

**IN THE SUPREME COURT OF PENNSYLVANIA
WESTERN DISTRICT**

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