

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CRIMINAL DIVISION - LAW**

IN RE: ADMINISTRATIVE ORDER 2020-10 | **No.: C-48-AD-55-2020**
Pa.R.J.A. 1952 – JUDICIAL EMERGENCY

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CLERK OF COMMON PLEAS
CRIMINAL DIVISION
NORTHAMPTON COUNTY, PA

FILED

ADMINISTRATIVE ORDER

AND NOW, this 19th day of March, 2020, pursuant to the Pennsylvania Supreme Court's Order dated March 16, 2020 declaring a general, statewide judicial emergency until April 14, 2020 in order to limit the risk of exposure to Coronavirus (COVID-19) to the public, this Court's Declaration of a judicial emergency in the Third Judicial District, the Pennsylvania Supreme Court's Order dated March 18, 2020 stating that the Courts of Pennsylvania are "**CLOSED TO THE PUBLIC**," and pursuant to Pennsylvania Rule of Judicial Administration 1952, it is hereby **ORDERED** that:

1. Courtroom 1 of the Northampton County Courthouse will remain open during Court business hours as an "Essential Services Court." The President Judge of the Northampton County Court of the Common Pleas is assigned to **solely** preside over the Essential Services Court to handle all the proceedings set forth in:

- a. Paragraphs VII(5)-(7), (9), XIX(2), and (3)(a)-(k) of Northampton County Administrative Order 2020-9;
 - b. Motions for bail modification for incarcerated defendants awaiting hearings for Gagnon II parole, probation, and intermediate punishment revocation hearings;
 - c. Juvenile emergency shelter and detention hearings; and
 - d. Any pleading or motion relating to public health concerns and involving immediate and irreparable harm.
2. During the effective period of this Order, hearings pursuant to the Mental Health Procedures Act, 50 P.S. § 7101, shall be conducted **only** by telephone by a Court Master;
 3. In order to limit the risk of exposure to Coronavirus (COVID-19) to the public, and pursuant to this Court's Declaration of a judicial emergency in the Third Judicial District and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . the safety of court personnel, court users and the public . . .," it is hereby **ORDERED** that:
 - a. During the effective period of this Order, all court cases previously assigned to any other Judge of the Court of Common Pleas, or any of the administrative judges of

any of the divisions of the Court of Common Pleas, shall be reassigned to the President Judge;

b. Unless specifically assigned by written Order of Court issued and filed by the President Judge, all other Judges of the Court of Common Pleas, and all administrative judges of any of the divisions of the Court of Common Pleas, **shall not conduct any of the proceedings set forth in paragraph 1(a)-(d) above, and shall not conduct any other type of proceeding or hearing other than conducting by telephone the preassigned civil pretrial conferences scheduled for March 25, 2020.** See Paragraph XII of Northampton County Administrative Order 2020-9; and

c. The Sheriff of Northampton County shall only allow entry to court facilities, which are under the direction and control of the President Judge, to attorneys, parties and witnesses for the proceedings set forth above in paragraph 1(a)-(d).

4. All preliminary arraignments by magisterial district judges, regardless of whether the arrest is made during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County

Administrative Order 2007-3, shall be conducted pursuant to paragraph 4(A) of Northampton County Administrative Order 2007-3;

5. During “normal business hours” as that term is defined in Northampton County Administrative Order 2007-3, each magisterial district court shall remain open to the Commonwealth for the filing and subsequent processing of criminal case filings;
6. All applications for arrest and search warrants to magisterial district judges, and the issuance thereof by magisterial district judges, regardless of whether the application is made during “normal business hours” or “at times other than normal business hours” as those terms are defined in Northampton County Administrative Order 2007-3, shall be conducted pursuant to paragraph 8 of Northampton County Administrative Order 2007-3;
7. All emergency petitions and hearings for protection from abuse, protection from elder abuse, and protection of victims of sexual violence or intimidation, which are presented between the hours of 2:30 p.m. to 4:30 p.m., Monday through Friday, and “at times other than normal business hours” as that term is defined in Northampton County

Administrative Order 2007-3, shall be conducted by magisterial district judges pursuant to paragraph 9 of Northampton County Administrative Order 2007-3.

Complaints for indirect criminal contempt of protection from abuse, protection from elder abuse, and protection of victims of sexual violence or intimidation orders, which are presented between the hours of 2:30 p.m. to 4:30 p.m., Monday through Friday, and "at times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, shall be processed by magisterial district judges pursuant to paragraph 9 of Northampton County Administrative Order 2007-3;

8. During "normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, each magisterial district judge shall conduct the proceedings set forth in paragraphs 4 through 6 of this Order, which occur in his/her magisterial district; and
9. "At times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, the magisterial district judge who is temporarily assigned as the issuing authority for all magisterial districts in the Third Judicial District pursuant to the December 16, 2019 Order of

Court, shall conduct the proceedings set forth in paragraphs 4 through 6 of this Order, and **all** proceedings set forth in paragraph 7 of this Order.

It is further **ORDERED** that:

1. The requirements in Northampton County Administrative Order 2020-5, directing that magisterial district judges provide requested case records to the public or press, shall apply to all proceedings in paragraphs 4 through 6, regardless of whether the proceeding occurs during “normal business hours” or “at times other than normal business hours” as those terms are defined in Northampton County Administrative Order 2007-3;
2. Nothing in this Order amends or changes the terms of:
 - a. Paragraph 4(A) of Northampton County Administrative Order 2015-9; or
 - b. The terms of paragraph VII(2) Northampton County Administrative Order 2020-9. Therefore, magisterial district judges will continue to conduct preliminary hearings as set forth in paragraph VII(2) Northampton County Administrative Order 2020-9;
3. To the extent this Order conflicts with Administrative Order 2020-9, this Order shall govern; and

4. The Court will direct the production of posters for the entry doors of any courtroom or court facility under the direction of the President Judge, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, the offices of Adult Probation and Pretrial Services, and the entry door of all Magisterial District Courts, which will notify the public of the mandates of the Pennsylvania Supreme Court's March 18, 2020 Order and Northampton County Administrative Orders 2020-9 and 2020-10. This Order shall become effective on March 19, 2020 at 4:30 p.m. and expire on April 3, 2020 at 4:30 p.m. unless extended by further Order of Court.

BY THE COURT:


MICHAEL J. KOURY, JR.
PRESIDENT JUDGE