



COMMONWEALTH COURT OF PENNSYLVANIA

NOTICE
September 8, 2022

CONTACT:
Prothonotary: 717-255-1661

Amended COVID-19 Protocols For In-Person Proceedings and Oral Argument Sessions Before the Commonwealth Court of Pennsylvania

The Commonwealth Court of Pennsylvania has adopted the attached Amended Protocols For In-Person Proceedings Before the Commonwealth Court of Pennsylvania, effective August 30, 2022. Questions about the protocols or other matters related to in-person proceedings and oral argument sessions should be directed to the Prothonotary's Office at the telephone number above.

**AMENDED PROTOCOLS FOR IN-PERSON PROCEEDINGS BEFORE
THE COMMONWEALTH COURT OF PENNSYLVANIA**

Upon consideration of the most recent public health guidance as set forth by the Centers for Disease Control and Prevention (CDC) and Pennsylvania Department of Health (DOH), and with agreement of the Commissioned Judges of the Commonwealth Court of Pennsylvania (Court), the COVID-19 Protocols set forth in the Court’s Notice dated September 10, 2021 related to In-Person, Single-Judge Proceedings, and the Court’s Notice dated September 17, 2021, related to October 2021 Oral Argument Session are **AMENDED** as follows:

1. The wearing of masks or face coverings in the courtroom and the restrictions on and limitation of persons who may be present in the courtroom will no longer be in effect unless otherwise ordered by the presiding Judge or required by the facility in which the proceeding is being held. Although no longer required, all persons are permitted and encouraged to wear a mask or face covering and/or practice social distancing in the courtroom if they wish to do so. Everyone is asked to respect the independent health decisions of the parties, attendees, and court staff in this regard.
2. All forms, attestations, and certifications previously required are no longer required. This includes the “In-Person Proceeding Sign-in and COVID-19 Attestation Form,” which all persons attending a Commonwealth Court proceeding were required to complete for purposes of contact-tracing. However, any person who participates in or observes a proceeding and subsequently tests positive for COVID-19 within five days of attending the proceeding shall immediately notify the Prothonotary’s Office at (717) 255-1661. If the Court receives such notification, a generic notice to that effect will be posted on the Court’s website. Attendees are encouraged to monitor the Court’s website for such notification.
3. No person who has symptoms of respiratory illness or fever, or is currently COVID-19 positive, may attend a proceeding as counsel, a party, witness, credentialed member of the media, or public observer. Counsel, parties, or witnesses experiencing any COVID-19-related symptoms or who are required to quarantine or isolate should advise the Prothonotary’s Office at (717) 255-1661 as soon as possible of the inability to attend an in-person proceeding. In

this event, they must also promptly file an application to appear remotely or to continue the matter.

4. The Court recognizes that counsel, parties, witnesses, or members of their respective households may be at increased risk for severe illness due to COVID-19 as currently defined by the CDC. Accordingly, requests to appear remotely by advanced communication technology (Cisco WebEx®) will still be entertained by the presiding Judge in such circumstances. To request to participate in a proceeding remotely because of a COVID-19-related medical risk, counsel for whom leave to appear remotely is sought or counsel representing the party or calling the witness for whom accommodations are being sought, shall file an application in accordance with Pa.R.A.P. 123.¹ The application should be filed within seven days of receipt of the notice scheduling oral argument or an order scheduling a proceeding or as soon as otherwise practicable. The individual seeking leave to participate remotely shall declare, under penalty of perjury, that their travel to, and physical presence at, the proceeding would place them or a person in their household at an unacceptable risk of developing health complications from COVID-19. A copy of the application should be served on the opposing parties and/or counsel. No other proof or evidence, including confidential medical information, in support of the application is needed. Consistent with Pa.R.A.P. 3707, the application should indicate whether the other parties concur with the relief sought. Absent extenuating circumstances, requests for a “hybrid” proceeding, with less than all parties participating remotely, will not be entertained. Requests will not be granted for only the convenience or preference or for economic reasons. If a matter is scheduled for oral argument and approved for remote argument, it will be heard following all in-person arguments scheduled for the same date and time, i.e., at the end of the list. Proceedings in which the Court permits remote arguments will follow the Court’s protocols and directions for remote proceedings.² Out of respect for the time and resources expended by the Court and the parties in preparation for a proceeding, every attempt will be made to proceed as scheduled.

¹ A sample application is attached as Appendix A.

² See Appendix B.

5. The Court will continue to provide a platform to livestream oral arguments and other proceedings, where appropriate, through a public web link that will be posted on the Court's website in advance.

