

**IN THE COURT OF COMMON PLEAS
OF THE FIFTY-NINTH JUDICIAL DISTRICT OF PENNSYLVANIA**

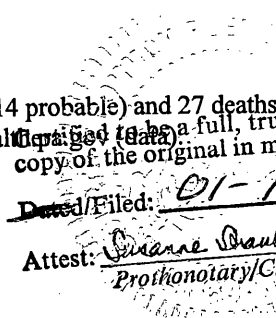
IN RE: 59TH Judicial District of Pennsylvania * COUNTY BRANCH- ELK/CAMERON
ACCESS TO JUDICIAL FACILITIES * *
COVID-19 Pandemic * No. 2020-272 (Elk County)
*** ***
*** No. 2020-357 (Cameron County)**

ADMINISTRATIVE ORDER OF COURT

AND NOW, this 15th day of January, 2021, upon consideration of Order of the Pennsylvania Supreme Court dated May 27, 2020, effective June 1, 2020, entered by the Pennsylvania Supreme Court at *In Re: General Statewide Judicial Emergency, Nos. 531 and 532* Judicial Administration Docket, which vested President Judges with authority to exercise emergency powers under Rule 1952(B)(2) of the Pennsylvania Rules of Judicial Administration, a judicial emergency having been declared in the Fifty-Ninth Judicial of Pennsylvania, Elk and Cameron Counties, effective March 17, 2020 by Shawn T. McMahon, President Judge, which remains in effect through February 27, 2021 and the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, continuing to experienced a significant increase in the community spread of the novel Coronavirus/COVID-19 and consequential increase in deaths within the community as evidenced by data published by the Pennsylvania Department of Health¹, consequently, in a necessary effort to mitigate the current significant community spread of the novel Coronavirus/COVID-19 within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, **IT IS HEREBY ORDERED AND DECREED**, as follows:

1. The Administrative Order of Court dated December 3, 2020 is extended **until Friday, February 12, 2021 at 11:59 o'clock P.M.** except as provided herein below regarding

¹ As of January 14, 2021 Elk County had 1,785 cases (1,071 confirmed and 714 probable) and 27 deaths. Cameron County had 205 cases (145 confirmed and 60 probable) and 8 deaths. See health department data. See health department data for a full, true and correct copy of the original in my custody.


 Dated/Filed: 01-15-21
 Attest: Suzanne Daub Schneider
 Prothonotary/Clerk of Courts

operations of Magisterial District Courts within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties;

2. Jury Selection in Elk County scheduled for **Monday, February 8, 2021** is **CANCELED**.
3. Final Call of the Criminal Jury Selection Case List scheduled before the Court of Common Pleas of the Fifty-Ninth Judicial District of Pennsylvania, Elk County Branch, on **Monday, February 1, 2021** is **CANCELED**. All criminal cases listed for Final Call of the Criminal Jury Selection List scheduled for **Monday, February 1, 2021** are generally continued pursuant to this Administrative Order of Court and shall be rescheduled for **Monday, April 5, 2021** by the District Court Administrator of the Fifty-Ninth Judicial District of Pennsylvania. The Court shall attempt to conduct jury selection in Elk County for such cases on **Monday, April 12, 2021** provided such jury selection proceeding may be conducted in a safe and healthy manner for all participants taking into consideration of the status of novel coronavirus/COVID-19 pandemic within the Fifty-Ninth Judicial District of Pennsylvania at such time.
4. All Magisterial District Judges within the Fifty-Ninth Judicial District of Pennsylvania **SHALL** immediately take action and make arrangements within their respective office to allow their office to host and facilitate conducting civil and criminal proceedings via advanced telecommunication technology, namely via Zoom or Lifesize. In this regards, the administrative staff of the respective Magisterial District Courts shall be responsible for scheduling, hosting and facilitating such proceedings to be conducted using advanced telecommunication technology. Given

