

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: AMENDED)
FIFTH JUDICIAL DISTRICT) No. 23 WM 2020
EMERGENCY OPERATIONS)
PLAN)
)

ORDER OF COURT

AND NOW, this 31st day of August 2020, having previously declared a judicial emergency in the Fifth Judicial District of Pennsylvania, this Court amends its previous Emergency Operations Orders and now orders that the actions set forth below be taken pursuant to Pa.R.J.A. No. 1952(B)(2). All provisions of this Order apply through December 31, 2020.

I. Public Access to Court Facilities

- A Court Facility includes, but is not limited to:
 - The Civil Division located on the 7th and 8th floors of the City-County Building and the Housing Court Help Desk, located on the first floor of the City-County Building, 414 Grant Street, Pittsburgh, PA 15219;
 - The Criminal Division located on the 3rd and 5th floor of the Courthouse, 436 Grant Street, Pittsburgh, PA 15219;
 - The Family Law Center located at 440 Ross Street and 559 Fifth Avenue, Pittsburgh, PA 15219;
 - The Orphans' Court Division, located on the 17th floor of the Frick Building, 437 Grant Street, Pittsburgh, PA 15219;

- Pittsburgh Municipal Court, 660 First Avenue, Pittsburgh, PA 15219;
- All Magisterial District Courts located in Allegheny County;
- All Adult Probation Offices, located in Allegheny County;
- All Juvenile Probation Offices including the six Community Intensive Supervision Program sites located in Allegheny county;
- The Juvenile Dependency Hearing Officer Courtrooms located at:
 1. (East Region) 10 Duff Road—Suite 208, 10 Corporate Center, Penn Hills, PA 15235;
 2. (Mon Valley Region) 355 Lincoln Highway, North Versailles, PA 15137;
 3. (North Region) 421 East Ohio Street, Pittsburgh, PA 15212;
- Any Administrative Offices of the Fifth Judicial District; and
- Any other facility, building, or room designated by the President Judge to hear and dispose of matters pending before the Court of Common Pleas or Magisterial District Courts in the Fifth Judicial District.
- All court facilities, including the courtrooms in all Divisions of the Court of Common Pleas, the Magisterial District Courts and Pittsburgh Municipal Court, will be open to the public for matters as specified below in this Order.
- Persons must wear masks or face coverings to enter and remain in any court facility. Persons who are not compliant with this order, will be required to leave the court facility.
- Persons who enter any court facility shall comply with CDC and Health Department recommendations for social distancing as well as any signage posted in or on court facilities or instructions from a judge,

judicial officer, Sheriff's deputy, police officer, constable, building security, or court employee.

- News media shall be permitted into court facilities but only in a manner that is consistent with public safety. Cameras will not be allowed in any court facility, unless specifically authorized by the President Judge, Administrative Judge of a Division, or the District Court Administrator.
- Sheriff's deputies, police, constables, and building security assigned to any court facility are authorized to deny admission or remove a person who is visibly ill or who is exhibiting symptoms of COVID-19. Any person excluded or removed for health concerns shall be provided with information (telephone number or email address) to enable them to initiate, participate in, or complete necessary essential court business/functions during the judicial emergency.
- Only persons with essential court business are guaranteed admission into any court facility, subject to restrictions above. Friends and family members may be required to wait outside the facility.
- Sheriff's deputies, police, constables, and building security shall have the authority to enforce all of the conditions in this section. Persons who are not compliant with this order, will be required to leave the court facility.

II. Methods for Conducting Proceedings

- Whenever appropriate and feasible, and as directed by the President Judge, the Administrative Judges of the Divisions, and the District Court Administrator, court proceedings shall be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings found on the Fifth Judicial District website.

- Remote matters, conducted through Advanced Communication on Technology shall be conducted with the same decorum as in-person matters.
- When it is determined that conducting court proceedings through ACT is not appropriate or feasible, court hearings and proceedings shall be conducted utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- Any administrative order, policy, or protocol issued by an Administrative Judge requiring certain proceedings to be conducted through ACT shall be followed. Any exceptions to such an administrative order, policy, or protocol must be approved by the Administrative Judge of the Division.
- In order to prevent overcrowding, court appearances and hearing times shall be staggered, and the Administrative Judges may require that scheduling of cases be centralized in each division.
- Attorneys are strongly encouraged to bring only essential witnesses and persons to in-person court proceedings. Attorneys should encourage their clients to refrain from having non-participants accompany them to court proceedings.
- When a court reporter or other approved form of recording court proceedings is unavailable, alternative forms of recording shall be permitted.
- All persons participating in a court proceeding, including but not limited to, judges and judicial officers, attorneys, court employees, court reporters, witnesses, and spectators, are required to wear a mask or face covering for the entire proceeding. The judge or judicial officer may permit a person to temporarily remove the mask to take testimony or where the presence of a mask would affect the ability to judge credibility, provided that the requirements for social distancing, and in the case of matter in the Criminal Division, the attached Criminal Division Procedures (as may be subsequently amended and posted on

the website of the Fifth Judicial District) are followed. In such cases, the person will be required to wear a face shield. The Court shall make every effort to minimize the number of people present for in-person court proceedings, including allowing particular attorneys or witnesses to appear remotely.

- Orders prohibiting and limiting the use of cellular phones in courtrooms and court facilities remain in effect. However, due to the requirements for social distancing, an attorney may use a cellular telephone to communicate with a client or a witness while outside of the courtroom. An attorney may use a cellular telephone to summon witnesses waiting in another location, to the courtroom; or for such other purpose deemed appropriate by the judge or judicial officer presiding over the court proceeding.
- The taking of photographs or the recording of any proceeding is strictly prohibited. Anyone violating this provision shall forfeit their cellular phone or device and shall be subject to contempt proceedings or other sanctions.
- Taking the testimony of witnesses through ACT is strongly encouraged. However, when a witness must testify in person in a courtroom, the witness may be required to wait in another location until such time as the court is prepared to take the testimony of the witness. Upon conclusion of the testimony, the witness shall be excused from the courtroom and shall leave the court facility unless the judge or judicial officer determines that there is a reason that the witness must remain in the court facility.
- News media may be permitted into a courtroom, if social distancing can be maintained. The court may designate certain seats for the news media, however, seats for attorneys, parties to the proceedings and essential court staff take priority over seats for the news media.
- Sidebar conferences are prohibited until further order of court.

III. Time Calculations and Deadlines

- Except as otherwise set forth in this Order, the suspension of time calculations due to the judicial emergency that began on March 16, 2020 ended at the end of the day on June 1, 2020.
- Time calculations and deadlines were suspended during the judicial emergency so that they did not continue to run during that time. The suspension began on March 16, 2020 and continued through June 1, 2020—or for 78 days. New deadlines shall be calculated by adding the time period of the suspension (days during which time calculations were suspended due to the judicial emergency as applied to the particular time calculation) to the original deadline. The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running.
- For example, if an original 30-day deadline fell on March 19, 2020, and the period of suspension under the judicial emergency was 78 days (March 16th through June 1st), the new deadline would be June 5, 2020 (78 days after March 19th). In this example, the particular time calculation stopped running during the entire 78-day suspension when it would have otherwise been running. If, however, a deadline expired before the judicial emergency began, then that deadline would not be extended by the judicial emergency.
- The period of suspension caused by the judicial emergency added on to the deadline shall only include that period of the suspension during which the particular time calculation would have otherwise been running. For example, if a 20-day time period begins running on May 27, 2020, when a complaint is served, then the original 20-day deadline would be June 16, 2020. The period during which this particular time calculation would be suspended by the judicial emergency would be 6 days (from May 27th through June 1st) and the new deadline would be June 22, 2020 (6 days after June 16, 2020). Stated differently, if a 20-day time period begins running on May 27, 2020, when a complaint is served upon the defendant, the parties start counting the 20-day time

period from June 2, 2020, (i.e. June 3rd is day one), and the new deadline is again June 22, 2020.

