

IN THE COURT OF COMMON PLEAS OF WASHINGTON COUNTY, PENNSYLVANIA

CIVIL DIVISION

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

**ADMINISTRATIVE ORDER**

AND NOW, this 10<sup>th</sup> day of March, 2021, the Court declared a judicial emergency in the 27<sup>th</sup> Judicial District of Pennsylvania, effective March 16, 2020, and having extended the local judicial emergency until July 2, 2021, 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, ADJUDGED, and DECREED** that the following actions be taken in the 27<sup>th</sup> Judicial District:

**I. Public Access to Court Facilities**

- a. All judicial facilities will be open to the public for matters as specified below in this Order.
  - i. For court proceedings, only participants (*e.g.*, parties, counsel, witnesses, victims' advocate, case managers, and interpreters) are guaranteed entry into any judicial facility. Friends and family members may be required to wait outside the facility. Individual judges shall have the discretion to enforce occupancy limits within their assigned courtroom to enforce physical distancing requirements. Capacity in any courtroom (including staff) should not exceed fifty (50%) while maintaining more than six (6) feet between participants without prior approval.

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- ii. Participants in court proceedings at the Courthouse complex may be denied entry until no earlier than 15 minutes prior to the start of their proceeding.
  - iii. Allowance for participation by the media shall be made by the presiding judicial officer.
- 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. Comply with the order of the Secretary of the Pennsylvania Department of Health requiring universal face coverings dated November 18, 2020. This directive applies to county, court-related, and court employees within a judicial facility too;
    1. Absent extraordinary circumstances, judicial officers should not require a person to remove his or her mask when that person would prefer not to do so;
    2. Face shields are strongly discouraged for use in court proceedings or as an alternative to masks;
    3. Judicial officers should only permit the removal of a mask for audibility or demeanor concerns in highly individualized circumstances and when truly necessary; 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.
- d. Jury Trial Protocols.
  - i. The capacity limitations note above shall be maintained for jury trials. If the number of participants or spectators exceed the capacity limitation for a courtroom, or otherwise, in the judgment of the judicial officer, pose a health/safety risk or violate physical distancing requirements, the judicial officer may bar individuals from the courtroom and shall arrange for an alternative method to access the proceedings with the District Court Administrator. The interest for public access is greater for jury trials than many other proceedings; therefore, efforts will be made to accommodate public access.
  - ii. Witnesses should be present in the courtroom for testimony only unless their presence is necessary to the conduction of the case, and be excused immediately after testifying.

- iii. Protocols for face coverings and masks as set forth above apply to trials too. Judicial officers may exercise their discretion in deciding to deviate from those protocols and the general guidance provided by the Administrative Office of Pennsylvania Courts.

## **II. Methods for Conducting Proceedings**

- a. All non-essential proceedings and conferences in common pleas court are to be held using **ADVANCED COMMUNICATIONS 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. Individual common pleas judges are vested with the discretion to determine the essential nature of any in-person proceedings. If an essential matter can be held utilizing ACT, judges should do so, and avoid having in-person proceedings. Requests for continuances should be liberally considered when due to circumstances involving COVID-19 related health concerns.
- 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 essential in-person proceedings, court appearances and hearing times shall be staggered to ensure compliance with Section I of this Order.
- d. Remote matters, held using ACT, shall be conducted with the same decorum as in-person matters.

### **III. Motions Court and Argument Court**

- a. For the duration of the judicial emergency or until further Order of Court, common pleas judges shall conduct Motions Court remotely using ACT. All judges shall provide procedures for acceptance of motions by means other than in-person (*e.g.*, postal mail or electronic mail) for publication on the Courts' website and in the Washington County Reports.
- b. 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. Formal Arraignments**

- a. In-person formal arraignments pursuant to Pennsylvania Rule of Criminal Procedure 571 are **SUSPENDED**.
- b. The District Attorney's Office shall mail formal arraignment packets to defendants, or counsel if an appearance is entered (electronic mail is an acceptable alternative if agreed to by defense counsel) on the docket. Packets are to be mailed by the date that an in-person arraignment would have been scheduled.
- c. The formal arraignment packet shall provide for a process to confer about the case with the defendant, or counsel if represented, using ACT prior to any scheduled plea.
  - i. The requirement to confer shall not be applicable to DUI cases, "fast track" cases, or cases involving incarcerated defendants.

