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IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT

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

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 below.

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
l. 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, ejectment, 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.