

NEWS FOR IMMEDIATE RELEASE

December 28, 2020

39th JUDICIAL DISTRICT – FRANKLIN AND FULTON COUNTIES

COURTS REMAIN OPEN – JURY TRIALS SUSPENDED UNTIL THE MARCH/APRIL 2021 TRIAL TERMS - ALL IN PERSON PROCEEDING SUSPENDED THROUGH JANUARY 31, 2021. FILING OFFICES REMAIN OPEN – USE OF ADVANCED COMMUNICATION TECHNOLOGY ENCOURAGED

On Monday, December 28, 2020, President Judge Meyers issued an amended emergency judicial order extending the judicial emergency in the district through April 30, 2021 and confirming that all in-person, non-emergency proceedings are suspended through January 31, 2021, in response to the pervasive and widespread COVID-19 infections that have impacted the citizens of the 39th Judicial District. The court has had numerous reports of members of the judiciary, court supervised staff and attorneys who are impacted by COVID-19 exposure over the last month with new cases being reported since the Christmas holiday break.

President Judge Meyers issued the following statement,

Both Franklin and Fulton Counties are now experiencing significant increases in Covid-19 cases which are taxing our local health care systems, educational institutions and businesses large and small. While the court may be guided by the Governor's decrees, the court is not bound by them. Rather the court takes direction from Chief Justice Saylor and the Pennsylvania Supreme Court, which authorizes President Judges to declare local emergencies based upon the conditions within each district. With the court receiving numerous reports of members of the judiciary at all levels, court supervised staff, attorneys and the public at large being impacted by COVID-19 exposures, the court must take all reasonable steps to protect the citizenry, the judiciary, attorneys, staff and those who may be attending court while protecting litigants' due process rights. The vaccines, while asserted to be effective, have not yet been distributed to the citizenry of the judicial district. Until the vaccines are widely administered within the judicial district, the court must continue to take the steps necessary to protect the litigants, attorneys and employees who work in the court facilities. The judicial emergency is being extended until April 30th, 2021. All non-emergency, in person proceedings in any court house or court facility are suspended through January 31, 2021 and shall be continued or scheduled to proceed using Advanced Communication Technology. Attorneys and non-represented parties should immediately contact Court Administration or the assigned judge for additional information on whether or not their case can proceed using ACT or will be continued. All criminal and civil jury trials are suspended until March, 8th, 2021 in Franklin County and April 26th, 2021 in Fulton County.

I remain cognizant of the impact the closure of the courts have had on the rights, interests and liberties of our citizens. Unfortunately the predictions by medical and science professionals have proven true and the COVID-19 virus is plaguing every segment of our community. It continues to have a direct impact upon the judiciary, court employees, attorneys

and litigants. Failure to take reasonable and prudent steps to limit the gatherings of persons in confined spaces such as our court facilities can easily lead to wide scale infection, testing and quarantine of dozens and dozens of persons who are compelled to appear for a court proceeding. The court continues to provide alternative communication technology, such as video and audio conferences by judges and hearing officers so as to reduce the demand for in-person appearances where appropriate. For those reason, all non-emergency, in person proceedings in any court facility is suspended and continued through January 31, 2021. Every member of the judiciary is to make a concerted effort to try and hold as many proceedings as possible using ACT during the suspension of in person proceedings. All courts will continue to hear all emergency proceedings such as, a. Protection from Abuse Matters where no temporary order has been entered by the court; b. Bench Warrant Hearings; c. Bail hearings, provided the appropriate motion is filed and presented to the court and served upon the Commonwealth and a hearing is scheduled by an assigned judge; d. Emergency/Special Relief Custody Hearings; e. Emergency Guardianship Petitions/Hearings; f. Protective petitions and hearings filed by the AAA or other agencies authorized to protect the rights and interests of the elderly or disabled; g. Dependency Matters as further described herein; h. Delinquency Matters as further described herein. i. Preliminary Injunctions regarding issues related to public health or the protection and preservation of interests of a person, corporation or an entity that cannot be assured adequate protection under any other lawful means.

The court will continue to observe recommended protocols to afford persons the opportunity to exercise appropriate measures for their personal health and safety, while also exercising their constitutional and statutory rights. All persons and employees accessing a court facility will continue to submit to COVID-19 screening protocols. The court has also been assured by the leadership of Franklin County and Fulton County that CDC recommended protocols for cleaning and sanitizing common spaces and court facilities will continue to be followed during the judicial emergency.

