

IN RE: BUSINESS OF COURT

ORDER EXTENDING JUDICIAL
EMERGENCY THROUGH DECEMBER
31, 2020

IN THE COURT OF COMMON PLEAS
FOR THE 26TH JUDICIAL
DISTRICT, COLUMBIA /MONTGOMERY
COUNTIES PENNSYLVANIA

(PA SUPREME COURT # 41-MM-2020)

ORDER

WHEREAS, the Pennsylvania Supreme Court authorized each Pennsylvania judicial district to declare a judicial emergency for their respective judicial districts on March 16, 2020; and

WHEREAS, this court ordered a judicial emergency in the 26th Judicial District on March 16, 2020, and amended the order on March 18, 2020, effective through April 14, 2020, subsequently extended through May 31, 2020; and

WHEREAS, the Pennsylvania Supreme Court ordered a statewide judicial emergency on March 18, 2020, effective through April 3, 2020, subsequently extended through May 31, 2020; and

WHEREAS, by order dated May 27, 2020, the Pennsylvania Supreme Court terminated the statewide judicial emergency order effective June 1, 2020, while specifically empowering President Judges of the state judicial districts to declare and/or continue local states of emergency and specifically limit in-person access to the courts and to suspend certain rules and to suspend jury trials, consistent with "prevailing health and safety norms" and to "protect court personnel, court users, and members of the public"; and,

WHEREAS, the Court of Common Pleas for the 26th Judicial District of Pennsylvania deems it prudent for the safety of its staff, court users, and the public to extend safety protocols through at least December 31, 2020, subject to changing and fluid pandemic circumstances and prevailing health and safety norms.

THEREFORE, this 28th day of May, 2020, the court **ORDERS** that:

1. The judicial emergency in the 26th Judicial District is extended through December 31, 2020.

2. After May 31, 2020, court proceedings shall include all functions of the court, provided all parties shall comply with this court's order regarding safety measures to protect court personnel, court users, and members of the public.
3. Court days shall be scheduled to minimize the number of people gathering at one time and one place.
4. During the court emergency, the courts and court users and anyone attending court proceedings shall comply with safety rules and regulations imposed by the county commissioners on our respective court facilities, recognizing that the courts must continue to serve the public.
5. Social distancing, use of masks, sanitizing procedures, and other directives and suggestions of the CDC and the Secretary of the Pennsylvania Department of Health for the safety of the staff and the public shall continue during the local judicial emergency.
6. Statewide rules that restrict, directly or indirectly, the use of advanced communication technologies are suspended. Procedures to limit gatherings of large groups and advanced communications technology procedures developed during the judicial emergency (such as but not limited to the use of videoconferencing and telephonic conferencing) shall continue during the local judicial emergency when possible and practical.
7. Advanced communications technology shall be used as frequently as possible except in those proceedings where a person has a constitutional or statutory right to be physically present.
8. Statewide rules that impede local provisions for court filings by means other than in-person delivery are hereby suspended. The Prothonotary/Clerk of Courts shall accept filings (a) in the traditional manner or (b) via electronic means, e.g., email or fax, with hard copies to follow, filing effective at time of email or fax.

9. Statewide rules pertaining to the rule-based right of criminal defendants to a prompt trial are hereby suspended. Postponements occasioning delays during the local judicial emergency, and for thirty days after the judicial emergency ends (to permit rescheduling amidst anticipated heavy caseloads), shall be excluded from Pa.R.Crim.P. 600 time limits. Said delays shall be considered court delays and shall constitute excludable time for purposes of the application of Rule 600. See Commonwealth v. Bradford, 46 A.3d 693 (Pa. 2012) and Commonwealth v. Mills, 162 A. 3d 323 (Pa. 2017). Nevertheless, the courts shall endeavor to assure the prompt disposition of all cases.
10. Jury trials in the 26th Judicial District are suspended until September 1, 2020. Thereafter, trials will be held, provided they can be conducted safely and consistent with prevailing health and safety norms.
11. Except where not applicable, this order shall apply to District Courts and District Court Judges and to Masters proceedings.
12. The court continues to encourage court staff, counsel, litigants, and all others involved in the court process to permanently adopt efficient procedures developed during the court emergency and to discard inefficiencies that may have been insidiously engrained in the court culture.

BY THE COURT:

 P.J.

THOMAS A. JAMES