

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

FILED

SEP 15 2020

**L. H. HOUGH
PROTHONOTARY**

IN RE: 27TH JUDICIAL DISTRICT)
DECLARATION OF JUDICIAL) Nos. 2020-1
EMERGENCY) 24 W.M. 2020

ADMINISTRATIVE ORDER

AND NOW, this 14th day of September, 2020, the Court declared a judicial emergency in the 27th Judicial District of Pennsylvania, effective March 16, 2020, and having previously extended the local judicial emergency through September 7, 2020, the Court **AUTHORIZES** a renewed, limited declaration of emergency to safeguard the health and safety of court personnel, court users, and members of the public through the exercise of emergency powers under Pennsylvania Rule of Judicial Administration 1952(B)(2). It is hereby **ORDERED** and **DECREED** that the local judicial emergency for Washington County shall be extended through December 31, 2020. All provisions of this Order apply through December 31, 2020.

I. Public Access to Court Facilities

- a. All judicial facilities will be open to the public for matters as specified below in this Order.
- b. All individuals entering a judicial facility **SHALL** comply with the following, or be denied access and/or removed:
 - i. Submit to a temperature check and screening. No individual may enter a judicial facility with a fever of over 100.0°, or if exposure to or symptoms of COVID-19 are indicated;
 - ii. Wear an appropriate mask or face covering that fits snugly around the face and leaves unexposed the nose and mouth of the individual, unless the individual has a documented medical condition or is 2 years of age or younger. It is specifically

directed that staff shall wear a mask or face covering in all common areas, if interacting with a member of the public, or in situations where social distancing is not possible; and

- iii. Comply with social distancing guidelines, as well as any signage posted in or on judicial facilities or instructions from a judge, judicial officer, the district court administrator, deputy sheriff, constable at a magisterial district court, or court employee. Elected officials of court-related offices that are located within the same building as a judicial facility shall ensure compliance with this Order within their respective offices and by their employees.
- c. 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.

II. Methods for Conducting Proceedings

- a. Whenever appropriate and feasible, court proceedings shall be conducted by Advanced Communication Technology (“ACT”), primarily through Microsoft Teams, Polycom, or audio device. Statewide rules that restrict, directly or indirectly, the use of advanced communication technologies are **SUSPENDED** for the duration of the judicial emergency.
- b. Remote matters, held using ACT, shall be conducted with the same decorum as in-person matters.
- c. When it is determined that conducting court proceedings through ACT is not appropriate or feasible, court proceedings shall be held utilizing protocols and policies relating to the use of masks or other personal protective equipment, social distancing, and other guidance specified in Section I of this Order.

- i. For in-person proceedings, 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.
- d. In order to prevent overcrowding, court appearances and hearing times shall be staggered. Attorneys and parties 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.
- e. All persons participating in a court proceeding, including but not limited to, judges and judicial officers, attorneys, court employees, jurors, witnesses, and spectators, are required to wear a mask or face covering for the entire proceeding, unless behind a protective barrier. A presiding judicial officer may permit an individual to remove a mask to take testimony or where the presence of a mask would affect the ability to judge credibility, as long there is adherence to social distancing guidelines. A clear face shield may be substituted for a mask or face covering.

III. Motions Court and Argument Court

- a. For the duration of the judicial emergency or until further Order of Court, common pleas judges are encouraged to conduct motions court remotely using ACT; however, motions may be heard in-person at the discretion of the presiding judge if all parties are in agreement.
- b. Common pleas judges shall provide information detailing their respective operating procedures for motions practice during the judicial emergency on the Court's website at www.washingtoncourts.us.

- c. For the duration of the judicial emergency or until further Order of Court, argument court for civil cases shall be conducted remotely using ACT.

IV. Criminal Rule of Procedure 600 and Other Time Calculations and Deadlines

- a. Statewide rules pertaining to the rule-based right of criminal defendants to a prompt trial continue to be suspended for the duration of the judicial emergency due to the *limited* availability of jury trials. Said delays shall be considered court delays and shall constitute excludable time for purposes of the application of Rule 600, subject to constitutional limitations.
- b. 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 close of business on June 1, 2020. Individual judges are vested with substantial discretion to determine whether a failure to meet a deadline was directly the result of, or affected by, the judicial emergency, and may take any action deemed appropriate to address the situation.

V. Transportation of Incarcerated Individuals

- a. Proceedings, except for jury trials, involving incarcerated individuals will be scheduled using ACT to avoid transportation by a deputy sheriff or constable.
- b. Where the presence of a juvenile is required at a court hearing, ACT shall be considered before issuing an order to transport. Any juvenile that is transported shall wear a mask at all times.
- c. The Sheriff, or his deputies, may refuse to transport an individual who is visibly ill, exhibiting symptoms of COVID-19, or who refuses to wear a mask, and shall immediately notify the assigned judge.

VI. Magisterial District Courts

- a. All magisterial district courts are open for designated court proceedings as set forth in this order.
- b. Preliminary hearings with incarcerated defendants shall be conducted remotely using ACT. Other parties, witnesses, and affiants may participate in hearings in-person.
- c. Other proceedings may be held remotely using ACT at the discretion of the magisterial district judge. For proceedings that take place in-person, the magisterial district judge may limit entry into the judicial facility to parties and other case participants. At all times, magisterial district courts shall be subject to the provisions of Section II, above.
- d. Magisterial District Courts may:
 - i. Modify their hours of operation, including times when in-person payments and filings may be accepted in order to permit for screening of the public; provided however, that any modification must be submitted to the District Court Administrator for approval by the President Judge. A notice of any modification of hours shall be posted on the door of the affected magisterial district court and displayed at www.washingtoncourts.us.
 - ii. Use a constable to provide security and conduct COVID-19 screening. It is preferred, but not necessary, that the constable be certified to carry a firearm by the Pennsylvania Commission on Crime and Delinquency. The District Court Administrator is authorized to set the rate of pay for constables providing security and COVID-19 screening services.

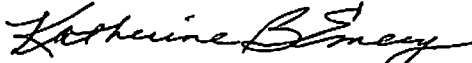
VII. Jury Trials and Arbitration Hearings

- a. Jury trials have been available on a reduced trial term calendar since June 8, 2020. Common pleas judges shall schedule jury trials in consultation with Court Administration. A separate order will establish the jury trial schedule for calendar year 2021.
- b. Local Rules of Civil Procedure 220.3, 221, and 223 are **SUSPENDED** for the duration of the judicial emergency. Common pleas judges are vested with substantial discretion in conducting jury selection.
- c. Arbitration hearings shall commence on a limited basis beginning in October 2020. However, due to facility limitations, arbitration hearings will be conducted remotely using ACT. The District Court Administrator is authorized to amend the notice of arbitration hearing to reflect that proceedings will be conducted remotely.

VIII. Enforcement and Publication

- a. The Sheriff of Washington County, or his designee, is authorized to enforce this Order.
- b. The District Court Administrator is directed to post a copy of this Order on all entry doors of the Washington County Courthouse and all magisterial district courts, and to post a copy on the Court's website at www.washingtoncourts.us. A copy of this Order shall also be transmitted to the Washington County Bar Association for distribution to its members. Notification by email may satisfy the requirements of this Order.

BY THE COURT



Katherine B. Emery, President Judge P.J.