- If, however, the particular time calculation did not start to run until after June 1, 2020, then the deadline would not be extended as it would be unaffected by the suspension. For example, if a 20-day time period begins running on June 3, 2020 when a complaint is served then the original 20-day deadline of June 23, 2020 would not be extended.
- Postponements or continuances resulting from the judicial emergency shall be considered court postponements and shall constitute excludable time, subject to constitutional limitations for purposes of the application of Rule 600. *See Commonwealth v. Bradford*, 46 A.3d 693 (Pa. 2012) and *Commonwealth v. Mills*, 162 A. 3d 323 (Pa. 2017).
- The suspension of Rule 600, subject to constitutional limitations, as indicated in this Court's previous Emergency Operations Orders, began on March 16, 2020 and will continue through December 31, 2020, subject to further order of court.
- Jury trials in both the Civil and Criminal Divisions remain suspended until further Order of Court.
- Attorneys and litigants shall not use the judicial emergency to secure strategic advantage in litigation, including by dilatory conduct. Individual judges may determine, on a case-by-case basis, whether a failure to meet a deadline was not directly the result of or affected by the judicial emergency, (such as in routine discovery matters) and whether the deadline should have been met during the judicial emergency. The judge may then take any action deemed appropriate to address the situation.

IV. Transportation, Signatures, Fingerprinting, and Publication

- There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.

- Until further Order of Court:
 - No inmates will be transported from the Allegheny County Jail or a state correctional facility for preliminary hearings.
 - Juveniles will not be transported from Shuman Detention Center or Hartman Shelter for court hearings, unless the judge orders the juvenile to appear in court.
 - Where the participation of the inmate or juvenile is required at a court hearing, Advanced Communication Technology shall be considered before issuing the order to transport.
 - All juveniles or inmates who are being transported shall wear a mask.
 - The Sheriff's deputies may refuse to transport an inmate or juvenile who is visibly ill, who is exhibiting symptoms of COVID-19, or who refuses to wear a mask, and shall immediately notify the assigned judge.

- Alternative methods of signing, delivery, and service of court documents and orders shall be permitted. This includes, but is not limited to, facsimile signatures, electronic signatures, proxy signatures, and designated court employees authorized to sign on behalf of a judge after the judge has reviewed and approved the document for signature. *Pro se* litigants completing forms at Pittsburgh Municipal Court may authorize court employees to sign documents, when necessary, for the safety of the litigants and court employees. Under such circumstances, the court employee will sign his/her name to the document indicating that the litigant has reviewed the document and that all of the information contained therein was provided by the litigant. If an employee must sign for a *pro se* litigant, he/she will do so in a manner allowing the litigant to see the employee sign the document.

- In the interest of public health, the *Pittsburgh Legal Journal* shall be published as an electronic PDF through the duration of the judicial emergency in the Fifth Judicial District. During the judicial emergency, proofs of publication produced by the *Pittsburgh Legal Journal* can be properly verified and signed by a notary public only, instead of a notary public and an affiant as is typically required. Proofs of publication may

be mailed or emailed to relevant parties. Records of all electronic proofs of publication and email correspondence shall be preserved.

V. Civil Division

- Where appropriate and feasible, Civil Division proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.
- All published trial lists are temporarily suspended pending further Order of Court.
- Non-jury trials commenced in June 2020. Non-jury trials shall continue to be conducted pursuant to the protocols outlined in this Order. Such non-jury trials shall be identified by the Court and specially listed for non-jury trial by separate Order(s) of Court. Where appropriate and possible, such non-jury trials shall be conducted using Advanced Communication Technology (ACT). When it is not appropriate and possible to use ACT for non-jury trials, all parties, lawyers, witnesses, and persons participating in the trial must follow the Fifth Judicial District's protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- Jury trials shall commence on a limited basis and only where the Court enters an Order specifically scheduling a jury trial. Parties with cases on previously published trial lists may jointly, with written consent by all parties involved in the litigation, submit consented-to motions to the Calendar Control Judge requesting that their case be scheduled to be tried before a jury.

- Consistent with this Order, the following matters shall be conducted remotely through the use of Advanced Communication Technology:
 1. Calendar Control Motions,
 2. Housing Court Motions,
 3. Discovery Motions,
 4. General Motions (contested and uncontested),
 5. Oral arguments on Preliminary Objections,
 6. Oral arguments on Motions for Summary Judgment, or Judgment on the Pleadings,
 7. Conciliations relating to cases on the May 2020 Trial List, and
 8. All other matters scheduled by any individual judge relating to a case specifically assigned to that judge, unless litigants lack the ability to participate using Advanced Communication Technology and under such circumstances, the individual Judge will utilize appropriate methods to adjudicate and/or conduct arguments/hearings utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- See the Fifth Judicial District website, www.alleghenycourts.us, for procedures and instructions relating to the following matters, including Operating Procedures for all judges and remote submissions of the following:
 1. Calendar Control Motions;
 2. Discovery Motions;
 3. General Motions;
 4. Housing Court Motions;
 5. Preliminary Objections; and
 6. Motions for Summary Judgment/Judgment on the Pleadings.

- Notwithstanding the suspension of time calculations and deadlines set forth in Section I above, individual judges are hereby invested with substantial discretion with the enforcement of time deadlines which he/she has established in a particular case when handling one of the matters outlined above in items (1) through (8) of the Civil Division section of this Order.

- The Governor's Orders of May 7 and May 22, 2020 prohibiting commencement of actions filed under the Landlord Tenant Act of 1951 for failure to pay rent, or due to an expired lease are scheduled to expire on August 31, 2020. Landlord tenant actions in the Civil Division of the Allegheny County Court of Common Pleas shall proceed pursuant to applicable rules and laws. Residential landlord tenant actions filed at the Magisterial District Courts shall proceed pursuant to the attached Order, filed this same date, entitled Fifth Judicial District Temporary Procedures Regarding Certain Residential Landlord Tenant Actions.
- Arbitration hearings resumed in June of 2020 utilizing the protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order. However, where all parties agree to using Advanced Communication Technology (ACT), or by Order of Court upon cause shown by one or more parties, arbitration hearings may be conducted remotely through use of ACT.
- Conciliations and hearings before the Board of Viewers shall be conducted remotely where appropriate and possible using ACT. Where the litigants are unable to participate remotely utilizing ACT, the Board of Viewers may proceed with in-person hearings, as necessary, utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.
- In any case specially assigned to a judge, the judge assigned shall attempt to use Advanced Communication Technology for all hearings, conferences, and/or oral arguments on such matters so assigned. Where one or more parties is unable to participate using Advanced Communication Technology, then under such circumstances, the assigned judge may conduct in-person hearings, conferences, and/or oral arguments utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section II of this Order.

- The Commerce and Complex Litigation Center will hear all petitions, motions, conciliations, and hearings remotely using Advanced Communications Technology; see the standardized operating procedures for Administrative Judge Christine A. Ward, and Judge Philip Ignelzi, available on the Fifth Judicial District website, www.alleghenycourts.us for information concerning matters assigned to the Commerce and Complex Litigation Center.

