FILED
11/17/2020
Clerk of the
Appellate Courts

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

ORDER EXTENDING STATE OF EMERGENCY AND SUSPENDING JURY TRIALS

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.

On March 25, 2020, the Tennessee Supreme 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 extended deadlines. Under the Court's April 24, 2020 order, the Court reviewed and approved comprehensive written plans received from the judicial districts in Tennessee to gradually begin the conduct of in-person court proceedings. On May 26, 2020, the Court extended the state of emergency, but eased the restrictions on in-person court proceedings, including the lifting of the suspension of jury trials, subject to certain enumerated requirements. On July 9, 2020, the Court ordered the mandatory use of face coverings.

In light of the recent significant increase in the number of COVID-19 cases in Tennessee, particularly in the rural areas of the State, and the Court's receipt of a number of reports of instances of failure to comply with the approved comprehensive written plans of judicial districts by judges, attorneys, and litigants, including in some instances the appearance in open court of attorneys and litigants who have tested positive for COVID-19, the Court considers it necessary to take additional steps to protect all participants in the judicial system and the public at large. As a result, the Court orders:

1) The suspension of all jury trials from November 23, 2020, through January 31, 2021, subject only to exceptions which may be granted by the Chief Justice on a case-by-case basis.

2) The previously approved comprehensive written plans of the respective judicial districts continue in full force and effect.

3) The Court's July 9, 2020 mandatory face coverings order remains in full force and effect and continues to apply to all persons who enter the courthouse for court-related business.

4) As required by the previous orders of this Court and by the approved comprehensive written plans of judicial districts, all court matters should be conducted by means such as video conferencing and telephonic conferences, if possible, as an alternative to in-court proceedings. The Court also re-emphasizes that all in-court proceedings should be scheduled and conducted in a manner to minimize wait-time in courthouse hallways.

5) 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.

6) No participant in a proceeding, including judges, lawyers, parties, witnesses, clerks and court officers, shall appear in court or in a court-related proceeding, including a deposition, who has tested positive for COVID-19 until the participant has strictly complied with the requirements of the Centers for Disease Control regarding isolation of individuals who have tested positive for COVID-19.

7) 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.

Except as otherwise provided herein, the provisions of the Court's May 26, 2020 and July 9, 2020 orders shall continue to govern, and the provisions of this order shall remain in effect until further order of this Court.

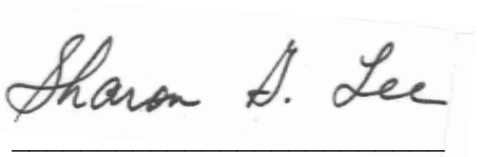
This order is intended to be interpreted broadly for protection of the public from risks associated with COVID-19.

It is so ORDERED.

FOR THE COURT:

Jeffrey S. Bivins, Chief Justice

Cornelia A. Clark, Justice



Sharon G. Lee, Justice

Holly Kirby, Justice

Roger A. Page, Justice