IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN RE COVID-19	§
PRECAUTIONARY MEASURES	§

ADMINISTRATIVE ORDER NO. 9

EXTENSION OF JUDICIAL EMERGENCY

On this 5th day of August 2020:

WHEREAS, under the Delaware Constitution, Article IV, § 13, the Chief Justice of the Delaware Supreme Court is the administrative head of all the courts in the State and has general administrative and supervisory powers over all the courts;

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;"

WHEREAS, under 10 *Del. C.* § 2004(a), "emergency circumstances" includes "disease … or other natural or manmade causes [affecting] the ability to access the courthouses, or the ability to staff courts;"

WHEREAS, under 10 *Del. C.* § 2004(c), an order declaring a judicial emergency is limited to an initial duration of not more than 30 days, but may be modified or extended for additional periods of 30 days each;

WHEREAS, under his authority set forth in 20 *Del. C.* ch. 31, Governor John C. Carney, on March 12, 2020, declared a State of Emergency for the State of Delaware due to the public health threat caused by COVID-19, and extended the State of Emergency on April 10, 2020, May 8, 2020, June 6, 2020, and July 6, 2020;

WHEREAS, under 10 *Del. C.* § 2004, the Chief Justice, in consultation with other members of the Supreme Court, declared a judicial emergency that went into effect on March 16, 2020 at 8:00 a.m., and extended the judicial emergency in orders dated April 14, 2020, May 14, 2020, June 5, 2020, and July 6, 2020;

WHEREAS, on May 26, 2020, the Courts Reopening Committee established by the Chief Justice submitted an interim report recommending a four-phase approach to reopening the courthouses to additional employees and the public;

WHEREAS, in an order dated June 5, 2020, the Chief Justice accepted the recommendations of the Courts Reopening Committee and the Justice of the Peace Court for reopening;

WHEREAS, Phase 1 of the Courts Reopening Plan commenced on June 8, 2020, and Phase 2 of the Reopening Plan commenced on June 15, 2020;

WHEREAS, Phase 1 and Phase 2 of the Reopening Plan have proceeded successfully to date, and the Courts Reopening Committee continues to study how to safely resume jury trials as contemplated by Phase 3 of the Reopening Plan;

WHEREAS, COVID-19 continues to pose a serious risk to public health and safety of Delawareans, requiring the courts to continue a careful, phased reopening of the courts to reduce the risk that COVID-19 poses to jurors, parties, witnesses, lawyers, judges, and court staff who enter the State courthouses; and

WHEREAS, the Chief Justice, in consultation with the other members of the Supreme Court, has determined that extension of the judicial emergency is necessary and that the courts should continue to comply with the Reopening Plan set forth in the June 5, 2020 order.

NOW, THEREFORE, IT IS ORDERED that:

(1) Under the authority of 10 *Del. C.* § 2004, the judicial emergency for all State courts and their facilities in Delaware is extended for another 30 days effective August 7, 2020, subject to further review.

(2) The courts shall continue to operate under Phase 2 as set forth in Paragraphs 2A, 2B, 3, and 4 of the June 5, 2020 order. Given the concerning national trend of increasing virus spread, new quarantine requirements by other states, and hotspots within our State, the courts will not enter Phase 3 of the Reopening Plan until medical experts believe it is safe to do so and more information becomes available about the trends in COVID-19 infections and its spread in the United States and Delaware.

(3) In light of the continuing threat COVID-19 poses to public health, all courts in the State are authorized, to the greatest extent possible under 10 *Del. C.* § 2008, to continue to utilize audiovisual devices at their facilities and remotely to conduct proceedings (except for jury trials) for the duration of this order.

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

(5) Administrative Order No. 3 regarding the suspension of any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, or the Justice of the Peace Court will remain in effect.

(6) Each courthouse shall continue to provide a method, such as a dropbox or mailing address, for attorneys and the public to fill out and file paper documents if electronic filing is not available to them. For such cases, the courts shall continue to provide, when practical, an email address for attorneys and the public to email paper documents which will be considered filed with the court when received.

(7) The Clerk of the Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE CHIEF JUSTICE:

/s/ Collins J. Seitz, Jr.
Chief Justice