

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CRIMINAL DIVISION - LAW**

IN RE: ADMINISTRATIVE ORDER 2020-34 | **No.: C-48-AD-123-2020**
Pa.R.J.A. 1952 – JUDICIAL EMERGENCY

2020 AUG 28 P 12:28
CLERK OF COMMON PLEAS
CRIMINAL DIVISION
NORTHAMPTON COUNTY, PA

FILED

ADMINISTRATIVE ORDER

AND NOW, this 28th day of August, 2020, pursuant to (1) the Pennsylvania Supreme Court's Order dated May 27, 2020 authorizing the President Judge of a Judicial District to declare a judicial emergency; (2) this Court's Declaration of a judicial emergency in the Third Judicial District from October 1, 2020 through December 31, 2020; and (3) Pennsylvania Rule of Judicial Administration 1952, in order to balance the public's compelling interest in securing access to judicial services and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . . ," it is hereby **ORDERED** as follows:

I.

Pennsylvania Rule of Criminal Procedure 600(c) is suspended from September 4, 2020 through October 8, 2020, and the period from September 4, 2020 through October 8, 2020 shall be excluded from the time

calculation under Rule 600(c). All criminal cases which are continued because of the judicial emergency shall be considered to be continued by the Court. Therefore, any continuance due to the judicial emergency shall constitute excludable time for purposes of the application of Rule of Criminal Procedure 600. See Pa.R.Crim.P. 600(C)(1) ("[P]eriods of delay at any stage of the proceedings caused by the Commonwealth when the Commonwealth has failed to exercise due diligence shall be included in the computation of the time within which trial must commence. Any other periods of delay shall be excluded from the computation."); Pa.R.Crim.P. 600 cmt. ("Delay in the time for trial that is attributable to the judiciary may be excluded from the computation of time."); *Commonwealth v. Mills*, 162 A.2d 323, 325 (Pa. 2017) (dictum) ("[W]here a trial-ready prosecutor must wait several months due to a court calendar, the time should be treated as 'delay' for which the Commonwealth is not accountable."); *Commonwealth v. Bradford*, 46 A.3d 693, 705 (Pa. 2012) (finding that the Commonwealth did not violate Rule 600 where the delay was caused by the Magisterial District Judge's failure to forward the file to the Court of Common Pleas as required by Pa.R.Crim.P. 547(B), resulting in the Court's failure to generate a docket number and, in turn, failure to trigger the District Attorney's internal tracking system; "[T]he Commonwealth exercised due diligence and the delay resulted from judicial delay beyond the Commonwealth's control.").

II.

1. With the exception of criminal and civil jury trials, once a case is assigned to a Judge of the Court of Common Pleas for disposition, the assigned judge may conduct the trial, hearing or conference **either** in-person or via two-way simultaneous audio-visual communication by using Polycom video conferencing or Skype for Business video conferencing. Jury trials may only be conducted in-person. Members of the press may view the proceedings by using the Polycom RealPresence app for Android or Apple devices or by using Skype for Business video conferencing.
2. Magisterial District Judges may conduct preliminary hearings of incarcerated defendants **either** in-person or via two-way simultaneous audio-visual communication with the Magisterial District Court by using Polycom video conferencing or Skype for Business video conferencing. Members of the press may view the proceedings by using the Polycom RealPresence app for Android or Apple devices or by using Skype for Business video conferencing.
3. Settlement masters, custody masters, divorce masters, and domestic relations conference officers may conduct conferences **either** in-person or by telephone, or via two-way simultaneous audio-visual communication by using Polycom video conferencing, Skype for Business video conferencing, or Zoom.

4. Hearings pursuant to the Mental Health Procedures Act, 50 P.S. § 7101, may be conducted **either** in-person or by telephone, or via two-way simultaneous audio-visual communication by using Polycom video conferencing, or Skype for Business video conferencing, or Zoom.
5. In lieu of a civil non-jury call on October 7, 2020, attorneys and parties shall send an email to the Office of Court Administration (jgreene@nccpa.org) by October 2, 2020, stating whether the matter is ready for trial and the approximate length of such trial. If the required email is not received by October 2, 2020, the matter will be stricken from the trial list.
6. In lieu of a civil non-jury call on December 2, 2020, attorneys and parties shall send an email to the Office of Court Administration (jgreene@nccpa.org) by November 27, 2020, stating whether the matter is ready for trial and the approximate length of such trial. If the required email is not received by November 27, 2020, the matter will be stricken from the trial list.
7. In lieu of a call of the list for miscellaneous hearings for October 7, 2020, October 21, 2020, October 28, 2020, November 4, 2020, November 10, 2020, November 18, 2020, November 25, 2020, December 2, 2020, December 16, 2020 and December 23, 2020, the President Judge will pre-assign the cases to judges. At the

scheduled time of the hearing, attorneys and parties shall report directly to the assigned judge's courtroom.

III.

It is further **ORDERED** that:

1. In accordance with the Order issued on July 1, 2020 by the Secretary of the Pennsylvania Department of Health and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . .," all court employees who are under the supervision and authority of the President Judge, and all individuals who enter any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services, shall wear a mask which covers the mouth and nose and shall maintain a distance of at least six feet from any other individual while in the courtroom or court facility. The masks shall be made and worn in accordance with CDC guidelines found at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html> and attached hereto as Exhibit A. Notwithstanding the foregoing, masks shall not be required for

individuals who cannot wear a mask due to a medical condition (including children under the age of two) or for employees who are using break time to eat or drink.

2. The following individuals will be prohibited from entering any courtroom or court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration, the Domestic Relations Building, the Juvenile Justice Center, and the offices of Adult Probation and Pretrial Services:

- Have been directed to quarantine, isolate or self-monitor at home for the coronavirus by any doctor, hospital or health agency; or
- Have been diagnosed with, or have had close contact with anyone diagnosed with, COVID-19; or
- Have flulike symptoms; or
- Are not wearing a mask in accordance with Section III(1) above.


3. A distance of at least six feet should be maintained between all individuals in any courtroom which is under the supervision and authority of the President Judge, including all Magisterial District Courts.

4. Signs shall be posted in all courtrooms directing individuals to maintain minimum social distancing requirements.
5. Because of the importance of social distancing requirements and the need to maintain six feet between individuals in all courtrooms, signs shall be posted at the entry of each courtroom (a) indicating the maximum number of occupants; and (b) directing individuals to sit only in the designated seating areas.

IV.

Unless otherwise specified above, this Order is effective from October 1, 2020 at 8:30 a.m. until December 31, 2020 at 4:30 p.m.

BY THE COURT:



MICHAEL J. KOURY, JR.
PRESIDENT JUDGE