

THE COURTS

Title 255—LOCAL COURT RULES

DAUPHIN COUNTY

Promulgation of Local Rules; No. 1793 S 1989

Order

And Now, this 9th day of March, 2020, Dauphin County Local Rules of Civil Procedure 1910.4 and 1910.11.1 are rescinded and Dauphin County Local Rules of Civil Procedure 1910.11, 1915.4-2 and 1930 are amended as follows:

Rule 1910.11. Domestic Relations Cases—Demand for Hearing De Novo before the Court.

1. A Demand for Hearing De Novo before the Court, in accordance with Pa.R.C.P. 1910.11, shall be filed in the Domestic Relations Office.

2. A Demand for Hearing shall be substantially in the form set forth below and shall be accompanied by the following:

a. Prior Court Involvement Statement in accordance with Local Rule 1931. This form is available at https://www.dauphincounty.org/government/courts/self_help_center/index.php.

www.dauphincounty.org/government/courts/self_help_center/index.php.

[b. Seminar Attendance Order, in the form set forth below in accordance with Local Rule 1930. This form is available at https://www.dauphincounty.org/government/courts/self_help_center/index.php.

c.] b. Self-Represented Party Entry of Appearance in accordance with Local Rule 1930.8 if the party filing the Demand for Hearing De Novo is not represented by counsel. This form is available at https://www.dauphincounty.org/government/courts/self_help_center/index.php.

[3. The Domestic Relations Office shall obtain from the Court Administrator's Office the dates to insert in the Seminar Attendance Order and prepare an Order for Court Hearing.

4. The Domestic Relations Office will mail the Seminar Attendance and Hearing Orders to all parties.

5.] 3. All Demands for Hearing De Novo shall be substantially in the following form. This form is available at https://www.dauphincounty.org/government/courts/self_help_center/index.php.

_____	:	IN THE COURT OF COMMON PLEAS
	:	DAUPHIN COUNTY, PENNSYLVANIA
Plaintiff	:	
	:	PACSES CASE NUMBER
	:	
Defendant	:	DOCKET NO.

DEMAND FOR HEARING DE NOVO BEFORE THE COURT

1. I _____ am appealing the Order issued following my Domestic Relations Conference in the above-captioned case and demand a Hearing De Novo before the Court regarding the following:

Date of order: _____ Monthly Amount of Support Order \$ _____.

2. The reason(s) for my Demand for Hearing De Novo is/are as follows:

3. I have attached:

(a) Prior Court Involvement Statement (form available at https://www.dauphincounty.org/government/courts/self_help_center/index.php).

[(b) Seminar Attendance Order (form available at https://www.dauphincounty.org/government/courts/self_help_center/index.php).

(c)] (b) Self-Represented Party Entry of Appearance (form available at https://www.dauphincounty.org/government/courts/self_help_center/index.php).

4. I have provided a copy of this form to all other attorneys or other self-represented parties at the following addresses as listed below: (Use reverse side if you need more space)

Name _____ Address _____

Name _____ Address _____

Signature of person requesting the Hearing or their attorney:

Print Name: _____ Date: _____

Rule 1915.4-2. Custody Conference Officers.

(a) Custody Conference Officers shall be appointed by the Court to meet with the parties and their legal counsel in a custody action to conciliate the matter, attempt to resolve issues and reach an agreed Parenting Plan/Custody Order and/or if this cannot be accomplished, to define and narrow the issues to be heard by a Judge.

(b) The compensation of Custody Conference Officers shall be set by order of court by the President Judge.

(c) Custody Conference Officers—Not Witnesses.

1. To facilitate the conference process and encourage frank, open and meaningful exchanges between the parties and their respective counsel, statements made by the parties, or their witnesses, shall not be admissible as evidence in a Custody Trial before the Court.

2. The Custody Conference Officer shall not be a witness for or against any party in a Custody Trial before the Court or in any other proceeding whatsoever absent Court Order.

(d) Agreement of Parties at Conciliation Conference.

(1) If the parties are able to reach an agreement during the Custody Conference, the Custody Conference Officer shall prepare a proposed Parenting Plan and Custody Order memorializing the agreement.

(2) At the conclusion of the Conference, even if the parties have reached an agreement, if any of the parties have not attended the Seminar within the past twelve (12) months, the Custody Conference Officer shall serve them with another Order setting forth the new dates for their attendance and direct that they file their Certificates of Completion of the Seminar with the Prothonotary following which the Court will sign their Parenting Plan/Custody Order.

(3) The Custody Conference Officer may also recommend that [**paramours or**] other adults who have a strong role in the parenting of the child(ren) should attend the Seminar.

