

### 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.