

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

07/13/2020

Clerk of the
Appellate Courts

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

**ORDER REGARDING JOINT PETITION FOR COURT ACTION TO PROTECT
THE PUBLIC'S CONSTITUTIONAL RIGHT OF ACCESS TO THE COURTS**

On March 13, 2020, in response to the COVID-19 pandemic, the Chief Justice of the Tennessee Supreme Court declared a state of emergency for the Judicial Branch of Tennessee government and activated a Continuity of Operations Plan for the courts of Tennessee. On March 25, 2020, the Court continued the suspension of in-person court proceedings and the extension of deadlines. On April 24, 2020, the Court modified the suspension of in-person court proceedings and further extended deadlines. Pursuant to the Court's April 24, 2020 order, the Court has reviewed and approved comprehensive written plans received from all thirty-one (31) of Tennessee's judicial districts to gradually begin the conduct of in-person court proceedings. On May 26, 2020, the Court extended the state of emergency and eased the suspension of in-court proceedings, specifically addressing the resumption of jury trials after July 3, 2020.

On June 1, 2020, the Tennessee Coalition for Open Government, together with numerous other organizations, trade groups, and publishing and broadcasting entities, filed a "Joint Petition of Tennessee Coalition for Open Government and Others for Court Action to Protect the Public's Constitutional Right of Access to the Courts." The Petition requests that the Court "use its administrative and emergency power to protect the public's Constitutional and common law right of access to court proceedings during the COVID-19 pandemic." The Petition specifically requests that the Court provide appropriate guidance by means of clear and express "mandates" to all Tennessee courts, judges, and judicial branch personnel with respect to the preservation and accommodation the public's right of access to the courts by a variety of suggested means. The Petitioners themselves correctly note, however, that "it may be difficult to craft either an appropriate state-wide mandate for public access to courts during the pandemic, or specific guidelines or tools individual courts might use to ensure public access."

Throughout the state of emergency, the Court has continuously provided guidance to the trial courts and judges of this State regarding the operation of the courts, including guidance with respect to the public's access to court proceedings. At no time has the

Court countenanced or approved an outright ban on public access to the courts. In fact, the Court has strongly encouraged all courts and judges to remain diligent in attempting to address public and media access. As the Petitioners point out, the Court has tried to lead by example in this area by use of video conferencing and live-streaming of proceedings before this Court. Additionally, the Petition does not allege and, to date, the Court has not been advised of any specific instances in which the public's access to court proceedings has been denied.

The Court will continue to review these matters closely and to offer such additional guidance to the trial courts and judges as the circumstances may warrant. Should the Petitioners become aware of any instances in which the public's right of access to the courts is infringed or denied, they are encouraged to bring the matter to the attention of the Court. For these reasons, and because a state-wide mandate of specifics is so problematic, the Court concludes that the Petition should be DENIED at this time.

PER CURIAM