

NEWS FOR IMMEDIATE RELEASE

August 31, 2020

39th JUDICIAL DISTRICT – FRANKLIN AND FULTON COUNTIES

COURTS REMAIN OPEN - JUDICIAL EMERGENCY EXTENDED TO ADDRESS POTENTIAL SPREAD OF CORONAVIRUS THROUGH DECEMBER 31, 2020

On Monday, May 11, 2020 the Common Pleas Court, Magisterial District Court, Masters, Hearing Officers and Domestic Relations Offices of the 39th Judicial District which encompasses Franklin and Fulton Counties, Pennsylvania resumed hearing all matters under their jurisdiction. However, with the presence of Covid-19 still present and infecting individuals in both counties of the 39th Judicial District the judicial emergency will be extended through **December 31, 2020** to permit the court with the opportunity to limit the possibility of the spread of the virus to litigants, attorneys, court employees, jurors and others entering court facilities.

President Judge Meyers issued the following statement,

Both Franklin and Fulton Counties are now under the Green phase of re-opening per directives of Governor Wolf. 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. The courts will proceed with continuing to hear all cases, subject to the maximum limits as advised by the CDC of 25 persons or a maximum of 75% of permitted occupancy based upon square footage limits posted for the various sized courtrooms and hearing rooms throughout the 39th Judicial District. The court has resumed providing jury trials subject to masking requirements, social distancing and COVID-19 hygiene protocols.

I remain cognizant of the impact the closure of the courts have had on the rights, interests and liberties of our citizens. Although the Pennsylvania Supreme Court has not extended the judicial emergency beyond June 1, 2020, there is still a need to monitor and control access to the courts as the presence of COVID-19 still exists in the 39th Judicial District at levels that exceed the statewide incident level of 3.2% according to the Pennsylvania Department of Health Early Warning Dashboard. 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 has developed plans for the conduct of jury selection and jury trials so as to assure persons of their constitutional right to a jury trial while limiting the possible infection of anyone who is a participant in the trial. The judicial emergency will also afford the continued use of alternate 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. Persons should feel free to proceed with their cases and know that all common pleas judges, magisterial district judges, hearing officers, masters, arbitrators and conciliators have resumed hearing all matters, albeit under certain scheduling limitations.

The court will 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. 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 be followed during the judicial emergency.

Here is a summary of the limitations and authorized acts under the 39th Judicial District Ninth Supplemental Order dated August 31, 2020:

1. The extension of the judicial emergency in the 39th Judicial District is hereby confirmed through December 31, 2020.
2. The courts of the 39th Judicial District are open and all cases are hereby authorized to be heard on every docket by the assigned judge, subject to the following restrictions: There shall never be more than 75% occupancy in a courthouse or courtroom and, when possible, no more persons shall be permitted in a court room that would prevent on a square footage basis all occupants to practice social distancing of 6 feet, whichever is the lesser occupancy rate. Masking requirements shall be observed in courtrooms and common spaces and court employee occupied offices as directed by the President Judge. Court Administration is authorized to post applicable limits for all court facilities outside the doors of each courtroom and hearing room. The judges and Court Administration shall cooperate and shall schedule matters in a way so as to permit dockets that demand more persons to appear to use the largest courtrooms and those requiring few parties or litigants to use the smaller courtroom and hearing spaces. Requests to enlarge the occupancy beyond these limits must be expressly approved by the President Judge. Court Administration shall also post such directives advocating the practice of social distancing in all court facilities. The same guidance applies to all Magisterial District Judges, masters, conciliation officers and hearing officers.
3. 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.
4. 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.
5. 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.

6. Jury selection shall continue on a schedule determined by Court Administration and approved by the court. The conduct of jury selection and trials shall be confirmed at locations selected by the court in both counties at venues including courthouses and other public buildings under a process that conforms with health advisories. In all instances for the balance of calendar year 2020, social distancing and masking of participants shall be required for the selection of jurors and the conduct of trials.
7. Scheduling of criminal and civil/family law cases shall be coordinated with Court Administration in limited numbers on an hourly basis or based upon available square footage in court and hearing rooms to emphasize and promote social distancing consistent with the “Green” status advisement of the Pennsylvania Department of Health and the CDC recommendations until such limitations are modified.
8. Court Administration in conjunction with the Sheriff’s Department of both counties shall manage and direct access within common areas of court facilities to promote social distancing and compliance with masking directives of the court subject to compliance with all ADA or other health restrictions.
9. The court and Court Administration are authorized to secure alternate facilities other than the existing court facilities to proceed with essential functions such as jury selection and/or jury trials in venues 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. Call of the List and Pretrial Conferences for the criminal dockets shall continue to be evaluated to conduct them consistent with the prescribed social distancing and masking requirements or video transmission recommendations so as to minimize the chance of a large scale COVID-19 infection.
12. Magisterial District Judges may permit up to 75% occupancy within their offices and hearing facilities, but also may continue to provide alternate forms of access to their offices and to schedule matters by appointment so as to encourage social distancing.
13. 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.