the limited resources of the Office of the District Court Administrator of the Fifty-Ninth Judicial District of Pennsylvania and its role and responsibility for scheduling, hosting and facilitating proceedings via advanced telecommunication technology before the Court of Common Pleas of the Fifty-Ninth Judicial District of Pennsylvania, the Office of the District Court Administrator of the Fifty-Ninth Judicial District of Pennsylvania **SHALL NOT** be responsible for scheduling, hosting and/or facilitating such proceedings using advanced telecommunication technology for a Magisterial District Court within the Fifty-Ninth Judicial District of Pennsylvania provided the Office of the District Court Administrator shall be available to assist Magisterial District Judges and their staffs with the acquisition of software/applications and training to allow Magisterial District Judges to conduct proceedings using advanced telecommunication technology. Specifically regarding pending criminal matters awaiting a preliminary hearing in Elk County and Cameron County, before a Magisterial District Court, the Elk County District Attorney and Cameron County District Attorney shall immediately evaluate pending cases awaiting preliminary hearing and communicate with attorneys who are representing a defendant in such pending criminal proceedings as to whether the defendant intends to waive their preliminary hearing. In the event that the defendant is intending and willing to waive their preliminary hearing, then in such event, the Elk County District Attorney and Cameron County District Attorney shall immediately communicate such intention and willingness to the respective Magisterial District Judge such that an in-person waiver of preliminary hearing may be scheduled and occur before the Magisterial District Judge. In the event that an attorney for a defendant is aware that

their client defendant is willing and intending to waive their preliminary hearing, then in such event, the attorney for the defendant shall immediately communicate such willingness and intention to the Elk County District Attorney or Cameron County District Attorney, as applicable. As it relates to conducting civil and criminal proceedings before a Magisterial District Judge the respective Magisterial District Judge is vested with full discretion to conduct such in-person proceedings provided such proceedings may be conducted in a safe and healthy manner. During the term of this Administrative Order of Court, Magisterial District Judge Offices within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties, shall remain open during normal business hours to conduct business, address scheduled appointments and hearings as well as to accept and process payments.

5. The Elk County District Attorney and Cameron County District Attorney shall immediately and continually evaluate their active case lists, including communicating with attorneys for defendants, to the extent that if they became aware that an incarcerated defendant desires to enter a guilty plea, then in such case, the Elk County District Attorney or Cameron County District Attorney shall immediately notify the District Court Administrator of the Fifty-Ninth Judicial District of Pennsylvania of such cases which shall be scheduled for a plea and sentencing proceeding before the Court either in person or via advanced telecommunication technology.

The District Court Administrator shall cause a copy of this Administrative Order of Court to be prominently posted on the main entry of the Elk County Courthouse, Cameron County Courthouse, and the offices of Magisterial District Judge James L. Martin (Johnsonburg, PA), Magisterial District Judge Mark S. Jacob (St. Marys, PA) and Magisterial District Judge Barry


D. Brown, II (Emporium, PA), posted on the website of the Fifty-Ninth Judicial District of Pennsylvania, and transmitted to the State Court Administrator of the AOPC. Furthermore, an electronic copy of this Order of Court shall be provided to all members of the Elk and Cameron Counties Bar Association, the Office of the Elk County Commissioners, Office of the Cameron County Commissioners, Elk County Chief Clerk, Cameron County Chief Clerk, Elk County Sheriff, Cameron County Sheriff, Elk and Cameron County Prothonotary, Elk and Cameron County Clerk of Courts, Elk and Cameron County Register of Wills, Elk and Cameron County Recorder of Deeds, Elk and Cameron County Probation, Elk and Cameron County Children and Youth Services, Elk and Cameron County Domestic Relations Sections, Elk Cameron County Treasurers, Elk County Prison Warden, and any other office in the Elk and Cameron County Courthouse that may be effected by this Order of Court.

The Elk County District Attorney and Cameron County District Attorney shall cause a copy of this Administrative Order of Court to be provided to all law enforcement agencies within their respective jurisdictions.

The exclusive purpose of this Administrative Order of Court is to balance the necessity of the Court of Common Pleas and Magisterial District Courts within the Fifty-Ninth Judicial District of Pennsylvania to timely addressing matters in a safe and healthy manner and to mitigate the community spread of the novel Coronavirus/COVID-19 as well as to promote and protect the health, safety and welfare of the citizens of Elk and Cameron Counties, employees and users of court facilities within the Fifty-Ninth Judicial District of Pennsylvania, Elk and Cameron Counties.

This Administrative Order of Court shall remain in effect until **Friday, February 12, 2021 at 11:59 o'clock P.M.** and the Declaration of Judicial Emergency Within The Fifty-Ninth Judicial District of Pennsylvania previously declared remains in effect until **Saturday, February 27, 2021 at 12:00 o'clock A.M.** unless modified or extended by further Administrative Order of Court.

BY THE COURT:



SHAWN T. MCMAHON, P.J.