



**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

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LAW DAY 2020, THE COURTS ADAPT TO THE CRISIS

The first day of May is Law Day. We set aside May 1 of each year to celebrate the rule of law and the role of law in our society. The American Bar Association, our nation's largest legal organization, describes it in these words: "Law Day provides an opportunity to understand how law and the legal process protect our liberty, strive to achieve justice, and contribute to the freedoms that all Americans share." Law Day originated in 1957 when then American Bar Association President Charles S. Rhyne foresaw a special day for celebrating our unique legal system. President Dwight D. Eisenhower first proclaimed Law Day in 1958, explaining that "a day of national dedication to the principle of government under laws would afford us an opportunity better to understand and appreciate the manifold virtues of such a government and to focus the attention of the world upon them" In 1961, the United States Congress officially designated May 1 as Law Day, U.S.A.

We pride ourselves on proclaiming our nation as one of laws and not of men. We subscribe to the proposition that the rule of law must be supreme. President Eisenhower and the ABA were speaking to these concepts in promoting a special day to celebrate the legal process and a government under law. An essential component of having a government under law and adhering to the rule of law is our court system, both federal and state. Our courts fulfill this critical role in our democracy by protecting personal rights and liberties, resolving disputes between the people and their governments, having public trials and hearings, and adjudicating cases.

This Law Day finds us in the midst of the COVID-19 pandemic. The virus has resulted in a huge death total, many thousands infected with the virus, massive job losses, school and business closures, and a public in pain and fear. Many of our citizens are sheltering-in-place and under orders not to venture from their homes for any but the most essential needs. For these reasons, this may be the most challenging Law Day in our history.

The federal courts have not been immune from the devastation of the virus. Courts do much of the public's business in open trials, hearings, and proceedings. Courtrooms can be busy places with juries, lawyers, litigants, court personnel, and spectators. To protect the health and safety of

these participants, it was not possible to proceed as courts did prior to the health emergency. Courts adopted the Centers for Disease Control and Prevention guidelines, including the social distancing recommendations. Courts authorized court employees to work from home. Some courthouses limited hours, limited public access, or closed altogether in the interest of public health and safety. Trials and hearings were broadly continued, with the expectation that in a few months, cases could proceed in a safer environment.

Even in the face of COVID-19, the role and function of the courts remain. The courts are adapting to the emergency conditions and devising alternative means of fulfilling their functions. Most courts authorized hearings by telephone conference so that the participants could participate in hearings remotely and not have in-person contact. The United States Supreme Court, for the first time in its history, is conducting oral arguments by telephone conferences. Some courts have held video hearings, arguments, or conferences. With both video and audio technologies, the public is free to watch or listen to the proceedings.

Even as we struggle with the consequences of COVID-19, courts across the country are carrying on their work in innovative ways. The United States Supreme Court is rendering important decisions. The appellate and lower courts are rendering important decisions, including on restrictions placed on the public during the crisis. During this emergency, some governors and mayors have issued orders that, on a temporary basis, restrict personal liberty and freedom. Some citizens have challenged these orders and filed cases in the federal courts. Cases involving the right for churches and other religious institutions to remain open, the right to abortion, and the right to purchase firearms have all come before our courts and been addressed. The courts are still resolving disputes.

On Law Day 2020, our courts have adapted to the health emergency and have worked to fulfill their essential role and function in our democratic-republic form of government. The United States Supreme Court still functions, the Courts of Appeals still function, and the lower courts still function. The rule of law still prevails.

Curtis L. Collier
United States District Judge
Chair, Eastern District of Tennessee
Civics and Outreach Committee

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