

## **IN THE SUPREME COURT OF PENNSYLVANIA**

**IN RE: The 45<sup>th</sup> Judicial District (Lackawanna County)  
Request for Relief pursuant to Pa.R.J.A. 1952(B)(2)(m).**

**Intermediate Court Docket No: 32 MM 2020**

- 1. The Honorable Trish Corbett, President Judge of the 45<sup>th</sup> Judicial District hereby requests the following relief be granted by Order of the Pennsylvania Supreme Court:**
- 2. In accord with the Order of the Pennsylvania Supreme Court dated May 27, 2020, in which president judges were authorized to declare local judicial emergencies, the Lackawanna County Court of Common Pleas has a local judicial emergency order in effect through August 31, 2021.**
- 3. Pursuant to the Pennsylvania Supreme Court Order dated June 21, 2021, to take effect as of July 6, 2021, operations of the Unified Judicial System shall return to pre-pandemic status and existing orders suspending statewide rules other than those related to speedy trial will no longer be operative.**
- 4. The Lackawanna County Court of Common Pleas wishes to continue its suspension of Pa.R.Crim.P. 119, which bars the use of two-way simultaneous audio-visual communication in criminal proceedings, absent the consent of the defendant, as well as suspending any and all other statewide rules which limit the use of Advanced Communication Technology in court proceedings throughout the 45<sup>th</sup> Judicial District, and avers in support of as follows:**
  - The local judicial emergency order in Lackawanna County is set to expire as of August 31, 2021, and therefore we are requesting that the relief sought herein be granted through that date.**
  - The courtrooms, chambers, and adjacent judicial facilities have been and continue to be staffed and operational throughout the 45<sup>th</sup> Judicial District.**
  - Common Pleas Judges and Magisterial District Judges are working from their chambers, courtrooms, and offices and have been conducting many hearings and proceedings via the use of Advanced Communication Technology (ACT) throughout the Covid-19 pandemic.**
  - The use of ACT in the Lackawanna County Courts has allowed thousands of matters to be heard and ruled upon and has proven to be a great convenience for the attorneys, litigants, witnesses, victims, and other parties to cases.**

- Based on the current local emergency order of the 45<sup>th</sup> Judicial District, which was extended and filed on April 20, 2021, hundreds of cases, which consist of thousands of parties, have been scheduled and noticed to be held via remote proceedings throughout the summer.
- In the interest of justice and fairness to those litigants, it is imperative that our docket be allowed to move forward as currently scheduled, noticed, and planned, so that many cases will not have to be continued in order to be rescheduled as all in-person proceedings. The time which will be required of staff to reschedule and renotify will lead to the delay of many of these proceedings.
- Our court chose August 31, 2021, as an end date for our local emergency order by design, giving all parties and county facility managers the opportunity to be fully prepared to return to all in-person proceedings at the beginning of September.
- Access to justice and to the justice system has been afforded continuously and efficiently throughout the pandemic, in large part due to the use of ACT, and any disruption of that process may have a negative affect on those we serve.

Therefore, based on the arguments set forth above, we respectfully request that this Honorable Court grant our application to continue to suspend the statewide rules that limit the use of Advanced Communication Technology and remote proceedings and provide the requested relief.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Corbett, PJ". The signature is written in a cursive, flowing style.

\_\_\_\_\_, P.J.

Honorable Trish Corbett  
President Judge, 45<sup>th</sup> Judicial District  
June 23, 2021