### **V. Jury Trials and Arbitration Hearings**

- a. Jury trials are to resume on March 15, 2021, in a limited capacity because of health and safety concerns from the COVID-19 pandemic. Priority for jury trials will be given to criminal cases, and civil trials are slated to resume beginning in June 2021.
- b. Arbitration hearings shall be conducted using ACT (Microsoft Teams). The District Court Administrator is authorized to amend the notice of arbitration hearing to reflect that proceedings will be conducted remotely and detailing deadlines for the submission of exhibits. Failure to follow the requirements set forth in the notification may bar the presentation of exhibits or other documents at an arbitration proceeding.

**VI. Criminal Rule of Procedure 600**

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 previous *limited* availability, and, now, moratorium for 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.

**VII. 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, or any other transporting agency, 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.

#### **VIII. 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.
- d. Magisterial District Judges shall ensure that in-person proceedings are staggered. Traffic and summary non-traffic cases shall be scheduled at a minimum of ten (10) minutes apart between cases; criminal cases shall be scheduled with staggered start times of at least fifteen (15) minutes. Civil cases are to be scheduled a minimum of fifteen (15) minutes apart. Requests for continuances should be liberally considered when due to circumstances involving COVID-19 related health concerns.
- e. Any rules of procedure setting forth specific time parameters for the listing of summary non-traffic and/or certain traffic citations or civil cases are temporarily **SUSPENDED**.
- f. In compliance with Section I, *infra*, no one other than the parties and/or witnesses, as well as counsel, and the media, will be permitted in the courtroom and/or in or

about the magisterial district court facility generally, absent a specifically reasoned basis to the contrary, including, but not limited to, a certified interpreter, a parent/guardian of a juvenile, or a complainant-victim and one victim support person. Witnesses are to be excused immediately after testifying, and must leave the facility.

- g. Under no circumstances are non-employees (*e.g.*, representatives of outside agencies, municipal or police agencies) to be in staff areas, or to otherwise remain and/or loiter about the magisterial district court facility.
- h. 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](http://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.

## **IX. Filing Offices**



- a. In-person filings are to be accepted within the filing offices, absent exigent circumstances as are presented to the District Court Administrator and approved by the Court.
- b. Alternatively, the Prothonotary and Register of Wills are encouraged, but not required, to accept filings via mail, private delivery service, electronic mail, or facsimile. Email and/or facsimile filings will need to be followed by the original document (with original signatures) via mail or private delivery service, and include any applicable filing fee. Filings received by either email or fax will be time-stamped upon receipt to preserve filing dates, provided originals are received.
  - i. If filing by alternative methods is offered, the filing office shall provide notice of the procedure(s) to the Washington County Bar Association and place detailed instructions on the Court's website at [www.washingtoncourts.us](http://www.washingtoncourts.us).
- c. For the Clerk of Courts, use of PACFile for electronic filing by attorneys is highly encouraged.
- d. Each filing office shall develop an operation and staffing plan to prevent the total closure of their respective office for COVID-19 positive or exposure cases among staff. The plans must be submitted to the District Court Administrator for review by the President Judge, and contain, at a minimum, a process for immediate notification of COVID-19 exposure incidents and documentation of contact tracing. In the event a closure is necessary, a filing office may cease in-person service to the public upon receipt of approval from the President Judge and notification to the Washington County Bar Association. If a filing office is open to conduct business

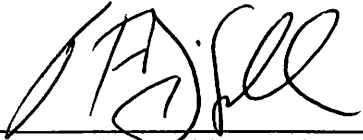
it shall not limit services to “appointment only,” or otherwise reduce the normal hours it is open to accept the filing of legal documents.

- e. This process will be reviewed with the filing offices and adjustments made as necessary to preserve filing access to the Court of Common Pleas.

**X. 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](http://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:

  
\_\_\_\_\_, P.J.  
John F. DiSalle, President Judge