

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED

05/14/2021

Clerk of the  
Appellate Courts

IN RE: COVID-19 PANDEMIC

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No. ADM2020-00428

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**ORDER MODIFYING CAPACITY, DISTANCING, AND FACIAL COVERING  
REQUIREMENTS**

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. See Tenn. Const. Art. VI, § 1; Tenn. Code Ann. §§ 16-3-501 to 16-3-504 (2009); Moore-Pennoyer v. State, 515 S.W.3d 271, 276-77 (Tenn. 2017); Tenn. Sup. Ct. R. 49. This state of emergency constitutes a “disaster” for purposes of Tenn. Sup. Ct. R. 49 and Tenn. Code Ann. § 28-1-116. The Court suspended in-person court proceedings and extended deadlines. On July 9, 2020, the Court ordered the mandatory use of facial coverings.

The suspension of in-person court proceedings and the extension of deadlines continued, with modifications, through February 12, 2021, at which time the Court lifted the suspension of in-person court proceedings in termination of parental rights cases, effective March 1, 2021. The Court also lifted the suspension of all other in-person court proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, effective March 15, 2021. The suspension of all jury trials was lifted on March 31, 2021. The Court has continued to grant discretion to all judicial districts to conduct in-person court proceedings in accordance with this Court’s prior orders and the approved comprehensive written plans for each judicial district.

With the continued decline of COVID-19 cases, hospitalizations, and deaths in Tennessee and the ready availability of COVID-19 vaccines, see Executive Order 80, the Court hereby adopts the following provisions:

1) The requirement of six feet of distance between persons in the courtroom is modified to require three feet of distance between persons in the courtroom, effective immediately.

2) Courtroom capacity requirements are lifted, effective immediately. Judges retain the discretion to limit the number of people in a courtroom as health and safety conditions or circumstances necessitate while ensuring the courts remain open and accessible.

3) The order requiring all persons to wear facial coverings in the courthouse and courtroom is lifted, effective immediately. Although the use of facial coverings will no longer be required, continued use of facial coverings in compliance with current CDC guidelines is strongly encouraged. Judges retain the discretion to require the use of facial coverings generally or in specific cases, particularly cases involving persons in the courtroom who are at an elevated risk from COVID-19. Any person desiring to wear a facial covering shall be allowed to do so.

4) Judicial districts, at their discretion, may modify their approved comprehensive written plans consistent with this order.

5) Courts that have been conducting business by means other than in-person court proceedings should continue to do so. Courts that are not utilizing technology available to them to conduct business by means other than in-person court proceedings need to implement the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact. All of these methods should be the preferred option over in-person court proceedings to competently, promptly, and diligently perform judicial and administrative duties.

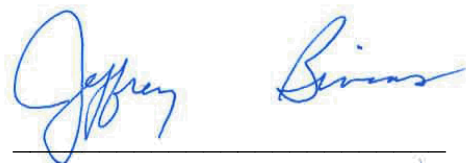
This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

The provisions of all other orders not affected by this order remain in effect.

Unless otherwise noted herein, the provisions of this order shall remain in place until further order of this Court.

It is so ORDERED.

FOR THE COURT:



Jeffrey S. Bivins, Chief Justice

Cornelia A. Clark

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Cornelia A. Clark, Justice

Sharon G. Lee

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Sharon G. Lee, Justice

Holly Kirby

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Holly Kirby, Justice

Roger A. Page

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Roger A. Page, Justice

IN THE ELEVENTH JUDICIAL DISTRICT  
OF THE STATE OF TENNESSEE

FILED IN OFFICE  
2021 JUN -3 PM 12:59  
LARRY L. HENRY, CLERK  
BY [Signature] DC

IN RE:

COVID-19 PANDEMIC

AMENDMENT TO  
WRITTEN PLAN OF THE ELEVENTH JUDICIAL DISTRICT OF THE STATE OF TENNESSEE

Since May 6, 2020, the courts of the Eleventh Judicial District have been operating pursuant to a set of approved COVID-19 protocols ("Covid-19 Protocols"). See Standing Order Regarding the Easing of Restrictions of In-Person Proceedings (approved for use by the Tennessee Supreme Court on May 6, 2020). These Covid-19 Protocols have been affected by other orders entered by the Supreme Court since that time, including orders requiring the wearing of face coverings in July 2020 and orders providing for the limited suspension of in-person proceedings and jury trials in December 2020.