VI. Criminal Division

A. Remote Proceedings

- During the judicial emergency, the following matters in the Allegheny County Court of Common Pleas, Criminal Division, shall presumptively be conducted remotely through Advanced Communication Technology:
 1. Bail Hearings and Motions Court;
 2. Motions for Continuance and other motions which do not require testimony;
 3. Guilty Pleas;
 4. Sentencing Hearings;
 5. ARD Hearings;
 6. Phoenix Docket and EDP Hearings;
 7. Review Hearings for SOC, Domestic Violence Court, Drug Court, DUI Court, Mental Health Court, PRIDE Court, and Veteran's Court;
 8. Probation Violation Hearings;
 9. SOC Formal Arraignments.
- If a judge in a particular case determines that extenuating circumstances exist that justify an in-person proceeding, then one of the types of matters listed in the paragraph above may be heard in-person, in whole or in part, in the courtroom. Extenuating circumstances may exist, for example, when an interpreter is required or where there is a likelihood that a sentence of imprisonment will be imposed after a guilty plea. The Court shall make efforts to minimize the number of people present for these in-person matters including allowing particular attorneys or witnesses to appear remotely.

- Recognizing the difficulty that defendants representing themselves may have using Advanced Communication Technology, such defendants may appear in person for any matter at the discretion of the judge. Defendants representing themselves may also appear in person at Formal Arraignment or Pretrial Conferences.
- Defense Counsel is encouraged to conduct Formal Arraignments without appearing at the Formal Arraignment Office pursuant to the attached procedure.
- Absent extenuating circumstances, Pretrial Conferences for represented defendants should be conducted by email, telephone, or videoconferencing.

B. In-Person Matters

- Matters not listed in the first paragraph of section VI(A) of this Order, which would otherwise be conducted in person, may also be conducted using Advanced Communication Technology after consultation with the parties and if the defendant consents and waives his or her confrontation clause rights and his or her right to be physically present. This may include matters such as non-jury trials or pretrial suppression motions in which witnesses will be called.
- The Court shall continue to evaluate the circumstances regarding the pandemic in Allegheny County to determine an appropriate time to resume jury trials. A separate order will set forth additional requirements relating to resumption of jury trials.

C. Conduct of Court Business

- Attorneys are to participate in Case Status Conferences as set forth in the attached Case Status Conference Procedures. Judges or their staff may also conduct status conferences via telephone or videoconferencing. Attorneys are required to participate in any such status conferences.

- Absent extenuating circumstances unique to a particular case, inmates will not be transported to the courthouse for proceedings except for trials, hearings on matters which require witnesses, and cases where an interpreter is necessary for an incarcerated defendant.
- Attorneys are strongly encouraged to file motions (including motions to reduce bail), pleadings, and other documents through PACFile. Attorneys and self-represented parties shall add their email address on the cover page of all filings with the Court as part of their contact information. The Bail Review Request Form may continue to be utilized and emailed to Pretrial Services via the Court's website at https://www.alleghencourts.us/criminal/pretrial_services/bail_services/brr.aspx.
- All bail and miscellaneous motions for cases at the Court of Common Pleas level that are assigned a CR number, should be filed through PACFile. Miscellaneous motions, however, may also be filed in person and brought to the motions counter in room 534 of the courthouse. All bail motions for cases at the Magisterial District Court level shall be filed by emailing the motion (with the OTN number of the case on the coversheet) to DCRCriminal@AlleghenyCounty.us. A copy of any bail motion, at either level, and/or a Bail Review Request form, which can be found on the Criminal Division page of Fifth Judicial District website, shall be submitted to PTS_Bail_Questions_Bin@alleghencourts.us.
- All motions to lift detainers should be filed through PACFile and emailed to the assigned judge and his/her staff but may be filed in person at the Department of Court Records and brought to the appropriate courtroom. Email addresses for Criminal Division Judges and staff are located on the Fifth Judicial District website.
- Requests or Motions for Continuance should be liberally granted.

- Alternative methods of signing, delivery and service of court documents and orders shall be permitted. Such methods may include, but are not limited to:
 1. The signature of defense counsel on a defendant's behalf;
 2. The signature of court personnel while in the presence of the defendant or while on the record, with the defendant's verbal permission;
 3. The faxed, scanned or electronic signature of a defendant; and
 4. Other methods determined to be reliable by a judge.

- Defendants who wish to address warrants for failure to appear may do so by phoning (412) 350-1229, Monday through Friday between 9:00 A.M. and 3:00 P.M.

- Electronic monitoring supervision by the Adult Probation Department continues to be available at the discretion of the Criminal Division judges.

- The August 21, 2020 Order entitled Amended Fifth Judicial District Emergency Operations Plan Criminal Division is consistent with this Order and remains in effect.

D. Safety Provisions Enforcement

- In addition to social distancing, masking, and other safety requirements set forth in the Emergency Operations Plan Order dated May 28, 2020, and this Order, the attached Criminal Division Procedures (as may be subsequently amended and posted on the website of the Fifth Judicial District) shall be followed in the Criminal Division of the Allegheny County Court of Common Pleas.

VII. Family Division

Child Support, Divorce, Alimony, and Equitable Distribution of Property

- For information or questions about child/spousal support, custody, divorce or presentation of a pro se motion contact (412) 350-5600 or 1stFOP@pacses.com. The regional offices in the Penn Hills and Castle Shannon shall remain closed to the public.
- Consent Agreements and Orders may be sent to the following email address for review and processing: pacsessupportconsentagreement@pacses.com
- Until further Order of Court, child support payments will not be accepted in person. Child supports payments may be made by credit card, check, and/or money order. Payment coupons and instructions are available on the Fifth Judicial District website: www.alleghenycourts.us
- All scheduled conferences and/or hearings shall be conducted telephonically. Litigants will receive telephonic conference/hearing instructions via US Postal Mail and, when possible, by text message.
- All evidence being submitted for support proceedings may be submitted by text message, email, or fax prior to or during the course of the proceeding.
- Exceptions to Hearing Officer Support Recommendations shall be filed electronically at alleghenysupportexceptions@pacses.com. The complete "Exceptions Procedure" shall be maintained on the Fifth Judicial District website and is incorporated herein, by reference.
- Masters' Rules and Procedures are posted to the Fifth Judicial District website and are made applicable by this Order.
- The Court shall continue to review and grant divorces, administratively, when all required documents are filed with the Department of Court Records.

- Any matter may be presented to the Court by motion, without a hearing, pursuant to the judges' procedures on the website, for entry of an Order.

Custody

- Custody motions will be addressed on a case by case basis. Any matter may be presented to the Court by Motion, without a hearing, for entry of an Order, pursuant to the assigned judge's procedures posted on the Fifth Judicial District website.
- For new custody cases originating by motion without a judicial assignment, please contact the Court by email at emergencycustody@allegheycourts.us with the following information: parents' names and dates of birth and the child(ren)'s names and dates of birth. The Court will respond to the inquiry with the appropriate judicial designation.
- *Pro se* emergency custody motions will be addressed by completing the Court's online submission platform for the same on the Fifth Judicial District website.
- Questions concerning custody matters may be submitted by email to custodydepartment@allegheycourts.us or by leaving a message at 412-350-4311. Emails and calls will be returned during regular business hours. For questions concerning an emergency custody matter, please call 412-350-1500, Monday through Friday, between 9:00 AM and 3:00 PM.
- Until further Order of Court, the Generations education seminar requirement shall be completed by reading and reviewing the Generations booklet, which is posted on the Fifth Judicial District website. The password to access the booklet is contained in the scheduling order. For litigants who do not have access to the internet, please call 412-350-4311 to receive the materials by regular mail.
- Until further order of Court, the Generations mediation session, DRO custody conciliation, interim relief hearing, and partial custody hearing

before the hearing officer, shall be conducted remotely, either by teleconference or videoconference, at the Court's direction. Five (5) days in advance of the scheduled court event, litigants shall send contact information (telephone number and email address) where they may be reached by the Court on the date and time of the scheduled court event to custodydepartment@allegheycourts.us or by phone at 412-350-4311. Failure to timely provide this information to the Court may result in the proceeding not being held and/or a delay in scheduling/rescheduling the custody case.

