

**IN THE COURT OF COMMON PLEAS OF VENANGO COUNTY, PENNSYLVANIA**

IN RE: ADMINISTRATIVE ORDER  
REGARDING CASE ASSIGNMENTS

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: CIV 456-2020  
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: CIV 1404-2019  
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CLERK OF COURTS  
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COMMON PLEAS COURT  
VENANGO COUNTY  
FILED

ADMINISTRATIVE ORDER

AND NOW, February 4, 2021, the Court hereby **ORDERS AND DECREES** as follows:

1. WHEREAS, the Court of Common Pleas of the 28<sup>th</sup> Judicial District currently has, by law, been afforded two commissioned judges. Prior to the President Judge’s Administrative Order dated November 12, 2019 (November 12, 2019 Order), these judges had been selected to preside over criminal, civil, and orphans’ court matters on a random basis.
2. WHEREAS, the November 12, 2019 Order recognized the need to allot and schedule substantial additional court time for sentencing, arraignments, OPTMs, dependency cases, Problem Solving Court cases, full PFA hearings, PCRAs, and custody hearings, so that these types of hearings could be scheduled sooner, which the prior scheduling system had been unable to accommodate.
3. WHEREAS, the changes in case scheduling and case management brought about by the judicial emergency caused by the COVID-19 pandemic, along with a desire for greater administrative efficiency, have created a need to make changes to the November 12, 2019 Order.
4. WHEREAS, in an effort to improve the efficiency of the Court of Common Pleas of the 28<sup>th</sup> Judicial District, and in the interest of judicial economy, and to allot and schedule additional court time for these and other types of cases as is necessary, and in accordance with the administrative powers vested in the President Judge of the 28<sup>th</sup> Judicial District, it is therefore **ORDERED AND DECREED** as follows:
5. The following types of cases shall be assigned to the President Judge, currently Oliver J. Lobaugh:
  - a. All juvenile matters, including dependency and delinquency matters except juvenile delinquency matters authorized to be conducted by the Juvenile Hearing Officer, emergency placements, facilitations, admissions, dispositions, permanency review hearings, consent decrees, juvenile expungements, 72-hour shelter hearings, termination of

parental rights proceedings where Children, Youth, and Family Services is involved, adoption proceedings where Children, Youth, and Family Services is involved, Act 101 proceedings;

b. License appeals;

c. All orphans' court matters, including guardianships of incapacitated persons and minors, monitoring guardianship compliance, estates and trusts, petitions to unseal adoption records, petitions to settle small estates, accounts and objections thereto, family settlement agreements, older adult protective services requests, and area agency on aging matters;

d. All civil jury and civil non-jury trials (except family law matters, including divorce, alimony, support, equitable distribution, and custody), civil pretrial motions, including, but not limited to, motions for summary judgment, motions for judgment on the pleadings, motions to compel discovery, civil argument court, post-trial motions, civil judgments and satisfactions, civil appeals, civil motions in limine, motions and/or petitions for civil contempt (except family law matters, including divorce, alimony, support, equitable distribution, and custody). The President Judge, currently Oliver J. Lobaugh, shall be responsible for the process of summoning prospective jurors for civil jury trials, including but not limited to supervising the process of sending out the appropriate juror information questionnaires, COVID-19 questionnaires, summons to jury service (with the assistance of the jury administrator), and shall preside over jury selection in all civil cases (except in cases that have been assigned to a Senior judge, who would then preside over jury selection for that case). Cases may be assigned to Senior judges or Regional Unit judges in cases of recusal or to deal with the County's large backlog of cases due to the COVID-19 pandemic.

e. Problem Solving Court, including presiding over treatment team meetings, Problem Solving Court sessions, sentencing into Problem Solving Court, transfers to other counties' respective Problem Solving Court programs, roundtables, Problem Solving Court graduations, and petitions to revoke and/or terminate from Problem Solving Court (if termination is granted, the Gagnon proceeding will be presided over by the other Judge, currently Robert L. Boyer).

f. With regard to the judge who is responsible for the Civil docket, said judge has the benefit of a dedicated staff member, namely the Assistant Court Administrator, to assist and coordinate in managing the Civil docket. This judge and the Assistant Court Administrator shall be responsible for scheduling all Civil trials, whether jury or non-jury.

6. The following types of cases shall be assigned to the Judge that is not the President Judge, currently Robert L. Boyer:

