IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

IN RE: GENERAL STATEWIDE JUDICIAL EMERGENCY	: : :	Nos. 531 and 532 Judicial Administration Docket

SECOND SUPPLEMENTAL ORDER

PER CURIAM

AND NOW, this 1st day of April, 2020, pursuant to Rule of Judicial Administration 1952(A) and the Pennsylvania Supreme 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 DIRECTS that the general, statewide judicial emergency declared in this Court's Order of March 16, 2020, is EXTENDED through April 30, 2020, and all Pennsylvania courts SHALL REMAIN generally CLOSED TO THE PUBLIC through April 30, 2020, subject to the General and Specific Directives and Exceptions set forth in this Court's Order of March 18, 2020, as modified and supplemented herein.

The Court further explains and DIRECTS as follows:

On March 16, 2020, in light of the spread of the COVID-19 virus, this Court deemed it necessary to declare a general, statewide judicial emergency to enable 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. Via separate Order, President Judges of the

intermediate appellate courts were afforded authority to implement emergency measures as well.

On March 18, 2020, at the behest of Pennsylvania's Secretary of Health, the Court issued an order directing that all Pennsylvania courts are generally closed to the public through at least April 3, 2020, subject to certain General and Specific Directives and Exceptions designed, *inter alia*, to ensure the continuation of the courts' essential functions consistent with public health guidance provided by the executive branch. On March 24, 2020, the Court issued a Supplemental Order expanding the non-exclusive list of essential functions to include commencement of a civil action, by *praecipe* for a writ of summons, for purposes of tolling a statute of limitations.

Yesterday afternoon, the Secretary of Health urged the Supreme Court to extend the statewide closure of the courts, except for essential services, for a period of approximately one additional month to further restrict the amount of person-to-person contact and mitigate the spread of COVID-19.

Accordingly, the temporary, general closure of the Pennsylvania courts to the public SHALL REMAIN IN PLACE through April 30, 2020, subject to the General and Specific Directives and Exceptions set forth in the March 18 Order, subject to the modifications and clarifications set forth below.

In addition, President Judges are AUTHORIZED to declare judicial emergencies in their judicial districts through May 31, 2020, or for part of that period, should they deem it appropriate based on local conditions for the protection of the health and safety of court personnel, court users, and others. Such declarations, as well as all local orders and directives, SHALL BE FILED with the Prothonotary for the Supreme Court in

the Eastern, Western, or Middle District Office, as appropriate for the particular local judicial district. For convenience, such materials may be transmitted via electronic mail to: Irene.Bizzoso@pacourts.us.

Time Limitations and Deadlines

Unless otherwise indicated herein or in the March 18 Order, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, ARE NOW SUSPENDED through April 30, 2020, subject to additional orders. This suspension SHALL OVERLAP with suspensions already granted by any President Judge, and any longer suspensions directed by an appellate or local 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 30, 2020, SHALL BE DEEMED to have been timely filed if they are filed by May 1, 2020, or on a later date as permitted by the appellate or local court in question.

Statutes of Limitations

This Court's Order of March 24, 2020, expanding the list of essential functions of courts to include acceptance of a *praecipe* for a writ of summons, for purposes of tolling a statute of limitations, SHALL REMAIN IN FULL FORCE AND EFFECT through April 30, 2020. Additionally, if a court of original jurisdiction is closed to filings, the alternative mechanism for filing of an emergency *praecipe* in the Superior Court shall remain in place, as set forth in the March 24, 2020 Order.

Children's Fast Track Appeals

This Court's "Order Regarding Alternative Filing Procedure for Children's Fast Track Appeals," dated March 27, 2020, SHALL REMAIN IN FULL FORCE AND EFFECT through at least April 30, 2020. This Order approved the Superior Court's provision for the filing of emergency filing of children's fast track appeals upon a certification that filing in the court of original jurisdiction is impractical due to the closure of court facilities.