(4) The Proposed Parenting Plan and Order shall be submitted to a Family Court Judge. If a Family Court Judge has previously handled any of the parties' prior contested family law matters, it will be submitted to that Judge.

(5) If approved and signed by the Court, the Parenting Plan/Custody Order shall be filed by the Court Administrator's Office with the Prothonotary and copies shall be mailed to all parties by the Court Administrator's Office.

(e) No Agreement.

1. If the parties are unable to reach an agreement during the Custody Conference, the Custody Conference Officer shall prepare a Conference Summary Report for the Court which shall include the following:

(a) All relevant information gathered by the Custody Conference Officer during the conference.

(b) A summary of the contested issues to be decided by the Court.

(c) Whether or not the parties have filed the required attachments pursuant to Local Rule 1915.3(b) and if not, the dates within which the parties have to comply and attach a recommended order providing the due date for the following:

- (1) Seminar Attendance Certificates;
- (2) Prior Court Involvement Statement;
- (3) Criminal History and Abuse Verification;
- (4) Proposed Parenting Plan;
- (5) Self-Represented Party Entry of Appearance if not represented by legal counsel.

(d) List any criminal or abuse history on the parties' Criminal History and Abuse Verification warranting the Court to immediately order an Evaluation pursuant to 23 Pa.C.S.A. § 5329 or § 5330.

(e) Summarize any mental health or drug or alcohol problems raised at the Conference and recommend whether the Court should order an evaluation pursuant to Pa.R.C.P. 1915.8.

(f) Any recommendation that the court order the parties to re-attend the Seminar, even if they have attended the Seminar within twelve (12) months of the Conference.

(g) Any recommendation that [**paramours or**] other adults who reside in the household or have a strong role in the parenting of the child(ren) should attend the Seminar

(h) Any agreed Interim Parenting Plan/Custody Order.

(i) A list of the names and relationships of all persons who reside in each parties' household.

(j) Any reports from appropriate agencies/experts.

(k) Whether independent counsel should be appointed for the child(ren).

(l) The present status of the custody of the child(ren).

(m) Any existing Parenting Plan/Custody Order.

2. The Court Administrator's Office shall file the Conference Summary Report with the Prothonotary and copies shall be mailed to all parties by the Court Administrator's Office.

3. The Court Administrator's Office shall promptly forward the Conference Summary Report and file to the assigned judge.

4. If the parties do not reach an agreement at the Custody Conference, the case will be assigned to a Family Court Judge.

5. As a general rule, if a Judge has handled a contested family law case for that family, the matter will be assigned to that Judge.

[**(f) The Custody Conference Officer may determine that paramours or other adults who reside in the household or have a strong role in the parenting of the child(ren) should attend the Seminar.**]

Rule 1930. Mandatory Four Hour Educational Seminar.

(a) In all Custody[, **Divorce or Annulment actions in which the parties have children under the age of 18 and where a Demand for Hearing De Novo Before the Court involving child support has been filed, except for the exclusions listed below**] actions, the parties shall complete a four hour educational

seminar (Seminar for Families in Change and Conflict) if a party has not attended the Seminar in the prior twelve (12) months and in such other cases as the Court may order.

[(b) In Divorce or Annulment actions in which the parties have children under the age of 18, the Plaintiff shall attend the Seminar within forty five (45) days of filing and the Defendant shall attend the Seminar within forty five (45) days from service of the complaint.

[(c)] (b) In custody actions, other than Petitions for Special Relief (Emergency Custody Petitions) [and Contempt], Petitions for Contempt, or when a stipulation is filed simultaneously with a Custody Complaint, all parties must attend the Seminar before the date of their Custody Conference.

[(d)] (c) In a Petition for Contempt or a Petition for Special Relief (Emergency Custody) or other similar Custody actions, the parties shall attend the Seminar as ordered by the Court.

[(e) In Demands for Hearing De Novo Before the Court involving child support, the parties shall attend the Seminar prior to the hearing before the Court except in Children and Youth Appeals, emancipation cases and cases where the obligor has no assets.

[(f)] (d) The fee for the Seminar must be submitted to the Provider on the date of attendance in accordance with the instructions contained in the information sheet provided to all parties with their Seminar Attendance Order.

[(g)] (e) If the parties have not attended the Seminar prior to their Custody Conference, the Custody Conference Officer shall provide the party with another date or time to attend the Seminar and such Order will be filed with the Prothonotary's Office.

[(h)] (f) If the Custody Conference Officer recommends that it would be in the child(ren)'s best interests for [a party's paramour or other] another adult who resides in the household or has a strong role in the parenting of the child(ren) to attend the Seminar, the Court may enter an Order requiring their attendance at the Seminar.