On May 14, 2021, the Supreme Court further modified its previous orders to remove certain limitations governing the operation of trial courts in particular (hereinafter "May 14 Order"). The May 14 Order, for example, modified courtroom capacity limitations, revised the requirements for social distancing and removed the mandatory requirement for the wearing of face coverings.

The Covid-19 Protocols for the Eleventh Judicial District are hereby amended by incorporating herein the May 14, 2021 Order of the Tennessee Supreme Court and attaching it hereto as Exhibit A. To the extent there are any provisions in the Covid-19 Protocols that are in conflict with the May 14 Order, those provisions are stricken in favor of and replaced by the provisions of the May 14 Order. As one example, all provisions in the current protocols that were necessary only to enforce previous courtroom capacity or social distancing limitations are hereby removed, subject only to the requirements now set forth in the May 14 Order.


The Covid-19 Protocols, as amended, are to be interpreted in accordance with the May 14 Order in all respects and specifically as regards capacity limitations, face coverings, and social distancing requirements. It is the intention of these amended Covid-19 Protocols to be no more restrictive than the May 14 Order.

The Courts of the Eleventh Judicial District are in agreement with this Amendment and make no further alterations to their respective plans.

- I. The Circuit and Chancery Courts of the Eleventh Judicial District;
- II. The Criminal Court of the Eleventh Judicial District;
- III. The General Sessions Court of Hamilton County, Tennessee;
- IV. The Juvenile Court of Hamilton County, Tennessee;
- V. The Municipal Court of Collegedale, Tennessee;
- VI. The Municipal Court of East Ridge, Tennessee;
- VII. The Municipal Court of Lookout Mountain, Tennessee;
- VIII. The Municipal Court of Red Bank, Tennessee;

- IX. The Municipal Court of Soddy Daisy, Tennessee;
- X. The Municipal Court of Signal Mountain, Tennessee; and
- XI. The Municipal Court of Chattanooga, Tennessee.

This the 3rd day of June, 2021.



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KYLE E. HEDRICK, Presiding Judge  
Eleventh Judicial District

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

FILED  
02/12/2021  
Clerk of the  
Appellate Courts

IN RE: COVID-19 PANDEMIC

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No. ADM2020-00428

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**ORDER MODIFYING AND PARTIALLY LIFTING SUSPENSION OF IN-  
PERSON COURT PROCEEDINGS**

On December 22, 2020, the Court extended the State of Emergency and the suspension of jury trials and reinstated the suspension of in-person court proceedings. On January 15, 2021, the Court further extended the suspension of jury trials and of in-person court proceedings. In light of the recent and continuing decline in the number of COVID-19 cases and hospitalizations in Tennessee, see Executive Order 75, and under the constitutional, statutory, and inherent authority of the Tennessee Supreme Court, the Court adopts the following provisions:

- 1) The suspension of in-person court proceedings in termination of parental rights cases is lifted effective Monday, March 1, 2021.
- 2) The suspension of all other in-person court proceedings in all state and local courts in Tennessee, including but not limited to municipal, juvenile, general sessions, trial, and appellate courts, is lifted effective Monday, March 15, 2021.
- 3) The suspension of all jury trials remains in effect through the close of business on Wednesday, March 31, 2021, subject only to exceptions which may be granted by the Chief Justice on a case-by-case basis.
- 4) All in-person court proceedings shall be conducted in accordance with the approved comprehensive written plan for the judicial district within which the court is located, which plans shall continue in full force and effect, <https://www.tncourts.gov/node/6042449>, and in accordance with the following:
  - a) Any permitted in-person court proceedings shall be limited to attorneys, parties, witnesses, security officers, court clerks, and other necessary persons, as determined by the judge and should be scheduled and conducted in a

manner to minimize wait time in courthouse hallways. If other persons or media want to request access to a courtroom for an in-person hearing, they must contact the office of the judge presiding over the case at least forty-eight (48) hours before the scheduled proceeding. Judges and their staff shall ensure that social distancing and other such measures are strictly observed.

b) Except as otherwise expressly provided herein, all persons entering a courthouse or other building in which court facilities are located for the purpose of court business, including but not limited to those persons inside a courtroom located within a courthouse or other building, shall wear a face covering over the nose and mouth.

Children aged twelve (12) years or less are not required to wear a face covering, and children age two (2) years or less shall not wear a face covering because of the risk of suffocation. Parents or caregivers shall supervise the use of face coverings by children to avoid misuse.

