

IN THE COURT OF COMMON PLEAS
CHESTER COUNTY, PENNSYLVANIA

OFFICE OF THE
PROTHONOTARY
CHESTER COUNTY PA
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FILED

IN RE: MODIFICATIONS TO THE COURT'S FUNCTIONS DURING THE CHESTER
COUNTY TEMPORARY CORONAVIRUS POLICY

AMENDMENT TO ADMINISTRATIVE ORDER NO. 4-2020

AND NOW, this 13th day of March, 2020, in consideration of Governor Wolf's recent coronavirus mitigation guidance for Montgomery County and the Commonwealth of Pennsylvania, and after consultation with the Director of the Chester County Health Department, Director of Emergency Services, Court Administrator and County Administrator, for the duration of the Chester County temporary coronavirus policy, it is hereby **ORDERED** and **DECREED**

that the March 12, 2020 Administrative Order 4-2020 is amended as follows:

1. In order to further reduce jury crowding within the Chester County Justice Center, civil jury trials not already scheduled shall be postponed and not scheduled. The civil judges of the Chester County court of common pleas are hereby authorized to order civil litigants to participate in mandatory mediation with mediation costs shared by the parties. The Chester County Bar Association is hereby requested to assist the civil judges locate and utilize, as necessary, such mediators.
2. Paragraph 2 (two) of the March 12, 2020 Administrative Order 4-2020 shall include an exception authorizing criminal judges to continue criminal jury trials, even without a continuance motion or an agreement of the parties, for reasons materially pertaining to the current coronavirus pandemic in order to avoid especially large jury selection pools, transportation of anticipated trial participants from coronavirus affected areas (as such

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areas are identified within the Chester County temporary coronavirus policy) or other similar unusual reason. Transportation of criminal defendants incarcerated within Chester County may not be used as such a reason, there being no evidence from the Chester County Health Department that such exclusion of incarcerated defendants is presently warranted. The constitutionally protected right of a criminal defendant to a speedy trial shall continue to be upheld, but a delay attributed to the Chester County judiciary for the type of coronavirus related reasons described herein shall be presumptively excluded from the calculation of time necessary for a defendant to be tried pursuant to Pa.R.Crim.P. 600; *Com. v Crowley* 502 Pa. 393 466 A.2d 1009 (1983).

3. Paragraph 3 (three) of the March 12, 2020 Administrative Order 4-2020 is amended to authorize any Chester County sheriff deputy and constable ordered to transport any juvenile from a juvenile detention facility, placement or other place of detainment, to decline such transportation if, using his or her reasonable discretion, the juvenile appears to be sick or may have recently (within the last 14 days) been in contact with someone who is positive for coronavirus. Any sheriff deputy or constable declining transportation on this basis shall immediately contact the appropriate judge/hearing officer involved in the subject case.
4. Transportation of incarcerated/detained out of county witnesses, criminal defendants, juvenile defendants or similar persons for all Chester County trials, hearings or other proceedings shall be avoided if such persons may adequately participate by telephonic, video/audio devices and other advanced communication technology.
5. All Chester County Justice Center department heads, common pleas judges and magisterial district judges are requested to be vigilant about proactively requiring employees who

appear to be sick, or may have recently (within the last 14 days) been in contact with someone who is positive for coronavirus, to leave the subject court facility, stay home and abide by the Chester County temporary coronavirus policy.

6. Those persons within the Chester County Justice Center and the Chester County magisterial district courts who administer judicial oaths to witnesses or others during hearings, trials, and other court proceedings, including oaths administered by members of the Chester County Prothonotary and Chester County Clerk of Courts offices, in accordance with 42 Pa.C.S. § 5901(b), shall ask the person to raise their right hand and affirm their oaths without use of a Bible, unless the person, on his or her own initiative, requests that his or her oath be taken on the Bible. In that latter event, a Bible shall be used and then wiped clean with an antibacterial wipe by the person administering the oath.
7. These additional modifications to the 15th Judicial District's functions during the Chester County temporary coronavirus policy supersede and replace any modifications described within the March 12, 2020 Administrative Order 4-2020 to the extent that there is any conflict between these modifications and those preceding modifications.
8. This amendment to Administrative Order 4-2020 shall be effective immediately.

BY THE COURT:



JOHN L. HALL P.J.