[(i) No Parenting Plan/Custody Order will be entered or Divorce or Annulment Decree granted in cases where the parties have children under the age of eighteen (18) until all parties have completed the Seminar, unless this requirement is waived by the Court for good cause shown.

[(j)] (g) Failure to attend the Seminar may be considered as Contempt of Court punishable by fine and other appropriate sanctions.

The above amendments shall be published in the *Pennsylvania Bulletin* and will become effective thirty (30) days from the date of publication.

By the Court

JOHN F. CHERRY,
President Judge

[Pa.B. Doc. No. 20-441. Filed for public inspection March 27, 2020, 9:00 a.m.]

Title 255—LOCAL COURT RULES

MONTGOMERY COUNTY

Rescission of Local Rule of Civil Procedure *200; Adoption of Local Rule of Civil Procedure *200; Amendment of Local Rules of Civil Procedure 208.3(b) and 4019; No. 2020-00001

Order

And Now, this 10th day of March 2020 the Court hereby Rescinds Montgomery County Local Rule of Civil Procedure 200—Trial Readiness and Adopts Montgomery County Local Rule of Civil Procedure *200, and Amends Montgomery County Local Rules of Civil Procedure 208.3(b)(2) and 4019: Discovery Master. These Adopted and Amended Local Rules shall become effective on April 13, 2020 following timely publication in the *Pennsylvania Bulletin*.

The Court Administrator is directed to publish this Order once in the *Montgomery County Law Reporter* and in *The Legal Intelligencer*. In conformity with Pa.R.J.A. 103, one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts. Two (2) certified copies shall be distributed to the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*. One (1) copy shall be filed with the Law Library of Montgomery County, and one (1) copy with each Judge of this Court. This Order shall also be published on the Court's website and incorporated into the complete set of the Court's Local Rules.

By the Court

THOMAS M. DeRICCI,
President Judge

Rule *200. Trial Readiness.

Rescinded

Rule *200. Trial Readiness.

(1) *Application*. This Local Rule shall apply to all civil actions requiring a Cover Sheet pursuant to Rule 205.5 filed on or after January 1, 2016, excluding cases commenced by Petition, Declaration of Taking, Zoning Appeals, Board of Assessment Appeals, Declaratory Judgment and Mass Tort cases. The maximum time limits noted herein, including those identified in a Case Management Order or subsequent Order of Court pursuant to subsection (e), supersede any similar time limits established pursuant to the agreement of the parties, or pursuant to a Discovery Management Order under Local Rule 4019*;

(2) Nothing in this rule shall relieve the parties from the duty to move a civil action forward expeditiously, including, but not limited to:

- i) Prompt commencement and completion of fact discovery from the commencement of any civil action subject to this local rule;
- ii) Exchange of expert reports and curricula vitae of said experts, or answers to expert interrogatories;
- iii) The filing of dispositive motions promptly after the completion of discovery.

(3) *Within Arbitration Limit Cases*.

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "within arbitration limits" (excepting those involving title to real

estate and equity cases), shall be praeciped for Arbitration by the parties, pursuant to Local Rule 1302, within 9 months of the date of filing of said action, or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 9 months of the transfer date;

b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;

c) If an arbitration limit case is not praeciped for Arbitration within 9 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Outside Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 60 days from the date of the Case Management Order. Absent the filing of an intervening Arbitration Praecept, the case will automatically be placed in the Arbitration Inventory, for the scheduling of an Arbitration Hearing, 60 days from the date of the Case Management Order;

f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.

(4) *Outside Arbitration Limit Cases.*

a) A civil action requiring a Cover Sheet pursuant to Rule 205.5, whereon the filing party checked the box in Section A noting the dollar amount requested is "outside arbitration limits", shall be praeciped for Trial by the parties, pursuant to Local Rule 212.1*(d), within 18 months of the date of filing of said action or in the event such a civil action is commenced in Montgomery County as a "transfer from another jurisdiction", within 18 months of the transfer date;

b) Parties may request an expedited Case Management Conference at any time after service on all parties of any civil action subject to this local rule;

c) If an outside-arbitration limit case is not praeciped for Trial within 18 months of the date of filing or transfer of said action, the case will be scheduled by the Court for a Case Management Conference before the Court or its designee;

d) At the Case Management Conference, all parties shall be prepared to explain the status of discovery, the status of the case and shall have authority to engage in settlement discussions. A Case Management Order will be entered which establishes the following, if applicable:

i) A date for completion of all discovery, except for depositions for use at trial;

ii) A date for plaintiff to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iii) A date for defendant to submit expert reports and curricula vitae of said experts, or answer expert interrogatories;

