

NEWS FOR IMMEDIATE RELEASE

January 25, 2021

39th JUDICIAL DISTRICT – FRANKLIN AND FULTON COUNTIES

COURTS REMAIN OPEN – JUDICIAL EMERGENCY CONFIRMED THROUGH APRIL 30, 2021 - JURY TRIALS TO RESUME IN THE MARCH/APRIL TRIAL TERM - IN PERSON PROCEEDING TO RESUME FEBRUARY 1, 2021 WITH CERTAIN LIMITATIONS AND RESTRICTIONS - FILING OFFICES REMAIN OPEN – USE OF ADVANCED COMMUNICATION TECHNOLOGY ENCOURAGED

On Monday, January 25, 2021, President Judge Meyers issued an amended emergency judicial order confirming the judicial emergency through April 30, 2021. He also confirmed the resumption of in person proceedings in court facilities for all dockets, subject to certain limitations and restrictions. Although coronavirus vaccination distribution has begun within the district, COVID-19 infections continue to impact the 39th Judicial District. The court has determined that in person proceedings and jury trials may resume, subject to substantial restrictions and conditions.

President Judge Meyers issued the following statement,

Both Franklin and Fulton Counties have begun to see diminishing numbers of Covid-19 cases, and vaccination distribution has begun within the district, albeit at a slow pace. The virus remains a challenge to 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. The court has received 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. In response, 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 local health systems report that numbers of cases being treated within hospitals is declining. Vaccination distribution has begun. Beginning at 12:00 a.m., February 1, 2021, the court will resume hearing matters in person on all dockets subject to substantial restrictions and conditions to promote mitigation of the spread of the virus. All court facilities are confirmed to be open, subject to access restrictions to help reduce the transmission of the virus. Courts may continue to use 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 will be held in person or can proceed using ACT.

I remain cognizant of the impact the limited access to 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 has had a direct impact upon the judiciary, court employees, attorneys and

litigants. While the court has taken reasonable and prudent steps to suspend various in person proceedings, and 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, many proceedings cannot be conducted unless the parties are in a courtroom or hearing room. For that reason, all court facilities are confirmed to be open and in person proceedings will resume beginning February 1, 2021. Where prudent, every member of the judiciary is to make a concerted effort to try and hold as many proceedings as possible using ACT in lieu of in person proceedings.

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 Order dated January 25, 2021:

1. The extension of the judicial emergency in the 39th Judicial District is hereby confirmed through April 30, 2021.
2. All court facilities are confirmed to be open, subject to special access rules to limit the spread of Covid-19.
3. In person proceedings in any court facility shall commence on February 1, 2021. Every member of the judiciary is to make a concerted effort to insure masks are worn during proceedings, social distancing is observed and to try and hold as many proceedings as possible using ACT when prudent.
4. Jury Trials will resume in the March/ April Trial Term.
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, 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. As long as a facility is free of Covid-19 cases for 5 days prior to a proceeding, inmates may be transported to a court facility for the above described proceedings
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 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.
8. 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.
9. 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.
10. 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.