- All other custody proceedings, including those scheduled to be heard before the assigned Judge, shall be heard remotely by teleconference or videoconference at the Court's direction, until further Order of Court and unless the judge requires an in-person proceeding. Litigants should carefully review the scheduling order issued for each matter for information on the remote requirements, witness testimony, and submission of evidence and exhibits.
- Exceptions to Hearing Officer Custody Recommendations shall be filed at the Allegheny County Department of Court Records, with a copy sent to the Court via email at custodydepartment@allegheycourts.us.

Protection from Abuse

- All Temporary Protection From Abuse matters will be addressed at the Family Law Center, 440 Ross Street, Room 3030, Pittsburgh, PA 15219. Temporary Protection from Abuse Hearings shall be conducted generally through videoconference. If a hearing cannot be conducted through videoconference, the hearing shall be held by audio or teleconference.
- Temporary Protection From Abuse Petitions will be prepared and processed between the hours of 8:00 A.M. and 11:00 A.M., and videoconference hearings will be conducted until 2:00 P.M, Monday through Friday. This timeframe may be modified upon further order.
- Emergency Protection From Abuse Petitions will be addressed from 11:00 A.M.. until 8:00 A.M., Monday through Friday, and 24 hours

Saturday and Sunday and on court holidays at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219.

- Emergency Protection From Abuse Petitions may also be addressed from 11:00 A.M. until 3:30 P.M. at the Magisterial District Courts.
- Final Protection From Abuse Hearings shall be heard through Advanced Communication Technology (ACT), until further Order of Court.
- Temporary Protection From Abuse Orders that were entered during the judicial emergency or that were extended due to the judicial emergency shall expire on June 16, 2020, unless an order entered after May 28, 2020 sets a different expiration date.
- Defendants (or their attorneys) intending to contest a Protection From Abuse action and participate in a hearing must submit an "Intent to Defend" form prior to the scheduled hearing. If the Defendant appears at the hearing without having completed and submitted the Intent to Defend form prior to the scheduled hearing, the hearing may be postponed and the Temporary PFA Order may be extended until the rescheduled hearing date.
- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.
- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary PFA Petitions.
- For questions concerning Protection from Abuse, please call (412) 350-4441, Monday through Friday between 9:00 A.M. and 3:00 P.M.

Juvenile Matters

- Juvenile proceedings shall be conducted by Advanced Communication Technology, primarily through Microsoft Teams, pursuant to the protocol

for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judge. See Protocol for Teleconference Hearings posted on the Fifth Judicial District website.

- Delinquency adjudicatory hearings, where the juvenile requests a hearing or a trial may be conducted as an in-person hearing. Requirements for social distancing and masks and face coverings as set forth in this order, shall be strictly followed. With the consent of the juvenile, a delinquency adjudicatory hearing may be heard, in whole or in part, through Advance Communication Technology, provided that after conducting a colloquy on the record, the Court determines that:
 1. The juvenile understands the Constitutional right to confront witnesses;
 2. The juvenile understands the right to be present; and
 3. The right and knowingly and voluntarily waives these rights.
- All Juvenile Court matters will be heard by the assigned judges according to the scheduling protocol in effect prior to the judicial emergency. Matters may continue to be heard through Advanced Communication Technology, as the interest of public safety dictates.
- The Court shall continue to issue Orders for protective custody, pursuant to Pa. R.J.C.P. Rule 1210.
- Detention hearings will be heard by a hearing officer on Mondays, Wednesdays, and Fridays. Hearing officer recommendations will be sent to the daily assigned judge for approval and entry of an order.
- Shelter Care Hearings will be heard by a hearing officer three days a week. Walk-in Shelter Care Hearings will not be permitted. Hearing officer recommendations will be sent to the assigned judge for approval and entry of an order.

- Emergency motions will be heard in accordance with the weekly motions judge schedule. All Motions shall be filed through PACFile with a copy e-mailed to juvenilemotions@allegheycourts.us, the probation officer, and the caseworker.
- For emergency matters involving delinquency, please contact the Juvenile Probation Department at (412) 350-1501.
- In cases where the juvenile is detained prior to the adjudicatory hearing, the Court may schedule the adjudicatory hearing more than 10 days after the filing of the petition or the pre-hearing conference, as deemed appropriate by the hearing officer or the judge, but the Court must review the detention status by memo every 10 days until the adjudicatory hearing is held. The attorney for the juvenile and the attorney for the Commonwealth shall be provided the opportunity to provide input in writing and/or through Advanced Communication Technology. In all cases, the Court shall determine whether the continued detainment is necessary to ensure the safety of the public and is constitutionally permissible.
- Termination of Parental Rights Hearings shall be scheduled and heard by the assigned judge.
- Adoption Hearings shall be scheduled and heard as determined by the assigned judge.
- Post-dispositional hearings, where the recommendation is to close supervision, may be presented by memo for the entry of an Order to terminate supervision.
- Initial pre-hearing conferences shall be conducted through Microsoft Teams. With the consent of the parties, all other matters may be presented to the Court by memo, without a hearing, for entry of an Order.
- The Court shall continue to be available to issue orders for Authorization for Medical Treatment of a Minor, pursuant to 18 Pa. C.P.S. 3201.

- Private Dependency Petitions and Petitions to Modify/Enforce Permanent Legal Custodianship Orders shall be processed electronically or by US Postal Mail. Complete instructions are available on the Fifth Judicial District website.
- Questions concerning dependency matters, termination of parental rights, adoptions and juvenile scheduling matters may be submitted by email to childrenscourt@allegheycourts.us or by calling 412-350-0377, Monday through Friday, between 9:00 AM and 3:00 PM. Emails and calls will be returned during regular business hours.

VIII. Orphans' Court Division

- Whenever appropriate and feasible, Orphans' Court Proceedings should be conducted by Advanced Communication Technology (ACT), primarily through Microsoft Teams, pursuant to the protocol for teleconference hearings issued by the Court. Other audio or teleconference methods may be employed, pursuant to the protocol for teleconference hearings issued by the Court, with the approval of the Administrative Judges. See Protocol for Teleconference Hearings found on the Fifth Judicial District website. Proceedings in Orphans' Court cases that are specially assigned to a judge may, at the discretion and direction of the judge, be conducted in-person in open court.
- The following types of Petitions/Motions may be filed at the Department of Court Records Wills/Orphans' Court Division for transmittal to the Orphans' Court Division for assignment to the trial judge or motions judge:
 1. Settlement Petitions involving minors, incapacitated persons, or Decedent's Estates;
 2. Petitions requesting the issuance of a Citation or Rule to Show Cause;
 3. Petitions requesting the scheduling of a hearing, including but not limited to, termination of parental rights, adoptions, guardianships of incapacitated persons and minors, and review of involuntary civil commitment;
 4. Petitions to Settle a Small Estate;

5. Petitions for Allowance involving minors or incapacitated persons; and
 6. Petitions or motions that are consented to in writing by all counsel of record and/or by all unrepresented parties in interest.
- Petitions or motions that are contested must comply with the requirements of Rule 3.1 of the Allegheny County Orphans' Court Division Rules and shall be presented in-person in open court to the motions judge at 9:30 a.m. or at such time and manner, including via Advanced Communications Technology, as directed by the motions judge.
 - In-person in court proceedings must follow the protocols and policies relating to the use of masks or other personal protective equipment, social distancing and other guidance specified in Section II of this Order.
 - Involuntary Civil Commitment hearings will continue as scheduled and will be conducted by audio or teleconference.