iv) A date for the filing of all dispositive motions, and any responses thereto;

v) The transfer of said case to the Within Arbitration Limit track, with set dates as noted above, based on a change in the determination of the amount in controversy;

e) In no event shall the dates in the Case Management Order, as noted in subsection (c) above, extend beyond 120 days from the date of the Case Management Order. Absent the filing of an intervening Trial Praecept, the case will automatically be placed in the Civil Trial Inventory, for the scheduling of a Pre-Trial Conference, 120 days from the date of the Case Management Order;

f) Any extension of a deadline set forth in a Case Management Order under this Rule (or an Order under Local Rule 212.1(d)(4) or Local Rule 4019(5)) may be obtained only through a Motion for Extraordinary Relief. The Motion shall set forth the reasons for the requested relief and the reasons that the current deadlines cannot be met despite diligent effort. Any party opposing the Motion shall have 10 days in which to respond, after which time the Court will enter an appropriate order. Argument may be scheduled by the Court. The parties may not obtain an extension of any such deadlines by stipulation.

(5) *Track Transfer.* If at any time during the pendency of an action subject to this Rule, based on subsequent pleadings or a change in the determination of the amount in controversy, a party or parties determine that the case is not on the appropriate track, the party/parties can request the scheduling of a Case Management Conference before the Court or its designee, wherein the issue will be resolved. A Court Order is required to transfer a case from one track to another. The Court can, sua sponte, order the transfer of a case from one track to another.

Comments:

1. Zoning Appeals cases shall proceed pursuant to Local Rule 14;

2. Board of Assessment Appeal cases shall proceed pursuant to Local Rule 920;

3. Asbestos cases shall proceed pursuant to Local Rule 1041.1;

4. All cases involving title to real estate and equity cases are considered "Outside Arbitration Limit Cases."

5. See Local Rule 208.3(b)(2) for the time limit on filing any motion to compel discovery.

Note: Underlined material is added.

Rule 208.3(b). Motion Practice. Rule to Show Cause. Disposition of Motions.

(1) ***

(2) *Listing.* Excepting motions for sanctions or contempt of a prior court order, the Court Administrator shall fix promptly a return day which shall not be less than twenty (20) days from the date of filing of said motion, and the moving party shall forthwith serve the respondent with a copy of the motion and the cover sheet indicating the return day thereon. The moving party shall thereafter file a certification that the motion and the rule return date were served upon all parties, in substantially the following form:

See form *Certificate of Service*

If a motion to compel discovery is filed more than ten (10) days after any deadline for the completion of discovery established by prior Order of the Court, then the Court Administrator shall not fix a return day and instead the motion shall be dismissed in due course as untimely.

Motions for sanctions or contempt of a prior court order shall be forwarded by the Court Administrator to the assigned Judge for the scheduling of a hearing.

Motions that are alleged to be “emergencies” will not initially be given a rule return date, but rather the Court Administrator will forward the emergency motion to the assigned Judge. If the matter is deemed to be an emergency by the assigned Judge, the Judge will process the matter accordingly. If the matter is not deemed to be an emergency, the matter will be returned to the Court Administrator for listing pursuant to this Rule.

All pre-trial motions that are filed after the underlying case has been praeciped for trial or ordered on the trial list will be made rule returnable “at time of trial.”

- (3) ***
- (4) ***
- (5) ***
- (6) ***
- (7) ***

Comments:

Note: Bracketed material is deleted

Rule 4019*. Discovery Master.

- (1) ***
- (2) ***
- (3) ***
- (4) ***
- (5) ***

(6) [**The parties may, by agreement in writing, extend any dates set forth in the Discovery Management Order.**]

(7) [**Upon request of any party, for good cause shown, the Discovery Master may recommend an extension of any dates set forth in the Discovery Management Order.**]

[Pa.B. Doc. No. 20-442. Filed for public inspection March 27, 2020, 9:00 a.m.]

SUPREME COURT

WESTERN DISTRICT

General Statewide Judicial Emergency Authorization for Superior Court and Commonwealth Court; No. 532 Judicial Administration Doc.

Order

Per Curiam

And Now, this 16th day of March, 2020, upon consideration of this Court’s declaration of a general, statewide judicial emergency, see 531 Judicial Administration Docket (March 16, 2020), the Court deems it necessary for the appellate courts of the Pennsylvania Judiciary to undertake appropriate measures to safeguard the health and safety of court personnel, court users, and members of the public.

