prior to then in order to balance the competing needs of potential docket back logs and the safety of the community and court staff.

### **General Sessions Criminal Divisions**

The General Sessions Court Judges will continue to handle jail cases in this fashion:

- 1 Conducting in person preliminary hearings with only essential persons in the courtroom.
- 2 Taking guilty pleas by audio visual means rather than in person.

The Court will initiate, in the coming weeks, a process to take agreements (pleas) on bonded cases ensuring that appropriate methods and procedures are used to ensure social distancing

### **General Sessions Civil Division**

Civil cases will resume on May 11, 2020 in a new venue - the City-County Building Main Assembly Room. The increased capacity of this much larger room affords a significantly greater ability to maintain social distancing of at least six feet between all individuals present. Masks must be worn in all “in-person” court proceedings. The use of hand sanitizer, disinfectant spray and gloves are recommended. Masks will not be provided by the court - each individual attending is responsible for their own personal protective equipment.

### **Knox County Juvenile Court**

Knox County Juvenile Court shall be open during regular business hours from 8:00 am until 4:30 pm. The Court shall continue to conduct as much business as possible through available technologies such as the use of telephone, teleconferencing, e-mail, video-conferencing or other means that do not involve in-person contact. All of these methods shall be the preferred option over in-person proceedings.

Parties and/or their attorneys shall notify the Court’s case manager as soon as practicable if the party elects to appear for a court proceeding by telephone, video, or teleconferencing so that scheduling of these appearances can be coordinated by the Court’s case manager and the Judge/Magistrate assigned to hear the case. It shall be the responsibility of the parties and their attorneys to provide the Court with current telephone numbers and e-mail addresses to facilitate scheduling of these hearings.

In the event the matter before the Court requires in-person appearances, the parties and witnesses to those matters shall be required to check in with Court Officers at the front door and shall provide current telephone numbers or e-mail addresses by which they can be contacted when their case is ready for hearing. All parties and witnesses shall be required to remain outside of the Court building until directed to enter by Court personnel. Only parties and their attorneys shall be

allowed to enter the building at the time the matter is called into Court. Necessary witnesses shall be notified by the courtroom clerk by telephone, text, or e-mail when the Court is ready for their testimony. Only necessary witnesses shall be allowed to enter the building, any other individuals who accompany parties or witnesses shall not be admitted to the Court building. If a party or witness is ill, has a compromised immune system, or has any health related condition that requires limited exposure to other individuals, the party or witness shall inform the Court as soon as possible prior to the hearing so that alternatives to in-person participation can be utilized. The Knox County Juvenile Court lobby shall remain closed and parties and witnesses shall not be allowed to remain in the Court lobby prior to the matter being called into Court or after the conclusion of the hearing. Restroom facilities in the Court's lobby area shall remain open and accessible to the parties, attorneys, and witnesses.

Knox County Juvenile Court shall ensure appropriate social distancing is observed at all times in all areas of the court building including all courtrooms. Parties, attorneys, and witnesses shall be allowed to wear face masks or other personal protection equipment; however, masks will not be provided by Knox County Juvenile Court. The Court shall ensure that all areas of the building, including courtrooms, are sanitized on a regular basis.

Until further notice, no urine drug screens shall be administered by Knox County Juvenile Court staff. The Court, at its discretion, may order that an individual involved in a proceeding submit to a drug screen at an independent testing laboratory within a specified time period. The Tennessee Department of Children's Services or other service providers may elect to administer drug screens in cases in which the Department or the service provider is a party or otherwise involved.