IX. Magisterial District Courts

- All Magisterial District Courts and Pittsburgh Municipal Court are open for designated court proceedings as set forth in this order.
- Police agencies are to follow the Revised Magisterial District Courts COVID-19 Plan and the Pittsburgh Municipal Court, City of Pittsburgh COVID-19 Plan for the filing of criminal complaints, ICC complaints, arrest warrants, and search warrants. See attached Revised MDC COVID-19 plans.
- Magisterial District Judges will remotely handle criminal case initiation and processing. The remote operations include:
 - Criminal Complaint filing, arrest warrant requests, and cases initiated by on-view arrests only,
 - Search Warrant issuance,
 - Bail Hearings and Bail Hearings on ICC Complaints filed by police.

- Preliminary Arraignments conducted through Pittsburgh Municipal Court shall be handled remotely.
- Preliminary Arraignments conducted at the Magisterial District Courts shall presumptively be handled remotely but may at the discretion of the Magisterial District Judge be handled in person.
- Preliminary hearings with incarcerated defendants will be conducted using Advanced Communication Technology. Other parties may participate through Advanced Communication Technology.
- Preliminary hearings for non-incarcerated defendants may be conducted using Advanced Communication Technology. Other parties may participate through Advanced Communication Technology. There will be no identification process at time of arrest, unless processed through the Allegheny County Jail. Defendants will be assigned a fingerprint appointment for a later date.
- Constables that serve arrest warrants for misdemeanor/felony cases are to instruct defendants to turn themselves in or contact the police agency that requested the warrant.
- Defendants shall pay their court-ordered financial obligations—costs, fines, and fees—electronically, through Court Payment Services at alleghenytx.com and through the Pennsylvania ePay system at ujportal.pacourts.us. Cash payments at the Magisterial District Courts may be accepted at the discretion of the Magisterial District Judge. Cash payments will be accepted at Pittsburgh Municipal Court.
- Magisterial District Judges may *sua sponte* revise individual payment plans to reduce the minimum payment requirement.
- Facsimile signatures are to be used for documents generated in the Magisterial District Judge Computer System.
- Police complaints, affidavits, and search warrant requests filed with an electronic signature shall be accepted by the Court.

- After review and with their approval, a Magisterial District Judge may permit staff to sign a criminal complaint on his/her behalf. The Magisterial District Judge shall utilize the procedures set forth below.
 - The Magisterial District Judge shall review the criminal complaint and electronically notify the staff of their approval.
 - A record of this permission shall be attached to the criminal complaint.
 - The form of signature shall be Magisterial District Judge Name/Staff initials.

- Emergency Protection From Abuse Petitions will be addressed from 11:00 A.M. until 8:00 A.M., Monday through Friday, and 24 hours Saturday and Sunday and court holidays at the Pittsburgh Municipal Court Building, 660 First Avenue, Pittsburgh, PA 15219. Emergency Protection from Abuse Petitions may be addressed at the Magisterial District Courts from 11:00 A.M. until 3:30 P.M. Petitioners should call the Magisterial District Court in advance of arrival. Phone numbers may be found on the Fifth Judicial District Website: https://www.alleghenycourts.us/district_judges/offices.aspx

- Until further Order of Court, Indirect Criminal Contempt (ICC) Complaints will not be accepted by private petition.

- ICC Police Complaints will be accepted, and bail hearings will be held before a Magisterial District Judge using Advanced Communication Technology. If a defendant is detained, a bail hearing shall be held before the judge assigned to hear the Temporary Protection from Abuse Petitions.

- All other proceedings, including summary proceedings, civil actions, and landlord/tenant actions may be conducted using Advanced Communication Technology, which includes audio or videoconference at the discretion of the Magisterial District Judge.

- Private complaint interviews will not take place at the Magisterial District Courts. Please refer to the Allegheny County District Attorney's website for directions for filing a private complaint at <http://alleghenycountyda.us/>.
- Residential landlord tenant actions shall proceed pursuant to the attached Order, filed this same date, entitled Fifth Judicial District Temporary Procedures Regarding Certain Residential Landlord Tenant Actions.

BY THE COURT:

 P. J.

Kim Berkeley Clark
President Judge

IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: FIFTH JUDICIAL DISTRICT :
TEMPORARY PROCEDURES : No. 23 WM 2020
REGARDING CERTAIN RESIDENTIAL:
LANDLORD TENANT ACTIONS :

ORDER OF COURT

AND NOW, this 31st day of August 2020, pursuant to Pa.R.J.A. No. 1952(B)(2), this Court having declared a judicial emergency in the Fifth Judicial District of Pennsylvania through December 31, 2020, and recognizing that rent assistance through the CARES Rent Relief Program and other programs is available for landlords and tenants in Allegheny County and that landlords and tenants may require time to apply for such assistance and additional time for their applications to be processed, the following is hereby **ORDERED, ADJUDGED and DECREED**.

1. Effective September 1, 2020, all residential landlord tenant actions will be accepted for filing within the Fifth Judicial District pursuant to the applicable statutes and rules governing those actions.
2. Initial hearing dates for residential landlord tenant actions filed at the Magisterial District Courts where the action is based solely on non-payment of rent shall be scheduled at the latest available landlord tenant court date consistent with Pa.R.C.P.M.D.J. 504 and may be scheduled up to seven (7) days beyond the time limit set forth in Rule 504, if the Magisterial District Judge finds it necessary due to the volume of cases already scheduled.
3. On such cases, if on or before the initial hearing date, the tenant provides an affidavit or testifies under oath affirming that the tenant has submitted or will submit an application for rental assistance under the CARES Rent Relief Program or any of the other available rental assistance programs, the initial hearing date shall be used to conduct a status conference rather than a hearing. During this status conference, the CARES Rent Relief Program or other program shall be considered by the parties who shall determine if they will move forward with an application.

4. If both parties agree to move forward with an application through the CARES Rent Relief Program or other available rental assistance program, the hearing shall be continued to allow for sufficient time for the application to be processed as agreed to by the parties and the Magisterial District Judge. Multiple continuances may be granted so there is sufficient time for the application to be processed and the relief to be provided. A hearing shall not occur until the application has either been granted, denied or withdrawn.
5. If, during the status conference, the parties do not both agree to move forward with an application, the case may be postponed to a new date for a hearing on the matter or the Magisterial District Judge may, in his or her discretion, continue the hearing to allow for an application to be made and processed.
6. The procedures in paragraphs 2 through 5 above apply only to residential landlord tenant actions at the Magisterial District Courts where the action is based solely on non-payment of rent.
7. Application for COVID-19 related rent assistance through the CARES Rent Relief Program can be made online at <https://covidrentrelief.alleghenycounty.us>.
8. Additional information about other rental assistance programs may be found at the following links:
 - <https://www.ura.org/pages/covid-19-resources-for-residents>
 - <https://www.alleghenycounty.us/human-services/index.aspx>
 - <https://renthelppgh.org/>

The Fifth Judicial District Judicial Temporary Prohibition on Commencement of Certain Residential Landlord Tenant Actions expires on August 31, 2020. This Order shall become effective on September 1, 2020 and shall remain in effect until further Order of Court.

BY THE COURT:



,P. J.

Kim Berkeley Clark
President Judge

CRIMINAL DIVISION PROCEDURES

Additional Courtroom Procedures

Participants Who Cannot Be Heard Clearly While Wearing Masks

- Paper masks will be provided in each courtroom where the judge determines that a witness, defendant or other participant cannot be heard or understood while wearing a cloth or other mask.
- The judge may permit a witness to temporarily remove a mask to take testimony where the presence of a mask would adversely affect the ability to evaluate credibility. In such cases, the witness will be required to wear a face shield but will put their mask back on whenever approached by an attorney.
- A participant shall not be asked to lower or remove their mask at any time while they are within 15 feet of another person unless protected by a plexiglass partition.

