

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

IN RE: GENERAL STATEWIDE : Nos. 531 and 532 Judicial
JUDICIAL EMERGENCY : Administration Docket
:

CESSATION OF STATEWIDE JUDICIAL EMERGENCY AFTER JUNE 1, 2020

PER CURIAM

AND NOW, this 27th day of May, 2020, pursuant to the Pennsylvania Supreme Court's constitutionally-conferred general supervisory and administrative authority over all courts and magisterial district judges, see PA. CONST. art. V, §10(a), this Court DIRECTS that the general, statewide judicial emergency declared and maintained via this Court's Orders of March 16, March 18, March 24, April 1, and April 28, 2020, SHALL CEASE as of June 1, 2020. The previous Orders in this line SHALL EXPIRE according to their own terms.

In light of ongoing public-health concerns relating to the COVID-19 pandemic, the intermediate appellate courts have issued various administrative orders, and nearly all local courts have utilized the procedures specified in Rule of Judicial Administration 1952 and/or this Court's prior Orders to declare local emergencies. Such administrative orders and local emergencies REMAIN IN FULL FORCE AND EFFECT, and President Judges in those judicial districts may continue to exercise emergency powers under Rule 1952(B)(2). Extant administrative orders issued by the intermediate courts and local emergency orders and directives, including any provisions of these affecting time calculations or deadlines, SHALL REMAIN IN FULL FORCE AND EFFECT until they

expire or are rescinded by this Court, by an intermediate court, or locally. Self-effectuating extensions of local emergencies may be filed by President Judges of the judicial districts.¹

Should President Judges in the remaining judicial districts deem it prudent to exercise emergency powers beyond the time of an existing declaration, they may also file a declaration of an emergency in their districts with the Supreme Court Prothonotary in the Eastern, Western, or Middle District Office, as appropriate for the particular local judicial district. Such a declaration generally SHALL BE SELF-EFFECTUATING, subject to any subsequent order by this Court or the local court.

Under any administrative order issued by an intermediate court or local emergency declaration, a President Judge IS HEREBY SPECIFICALLY EMPOWERED, subject to state and federal constitutional requirements, to do any or all of the following:

(1) Limit in-person access and proceedings in order to safeguard the health and safety of court personnel, court users, and members of the public;

(2) Suspend statewide rules that restrict, directly or indirectly, the use of advanced communication technologies;

(3) Suspend statewide rules that impede local provision for court filings by means other than in-person delivery;

(4) Suspend statewide rules pertaining to the rule-based right of criminal defendants to a prompt trial; and

¹ If a docket number has been assigned to the judicial district for emergency purposes, any further declaration or order concerning extensions, administrative directives, or other matters associated with the local judicial emergency should be captioned so as to indicate that docket number. For convenience, declarations of emergency, extensions, and associated local orders may be transmitted via electronic mail to: Irene.Bizzoso@pacourts.us.

(5) Suspend jury trials until such time that they can be conducted consistent with prevailing health and safety norms.

The Administrative Office of Pennsylvania Courts remains ready to provide guidance to the appellate and local courts concerning implementation of technological resources and maintenance of appropriate health-and-safety measures to protect court personnel, court users, and members of the public.

Guidance to Legal Professionals

In previous orders, this Court authorized and encouraged both courts and legal professionals to use advanced communication technology whenever possible to protect public health and safety. In addition, our April 28, 2020 order specifically referenced guidance by the executive branch providing that while law offices (like most other businesses) remained generally closed, lawyers and staff could access their physical offices under certain circumstances. That executive branch guidance, which then applied statewide, now applies only to those areas of the state designated by the executive branch as being in the “Red Phase.” See *Guidance for Businesses Permitted to Operate During the COVID-19 Disaster Emergency to Ensure the Safety and Health of Employees and the Public*, <https://www.governor.pa.gov/wp-content/uploads/2020/05/20200504-COVID-19-Business-Guidance.pdf> (last visited May 22, 2020).

As regions of the state reopen, and as courts resume the full range of court business, the need for legal professionals to gain greater physical access to their offices naturally increases as well. Pennsylvania attorneys have an obligation under our Rules of Professional Conduct to promptly, competently, and diligently represent their clients. To that end, attorneys and staff must be able to, and therefore may, access their physical offices at least to the extent the attorneys reasonably believe doing so is necessary to

satisfy their professional obligations, provided they take appropriate measures to protect the safety of their employees and the public.

The Court notes that the executive branch has issued guidance concerning business operations in what it has designated the “Yellow Phase” and the “Green Phase.” The executive direction for operations in the Yellow Phase is presently that “all businesses, except [for categories not relevant here], are permitted to conduct in-person operations, so long as they strictly adhere to the requirements of this guidance.” *Id.*

The “Policy” section of the executive guidance further provides:

All businesses, even those that are authorized to maintain in-person operations, must strive to minimize opportunities for personal interaction because such interactions provide greater opportunities for the transmission of COVID-19. Businesses must employ remote or virtual methods of doing business whenever and wherever possible.

Businesses that must conduct in-person operations and activities, because their employees cannot telework, must adhere strictly to this guidance. In addition, businesses that maintain in-person operations must make their employees and customers aware of the efforts and commitment to protecting their health and safety.

*Id.*²

As to what the executive branch has designated the “Green Phase,” the guidance provides that “all businesses (including those restricted or prohibited in the Yellow Phase) are authorized to conduct in-person operations as long as the businesses follow CDC and Department of Health guidelines and other orders or guidance that may be required at that time.” *Id.*

² The guidance provides further details concerning building, employee, and public safety. See *id.*

At present, the Court finds the executive branch guidance to be consistent with the level and manner of physical office access that the Court has deemed necessary for attorneys to promptly, competently, and diligently represent their clients.