## **Chancery Court and Fourth Circuit Child Support Magistrate**

### **PHASE I:**

Continuing the Tennessee Supreme Court orders of March 13, 25, and April 24, 2020, limiting in-person court proceedings to those deemed absolutely necessary. Conducting hearings, whenever possible, by Zoom Meeting, telephone, email, or other method. This will involve:

- A) Conducting an evaluation of the file/pleadings to determine what cases can go forward.
- B) Allowing the Child Support Services Attorney, in conjunction with the Magistrate, to contact the parties to update their situations, and informing the parties that there will be a Zoom hearing or a telephonic hearing, etc., or, if the case is unable to proceed, to advise them of a reset date prior to the scheduled hearing date to keep them from physically coming to the courthouse, to minimize the risks associated with COVID-19.
- C) In the event an in-person hearing is determined by the Court to be required, only allowing the parties and the attorneys and court reporter in the courtroom (aside from the necessary courtroom security and personnel), and leaving potential witnesses in the

mezzanine, hallway, or corridor of the building, placing them at least 6 feet from one another.

## **PHASE II:**

Re-opening the courtroom when it has been determined to be appropriate, will consist of limiting the number of cases on the docket to an amount that will not overwhelm the existing courtroom and contiguous hallway space. In-person hearings in non-emergency cases will begin to be held in a limited manner. To that end:

A) Knox County General Sessions, Civil Division, has asked and been approved to move their court to the General and Small Assembly Rooms in the City-County Building for the foreseeable future. This will free up the entire third floor mezzanine, hallways and corridors of the Old Courthouse. The parties would be able to use the benches and seating areas while awaiting a hearing, and painter's tape can be used to designate the appropriate 6 feet between litigants. Inside the courtroom, there would be room for the case at bar, as well as space for at least two other cases (four parties) in the rear and sides of the courtroom.

B) Upon arriving at the Old Courthouse, signs would be placed at the public entrances directing litigants to the General Sessions Court's new location, thus, limiting the number of people attempting to enter the building through the security checkpoints in the Old Courthouse.

C) Signs would be posted at the entrances telling parties that if they are sick they should immediately leave the premises and either seek medical attention and/or self-isolate. They will be instructed to contact the court *immediately* and notify them as to why they did not attend court and instructing them to be ready to offer documentation at a later date, if required.

D) The Fourth Circuit Court Clerk has stated that thermometers will be available for use at entry points into the building and if a person is found to have a temperature, he or she will not be allowed to enter the building.

E) Officers of the Knox County Sheriff's Department and PBA are at the security points at all public entrances into the building. They have agreed to tell all people entering the building for a child support hearing that support people will not be allowed in the courtroom and ask that any person that is not a party to the case go back to their car and wait. If a person says they are a possible witness in the case, they can be called to the courtroom, via their cell phone, if their testimony becomes necessary.

F) Personal masks and protective equipment, such as gloves, will be encouraged and liberally allowed. Parties will be encouraged to provide and utilize their own hand-sanitizer.



G) In so much as the Court can find hand-sanitizer, the Court will provide a bottle on each parties' table and encourage them to use it when they sit down and when they leave the court.

H) During the exchange of documents, the court personnel and officers will wear gloves whenever possible to limit the spread of contact germs.

I) A disinfectant spray will be used on the microphone after each parties' testimony.

### **PHASE III:**

In-person hearings will be conducted in all cases, as usual, unless the Court deems a different method is appropriate on a case by case basis. The strict guidelines of limiting the number of people in the courtroom will be eased, but we will continue the "safe distancing" practice in the mezzanine, hallways, corridors and courtroom.

A new form will be generated asking for an email address for each party and explaining how that email address may be used to initiate a virtual meeting in the future in the event we are ever faced with a similar in-person hearing shut down.

### **Knoxville Municipal Court**

The City of Knoxville Municipal Court is located in the Safety Building along with the Knoxville Police Department. The Court shall adhere to KPD policy regarding entrance into the building. City Court plans to be open during regular business hours from 8:00 a.m. until 4:00 p.m. Monday through Friday and re-open on Tuesday and Thursdays at 5:00 p.m. for our evening court session at 5:30 p.m. Our intent is to hear all scheduled cases. Only defendants or attorneys with a court date and necessary witnesses shall be allowed in the building. Defendants or attorneys who do not have a scheduled court date may speak to a Court Clerk to assess their needs. Any other individuals who accompany defendants or witnesses shall not be admitted to the building.