1. Accordingly, President Judges of the Superior Court and the Commonwealth Court are *Authorized*:

A. To suspend time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, subject to constitutional restrictions;

B. To authorize additional uses of advanced communication technology to conduct court proceedings, including oral argument, subject to constitutional restrictions;

C. To cancel oral arguments and continue affected cases until the next available and practicable oral argument session following expiration of the judicial emergency;

D. To direct the submission of cases, otherwise suitable for oral argument, for merits consideration based upon the briefs, where appropriate and practicable;

E. To take any action listed in Rule of Judicial Administration 1952(B)(2)(a)—(i), (m)—(q), (s); and

F. To take any other necessary administrative actions regarding judicial staff, court facilities and operations.

2. Within 24 hours of undertaking any action as authorized in Paragraph 1 of this order, the President Judge shall, to the extent practicable, provide notice of the action as follows:

A. Posted on the appellate court’s website;

B. Transmitted to the Administrative Office of Pennsylvania Courts for posting on the Unified Judicial System website;

C. Transmitted to the Pennsylvania Bar Association, with the request that such association promptly forward the notice to all members;

D. For cases immediately affected by any suspension of oral argument and for which submission on briefs is contemplated, notification provided specifically to the impacted parties.

3. President Judges of the Superior Court and the Commonwealth Court shall immediately notify the Court Administrator of any emergency that causes the closure of court facilities or causes the temporary suspension of court operations.

4. President Judges of the Superior Court and the Commonwealth Court shall arrange for the provision of essential judicial services, including, by way of example, prompt consideration and disposition of cases arising under the Pennsylvania Election Code, see 25 P.S. §§ 2600—3591.

5. To the extent the President Judge of the Superior Court or the Commonwealth Court seeks the temporary suspension or modification of statewide court rules as applied to any case or cases, beyond that already provided in this Order, the President Judge is to submit an application to such effect to the Middle District of the Supreme Court Prothonotary. Such applications shall specifically identify the rule or rules at issue and provide justification for the request. To the extent practicable under the circumstances, notice of the request for suspension or modification of statewide court rules shall be provided in accordance with Paragraph 2(A)—(D) of this order.

6. In the event the Superior Court or the Commonwealth Court operates under and take steps authorized by this declaration of judicial emergency, the President Judge shall provide notice to the State Court Administrator, when normal court operations are resumed. This notification shall be provided within 24 hours of the resumption of normal court operations.

[Pa.B. Doc. No. 20-443. Filed for public inspection March 27, 2020, 9:00 a.m.]

SUPREME COURT

WESTERN DISTRICT

General Statewide Judicial Emergency; No. 531 Judicial Administration Doc.

Order

Per Curiam

And Now, this 16th day of March, 2020, pursuant to Rule of Judicial Administration 1952(A), this Court *Declares* a general, statewide judicial emergency until April 14, 2020, on account of COVID-19. The Court deems it necessary for the Pennsylvania Judiciary to consider—on a district-by-district basis—the appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and members of the public.

1. Accordingly, President Judges are *Authorized* to declare judicial emergencies in their judicial districts through April 14, 2020, or for part of that period, should they deem it appropriate for the protection of the health and safety of court personnel, court users, and others. Local declarations shall be transmitted to the State Court Administrator on a form substantially similar to the following. The declarations shall become effective immediately upon the State Court Administrator's transmittal to the Supreme Court Prothonotary and upon sufficient publication arranged by the President Judge. To constitute sufficient publication, the President Judge shall ensure that the declaration is:

A. Posted on the entry doors of the county courthouse of the judicial district and of all magisterial district courts within the judicial district;

B. Posted on the judicial district's website; and

C. Transmitted via e-mail to the local county bar association or associations, with the request that such associations promptly forward the notice to all members.

2. Upon the declaration of a judicial emergency in a particular judicial district, the President Judge *Shall Have The Authority*:

A. To suspend time calculations for the purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, subject to constitutional restrictions;

B. To authorize additional uses of advanced communication technology to conduct court proceedings, subject to constitutional restrictions; and

C. To take any action permitted pursuant to Rule of Judicial Administration 1952(B)(2).

3. With reference to paragraph 2(A), the President Judge specifically *Shall Have The Authority* to suspend the operation of Rule of Criminal Procedure 600 within a judicial district. Such suspension shall be immediately effective if a statement of intention to implement a suspension is included in the declaration of a local judicial emergency. The purport of the suspension will be that the time period of the local judicial emergency (or a shorter time period if specified) shall be excluded from the time computation under Rule of Criminal Procedure 600(C). Nothing in this Order or its local implementation shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions, albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

4. Within 24 hours of taking any action as authorized in Paragraph 2 of this order, the President Judge shall, to the extent practicable, provide notice of the action in the manner specified in Paragraph 1(A)—(C) of this order.