Private Attorney/Client Communication in Courtroom

- During any hearing requiring a witness, the defendant, defense counsel, prosecutor, and affiant will each be provided with paper and a pen (if consistent with safety concerns of the Court, Deputy Sheriff, and attorneys) and will be permitted to write confidential notes to each other. The court may permit other means of confidential communication including providing for brief recesses or allowing the defendant and attorney to briefly exit the courtroom to confer consistent with safety concerns.

Early arrival for court proceedings

- Attorneys and witnesses arriving more than 30 minutes prior to a scheduled court event may be asked by the Court to leave and return later in order to maintain social distancing and reduce the amount of people in the courtroom at any given time.

Signing of Subpoenas

- Alternative methods of signing should be used to avoid contact between court staff and defendants.

CRIMINAL DIVISION PROCEDURES

Document Transfer

- All efforts shall be made to transfer as many documents as possible to court staff electronically. When a physical document must be provided to court staff in a courtroom, it shall be done, whenever possible, by placing the document on a table provided for the exchange rather than by a direct hand- to-hand exchange.

CRIMINAL DIVISION PROCEDURES

Formal Arraignment Waiver

The following steps must be taken by defense counsel to waive appearance at Formal Arraignment during the judicial emergency:

- Defense counsel must enter their Appearance on behalf of the Defendant.
- After the Praecipe for Appearance has been filed with the Department of Court Records, defense counsel may download and complete Waiver of Appearance at Formal Arraignment form. This document can be found on the Fifth Judicial District Website, <https://www.alleghencourts.us/Criminal/Default.aspx>
- Once completed, the Waiver of Appearance at Formal Arraignment form must be forwarded to ccformalarraignment@alleghencourts.us.
- The email must include defense counsel and the defendant's phone number, email address, and mailing address.
- The Formal Arraignment Office will review the waiver request and determine if the Criminal Information has been filed by the District Attorney's Office.
- If the Criminal Information has been filed, the Formal Arraignment Office will email the attorney of record the information and all paperwork along with the judge assignment and a subpoena for the Defendant to appear on the scheduled Pretrial Conference date or Phoenix Court date. When required, a Court Reporting Network (CRN) appointment will be included in the paperwork; the defendant shall attend the scheduled CRN appointment and complete the full drug/alcohol assessment, if required, prior to the scheduled court date.
- If the case is eligible for ARD, information will be provided to defense counsel to contact the District Attorney's ARD unit and complete the ARD interview. Upon receipt of the ARD paperwork from defense counsel showing that the defendant has been accepted into the ARD program, the Formal Arraignment Office will provide an ARD date and subpoena to defense counsel via email.

CRIMINAL DIVISION PROCEDURES

- If the Criminal Information has not been filed, the Formal Arraignment Office will reschedule the Formal Arraignment date and notify defense counsel of the new date.
- Defense Counsel will sign the subpoena on the defendant's behalf with the defendant's permission or will make arrangements for the defendant to sign the subpoena and return it to the Formal Arraignment Office by email.
- Pretrial Conferences for defendants should be conducted by email, telephone, or videoconferencing, but may be conducted in person.
- Defense counsel may accept a subpoena on a defendant's behalf by completing a Waiver of Appearance at Pretrial Conference. This document can be found on the Fifth Judicial District Website, <https://www.alleghenycourts.us/Criminal/Default.aspx>.
- Defendants without an attorney must appear in person to schedule their cases, unless other arrangements have been made by court staff, in which case the Pretrial Conferences may be conducted by telephone or videoconferencing

CRIMINAL DIVISION PROCEDURES

In-Person Proceedings

Attorneys shall confer with their witnesses and clients prior to the hearing date to ensure that they are not exhibiting symptoms of COVID-19 and are not awaiting the results of a COVID-19 test. Those exhibiting COVID-19 symptoms or awaiting a test result are not permitted in any court facility. Information on appropriate actions to take when experiencing COVID-19 symptoms can be found on the CDC website at <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/index.html>.

Attorneys shall notify the Court of any witness or client exhibiting symptoms or awaiting the results of a COVID-19 test. Arrangements shall be made for the person to participate remotely or the matter shall be postponed.

Taking the testimony of witnesses through Microsoft Teams is strongly encouraged. However, when a witness must testify in person in a courtroom, attorneys will be responsible for management of their witnesses.

Witnesses may be required to wait in designated areas of the Courthouse, outside the Courthouse or elsewhere so that social distancing may be maintained and to reduce the amount of people in the courtroom at any time.

Witnesses who wait in the hallways may not congregate and must socially distance.

Attorneys shall inform the Court of the status and location of their witnesses prior to the start of a proceeding so that the attorneys may be given adequate time to notify and call each witness to testify. Upon conclusion of the testimony, the witness shall be excused from the courtroom and shall leave the court facility unless the judge or judicial officer determines that there is a reason that the witness must remain in the court facility.

The taking of photographs or the recording of any proceeding is strictly prohibited. Anyone violating this provision shall forfeit their cellular phone or device and shall be subject to contempt proceedings or other sanctions. Notwithstanding, with the permission of the presiding judge, an attorney may use a cellular telephone to summon a witness waiting in another location or for such other purpose authorized by the judge. When a judge is on the bench, the attorney shall first request permission from the judge.

CRIMINAL DIVISION PROCEDURES

ARD Procedures

After the defendant completes the ARD interview and accepts the ARD offer, the defendant will receive a subpoena from the Court Arraignment Office with the hearing date and time noted.

ARD Court staff will email defense counsel (or the defendant, if not represented) the ARD Packet with instructions to complete it and return it at least 7 days prior to the ARD hearing date.

ARD Court staff will email an invitation for the Microsoft Teams ARD Hearing to both the Defendant and Defense Counsel the week of the ARD hearing.

The ARD Hearing and Admission into the ARD program will take place as scheduled through Microsoft Teams.

Upon the conclusion of the ARD Hearing on Microsoft Teams, the ARD Officer and defendants will remain on the Teams call so that the ARD Officer may review the ARD rules with the defendants.

ARD Probation either will complete the intake interview at the conclusion of the ARD TEAMS hearing or will contact the defendant approximately one week after the hearing. If a defendant has not had an intake interview within 14 days of the ARD hearing, please contact the ARD office at 412-350-4632.

CRIMINAL DIVISION PROCEDURES

Phoenix Court Procedures

On all Phoenix cases a full discovery packet, sentencing guidelines and offer are presented to the Defendant at the time of Formal Arraignment.

The Phoenix Hearing will be conducted remotely through Advanced Communication Technology primarily through Microsoft Teams unless extenuating circumstances exist that justify an in-person proceeding.

The Remote Plea Packet should be completed and sent to the assigned courtroom staff two (2) business days before the assigned court date. The protocol during the Plea Hearing via remote access will also be followed.

If the Phoenix Offer is rejected, a Rejection of Phoenix Offer and Election to Proceed to Trial form must be completed and filed with the Court.

A trial date will then be set by the Court and the Case Status Conference protocol must be then followed.

CRIMINAL DIVISION PROCEDURES

Case Status Conferences (CSC)

All attorneys will be required to engage in an audio and/or video case status conference with opposing counsel in every case at least one week prior to the next scheduled court date during which the following matters must be addressed:

- Whether any plea offers have been made; all plea negotiations must occur before the CSC deadline;
- If a plea offer has been made and the defendant intends to reject the plea offer and proceed to trial, the rejection of the offer shall be placed on the record. The court, in its discretion, may notify the defendant that, once the plea is rejected and the case is scheduled for trial, the Court will no longer accept a negotiated plea;
- If a plea offer will not be made, a determination will be made as to whether the case is ready to proceed to jury or nonjury trial. If the parties are not prepared to proceed, a postponement request must be submitted electronically via <https://www.alleghencourts.us/criminal/MotionForContinuance.aspx> at least four (4) business days before the next court date. Postponement requests submitted in this fashion will be granted or denied by the end of the next business day after submission.