6. The Court will continue to monitor conditions with regard to COVID-19 in Pennsylvania, including COVID-19 Community Levels in all counties and COVID-19 response updates in individual counties and will amend these Protocols as circumstances require. **Accordingly, counsel, the public, and the media are advised to monitor individual case dockets and the Court's website for additional information and updates.**



COMMONWEALTH COURT OF PENNSYLVANIA

APPLICATION FOR LEAVE TO APPEAR REMOTELY AT ARGUMENT

Case Number: _____

Case Caption: _____

Filing Party: _____

Pursuant to the Court's Amended Protocols for In-Person Proceedings, the undersigned moves for leave to appear remotely in the above case at a date and time to be scheduled by the Court and declares the following:

1. I am counsel or a party in this matter and am scheduled to appear in person for a proceeding before the Commonwealth Court of Pennsylvania on _____ at _____ a.m./p.m. in Courtroom _____.

2. Either I or a member of my immediate family living in my household is at increased risk for severe illness due to COVID-19 as currently defined by the U.S. Centers for Disease Control and Prevention. My travel to, and physical presence at, argument would place me or a person in my household at an unavoidable risk of developing serious health complications from COVID-19 compared to what I ordinarily would experience absent such travel and physical presence in the courthouse.

3. If my application is granted, I understand that I will be notified to appear remotely for argument.

4. If my motion is granted, I agree and understand that I must comply with the Court's protocols, instructions and directives for participating in remote

proceedings, as well as any additional instructions provided by Court staff.

I declare that the foregoing is true and correct.

Executed on

Date: _____

Signature: _____

Name: _____



Protocol for WebEx Video Proceedings

1. Protocol BEFORE the argument:

- A. The Court shall provide counsel with the information for connecting to the video argument. This invitation will be sent by email.
- B. It is the responsibility of counsel to provide the connection information to their clients.
- C. It is the responsibility of all parties to provide the Court with their contact information. An email address will be required to join the video.
- D. All participants must appear by video connection unless otherwise authorized by the Court.
- E. Email invitations will be promptly sent to participants. If a participant has not received the email invitation from the Court, please check your SPAM or Junk folder before contacting the Court.
- F. All parties must connect to the argument or call into the video system at least 10 minutes before the scheduled start time.

2. Minimum Technology requirements:

- A. All attorneys and pro se parties appearing before the Court must have one of the following:
 - 1. A computer with a functioning web camera, microphone and speakers;
 - 2. A video conferencing system that supports Session Initiation Protocol (SIP) calling;
 - 3. A tablet device that supports Cisco WebEx with a functioning forward facing camera, microphone and speakers; or
 - 4. An alternative device used to connect to Cisco WebEx in the past.

- B. If you experience audio issues with your computer/tablet audio, the Court recommends that you have our system call you by using the option listed in 5.C below.
- C. The Court's IT Department will endeavor to contact counsel and witnesses in advance of the hearing to test their connection to the WebEx platform.

3. Ground Rules and Video Conferencing Etiquette:

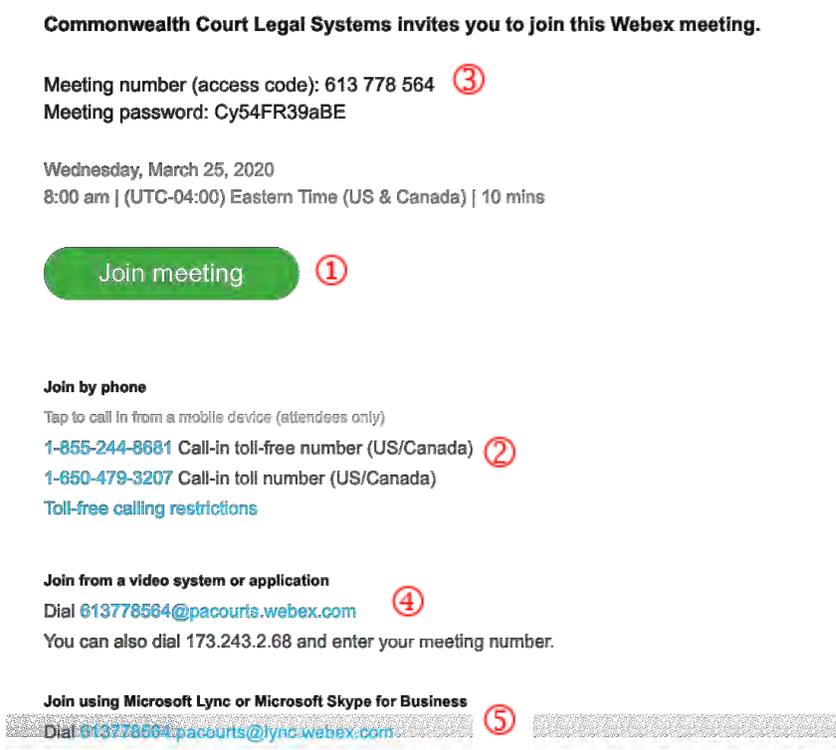
- A. When not speaking, please mute your microphone. This helps prevent background noise.
- B. Earbuds or headphones are preferable to avoid feedback.
- C. Be aware of your behavior. Because you are on a video conference, people can see what you are doing at all times and *WebEx video conferences are recorded*. Further, others may view the proceedings via public livestream web link that will be provided to the parties and posted to the Court's website in advance of the proceeding.
- D. If connecting from a laptop, plug in the laptop wall power.
- E. Follow all instructions in the video conference invitation and note important supplemental information, such as a backup phone number in case you are disconnected.
- F. Please be respectful; speak slowly and only one at a time.
- G. Try not to speak over other parties. There is a slight delay when using video technology.
- H. The Court appointed crier will be on the call to open and close court and to swear-in witnesses if needed.