Upon arrival, the defendants, attorneys and witnesses shall be required to check in with a KPD officer and a Court Clerk at the front door to ensure they are on the docket for that day or have official court business. They shall provide a current cell phone number and/or e-mail address where they can be reached to facilitate court appearance. All defendants, attorneys and witnesses shall be required to remain outside the Safety Building until directed to enter by KPD or Court personnel. Only defendants and their attorney (if applicable) shall be allowed to enter the building at the time their case is called. Any other person(s) with official court business that can be handled by a Court Clerk will be directed to the Court's front counter for assistance as long as social distancing needs are still met. Necessary witnesses shall be notified by a Court Clerk via telephone, text, or e-mail when their case is ready to be heard.

The Safety Building lobby shall remain closed and defendants, attorneys and witnesses shall not be allowed to remain in the lobby prior to their case being called or after the conclusion

of said case. Restroom facilities in the lobby area shall remain open and accessible to defendants, attorneys and witnesses.

Knoxville Municipal Court shall ensure proper social distancing is maintained both outside and inside the courtroom while defendants wait for their case to be heard. Defendants, attorneys and witnesses are encouraged to bring and use a protective face mask or other personal protective equipment for their well-being; however masks WILL NOT be provided by KPD or Municipal Court. The Court shall ensure that all areas of the courtroom are sanitized on a regular basis.

Anyone who believes that they are at an increased risk because of the virus, have been exposed to the virus or are experiencing any sign of illness shall not appear in person and should contact the court via telephone or e-mail to request a future court date or make payment arrangements.

### **Farragut Municipal Court**

Through the months of May, June, and July 2020, the court shall hear no more than six (6) citations on any hearing date. Hearing dates shall be limited to no more than two (2) in any calendar month. Only those cited to court and anticipated witnesses shall be admitted entrance to the courtroom by the court's Bailiff. Those entering the courtroom shall be seated in alternating rows at opposite ends of the seating aisle in an effort to maintain proper social distancing at all times during court. Those presenting testimony to the court shall stand at the podium and remain at the podium while presenting testimony.

Parties, attorneys, and witnesses shall be allowed to wear face masks or similar devices designed to reduce the spread of air borne contagions, but wearing masks is not required. The court will not provide masks to those attending court hearings.

Anyone exhibiting symptoms consistent with those known to be associated with the COVID-19 virus may be prevented from entering the courtroom or may be asked to leave the courtroom. Anyone cited to court, appearing as a witness, or desiring to attend any session of the Town of Farragut Municipal Court in person for any reason that has tested positive for the COVID-19 virus should contact the Court Clerk at 218-3363 or at [jhatmaker@townoffarragut.org](mailto:jhatmaker@townoffarragut.org) and make that fact known before appearing in court.

In order to notify the Court of an emergency that prevents an individual from arriving in court at the time of a scheduled hearing, please contact:

Jenn Hatmaker  
Court Clerk  
Town of Farragut Municipal Court  
11408 Municipal Center Drive  
Farragut, Tennessee 37934  
Email: [jhatmaker@townoffarragut.org](mailto:jhatmaker@townoffarragut.org)  
Phone: 865-218-3363  
Fax: 865-675-2096

These plans are submitted for approval by the judicial officers in the 6<sup>th</sup> Judicial District responsible for implementing and carrying out the plans for their courts. As presiding judge of the 6<sup>th</sup> Judicial District, I submit them to the Tennessee Supreme Court for approval and to request permission to begin operations consistent with the plans set forth above.

This \_\_\_\_\_ day of April 2020

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Gregory S. McMillan, Judge  
Knox County Fourth Circuit Court and  
Presiding Judge for the 6<sup>th</sup> Judicial District