

Received 03/25/2020

No. 53 MM 2020

**IN RE: ADMINISTRATIVE ORDER
CONCERNING THE MAGISTERIAL
DISTRICT JUDGE SYSTEM IN
RESPONSE TO THE DECLARATION
OF DISASTER EMERGENCY
IN BERKS COUNTY**

: IN THE COURT OF COMMON PLEAS OF
: BERKS COUNTY, PENNSYLVANIA
:
: No. 20-3264
: Prothonotary
:

ORDER

AND NOW, this 25th day of March 2020, it is hereby Ordered that pursuant to President Judge Thomas G. Parisi's Administrative Order dated March 17, 2020, which set forth actions to provide for the safety of court personnel, court users, and the public during the COVID-19 pandemic, the Magisterial District Judge System will continue with the operational changes implemented on March 18, 2020 subject to the modifications included in this Order:

1. Magisterial District Courts will be open for essential services but closed to the general public. The Court may decide that a Magisterial District Court(s) may be required to stop providing essential services and be closed for a period of time. If this should occur, Court Administration will notify the Magisterial District Judges and necessary County officials.
2. Magisterial District Courts will not accept new civil filings, including landlord-tenant, unless the filings are mailed. If a new civil filing, including landlord-tenant, is mailed to a district court, the filing will be docketed, any accompanying check deposited, and no hearing will be scheduled. Any civil hearings, including landlord-tenant, scheduled prior to April 14, 2020 shall be continued.
3. Evictions, resulting from an Order for Possession, shall not be scheduled prior to April 14, 2020.
4. Magisterial District Courts may continue to accept summary citations. However, pursuant to Administrative Order CP-06-AD-15-2020, no summary warrant shall be issued in summary cases until further Order of the Court. Also, no person shall be taken into custody solely for a summary warrant pending further Order of the Court. Any summary hearings scheduled prior to April 14, 2020 shall be continued.
5. Magisterial District Courts shall continue to accept criminal case filings and conduct preliminary arraignments. Preliminary hearings scheduled prior to April 14, 2020 shall be continued for defendants who are free on bail. For incarcerated defendants, there shall be a stipulated hearing based on the Affidavit of Probable Cause. A stipulated hearing based on the Probable Cause alleviates the need for the defendant and witnesses to be present. The Commonwealth Attorney and/or Defense Counsel may attend by phone to present their case or submit it in writing by email to the district court's generic email address. If a defendant specifically requests a traditional preliminary hearing, the hearing will be rescheduled to a later date.

6. Cash payments for summary cases are not to be accepted prior to April 14, 2020. Defendants may make credit card payments on-line (PAePay), credit card payments over the phone, or may mail a check to the district court.
7. Magisterial District Judges shall use advanced communication technology to conduct court proceedings where practicable, subject to constitutional restrictions.
8. The Berks County Central Arraignment Court (BCCAC/Night Court) will continue to operate. HOWEVER, summary cases are no longer considered an emergency matter to be brought before the BCCAC.

The Court will continue to monitor the situation with the COVID-19 pandemic and information regarding MDJS operations will be disseminated prior to April 14, 2020.

This Order is effective immediately and shall remain in effect until further Order of this Court.

BY THE COURT:

A handwritten signature in blue ink that reads "Thomas G. Parisi". The signature is written in a cursive style and is positioned above a horizontal line.

THOMAS G. PARISI,
PRESIDENT JUDGE

SUPREME COURT DOCKET 53MM2020