5. President Judges in judicial districts operating under a declaration of judicial emergency are to comply with the obligations under Rule of Judicial Administration 1952(B)(3), (B)(5), and any other pertinent provision, where implicated.

6. President Judges in judicial districts operating under a declaration of judicial emergency shall arrange for the provision of essential judicial services, including, by way of example, arraignments and bail establishment hearings, protection from abuse act proceedings, where absent such proceedings there would be a threat of domestic violence, and/or injunction proceedings, where absent such proceedings there would be the threat of irreparable harm.

7. To the extent a President Judge seeks the temporary suspension or modification of statewide court rules as applied to any case or cases in the judicial district, beyond that already permitted under this order, see Pa.R.J.A. 1952(B)(2)(m), the President Judge is to submit an application to such effect to the Supreme Court Prothonotary, with submissions being directed to the district office of the Prothonotary applicable to the President Judge's judicial district. Such applications shall specifically identify the rule or rules at issue and provide

justification for the request. To the extent practicable under the circumstances, notice of the request for suspension or modification of statewide court rules shall be provided in accordance with Paragraph 1(A)—(C) of this order, as well as Rule of Judicial Administration 1952(C)(5).

8. In judicial districts that operate under a declaration of judicial emergency, the President Judge shall provide notice in accordance with Paragraph 1(A)—(C), and to the State Court Administrator, when normal court operations are resumed. This notification shall be provided within 24 hours of the resumption of normal court operations.

**IN THE SUPREME COURT OF PENNSYLVANIA
XXXXXX DISTRICT**

IN RE: ___ JUDICIAL DISTRICT — : No. _____ M 2020
 DECLARATION OF JUDICIAL :
 EMERGENCY :

DECLARATION

Per the Supreme Court’s Order dated March 16, 2020, I declare a judicial emergency in the ___ Judicial District for the following period: _____ to _____ .

[OPTIONAL: The operation of Rule of Criminal Procedure 600 shall be suspended in the ___ Judicial District during the period of the local judicial emergency (or for a shorter period if specified)].

Signed: _____

Dated: _____

[Pa.B. Doc. No. 20-444. Filed for public inspection March 27, 2020, 9:00 a.m.]

SUPREME COURT

WESTERN DISTRICT

**General Statewide Judicial Emergency; Nos. 531
and 532 Judicial Administration Doc.**

Order

Per Curiam

And Now, this 18th day of March, 2020, this Court *Directs* that all Pennsylvania courts are generally *Closed To The Public*, beginning at close of business on March 19, 2020, and lasting through at least April 3, 2020, subject to the General and Specific Directives and Exceptions listed as follows.

The Court further explains and *Directs* as follows:

I. Background

On March 16, 2020, this Court issued an Order, pursuant to Pennsylvania Rule of Judicial Administration 1952(A), declaring a statewide judicial emergency until April 14, 2020, to safeguard the health and safety of court personnel, court users, and members of the public due to the circumstances surrounding the COVID-19 virus (the “Judicial Districts Order”). A separate Order was issued on the same day for the Superior and Commonwealth Courts (the “Intermediate Courts Order”).

The Judicial Districts Order authorized the Pennsylvania Judiciary to consider, on a district-by-district basis, appropriate measures to be taken to safeguard the health and safety of court personnel, court users, and the public generally. Accordingly, the Order granted the President Judges of each judicial district authorization to declare a local judicial emergency in their district to attain special authority and provided procedures for doing so. In the Intermediate Courts Order, the President Judges of the Superior and Commonwealth Courts were accorded discrete emergency powers.

Significant and material events have transpired since the prior Orders were filed. The federal government has

issued guidance suggesting an immediate need for extraordinary nationwide measures, for example, that gatherings of more than ten individuals are to be avoided. This afternoon, the Pennsylvania Secretary of Health urged this Court to consider statewide closure of the courts, except for essential services, for a period of approximately 14 days in order to further restrict the amount of person-to-person contact and mitigate the spread of COVID-19. And this Court is cognizant of the nature of court proceedings, during which individuals who may be carrying the virus with or without symptoms—including court staff, attorneys, litigants, other court participants and members of the public—may come into close proximity with other persons.

Accordingly, pursuant to Rule of Judicial Administration 1952(A) and this Court’s constitutionally-conferred general supervisory and administrative authority over all courts and magisterial district judges, *see* Pa. Const. art. V, § 10(a), this Court now **DECLARES** that a judicial emergency exists in all judicial districts, effective at close of business on March 19, 2020, pending further order of this Court, and that the courts of Pennsylvania—including the individual Courts of Common Pleas and the Superior and Commonwealth Courts—are generally **CLOSED TO THE PUBLIC** through at least April 3, 2020, subject to the General and Specific Directives and Exceptions listed below.

