



Juvenile Court of Memphis and Shelby County

616 ADAMS AVENUE • MEMPHIS, TENNESSEE 38105

DAN H. MICHAEL
JUDGE

April 20, 2020

Concerns and suggestions to increase in-person court hearings:

Thank you for the opportunity to weigh in on how our courts might safely increase in person hearings during this pandemic. First I intend to address the serious issues we all face. Because we do not have universal testing for this virus nor do we have systems for tracing contacts, we will not know if someone entering our courtrooms has the virus or has come in contact with someone who has and is in the first stages of the virus.

As of this morning, there were 1807 cases in Shelby County with 38 deaths and 19,000 total tests. The State had 7,070 cases with the 25-34 year age group having the highest number of cases. Per the Shelby County Health Department, we are not expected to peak until late May or early June. Our juvenile court is the second most visited building in all of Shelby County. We have a number of other concerns: problems with public transportation, the vast majority of our cases are pro se, and many people do not have internet access.

It may be helpful to look at in-person dockets as a matter of informed consent. The litigants are required to attend by subpoena. Are those who honor the mandate informed of the fact that neither they, nor the court will know which person in that hearing carries the virus? Have they consented to the possibility of being infected to a virus that can kill?

Absent universal or near-universal testing to identify those who carry the virus and a systematic tracing protocol to identify those who had contact with that person, society will not be able to slow the virus. Finally there is no vaccine.

Despite the concerns that this pandemic raises, it is obvious that the Court needs to address the needs of its litigants. Given our constitutional mandate I suggest the following guidelines.

- Conducting in-person hearings should require a statement on the record that the Court cannot determine who, if anyone, in the courtroom has the virus.
- Temperature checks of all parties entering the courthouse, as well as questions designed to determine this risk levels. (County of State Departments of Health would provide trained personnel for this purpose.)
- Limit ingress into the courthouse to litigants only, not friends, family, and support persons.

- Stagger hearings and do not allow litigants to enter the court house until just before the time of their hearing.
- Strictly limit the number of people allowed in the courtroom, taking into consideration the size of the courtroom but at no time more than 10 people.
- Require ALL in attendance to wear facial coverings.
- Be prepared to continue any hearing in which one of the litigants is ill.
- Require all exhibits to be emailed to all parties and the court several days prior to the hearing, whenever possible.
- Conduct hearings over video whenever possible.
- Conduct telephonic hearing whenever possible.
- Safeguards should apply to anyone coming into Court. Set up markings in hallway as to social distance.
- Set up separate entrance for court staff and for public.
- If a person does not have access to Zoom at home, make a laptop available in a courtroom to Zoom. Another option is to appear telephonically.
- Agreed upon continuances will be granted.

Be aware that despite all the attempts to limit exposure, as we increase in-person hearings exposure will occur.

A handwritten signature in black ink, appearing to read "Dan Michael", with a large, sweeping flourish above it.

Judge Dan Michael