

**IN THE SUPREME COURT OF PENNSYLVANIA
MIDDLE DISTRICT**

IN RE: 31st JUDICIAL DISTRICT -- : No. 48 MM 2020
DECLARATION OF JUDICIAL EMERGENCY :

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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA

IN RE: JUDICIAL EMERGENCY ORDER : NO. 2020-J-0094

10th AMENDED JUDICIAL EMERGENCY ORDER

AND NOW, this 5th day of March, 2021, the Court having this day declared a judicial emergency in the 31st Judicial District of Pennsylvania through July 2, 2021;¹

AND, in accordance with the Order of the Supreme Court of Pennsylvania entered May 27, 2020, in In Re General Statewide Judicial Emergency (Nos. 531 and 532 Judicial Administration Docket);

AND, it being the intention of the Court of Common Pleas of Lehigh County ("Court") to protect the health and safety of the public and Court employees and maintain as high a level of operation and service as possible without compromising the legal rights of any parties;

AND, subject to all applicable United States and Pennsylvania constitutional limitations:

IT IS ORDERED that:

A. As used herein:

1. "judicial officer" includes a Judge of the Court of Common Pleas, Magisterial District Judge, and Hearing Officer; and
2. "advanced communication technology" includes Zoom, WebEx, Polycom, telephone, video-conferencing, closed circuit television, facsimile, scanning, electronic filing, and similar devices and systems to enable remote communication.

¹ The Court previously declared a judicial emergency on March 19, April 14, April 21, May 29, June 17, July 16, August 31, November 19, 2020, and February 5, 2021.

B. The work of the Court shall be processed as follows:

1. Civil Division:

- a. Jury trials are suspended through May 28, 2021;
- b. Mortgage foreclosure conciliation conferences are continued through May 28, 2021;
- c. All other proceedings, including non-jury trials, arbitrations, motions and petitions (including unassigned miscellaneous matters, injunctions, stays, petitions for change of name, structured settlements, etc.), arguments, status conferences, pre-trial conferences, and settlement conferences shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings from being conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person; and
- d. Sheriff's Sales scheduled for Friday, April 23, 2021 and Friday, May 28, 2021 are continued to the next scheduled date;

2. Family Division:

- a. All proceedings under the Protection From Abuse Act and Domestic Relations bench warrants shall be scheduled and conducted in the normal course, i.e. in-person; except, however, incarcerated persons shall participate by advanced communication technology unless exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, then in-person; and
- b. All other proceedings, including custody conferences, pre-trial conferences and trials; Domestic Relations conferences, hearings and exceptions; Divorce Hearing Officer's conferences, hearings and exceptions; and other miscellaneous motions and petitions shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person.

3. Criminal Division:

- a. Jury trials are suspended through April 30, 2021;
- b. Non-jury trials shall be conducted in the normal course, i.e. in-person, or, with the approval, and in the discretion, of the assigned judicial officer, by advanced communication technology;
- c. Summary appeals, License Suspension Appeals and costs/fines/restitution hearings shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings from being conducted by advanced communication technology, and with the approval and in the discretion of the assigned judicial officer, in-person;
- d. Cases involving Driving Under the Influence charges shall be conducted by advanced communication technology with the defendant participating by Zoom;
- e. All other proceedings, including arraignments, status conferences, pre-trial motions, guilty pleas, sentencings, Accelerated Rehabilitative Dispositions, probation/parole revocation hearings, forfeiture hearings, bench warrants and body attachments shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person; and
- f. Service of Body Attachments is suspended through April 30, 2021;

4. Juvenile Division:

All proceedings, including detention, adjudication, disposition, review, permanency review and shelter care hearings, shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in-person.

5. Orphans' Court Division:

- a. Lehigh County residents who have confirmed wedding dates shall submit applications for marriage licenses pursuant to directions published on the Marriage License section of the Court's website <https://www.lccpa.org/Covid19>; Emergency incapacity petitions pursuant to 20 Pa.C.S.A. §5513 shall be heard on a case-by-case basis in accordance with instructions published on the Orphans' Court section of the Court's website at <https://www.lccpa.org/Covid19>;

- b. All other proceedings, including incapacity hearings, adoption hearings, termination of parental rights hearings, audits and conferences shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and the discretion, of the assigned judicial officer, in-person.

6. Magisterial District Courts:

- a. All proceedings shall be conducted by advanced communication technology or, when exceptional circumstances prevent proceedings to be conducted by advanced communication technology and with the approval, and in the discretion, of the assigned judicial officer, in person;
- b. Preliminary Hearings for non-incarcerated defendants shall be conducted by advanced communication technology through April 30, 2021. Parties unable to participate via advanced communication technology shall appear in Central Court in person;
- c. The Court's Order entered December 30, 2020,² pertaining to landlord and tenant matters remains in full force and effect until the expiration of the Center for Disease Control moratorium on evictions; and


C. The following social distancing practices shall be observed:

- 1. Access to the Lehigh County Courthouse or any court facility shall be limited to employees of the Unified Judicial System of Pennsylvania and the County of Lehigh, persons having business with the courts, departments or offices contained within such facilities, and persons observing court proceedings open to the general public (See: Pa.R.J.A. No. 1952(B)(2)(d));
- 2. All employees, court users and visitors to the Lehigh County Courthouse or any court facility, court proceeding or court-related function shall follow the recommendations of the United States Centers for Disease Control and Pennsylvania Department of Health, including wearing face masks and maintaining social distancing;
- 3. All payors shall be encouraged to make payments by mail, electronically (on-line), or by telephone rather than in person; and
- 4. All in-person proceedings shall be limited to no more than 25 persons in the Court of Common Pleas and no more than 10 persons in the Magisterial District Courts.

² And, by reference in that Order, portions of the Order entered September 14, 2020.

- D. The operation of Pennsylvania Rule of Criminal Procedure No. 600 is suspended in the 31st Judicial District through July 2, 2021, meaning that the time period from the date of this Order through July 2, 2021, shall be excluded from the time computation under said rule without prejudice to a criminal defendant's right to a speedy trial under the United States and Pennsylvania Constitutions.
- E. The Sheriff of Lehigh County shall assist in the implementation of this Order.
- F. This Order supersedes all previous Judicial Emergency Orders.

BY THE COURT:



J. Brian Johnson, P.J.