Furthermore, local judicial districts in Pennsylvania are **RELIEVED** of the obligation to file an emergency declaration to obtain authorization to exercise the emergency powers contemplated by Rule of Judicial Administration 1952(B)(2), as a judicial emergency is hereby deemed to exist in every judicial district in Pennsylvania through April 14, 2020, consistent with the Judicial Districts Order.

Additionally, inasmuch as the President Judges of many judicial districts have declared local judicial emergencies pursuant to the authorization contained in the Judicial Districts Order and have issued administrative directives accordingly, we specify that nothing in this Order is intended to vitiate or modify any such directives.

II. General Directives and Exceptions

The President Judges of all judicial districts are DIRECTED to comply with procedures listed in the Judicial Districts Order, except that, in light of the present Order, they need not—and should not—transmit additional declarations of emergency to the State Court Administrator as would otherwise be required under Paragraph 1 of the Judicial Districts Order. With that said, if a President Judge of a judicial district issues any order in connection with the local judicial emergency that now is deemed to exist in that judicial district, the President Judge shall transmit such order to the Court Administrator of Pennsylvania. Furthermore, if such President Judge did not previously declare a local judicial emergency as authorized by the Judicial Districts Order, the President Judge's emergency powers exist through April 14, 2020, as reflected in that Order. If, however, such President Judge has declared a local emergency and such declaration has been assigned a Supreme Court docket number, any further order concerning administrative directives or other matters associated with the local judicial emergency should be captioned so as to indicate that docket number.

Subject to the General and Specific Directives and Exceptions below, court facilities in all judicial districts and in the Superior and Commonwealth Courts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020.

Unless otherwise indicated herein, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are SUSPENDED through April 3, 2020, subject to additional orders of this Court. This suspension SHALL OVERLAP with suspensions already granted by any President Judge, and any longer suspensions directed by a local or appellate court shall remain extant on their own terms. In all events, any legal papers or pleadings which are required to be filed between March 19, 2020, and April 3, 2020, SHALL BE DEEMED to have been timely filed if they are filed by April 6, 2020, or on a later date as permitted by the appellate or local court in question upon consideration of the potential volume of such filings.

Use of advanced communication technology to conduct court proceedings is, again, SPECIFICALLY AUTHORIZED AND ENCOURAGED IN ALL DISTRICTS, subject only to constitutional limitations.

All President Judges of the courts of common pleas are HEREBY INSTRUCTED to adopt procedures in implementing this Order that restrict potential COVID-19 exposure which could result from judges, court staff, and county agency staff interaction with the public, with full consideration of the necessary adjudication of constitutionally essential functions. In this regard, the judgment of President Judges concerning these General and Specific Directives and Exceptions SHALL SUPERSEDE any requirements of this Order, so long as the President Judge's approach remains consistent with requirements of the United States and Pennsylvania Constitutions. Along these lines, we observe that the particularized emergency circumstances with which each President Judge is confronted should ultimately inform the constitutional analysis.

Whenever possible, consistent with constitutional concerns, all courts are to consider deciding matters on the papers.

III. Specific Directives and Exceptions

The Directives below allow for in-person court proceedings in some emergency matters as specified for each

category of courts. This Court DIRECTS that, to the extent possible, any interaction between court personnel and anyone else involved in the proceeding be undertaken consistent with federal guidance—including that provided by the Centers for Disease Control and Prevention—such as social distancing, the disinfection of surfaces, and the wearing of a facemask by an infected person.

Intermediate Courts

Court facilities of the Superior and Commonwealth Courts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020. This Court's best guidance is that essential functions include:

- a. Election matters;
- b. Children's Fast-Track matters;
- c. Matters credibly labeled as emergency filings; and
- d. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

Courts of Common Pleas

1) Court facilities in all judicial districts SHALL BE CLOSED TO THE PUBLIC as to non-essential functions through at least April 3, 2020. This Court's best guidance is that essential functions include:

- a. Emergency bail review and habeas corpus hearings;
- b. Gagnon I hearings;
- c. Bench warrant hearings pursuant to Rule of Criminal Procedure 150;
- d. Juvenile delinquency detention;
- e. Juvenile emergency shelter and detention hearings;
- f. Temporary protection from abuse hearings;
- g. Emergency petitions for child custody or pursuant to any provision of the Juvenile Act;
- h. Emergency petitions for guardianship;
- i. Civil mental health reviews, *see* 50 P.S. § 7302;
- j. Emergency equity civil matters (injunctions and stays);
- k. Any pleading or motion relating to public health concerns and *involving immediate and irreparable harm*; and

1. Any other function deemed by a President Judge to be essential consistent with constitutional requirements.

2) All court calendars, scheduling notices, subpoenas or other court orders compelling the appearance of any attorney, litigant, or other participant in any non-essential case are hereby continued or postponed until further order of a President Judge or a presiding judge that is not inconsistent with this Order or a directive of a President Judge.

