

IN THE SUPREME COURT OF PENNSYLVANIA

WESTERN DISTRICT

IN RE: :
 :
TWENTY-SEVENTH JUDICIAL : WM 2024
DISTRICT REQUEST FOR EMERGENCY :
JUDICIAL ORDER :
 :

TO THE HONORABLE JUSTICES OF THE SUPREME COURT:

AND NOW, comes the Hon. Gary Gilman, President Judge of the Twenty-seventh
Judicial District, and hereby requests the following relief by Order of the Supreme Court
of Pennsylvania pursuant to Pennsylvania Rule of Judicial Administration 1952:

1. The technology infrastructure of the County of Washington has suffered a critical
incident, rendering significant segments of the technology infrastructure in the County to
be inaccessible and/or inoperable.

2. The judicial district's technology is intertwined with that of the County and is maintained by the County's information technology staff; thereby leaving the Court dependent on the County for technology resources.

3. On January 24, 2024, at approximately 10:00 a.m., the County turned off access to the Court's network and servers due to the critical incident. As a result, the Court does not have access to, *inter alia*, electronic mail, computer network folders, Polycom and other video platforms, the digital audio recording system, the jury management system, the civil and Orphans' Court case management systems, network-based printers, and the internet. In addition, the County is prohibiting the use of any County-resourced computer until such time that a third-party company can "clear" use of the machine.

4. On January 25, 2024, the Administrative Office of Pennsylvania Courts turned off on-site access to the Common Pleas Case Management System. Web-based access to CPCMS has been negatively impacted by the restriction from using County computers.

5. The District Attorney of Washington County has reported to the undersigned and the District Court Administrator that it is unable to access its internal case management system and lacks the ability to perform many tasks, including accessing case information

or calendars providing information for court appearances and/or deadlines. Resources for the Public Defender's office have also been affected.

6. As of January 28, 2024, there has been insufficient progress to ameliorate the issues caused by the total disruption of technology resources for the judicial district, such as:

a. Inability to record on-the-record proceedings before the Court of Common Pleas. The court relies on digital audio recording rather than court reporters in approximately 40% of its proceedings;

b. Inability to summon jurors and otherwise manage the jury process with four jury selection dates scheduled within the next two weeks;

c. Inability to docket and process filings in all court divisions; and

d. Inability to conduct conferences or non-record proceedings by advanced communication technology.

7. To the extent practicable, court proceedings have been held; however, the administrative and due process protections are substantially impacted – orders cannot be prepared, filings and orders cannot be docketed, and service is unable to be performed as required by applicable rules.

8. It is unclear as to when the technology resources of the judicial district will be restored to an operable condition. There is a possibility that the judicial district will suffer some degree of data loss because of the critical incident. The County has retained the services of outside counsel, Eckert Seamans, and a cyber security and digital data forensics firm, Sylint, to assist with this critical technology incident.

9. Rule of Judicial Administration 1952(b)(1) provides that the president judge of a judicial district may request authorization to declare a judicial emergency in the district from the Supreme Court.

10. To the extent possible and practicable under the circumstances, notice of this request for an emergency judicial order has been or will be (1) posted on the Twenty-seventh Judicial District's website; (2) posted on the door of the courthouse; and (3) submitted to the Administrative Office of Pennsylvania Courts for publication pursuant to Pa. R. J. A. 1952(c)(5).

11. The undersigned respectfully avers that the circumstances necessitating a request for an emergency judicial declaration in the Twenty-seventh Judicial District.

WHEREFORE, the undersigned requests that the Supreme Court enter an order as follows:

a. Authorize the declaration of a judicial emergency in the Twenty-seventh Judicial District beginning on Wednesday, January 24, 2024.

b. Suspending or modifying statewide court rules as applied to any case or cases in the judicial district, including the suspension of Pa. R. Crim. P. 600, until further of court upon adequate restoration of technology resources.

c. Provide for the full array of emergency authority provided for in Pa. R. J. A. 1952(b)(2) as deemed appropriate and until further of court upon adequate restoration of technology resources.

Date: January 28, 2024

 _____, P.J.
Gary Gilman, President Judge