a. All criminal matters, excluding Problem Solving Court proceedings, but including all criminal trials (whether jury or non-jury), all criminal pretrial motions, including, but not limited to, criminal argument court, omnibus pretrial motions, suppression motions, habeas corpus motions, motions to modify and/or set bail, arraignments, guilty pleas, ARD, Gagnon proceedings, sentencing, post-sentence motions, criminal appeals, PCRA's (except in cases where Judge Lobaugh was the sentencing judge and in cases where a senior judge was the sentencing judge and that senior judge's term of service has not expired. In those cases, Judge Lobaugh or the senior judge would hear the PCRA), summary appeals, criminal satisfactions, indirect criminal contempt proceedings, criminal bench warrants, domestic relations bench warrants, criminal compliance court, call of the list, mini-call of the list, criminal motions in limine, and criminal pretrial conferences, with the exception of presiding over sentencing into Problem Solving Court, presiding over Problem Solving Court, and presiding over petitions to revoke and/or terminate from the Problem Solving Court; The judge who is not the President Judge, currently Robert L. Boyer, shall be responsible for the process of summoning prospective jurors for criminal jury trials, including but not limited to supervising the process of sending out the appropriate juror information questionnaires, COVID-19 questionnaires, summons to jury service (with the assistance of the jury administrator), and shall preside over jury selection in all criminal cases (except in cases that have been assigned to a Senior judge, who would then preside over jury selection for that case). Cases may be assigned to Senior judges or Regional Unit judges in cases of recusal or to deal with the County's large backlog of cases due to the COVID-19 pandemic.

b. Family law matters, including, but not limited to, divorce (including review of praecipes to transmit the record and deficiency notices), custody, support, alimony, non-support exceptions, equitable distribution, custody compliance court, custody pretrial conferences, private termination of parental rights proceedings, private adoptions, and all other domestic relations matters, with the exception of presiding over hearings on protection from abuse petitions. Said process for presiding over hearings on protection from abuse petitions shall be set forth more fully below.

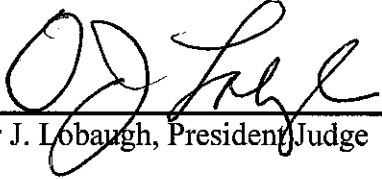
c. With regard to the judge who is responsible for the Criminal docket, said judge has the benefit of a dedicated staff member, namely the Criminal Court Administrator, to assist and coordinate in managing the Criminal docket. The judge responsible for the Criminal docket and the Criminal Court Administrator shall be responsible for scheduling all Criminal trials, whether jury or non-jury, all hearings in criminal matters, with the

exception of Problem Solving Court matters, Juvenile Delinquency matters, and post-sentence motions and petitions when Judge Lobaugh was the sentencing judge.

7. Each of the two commissioned judges shall be responsible for the process of scheduling that judge's respective cases. The Criminal Court Administrator shall assist Judge Robert L. Boyer with scheduling all of the cases assigned to him on his docket whether criminal, family law, etc. The District Court Administrator shall continue to schedule the matters assigned to President Judge Oliver J. Lobaugh with the assistance of the Assistant Court Administrator. The Criminal Court Administrator shall communicate with the District Court Administrator and the Assistant Court Administrator on the subject of scheduling senior judges. This Court finds that the District Court Administrator has fairly and equitably allocated the use of senior judges already approved by the Administrative Office of Pennsylvania Courts, currently twenty (20) days per month, to the Court's entire docket whether criminal, civil, family law, Orphans' court, etc. However, in the event that Judge Boyer determines that the current allocation of senior judges is insufficient for him to effectively and efficiently administer the Criminal docket, he may, at any time, direct the Assistant Court Administrator to make a request to the Administrative Office of Pennsylvania Courts for assignment of additional senior judges to assist Judge Boyer with the Criminal docket.
8. With regard to temporary petitions for protection from abuse and temporary petitions for protection from sexual violence or intimidation, the ex parte hearings thereon shall be assigned to the commissioned judges, taking into consideration the availability or non-availability of each of the judges (*e.g.* conflicts with existing court schedules, previously-scheduled vacations, illness, etc.). With regard to the time scheduled for initial hearing on petitions for protection from abuse and petitions for protection from sexual abuse with notice to the Defendant (those hearings which typically occur each Wednesday), said hearings shall be assigned to the commissioned judges, taking into consideration the availability or non-availability of each of the judges (*e.g.* conflicts with existing court schedules, previously-scheduled vacations, illness, etc.). With regard to petitions for protection from abuse and petitions for protection from sexual violence or intimidation where a full hearing on the petition is necessary, it shall be assigned to the President Judge, currently Oliver J. Lobaugh.
9. Since mental health commitments based upon hearings conducted by mental health review officers are time sensitive, they must be dealt with promptly. To that end, review of mental health commitment petitions and recommendations of the mental health review officers shall be assigned to the commissioned judges, taking into consideration the availability or non-availability of each of the judges (*e.g.* conflicts with existing court schedules, previously-scheduled vacations, illness, etc.).

10. Because one judge will be conducting all arraignment proceedings, additional court time will be scheduled in order to accomplish said arraignment proceedings.
11. Because one judge will be conducting all sentencings, except into Problem Solving Court, additional court time will be scheduled in order to accomplish said sentencing.
12. The 28<sup>th</sup> Judicial District currently has authority by the Court Administrator of Pennsylvania whereby a senior judge may be assigned to handle cases where one of the judges of the 28<sup>th</sup> Judicial District recuses himself or herself on a case to which he or she is assigned pursuant to this Order. In all cases where a single-judge recusal shall occur in this Judicial District, a senior judge shall be assigned the case. When single-judge recusals occur, the judge who is recused shall promptly alert the Assistant District Court Administrator who shall be responsible for scheduling the case before the senior judge.

BY THE COURT,

  
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Oliver J. Lobaugh, President Judge