3) Jury and non-jury trials, both criminal and civil, are SUSPENDED and will be scheduled for a date in the future by the courts.

4) Jurors SHALL NOT REPORT for jury duty on or before April 3, 2020, except as provided for ongoing trials pursuant to the directives below.

5) Unless otherwise required herein, any in-person pretrial conference, case management conference, status conference, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, is hereby postponed until a future date to be set forth by the courts. To the extent that such matters may

be handled through advanced communication technology consistent with constitutional limitations, **THEY MAY AND SHOULD PROCEED.**

6) Bail review requests and requests for habeas corpus **SHALL BE REVIEWED** on a case-by-case basis consistent with the Rules of Criminal Procedure and the Pennsylvania Constitution.

7) Hearings on essential functions **SHALL BE HELD** in courtrooms designated by the individual courts of common pleas to minimize person-to-person contact.

Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court Magistrates and Pittsburgh Municipal Court, Arraignment Division

1) All Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court and Pittsburgh Municipal Court, Arraignment Division, **SHALL BE CLOSED TO THE PUBLIC** except for essential functions. This Court's best guidance is that essential functions include:

- a. Preliminary arraignments (bail setting) for bailable cases;
- b. Criminal case filings and subsequent processing;
- c. Preliminary hearings for incarcerated persons only;
- d. Issuance of search warrants;
- e. Emergency protection from abuse petitions; and
- f. Any other function deemed by a President Judge to be essential consistent with constitutional limitations.

2) Advanced communication technology or closed-circuit video technology **SHALL BE USED** to complete as many of these functions as practicable consistent with constitutional limitations, and necessary accommodations shall be made, to the extent practicable, to ensure that these essential functions can be adjudicated by use of such technology.

3) All other cases pending in these courts are **POSTPONED.**

4) Payments rendered to the Magisterial District Courts **SHALL NOT BE MADE IN PERSON** but may be accepted by mail, electronically (online), or by telephone as may be permissible in the Magisterial District Court receiving the payment.

5) In the event any scheduled payment is missed, or default of a payment plan previously imposed by the court occurs, the Magisterial District Court **SHALL ISSUE** a hearing notice scheduling a payment determination hearing to be held after April 3, 2020, or such date as shall be subsequently specified. Such missed payment or default **SHALL NOT RESULT** in the issuance of an

arrest warrant for failure to make payment, nor shall the non-payment result in driving privileges being suspended prior to such hearing.

Landlord/Tenant

In addition to the above, this Court is aware that the economic consequences of the COVID-19 pandemic may cause individuals to suffer a loss of income, which in turn may delay rent payments, mortgage-loan payments, or the like—including payments to be made by individuals who may be under self-imposed quarantine or who may otherwise be either carrying the virus or vulnerable to infection. In light of these circumstances, it is further **DIRECTED** that, during the period encompassed by this Order or the judicial emergency, whichever is longer, no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejection, or other displacement from a residence based upon the failure to make a rent, loan, or other similar payment. Nothing herein is intended to preclude requests for orders of possession resulting from judgments entered in landlord-tenant actions to be filed by mail. However, any execution on an order of possession is stayed to a date on or after April 3, 2020, subject to further orders.

Prompt Trial and Ongoing Trials

It is further **DIRECTED** that Rule of Criminal Procedure 600(C) is hereby **SUSPENDED** in all judicial districts during the period of the statewide judicial emergency. The purport of this directive is that the time period of the statewide judicial emergency **SHALL BE EXCLUDED** from the time calculation under Rule 600(C). Nothing in this Order, however, or its local implementation, shall affect a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions—albeit that the circumstances giving rise to this Order and the suspension may be relevant to the constitutional analysis.

Notwithstanding anything to the contrary stated above, if a jury trial has already commenced, it may proceed to completion so long as the presiding judge, with the approval of the President Judge of the judicial district in question, determines that completion of the trial without delay is required in the interests of justice. In making such determination relative to a criminal trial, the restrictions of the Double Jeopardy Clauses of the United States and Pennsylvania Constitutions shall be considered.

This Court will continue to post on the Unified Judicial System website its Orders concerning the operations of the Unified Judicial System during the COVID-19 situation.

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