IN THE SUPREME COURT OF THE STATE OF DELAWARE

ORDER DECLARING A JUDICIAL EMERGENCY	§
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O R D E R

On the 13th day of March 2020:

WHEREAS, the Centers for Disease Control and Prevention has determined that a novel coronavirus disease ("COVID 19") presents a serious public health threat, and this threat is affecting the State of Delaware; and

WHEREAS, the President of the United States of America, has declared a National State of Emergency due to the public health threat caused by COVID 19;

WHEREAS, under his authority set forth in 20 *Del. C.* ch. 31, Governor John C. Carney declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID 19; and

WHEREAS, the State of Emergency for Delaware took effect Friday, March 13, 2020 at 8 AM and was determined to be in the best interests of the State to protect its citizens from a potential public health emergency that could threaten the lives of those who live and work in the State and is designed to avoid transmission of the disease; and

WHEREAS, the Governor's State of Emergency declaration called for, among other things, the State to utilize electronic means of communication for official

public meetings and limit "non-essential mass gatherings" of 100 people or more; and

WHEREAS, thousands of people, including jurors, parties, witnesses, lawyers, judges, and court staff, enter Delaware's courthouses per day; and

WHEREAS, under 10 *Del. C.* § 2004(a), the Chief Justice, in consultation with other members of the Supreme Court, has the authority to "declare a judicial emergency when the Chief Justice determines that there are emergency circumstances affecting 1 or more court facilities;" and

WHEREAS, under 10 *Del. C.* § 2004(a), "emergency circumstances" includes but is not limited to "disease … or other natural or manmade causes [affecting] the ability to access the courthouses or the ability to staff courts;" and

WHEREAS, under 10 *Del. C.* ch. 20, the Chief Justice has the authority in declaring a judicial emergency to permit court proceedings to take place in other venues, to permit the use of audiovisual devices for all civil and criminal proceedings (except trial by jury), to suspend, toll, extend, or otherwise grant relief from deadlines or other time schedules, and to take such other actions as are reasonably necessary to provide for the continued operation of the courts during a judicial emergency;

NOW, THEREFORE, IT IS HEREBY ORDERED that:

1. Under the authority of 10 *Del. C.* § 2004, a judicial emergency is declared, to become effective March 16, 2020 at 8:00 a.m. and continuing for 30 days, subject to further review.

2. During the period of judicial emergency, all trial courts in the State shall have the discretion to continue trials and hearings in civil and criminal cases for a period of 30 days in order to limit the number of people gathering in public court buildings.

3. To the greatest extent possible, all trial courts in the State are authorized and encouraged to utilize audiovisual devices to conduct proceedings (except for jury trials).

4. During the period of judicial emergency, all time requirements under the Speedy Trial Guidelines are hereby tolled.

5. Unless circumstances dictate otherwise for a particular building, all judicial branch facilities will remain open until further notice.

BY THE CHIEF JUSTICE:

/s/ Collins J. Seitz, Jr.

Chief Justice

cc: The Honorable John C. Carney
The Honorable Karen L. Valihura
The Honorable James T. Vaughn, Jr.
The Honorable Gary F. Traynor
The Honorable Tamika R. Montgomery-Reeves
The Honorable Kathleen Jennings
Members of the Judicial Conference
The Honorable Leonard Stark
The Honorable Brendan O'Neill
State Court Administrator
Court Administrators
Clerk of the Supreme Court
Counsel to the Governor
Chair Senate Judiciary Committee
Chair House Judiciary Committee
John Cerino, District Court Clerk