

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

05/14/2021

Clerk of the
Appellate Courts

IN RE: COVID-19 PANDEMIC

No. ADM2020-00428

**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.

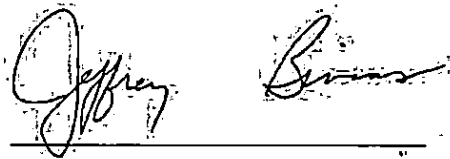
This order applies statewide to all courts and court clerks' offices except administrative courts within the Executive Branch and federal courts and federal court clerks' offices located in Tennessee.

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:

A handwritten signature in cursive script, appearing to read "Jeffrey S. Bivins", written in black ink on a white background.

Jeffrey S. Bivins, Chief Justice

Cornelia A. Clark

Cornelia A. Clark, Justice

Sharon S. Lee

Sharon G. Lee, Justice

Holly Kirby

Holly Kirby, Justice

Roger A. Page

Roger A. Page, Justice