

## **NEWS FOR IMMEDIATE RELEASE**

May 8, 2020

39<sup>th</sup> JUDICIAL DISTRICT – FRANKLIN AND FULTON COUNTIES

### **COURTS REMAIN OPEN - JURY SELECTION TO RESUME JULY 13 AND JULY 27, 2020 - BUT JUDICIAL EMERGENCY EXTENDED TO ADDRESS POTENTIAL SPREAD OF CORONAVIRUS THROUGH AUGUST 31, 2020**

On Monday, May 11, 2020 the Common Pleas Court, Magisterial District Court, Masters, Hearing Officers and Domestic Relations Offices of the 39<sup>th</sup> 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 39<sup>th</sup> Judicial District the judicial emergency will be extended through August 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 Yellow 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 based upon square footage limits posted for the various sized courtrooms and hearing rooms throughout the 39<sup>th</sup> Judicial District. The court continues to develop plans to resume providing jury trials. Jurors will be summoned in Franklin County to appear Monday, July 13, 2020 and in Fulton County on Monday July 27, 2020.*

*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 39<sup>th</sup> Judicial District according to recent test results reported by our local healthcare providers. 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 is also developing 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 39<sup>th</sup> Judicial District Seventh Supplemental Order dated May 27, 2020:

1. Jury trials shall commence selection in Franklin County on July 13, 2020 and July 27, 2020 in Fulton County. The court will proceed taking due care to follow prevailing health and safety norms and as maybe be consistent with best practices outlined by the Pennsylvania Supreme Court, Administrative Office of Pennsylvania Courts or their designee.
2. Beginning June 2, 2020, in-person proceedings may be heard in courtrooms and hearing rooms that can accommodate up to 25 persons while maintaining social distancing. Rooms that cannot assure parties social distancing of 6 feet will be permitted to proceed with cases up to the maximum capacity determined by Court Administration and posted at the entrance of each court or hearing room.
3. Video and audio proceedings will still be utilized by the court to conduct any and all hearings if possible and with the consent of parties.
4. The court has requested that the Pennsylvania Supreme Court permit the exclusion of the time from June 1, 2020 until the jury selection dates set for each county under Pa.R.Crim.P. 600.
5. While parties, counsel and witnesses will be permitted to attend proceedings, non-parties are encouraged to forego attending proceedings so as to assist the court in attempting to reduce the spread of COVI-19. In order to provide the public with access, and noting that the court does not have ease of providing live streaming, in the event any person desires to access a court proceeding, he or she shall notify Court Administration of the request so that the court can consider the request to provide access. In the alternative, all proceedings that are recorded by a court stenographer will be made available to be listened to by the public following the proceeding upon a request to Court Administration.
6. All prior orders establishing a new schedule for criminal docket matters to accommodate videoconference hearings for incarcerated defendants are extended through August 31, 2020.
7. The filing offices for civil and criminal filings, Prothonotary and Clerk of Courts will continue to receive remote filings from litigants and attorneys and the Register of Wills will continue to provide remote probate processing.

8. If the circumstances change and the courts can resume full activities without restrictions, the court reserves the right to declare an end to the judicial emergency prior to August 31, 2020.
9. Counsel and self-represented litigants should contact Court Administration or the assigned judge if they wish to receive further direction as to the manner in which their particular case will be scheduled and heard.

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 39<sup>th</sup> Judicial District, at [msinger@franklincountypa.gov](mailto:msinger@franklincountypa.gov) or 717-261-3848.