After the CSC is complete, but in no event later than 4 business days before the next court listing, the Prosecutor shall submit an email to the minute clerk and the designated court staff for each courtroom, with a copy to defense counsel, which shall include the following:

- Defendant's name,
- Date of proceeding,
- Attorneys' names and email addresses (prosecution and defense),
- Defendant's contact information, including their email address if the proceeding is to take place remotely,
- Whether the case will resolve by plea, nonjury or jury trial or whether a postponement request will be submitted and by whom;
- Whether any motions are pending and, if so, whether any such motion requires a hearing with or without witnesses;
- Whether the defendant and witnesses and victims necessary for the scheduled proceeding have been contacted.

CRIMINAL DIVISION PROCEDURES

Counsel shall not send multiple CSC emails on the same case as such emails burden the court staff, overwhelm their email accounts and create confusion.

When a matter is scheduled as a remote plea or hearing, all paperwork shall be emailed to court staff 48 hours prior to the scheduled plea or hearing date, or, in the case of a defendant who is incarcerated, 24 hours prior to the plea or hearing date including:

- Plea Packet
- Sentencing Guidelines
- Restitution Form
- Other forms required for SORNA or Domestic Violence cases

If a case will be proceeding to trial, the parties are encouraged to stipulate to any evidence or testimony, where possible, to avoid the need for witnesses to be called to testify. If stipulations may be furthered by a party making a potential witness available via conference call with all counsel, counsel are encouraged to utilize this method or other similar opportunities to further discussions regarding possible stipulations. Where stipulations cannot be reached regarding the testimony of a witness, the parties should discuss whether any witnesses might be permitted to testify via video.

In a matter which is to proceed remotely, exhibits should be exchanged via email between the parties at least 24 hours prior to the proceeding, with a copy to court staff. If a party believes that circumstances exist that a prior exchange of a particular exhibit should not occur, the issue should be brought to the Court's attention through the Case Status Conference process.

When a defense attorney has been unable to contact the defendant, the Prosecutor shall not bring in any witnesses but shall have them available by phone in the event that a previously "unreachable" defendant appears and determines to enter a guilty plea.

If the defendant then fails to appear on their scheduled court date, a warrant shall be issued.

If the defendant does appear on their scheduled date, the courtroom staff should direct the defendant to the location previously supplied by defense counsel so that the defendant can make contact with defense counsel. The case may proceed in a manner that does not require witnesses such as a plea, or a stipulated non-jury trial, or other method agreed upon by the parties.

CRIMINAL DIVISION PROCEDURES

Otherwise, a short defense postponement may be granted with a definite date for trial.

Prosecutors shall make every effort to contact their witnesses well in advance of the scheduled court date and shall comply with the requirements of the Case Status Conferences or status conferences held by judges and their staff.

When a Prosecutor has been unable to contact a witness or victim, the prosecutor shall include on any postponement request, the efforts made to contact the witness or victim.

If a Commonwealth postponement is not granted, defense counsel shall not bring in any witnesses but shall have the defendant available by phone in the event the Commonwealth witness or victim does appear for the proceeding on the specified date.

In the event the Commonwealth witnesses do not appear on the scheduled court date, the case may be *nolle prossed*, dismissed or, at the discretion of the judge, a postponement maybe granted on that date.

If the Commonwealth witness or victim does appear on the scheduled court date, the case may proceed in a manner that does not require witnesses such as a plea, stipulated non-jury trial, or other method agreed upon by the parties. Otherwise, a short Commonwealth postponement shall be granted with a definite date for trial.

All defendants without counsel will be required to engage in a CSC with the assigned prosecutor consistent with the above procedures. Prior to the CSC, the assigned prosecutor will notify the Office of the Public Defender that the defendant is unrepresented so that the defendant can be provided counsel from the Office of the Public Defender or the Office of Conflict Counsel to explain the following:

- The right to counsel for future court proceedings;
- The right to have counsel appointed if the defendant is unable to afford an attorney; and
- If the defendant elects to proceed *pro se*, the fact that counsel will serve as a third-party witness to ensure the CSC is fairly conducted.

CRIMINAL DIVISION PROCEDURES

Designated Staff to Receive CSC Emails for Each Courtroom

JUDGE	ADDITIONAL STAFF	EMAIL	MINUTE CLERK	EMAIL
Bruce R. Beemer	Diana Colosimo	DColosimo@allegheycourts.us	Janine McVay	McVayJ@allegheycourts.us
Alexander P. Bicket	Carley Donnelly	CDonnelly@allegheycourts.us	Kathy Burford	KBurford@allegheycourts.us
Kelly E. Bigley	Teri Michaels	TMichaels@allegheycourts.us	John D'Abruzzo	JD'Abruzzo@allegheycourts.us
Edward J. Borkowski	Pamela Farrell	Pam.Farrell@allegheycourts.us	John Halloran John Matter - ARD	John.Halloran@allegheycourts.us JMatter@allegheycourts.us
David R. Cashman	Wendy Hayes	Wendy.Hayes@allegheycourts.us	Derek Smith	DJSmith@allegheycourts.us
John J. Driscoll	Mary Angela Ogg	MOgg@allegheycourts.us	Lindsay Williamson	LWilliamson@allegheycourts.us
Susan F. Evashavik DiLucente	Mary Lou Conroy	mlconroy@allegheycourts.us	Dan Cregan	DCregan@allegheycourts.us
Thomas E. Flaherty	Sarah Deasy	SDeasy@allegheycourts.us	Karen Cirrincione	Karen.Cirrincione@allegheycourts.us
Beth A. Lazzara	Judy Sarna (Law Clerk)	jsarna@allegheycourts.us	Tim Palmer	TPalmer@allegheycourts.us
Jeffrey A. Manning	Sandy Leasure	Sandy.Leasure@allegheycourts.us	Michele Kearney	MKearney@allegheycourts.us
Anthony M. Mariani	Christen Hobaugh	CHobaugh@allegheycourts.us	Christa Buchewicz	CBuchewicz@allegheycourts.us
Lester G. Nauhaus	Lucille Trobaugh	LTrobaugh@allegheycourts.us	Sandy Evans	Sandy.Evans@allegheycourts.us
Jill E. Rangos	Shana Kemerer	SKemerer@allegheycourts.us	Laura Gettings	LGettings@allegheycourts.us
Kevin G. Sasinowski	Stephanie Ewing	SEwing@allegheycourts.us	Candice Kelly	CKelly@allegheycourts.us
Randall B. Todd	Gwyn Behr	GBehr@allegheycourts.us	Elizabeth Collins	ECollins@allegheycourts.us
Mark V. Tranquilli	Mary Angela Ogg	MOgg@allegheycourts.us	Lindsay Williamson	LWilliamson@allegheycourts.us
John A. Zottola	Marie Zottola	MZottola@allegheycourts.us	Toni Snelsire	TSnelsire@allegheycourts.us

CRIMINAL DIVISION PROCEDURES

Remote Pleas

When a matter is scheduled as a remote plea or hearing, all paperwork shall be emailed to court staff 48 hours prior to the scheduled plea or hearing date, or, in the case of a defendant who is incarcerated, 24 hours prior to the plea or hearing date.