Persons who have trouble breathing due to an underlying health condition or who have another bona fide medical or health-related reason are not required to wear a face covering.

Face coverings are not required in situations in which a face covering poses a safety or security risk.

c) Individuals who have come into close contact with someone who has COVID-19 should quarantine until the tenth (10th) day following the exposure without testing or until the seventh (7th) day following the exposure with a negative test result.

See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/quarantine.html>

Individuals who think or know they had COVID-19 and who had symptoms should isolate for at least ten (10) days after symptoms first appeared, and for at least twenty-four (24) hours with no fever without fever-reducing medication, and until other symptoms of COVID-19 are improving.

See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html>

Individuals who have tested positive for COVID-19 but had no symptoms should isolate for ten (10) days following their positive test.

See <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/isolation.html>

5) Courts that have been conducting business by means other than in-person court proceedings should continue to do so. Courts that are not utilizing technology available to them to conduct business by means other than in-person court proceedings need to implement the use of telephone, teleconferencing, email, video conferencing or other means that do not involve in-person contact. All of these methods should be the preferred option over in-person court proceedings to competently, promptly, and diligently perform judicial and administrative duties.

6) Judges and attorneys have an ethical obligation to strictly adhere to the approved comprehensive written plans of judicial districts and to the provisions of all applicable orders of this Court related to COVID-19.

7) Judges are charged with the responsibility of ensuring that core constitutional functions and rights are protected. Additionally, court clerks are charged with ensuring that court functions continue. See Tenn. Code Ann. §§ 18-1-101 (2009); 18-1-105 (Supp. 2019). Court clerks are to work cooperatively and at the direction of the presiding judge of each judicial district to fulfill the court clerks' obligation to facilitate continuing court function. Nevertheless, all judges and court clerks should continue to minimize in-person contact by utilizing available technologies, including alternative means of filing, teleconferencing, email, and video conferencing.

8) Any Tennessee state or local rule, criminal or civil, that impedes a judge's or court clerk's ability to utilize available technologies to limit in-person contact is suspended until further order of this Court. See, e.g., Tenn. R. Civ. P. 43.01. With respect to plea agreements for non-incarcerated individuals, this suspension expressly applies to those provisions of Tenn. R. Crim. P. 11 which otherwise would require the proceeding to be in person in open court. See, e.g., Tenn. R. Crim. P. 11(b)(1) and (2), 11(c)(2)(A). For purposes of implementing procedural matters during this time, the provisions of Rule 18(c) of the Rules of the Tennessee Supreme Court are suspended to allow judges to issue general orders.

9) Judges' offices and court clerks' offices may limit in-person contact with the public during the period of suspension, but must remain functional. If it becomes



necessary to close judges' or court clerks' physical offices during the period of suspension, these offices shall remain accessible by telephone, email and fax to the extent possible during regular business hours. If available, drop boxes should be used for conventionally filed documents.

10) Attorneys and judges are encouraged to utilize the "Online Notary Public Act," Tenn. Code Ann. § 8-16-301, et seq., and the regulations promulgated by the Secretary of State at Sec. of State, Tenn. Comp. R. and Reg. 1360-07-03-.01. Additionally, Executive Order No. 26 issued by Governor Lee on April 9, 2020, and most recently extended by Executive Order No. 72 issued December 22, 2020, addresses notary issues. With regard to court filings, declarations under penalty of perjury may be used as an alternative to a notary. The use of electronic signatures as provided under Rule 5B of the Tennessee Rules of Civil Procedure and Rules 46 and 46A of the Rules of the Tennessee Supreme Court is extended to any pleadings or documents to be filed or served by conventional means during the time that the state of emergency for the Judicial Branch remains in place.

This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

Under the terms of this order, the courts of Tennessee remain open, consistent with the Judicial Branch's obligation to mitigate the risks associated with COVID-19. Judges should work with local law enforcement and other county officials to ensure that, to the extent possible, courthouses remain accessible to carry out essential constitutional functions and time-sensitive proceedings.

This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

Unless otherwise noted herein, the provisions of this order shall remain in place until further order of this Court.

It is so ORDERED.

FOR THE COURT:



Jeffrey S. Bivins, Chief Justice

Cornelia A. Clark

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Cornelia A. Clark, Justice

Sharon G. Lee

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Sharon G. Lee, Justice

Holly Kirby

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