Advanced Communication Technology

The Court continues to specifically AUTHORIZE AND ENCOURAGE use of advanced communication technology to conduct court proceedings, subject only to constitutional limitations. Advanced communication technology includes, but is not limited to: systems providing for two-way simultaneous communication of image and sound; closed-circuit television; telephone and facsimile equipment; and electronic mail. *See* Pa.R.J.A. No. 1952(A)(2)(e) & comment (citing Rule of Criminal Procedure 103 for the definition of advanced communication technology).

Courts of Common Pleas

As previously prescribed, any in-person hearings pertaining to essential functions SHALL BE HELD in courtrooms designated by the individual courts of common pleas to minimize person-to-person contact.

Per the March 18 Order, unless otherwise required therein, any in-person pretrial conference, case management conference, status conference, diversionary program, discovery motions practice, motions practice or other hearing, whether civil or criminal, were postponed until a future date to be set forth by the courts. The Court further

directed that, to the extent that such matters could be handled through advanced communication technology consistent with constitutional limitations, they may and should proceed. The effect of these directives is now EXTENDED through April 30, 2020, unless a President Judge should direct otherwise upon sufficient notice.

The Court NOW CLARIFIES that it expects that non-essential matters can continue to move forward, within the sound discretion of President Judges, so long as judicial personnel, attorneys, and other individuals can and do act in conformity with orders and guidance issued by the executive branch. Here again, the Court continues to specifically AUTHORIZE AND ENCOURAGE use of advanced communication technology, subject only to constitutional limitations.

Jurors SHALL NOT REPORT for jury duty through April 30, 2020.

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

All Magisterial District Courts, Philadelphia Municipal Court, Philadelphia Arraignment Court and Pittsburgh Municipal Court, Arraignment Division, SHALL REMAIN CLOSED TO THE PUBLIC, except for essential functions, and subject to the additional Directives and Exceptions set forth in this Court's March 18 Order, including modifications to the regimen for the acceptance of payments

Guidance to Legal Professionals

Guidance has been provided by the executive branch explaining that members of the legal profession "may continue physical operations . . . as required to allow attorneys to participate in court functions deemed essential by a president judge per the Pennsylvania Supreme Court's order of March 18, 2020, or similar federal court directive, and lawyers may access their offices to effectuate such functions and

directives." MARCH 24, 2020 -- INDUSTRY OPERATION GUIDANCE, *Uploaded by Governor Tom Wolf*, https://www.scribd.com/document/452553026/UPDATED-2-30pm-March-24-2020-Industry-Operation-Guidance (last visited April 1, 2020).

Paragraph 13 of the Governor's Frequently Asked Questions additionally advises that businesses that are otherwise required to suspend in-person operations may "retain essential personnel to process payroll and insurance claims, maintain security, and engage in similar limited measures on an occasional basis," subject to the caveat that "telework (i.e. working from home) should be employed whenever possible, and social distancing must be observed." LIFE SUSTAINING BUSINESS FAQS, *Uploaded by Governor Tom Wolf*, https://www.scribd.com/document/452553495/UPDATED-1-45pm-March-31-2020-Life-Sustaining-Business-FAQs (last visited April 1, 2020).

Dispossession of Property

Subject to further orders of this Court, the directives contained in the March 18 Order concerning the dispossession of a residence -- under the heading "Landlord/Tenant" -- are hereby extended through April 30, 2020. It is noted, as a clarification, that the intent of this provision is that, in view of the economic effects of the COVID-19 pandemic, during this timeframe no officer, official, or other person employed by the Pennsylvania Judiciary at any level shall effectuate an eviction, ejectment, or other displacement from a residence based upon the failure to make a monetary payment. Such payments include rent and loan payments, as referenced in the March 18 Order; they also include property tax payments. As such, this temporary prohibition encompasses, inter alia, dispossessions predicated on a mortgage foreclosure, a failure to pay rent, or a failure to pay property taxes. Finally, and again subject to further orders, any execution on an order of possession is also stayed for the same period, namely, through April 30, 2020.

Prompt Trials

Extending the prior directive from the March 18 Order, Rule of Criminal Procedure 600(C) is hereby SUSPENDED in all judicial districts at least through April 30, 2020. The purport of this directive is that the time period of the statewide judicial emergency and continuing through April 30, 2020, 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.

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.