

**TO THE TENNESSEE SUPREME COURT**

**PLAN FOR THE REOPENING OF ALL COURTS  
OF THE EIGHTH JUDICIAL DISTRICT**

**(CAMPBELL, CLAIBORNE, FENTRESS, SCOTT, AND UNION COUNTIES)**

**EFFECTIVE THROUGH MAY 31, 2020**

**E. SHAYNE SEXTON, PRESIDING JUDGE**

**EIGHTH JUDICIAL DISTRICT**

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# **SUMMARY OF PLAN TO REOPEN COURTS**

## **EIGHTH JUDICIAL DISTRICT**

On behalf of the judiciary serving the Eighth Judicial District, I submit this plan for reopening our courts pursuant to Supreme Court Administrative Order No. ADM 2000-00428 (SCO), filed April 24, 2020. Each judge serving their respective court submitted a proposal after lengthy review and discussion of said order. I have attached a proposed plan for each court authored by the respective judge. I am also providing a summary of the procedures that were uniformly adopted by all to comport with the SCO.

### ***PREFERENCE OF REMOTELY CONDUCTED COURT***

This district recognizes the primary goal in creating these restrictions to fully opening court. Attracting or even compelling large numbers of the public to enter our courthouses and courtrooms creates a public health risk to all present, entering, or leaving the facility. Further, large assemblies of any kind increase the chances that the pandemic will continue to grow and remain for longer times. Knowing this, our judges have all adopted various levels of technological support in an effort to conduct some semblance of court while strictly abiding by the SCOs. Clerks, jail administrators, and most lawyers working in this district have practiced and acquired the necessary competence to conduct court remotely, primarily through Zoom application. Extensively using this tool, we have kept the public's need to enter our courthouses to a minimum and we will continue to do

so. When courtroom access is unavoidable, the following processes are established and will control over any and all conflicting language in the individual court plans.

## **FACILITY SAFETY AND HEALTH**

All county mayors, executives and sheriffs have personally committed to the most sanitary and healthy facility possible by providing additional cleaning efforts consistent with the CDC guidelines. The cleaning upgrade includes courtrooms and all rooms and areas supporting court functions. Special orders for PPE (protective masks and gloves) have been placed in all counties and these supplies will be made available to all who enter the facility. Surface cleaning products and hand sanitizer in adequate supply will be available in each courtroom.

There will be only one point-of-entry to each courthouse or facility with court personnel present at all times to check and advise any person seeking entry. Each courthouse currently has clearly posted signage limiting public entry. With the reopening all courthouses and facilities will have clear signage instructing persons to exercise proper social distancing (minimum six (6) feet separation), stay in the designated areas until notified, and no entry permitted until their particular case is called. Each reopening court has committed to health screening of all entering, allowing only asymptomatic or otherwise healthy persons to enter. Court bailiffs and, when available, medical personnel, will meet each person before entry into the building. These "entry personnel" will check the temperature, observe the



general health and demeanor, and inquire into any recent travel or placement of the person. If the person has any higher-risk factors, the judge will be notified and discretion is granted to deny entry and, if necessary, reschedule the proceeding.

## HEARING PROCEDURE

As detailed in the specific court's proposal, reopening courts have rigid restrictions on the conduct of all proceedings and the number of people in attendance. General sessions courts, in particular, have uniformly adopted a "announce arrival and wait" procedure. Any person present for court will notify the entry personnel of their presence and the reason for attendance. The name will be taken and the person will be sent back out of the facility to wait for their case. Various methods will be used to contact said person when they are to enter, such as mobile call or text, external courthouse speakers for auditory calling, and designated parking locations with entry personnel retrieving the person when needed.

Our courts recognize the need to limit the number of people in the courtroom. The reopening of courts will permit no more than ten (10) people in any courtroom in the judicial district at a time, excluding the judge, court personnel, and court security. Necessary parties such as litigants and representing attorneys will remain in the courtroom but will exit the building upon completion of business. All persons remaining in the courtroom will use proper social distancing,



## **E. SHAYNE SEXTON**

**CRIMINAL COURT JUDGE**

**STATE OF TENNESSEE**

**EIGHTH JUDICIAL DISTRICT**

**COUNTIES SERVED:**

**CAMPBELL COUNTY  
CLAIBORNE COUNTY  
FENTRESS COUNTY  
SCOTT COUNTY  
UNION COUNTY**

**CAMPBELL COUNTY JUSTICE CENTER**

**P.O. BOX 852  
JACKSBORO, TN 37757  
Telephone: (423) 907-7503  
Fax: (423) 907-7505**

**DEANNA WALDEN  
Administrative Assistant**

### **Criminal Court**

The Criminal Court rooms in all counties will not open to the public until the current Tennessee Supreme Court (TSC) order expires and until further notice. Thus far, only inmate cases have been handled remotely, through teleconference application (Zoom) or other non in-person methods. This process will continue but will be expanded to non-incarcerated defendants.

I am revising the calendar for the entire district and will provide dates and times of court availability in each county. Further, I have asked the defense bar to create a list of all clients including the status of the case (arraignment, motion, plea/set, etc.) and the particular client's access to wifi/internet. The parties will submit a docket request for a date and time available for that county. The lawyers for each side are responsible for providing remote access to all witnesses and necessary or interested parties. The hearing participants will be identified on the docket request. Using the docket request information, my office will schedule a ZOOM court session and "invite" those identified on the request. All invited connect in on the court time and we conduct the necessary business.

As an aside, I am strongly encouraging the resetting of cases to a more conventional court process when possible. However, there are cases that, for various reasons, must be addressed now and this is the best option with a closed courtroom policy.

### **Recovery Court**

We have been, and will continue to be, fully remote in Recovery Court (RC). Our team members have had no trouble participating in the staffing portion of this process. While we are in the closed portion of the RC session, participants are in a "waiting room" preparing for the open session. When we conclude staffing, we open up the meeting to the participants. They are then populated to the ZOOM session and the docket is called to its conclusion.

This method has been surprisingly successful and is the framework for the current Criminal Court proposal.