

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: 31st JUDICIAL DISTRICT – : No. 48 MM 2020
DECLARATION OF JUDICIAL EMERGENCY :

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

IN RE: JUDICIAL EMERGENCY ORDER : No. 2020-J-0094

DECLARATION

Per the Supreme Court’s Cessation of Statewide Judicial Emergency After June 1, 2020, dated May 27, 2020, in In Re. General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket), I declare the judicial emergency in the 31st Judicial District currently in effect is extended through April 2, 2021.

February 5th, 2021



J. Brian Johnson, President Judge
31st Judicial District

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IN RE: JUDICIAL EMERGENCY ORDER : NO. 2020-J-0094

9th AMENDED JUDICIAL EMERGENCY ORDER

AND NOW, this ^{5th} day of February, 2021, the Court having this day declared a judicial emergency in the 31st Judicial District of Pennsylvania through April 2, 2021;¹

AND, in accordance with the Order of the Supreme Court of Pennsylvania entered May 27, 2020, in In Re General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket);

AND, it being the intention of the Court of Common Pleas of Lehigh County (“Court”) to protect the health and safety of the public and Court employees and maintain as high a level of operation and service as possible without compromising the legal rights of any parties;

AND, subject to all applicable United States and Pennsylvania constitutional limitations:

IT IS ORDERED that:

A. As used herein:

1. “judicial officer” includes a Judge of the Court of Common Pleas, Magisterial District Judge, and Hearing Officer; and
2. “advanced communication technology” includes Zoom, WebEx, Polycom, telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing, and similar devices and systems to enable remote communication.

¹ The Court previously declared a judicial emergency on March 19, April 14, April 21, May 29, June 17, July 16, August 31, and November 19, 2020.

B. The work of the Court shall be processed as follows:

1. Civil Division:

- a. Jury trials are suspended through April 2, 2021, to a new date to be determined;
- b. Mortgage foreclosure conciliation conferences are continued through April 2, 2021, to a new date to be determined;
- c. All other proceedings, including non-jury trials, arbitrations, motions and petitions (including unassigned miscellaneous matters, injunctions, stays, petitions for change of name, structured settlements, etc.), arguments, status conferences, pre-trial conferences, and settlement conferences shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings from being conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person; and
- d. Sheriff's Sales scheduled for March 26, 2021 are continued to the next scheduled date;

2. Family Division:

- a. All proceedings under the Protection From Abuse Act and Domestic Relations bench warrants shall be scheduled and conducted in the normal course, i.e. in-person; except, however, incarcerated persons shall participate by advanced communication technology unless exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, then in-person; and
- b. All other proceedings, including custody conferences, pre-trial conferences and trials; Domestic Relations conferences, hearings and exceptions; Divorce Hearing Officer's conferences, hearings and exceptions; and other miscellaneous motions and petitions shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person.

3. Criminal Division:

- a. Jury trials are suspended through April 2, 2021, to a new date to be determined;
- b. Non-jury trials shall be conducted in the normal course, i.e. in-person, or, with the approval, and in the discretion, of the assigned judicial officer, by advanced communication technology;

- c. Summary appeals, License Suspension Appeals and costs/fines/restitution hearings are continued through February 28, 2021, but shall, commencing March 1, 2021, shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person;
 - d. Cases involving parties with Driving Under the Influence charges shall be conducted in person or by advanced communication technology with the defendant and/or counsel participating by Zoom in the discretion of the assigned judicial officer; and
 - e. All other proceedings, including arraignments, status conferences, pre-trial motions, guilty pleas, sentencings, Accelerated Rehabilitative Dispositions, probation/parole revocation hearings, forfeiture hearings, bench warrants and body attachments shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person.
 - f. Service of Body Attachments is suspended through April 2, 2021;
4. Juvenile Division: All proceedings, including detention, adjudication, disposition, review, permanency review and shelter care hearings, shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person.
 5. Orphans' Court Division:
 - a. Lehigh County residents who have confirmed wedding dates shall submit applications for marriage licenses pursuant to directions published on the Marriage License section of the Court's website at <https://www.lccpa.org/Covid19>;
 - b. Emergency incapacity petitions pursuant to 20 Pa.C.S.A. §5513 shall be heard on a case-by-case basis in accordance with instructions published on the Orphans' Court section of the Court's website at <https://www.lccpa.org/Covid19>;
 - c. All other proceedings, including incapacity hearings, adoption hearings, termination of parental rights hearings, audits and conferences shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and the discretion, of the assigned judicial officer, in-person.

6. Magisterial District Courts:

- a. Civil hearings and summary trials are continued through April 2, 2021, to a new date to be determined unless all parties are able to attend by advanced communication technology;
- b. Preliminary Hearings for non-incarcerated defendants shall be conducted by advanced communication technology through April 2, 2021. Parties unable to participate via advanced communication technology may appear in central court as coordinated between the judicial officer and Central Court;
- c. All other proceedings, including landlord and tenant hearings, preliminary arraignments and petitions under the Protection From Abuse Act, shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person;
- d. Preliminary hearings for incarcerated defendants shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person;
- e. The Court's Order entered December 30, 2020,² pertaining to landlord and tenant matters remains in full force and effect until the expiration of the Center for Disease Control moratorium on evictions; and

C. The following social distancing practices shall be observed:

1. Access to the Lehigh County Courthouse or any court facility shall be limited to employees of the Unified Judicial System of Pennsylvania and the County of Lehigh, persons having business with the courts, departments or offices contained within such facilities, and persons observing court proceedings open to the general public (See: Pa.R.J.A. No. 1952(B)(2)(d));
2. All employees, court users and visitors to the Lehigh County Courthouse or any court facility, court proceeding or court-related function shall follow the recommendations of the United States Centers for Disease Control and Pennsylvania Department of Health, including wearing face masks and maintaining social distancing.

² And, by reference in that Order, portions of the Order entered September 14, 2020.

3. All payors shall be encouraged to make payments by mail, electronically (on-line), or by telephone rather than in person; and
 4. All in-person proceedings shall be limited to no more than 25 persons in the Court of Common Pleas and no more than 10 persons in the Magisterial District Courts;
- D. The operation of Pennsylvania Rule of Criminal Procedure No. 600 is suspended in the 31st Judicial District through April 2, 2021, meaning that the time period from the date of this Order through April 2, 2021, shall be excluded from the time computation under said rule without prejudice to a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions.
- E. The Sheriff of Lehigh County shall assist in the implementation of this Order.
- F. This Order supersedes all previous Judicial Emergency Orders.

BY THE COURT:



J. Brian Johnson, P.J.