Here is a summary of the limitations and authorized acts under the 39th Judicial District Emergency Judicial Orders dated December 7, 21 and 28, 2020:

1. The extension of the judicial emergency in the 39th Judicial District is hereby confirmed through April 30, 2021.
2. All non-emergency, in-person proceedings in any court facility is suspended and continued through January 31, 2021. Every member of the judiciary is to make a concerted effort to try and hold as many proceedings as possible using ACT during the suspension of in person proceedings.
3. All courts will continue to hear emergency proceedings such as a. Protection from Abuse Matters where no temporary order has been entered by the court; b. Bench Warrant Hearings; c. Bail hearings, provided the appropriate motion is filed and presented to the court and served upon the Commonwealth and a hearing is scheduled by an assigned judge; d. Emergency/Special Relief Custody Hearings; e. Emergency Guardianship Petitions/Hearings; f. Protective petitions and hearings filed by the AAA or other agencies authorized to protect the rights and interests of the elderly or

- disabled; g. Dependency Matters as further described herein; h. Delinquency Matters as further described herein. i. Preliminary Injunctions regarding issues related to public health or the protection and preservation of interests of a person, corporation or an entity that cannot be assured adequate protection under any other lawful means.
4. All judges, Magisterial District Judges, hearing officers, masters, and conciliators may continue the use of advanced communication technology (“ACT”) to conduct proceedings where possible, especially in the Civil, Orphans’ Court/Juvenile and Domestic Relations dockets.
 5. Use of ACT shall continue to be used to conduct criminal proceedings that otherwise would be required to be in person under Pa.R.Crim.P. 119, when either the defendants and counsel agree and for the express purpose of limiting the transport of inmates from the Franklin County Jail, Bedford County Correctional Facility or another place of detention to the courthouses, thus limiting the possibility of infection by COVID-19 of the jail populations and assist the wardens in their quarantine efforts.
 6. All filing offices remain open and will receive filings. The court encourages the use of permitting counsel or parties may continue to file pleadings in an electronic form with the Prothonotary and Clerk of Courts, even though “efiling” systems are not yet in place. Each filing office will permit filing within their discretion, although all have boxes to receive documents in a way to minimize contact.
 7. All civil and criminal pretrial conferences, jury selections and jury trials are suspended and will resume in each county as follows:
 - A. Franklin County: Call of Criminal Trial List, March 1, 2021, Hon. Angela Krom presiding beginning at 9:00 a.m. March 8, 2021, Jury Selection beginning at 9:00 a.m., Judges to be assigned. Civil Jury Trials to resume as of March 8, 2021, subject to scheduling orders issued by the presiding judge.
 - B. Fulton County: April 26, 2021, Jury Selection beginning at 9:00 a.m.; Call of Criminal Trial List, April 13, 2021 beginning at 9:00 a.m.; Hon. Mary Beth Shank, presiding on both dates. Civil Jury Trials to resume as of April 26, 2021, subject to scheduling orders issued by the presiding judge.
 8. All persons entering any court facility in which Sheriff’s staff provide security shall be subject to mandatory screening for Covid-19 through the use of a questionnaire and in the case of Franklin County, temperature checks. If a person answers affirmatively to a question or have a temperature that exceeds 100.4° they shall be denied access and provided instructions as to whom to contact so as to avoid the issuance of a bench warrant or summons.

9. The court and Court Administration are authorized to secure alternate facilities other than the existing court facilities to proceed with essential functions if deemed appropriate.
10. The public and media may be granted access to the court proceeding on a limited basis as approved by Court Administration, or in the alternative, the press or public may make a request of Court Administration for access to recordings immediately after a proceeding.
11. The President Judge will monitor the constantly changing impact of the COVID-19 virus on the populations of both Franklin and Fulton Counties. When recommended restrictions are lessened or adequate effective vaccination and/or treatment is made available to the citizens of both counties, the President Judge may take action to either terminate the judicial emergency or expand access to the courts and court facilities as circumstances warrant.

President Judge Meyers, the entire board of judges and Court Administration appreciate the continued cooperation that has been provided by Franklin and Fulton County government, the Boards of Commissioners, the various public and private offices affected and the members of the bar associations of both counties who have joined together with the community at large to ensure all reasonable efforts are made to preserve and protect the public safety while still providing access to the courts.

For up-to-date information, visit:

CDC: <https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

Department of Health: <https://www.health.pa.gov/topics/disease/Pages/Coronavirus.aspx>

For more information, please contact Mark Singer, District Court Administrator for the 39th Judicial District, at msinger@franklincountypa.gov or 717-261-3848.