If the case will be a plea, the following paperwork should be included:

- Request for Remote Hearing *
- Instructions for Scheduling a Remote Plea *
- Guilty Plea Colloquy *
- Waiver of Rights and Consent to Plea/Sentencing by Video Conference*
- Adult Probation Intake Form *
- General Rules and Condition of Probation Acknowledgement Form *
- Sentencing Guidelines
- Restitution Form

*Denotes items the are included in the Plea Packet.

If the case is a Domestic Violence case, include also:

- Order of Relinquishment
-

If the case is a SORNA case, include also:

- Specific Special Conditions of Probation
- General Rules and Condition of Probation Acknowledgement Form
- Sexual Offender Registration/Notification Act (SORNA) Colloquy

The SORNA Packet includes these 3 forms as well as all of the forms in the Plea Packet denoted by * above.

CRIMINAL DIVISION PROCEDURES

Miscellaneous Motions

Updated instructions and forms for filing Miscellaneous Motions in Motions Court can be found at:

<https://www.alleghecourts.us/criminal/MiscellaneousMotions.aspx>.

CRIMINAL DIVISION PROCEDURES

Criminal Division Forms

Criminal Division forms may be found at
<https://www.alleghenycourts.us/Criminal/Default.aspx>

Waiver of Appearance at Formal Arraignment

Waiver of Appearance at Pretrial Conference

Plea Packet – includes:

- Request for Remote Hearing
- Instructions for Scheduling a Remote Plea
- Guilty Plea Colloquy
- Waiver of Rights and Consent to Plea/Sentencing by Video Conference
- Adult Probation Intake Form
- General Rules and Condition of Probation Acknowledgement Form

ARD Packet – includes:

- Instructions for Scheduling a Remote ARD Hearing
- Explanation of ARD Proceeding
- Waiver of Rights and Consent to Entry into ARD by Video Conference
- PAePay Instructions
- General Rules for ARD Probationers

SORNA Plea Packet – includes:

- Request for Remote Hearing
- Instructions for Scheduling a Remote Plea
- Guilty Plea Colloquy
- Waiver of Rights and Consent to Plea/Sentencing by Video Conference
- Charge Specific Special Conditions of Probation
- Adult Probation Intake Form
- General Rules and Condition of Probation Acknowledgement Form
- Sexual Offender Registration/Notification Act (SORNA) Colloquy

Order of Relinquishment (for Domestic Violence Cases)

Nolo Contendere Colloquy

Guilty Plea Colloquy

Waiver of Rights and Consent to Plea/Sentencing by Video Conference

Waiver of Rights and Consent to Non-Jury by Video Conference

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

Revised Magisterial District Courts COVID – 19 Plan

Due to the Covid-19 Pandemic Magisterial District Courts in the Fifth Judicial District have modified/alterd their operations.

Safety Measures:

- Court users may be checked/wanded by a security guard/state constable upon entry.
- No one will be permitted into the District Court without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility.
- Some District Courts will have a check in procedure wherein parties will be instructed to check in/provide phone number and wait outside (could wait in an automobile).
 - Parties will be called when it is time for their hearing.
- News media may be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to District Court. Please contact the District Court in advance of the hearing. Contact information can be found on the Fifth Judicial District Website:
https://www.alleghencourts.us/district_judges/offices.aspx

Scheduling:

- The Magisterial District Courts will stagger court times to ensure proper social distancing.
- Parties are required to be on time for their court proceeding.
- Parties are encouraged to conference with one another prior to the court proceeding.
- Parties should be prepared to proceed upon arrival.
- If a party is to complete community service check with District Court about sending completion paperwork prior to scheduled hearing review date. Some District Courts may accept without court appearance.

Hearings:

- Incarcerated individuals will not be transported to the Magisterial District Courts. These individuals will appear for the preliminary hearings via Advanced Communication Technology.
- Interpreters will work remotely by either phone or video.

- Other parties may participate via Advanced Communication Technology

Case Filings:

- Civil/LT cases will be accepted by mail.
- If a party wishes to file in person, please contact the District Court to schedule an appointment time.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytix.com and ujportal.pacourts.us.
- Lock boxes may be provided for cash payments.
- District Courts may accept cash payments if processed safely.

Criminal Case Processing:

- The Magisterial District Courts will not be conducting any criminal case initiation in person at the District Court.
- All criminal case initiation, requests for arrest warrants, on-view arrest complaints and search warrants, will be conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan.
- All criminal arraignments will be presumptively conducted remotely per the Magisterial District Court COVID-19 Criminal Processing Plan. In person criminal arraignments may take place at the discretion of the Magisterial District Judge.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 11:00 a.m. through 8:00 a.m., and 24 hours on weekends and holidays.
- Petitions will also be handled at the Magisterial District Courts from 11:00 a.m. through 3:30 p.m., please call in advance of arrival, https://www.alleghecourts.us/district_judges/offices.aspx

COURT OF COMMON PLEAS OF ALLEGHENY COUNTY



FIFTH JUDICIAL DISTRICT OF PENNSYLVANIA

COVID – 19 Pittsburgh Municipal Court Protocol

Due to the Covid-19 Pandemic Pittsburgh Municipal Court has modified/alterd their operations.

Safety Measures:

- Court users will enter through the main entrance.
- Employees will enter through the employee entrance.
- Court users will exit the building in the back - new designated exit door on the first floor - towards the river.
- Security guards will be at the entrance and exit.
- Court users will go through security.
- Court users will not be readmitted at the exit (if a person goes outside for a cigarette break – they will have to enter in the front of the building).
- Face masks are required – no person will be permitted into PMC without a face mask or similar face covering.
- If a court user does not have a mask, a disposable mask will be provided.
- The number of people in the court facility shall be limited to ensure safe social distancing.
- Court Users will not be permitted to linger in court facility
- News media will be permitted into court facilities but only in a manner that is consistent with public safety.
- If court users are sick or have underlying medical/health issues that put them at a higher risk, please do not come to Pittsburgh Municipal Court. Please contact Pittsburgh Municipal Court in advance of the hearing.
- Germ guards have been installed at the bench.

Scheduling:

- Pittsburgh Municipal Court will have staggered appearance times:
 - Every 15 minutes from 8:00 a.m. – 11:00 a.m.
 - Every 15 minutes from 12:30 p.m. – 4:00 p.m.
 - The number of cases scheduled will ensure proper social distancing.
 - Parties are expected to appear at the scheduled time and be prepared to proceed.
- Criminal Cases:
 - If necessary criminal cases may be heard in 2 – 3 courtrooms, city, traffic and non-traffic courtrooms.
 - Please check hearing notice for courtroom assignment and time.
 - Parties will check in at a window designated for the courtroom assignment.

- Parties are encouraged to conference with one another prior to the court proceeding. Parties should be prepared to proceed at scheduled time.

Hearings:

- Parties are to remain at counsel tables and not approach the bench.
- Parties must speak loudly so FTR can record.
- Speaker systems have been installed.

Payments:

- Payments will be accepted by mail – check or money order.
- Parties are encouraged to make online payments through alleghenytix.com and ujportal.pacourts.us.
- Payments may be made by cash if safety procedures are followed.
- Bail documents may be presented electronically via fax or email. Any fees will be mailed directly to the Department of Court Records if it is a Common Pleas bail.

Criminal Case Filings – Police Agencies:

- All criminal cases filed at Pittsburgh Municipal Court shall be handled remotely
- Police agencies please refer to the Pittsburgh Municipal Court Covid-19 Criminal Processing Plan.

Emergency Protection from Abuse:

- Petitions will be handled at the Pittsburgh Municipal Court facility, 660 First Ave., Pittsburgh, PA 15219, Monday through Friday from 11:00 a.m. through 8:00 a.m., and 24 hours on weekends and holidays.