



ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

NEWS ADVISORY

CONTACT:

[Stuart Ditzen](#), Assistant for Communications
215-560-6300

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Rules Adopted for Court Operations in Emergencies

HARRISBURG, December 28, 2009 - The Supreme Court of Pennsylvania today adopted a set of rules for maintaining court operations in a pandemic, natural disaster or other public emergency.

"In the event of a catastrophic occurrence such as a terrorist attack, major flood or public health emergency, it is important that the courts remain open and able to perform essential functions," said Chief Justice of Pennsylvania Ronald D. Castille. "These new rules are designed to ensure that the Supreme Court, the president judges of the Common Pleas Courts and court administrators can respond quickly and effectively in a crisis."

The emergency preparedness rules outline the respective responsibilities of the Supreme Court and president judges of the Common Pleas Courts and assign precise support duties to the state court administrator and district court administrators. These powers can be invoked when a "judicial emergency" is declared by the Supreme Court or by a president judge within that judge's home district, after approval by the Supreme Court.

On declaring a judicial emergency, the Supreme Court can suspend or modify statewide court procedural or administrative rules, reestablish the locations of courts, reassign judges or court personnel to other judicial districts and authorize greater use of advanced communication technology in court proceedings.

Once authorized to declare a judicial emergency within a county or judicial district, a president judge can order the closing of endangered court facilities, relocate court operations to safe areas, establish a telephone hotline or Web site for dissemination of emergency information, cancel or modify court calendars, subpoenas and court orders, and cancel or suspend trials and jury duty.

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Zygmunt A. Pines, Court Administrator of Pennsylvania, said the emergency preparedness rules were developed after a careful study of other states' court systems that had coped with emergency situations created by natural or man-made disasters.

"A lesson learned in states such as New York after the terrorist attacks in 2001 and Hurricane Katrina on the Gulf Coast is that many of the difficulties citizens face in these emergencies can be ameliorated if the courts can take quick action to maintain essential functions," Pines said. "These rules represent the culmination of a two-year effort to improve judicial administration in the vital area of court emergency preparedness and security. They provide a practical and predictable process for emergency response and continuity of operations."

In addition to detailing various emergency actions the Supreme Court and president judges may take, the new rules also require each of Pennsylvania's 60 judicial districts to develop "continuity of operations" plans providing for continued essential court functions in the event of an emergency. These plans should be reviewed and updated annually.

Under the new rules, president judges of the Common Pleas Courts will be required to establish "court security protocols, policies and procedures" to be implemented in emergencies, including protocols for dealing with fires, prisoner escapes or hostage situations.

The rules also institutionalize various court security procedures and programs that have been developed by the Administrative Office of Pennsylvania Courts (AOPC) in recent years. These measures are designed to ensure the safety of court personnel, litigants and citizens, and to protect court facilities. The rules require local standing court security committees to make recommendations to president judges on security measures, automated reporting of security incidents to the AOPC, and annual court facility security assessments.

Pines said the rules also provide for the creation of a series of "emergency regional administrative units" throughout the Commonwealth. Each of the 60 judicial districts will be included in an emergency regional administrative unit. The purpose, Pines said, will be to facilitate better communication, cooperation and sharing of resources among judicial districts in an emergency.

A copy of the court's order with rules attached is available on the Web site of Pennsylvania's Unified Judicial System at the following link:

<http://www.pacourts.us/T/SupremeCourt/SupremePostings.htm>

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