Technical Support

If you have any questions or need technical assistance, contact 717-255-1626.

4. Invitation from the Court:

- A. Prior to your scheduled argument, you will receive an email from the Court with connection instructions. Please make sure to monitor your SPAM or Junk folder so that you receive the message. It should come from @pacourts.us. Here is the information from a sample invitation.



- B. In the invitation, there are multiple connection options:
1. WebEx: Click on the Green *Join Meeting* button.
 2. Phone: Dial either of the numbers listed under *Join by phone*. When prompted, enter the Meeting number (access code) listed near the top of the invitation.
 3. Use the SIP dial in connection number provided for non-WebEx devices such as video conferencing systems.
 4. Microsoft Lync/Skype for Business connection information is also provided.

5. Controls while connected to WebEx:

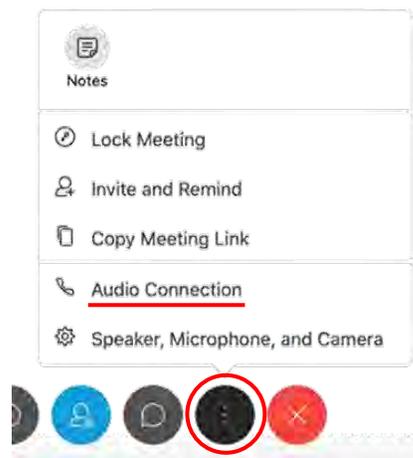
- A. Once connected to a meeting, if you move your mouse, the below control panel should appear. These are the normal controls, but some of them may be disabled which means they will not appear. The icons will be the same.



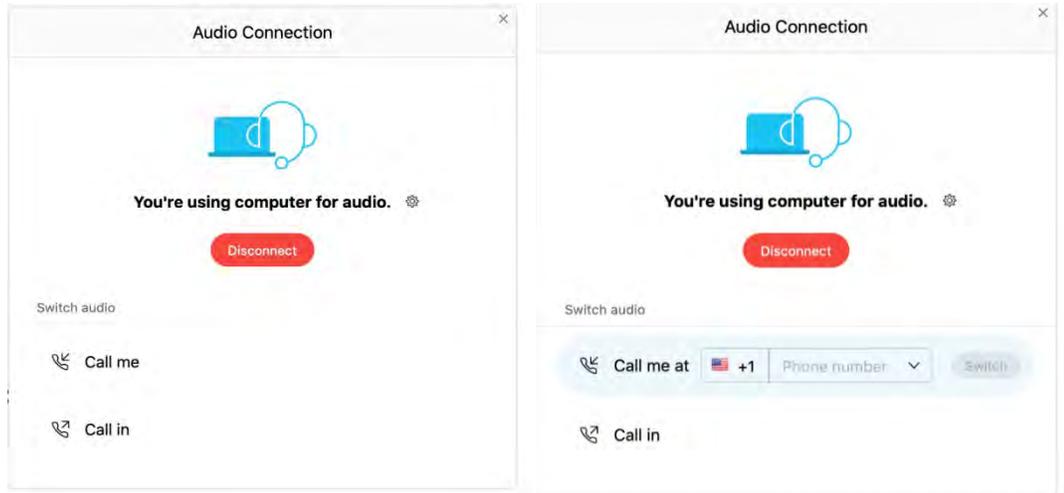
- B. From left to right, the controls are:

1. Mute/unmute microphone
2. Turn on/off camera
3. Share your desktop
4. Recording control (Only available to the Court)
5. Open/Close the participant list
6. Chat windows
7. Options – has more controls available
8. End Meeting

- C. Under the More Options button (7 above, the 3 dots icon). If you are having audio difficulties with your computer audio, you can have the system call you. Click on the 3 dots icon and then choose Audio Connection.



- D. Click on the option “Call Me”. Enter the phone number that the system should call and press the switch button. When the call comes in, you will be prompted to press “1” to connect.



- E. At the end of your call, press the red X to be disconnected.