

IN THE SUPREME COURT OF PENNSYLVANIA  
WESTERN DISTRICT

IN RE: TEMPORARY AMENDMENT )  
TO FIFTH JUDICIAL DISTRICT ) No. 23 WM 2020  
EMERGENCY OPERATIONS )  
PLAN )  
)

**ORDER OF COURT**

**AND NOW**, this 25th day of May 2021, this Court extends its April 26, 2021 temporary amendment of its August 31, 2020 Emergency Operations Order with some modifications and it is hereby **ORDERED** that the following measures be taken pursuant to Pa.R.J.A. No. 1952(B)(2) effective Tuesday, June 1, 2021 through Friday, July 2, 2021:

**General**

The operations of the Court of Common Pleas and Magisterial District Courts are temporarily modified as set forth in this order.

The use of Advanced Communication Technology (ACT) shall continue to be permitted subject to Constitutional limitations.

Participants appearing in person for any matter in the Fifth Judicial District shall employ all safety protocols, including staggering of cases, social distancing and occupancy limits as set forth in the Court's Amended Emergency Operations Plan Order of August 31, 2020.

Masks continue to be required to be worn in all Court Facilities except that active participants, including judges, witnesses, and attorneys, in a Court proceeding may, at the discretion of the presiding judge, remove or lower

their masks so that they may be seen and heard clearly, provided that social distancing is maintained. Mask requirements for Court employees will be governed by court policy.

No jury trials, non-jury trials, or other proceedings, which require the in-person testimony of witnesses from outside of the country, shall take place in any Division until after July 2, 2021.

All Court of Common Pleas facilities shall remain open to the public and open for case filings including, but not limited to:

- The Criminal Division Miscellaneous Motions Counter, Room 534 for acceptance of filings;
- The Formal Arraignment section, Room 519, for those defendants with a scheduled formal arraignment who have not waived their presence;
- The Civil Division Housing Court Help Desk for assistance to landlords and tenants;
- The Family Law Center for the filing of Petitions for Protection from Abuse (PFA) and entry of Temporary PFA Orders per the August 31, 2020 Emergency Operations Order.

### **Criminal Division**

Effective June 7, 2021, any matter may proceed either in-person or be conducted remotely via ACT (subject to Constitutional limitations), at the discretion of the presiding judge. Matters previously scheduled as remote hearings shall proceed as remote hearings.

Effective June 1, 2021, summary appeals cases may proceed either in-person or be conducted remotely via ACT (subject to Constitutional limitations) as determined by the Administrative Judge. Matters previously scheduled as remote hearings shall proceed as remote hearings.

Jury trials will continue on a limited basis with jury selection occurring at the David L. Lawrence Convention Center and trials conducted in one of two designated courtrooms. Due to social distancing concerns, no jury trials involving more than 2 codefendants shall take place. Jury trials shall be governed by the Order of Court entered on April 19, 2021.

### **Family Division**

ICC Hearings for incarcerated individuals and certain support contempt matters designated by the Administrative Judge shall proceed as scheduled in the Family Division, with as many participants appearing by ACT as possible.

Delinquency adjudication hearings for juveniles who request an in-person hearing may proceed in person with as many participants appearing by ACT as possible.

Effective June 7, 2021, any other matters may proceed with the approval of the Administrative Judge, in-person or remotely via ACT (subject to Constitutional limitations). Matters previously scheduled as remote hearings shall proceed as remote hearings.

### **Civil Division**

Effective June 7, 2021, any matter may proceed in-person or remotely via ACT (subject to Constitutional limitations), at the discretion of the presiding judge. Matters previously scheduled as remote hearings shall proceed as remote hearings.

Recognizing that the September 4, 2020 Centers for Disease Control and Prevention's Order temporarily halting certain evictions nationwide (CDC Order) has been extended through June 30, 2021, and may be further extended, all Civil Division Orders of Court staying a case pursuant to the

terms of the CDC Order are hereby extended through June 30, 2021, and further through any additional extensions by the CDC.

The Civil Division Arbitration Department resumed limited in-person arbitration hearings on April 5, 2021; those limited in-person arbitration hearings shall continue pending further Order of Court. In-person arbitration hearings shall employ all safety protocols as set forth in the Court's Amended Emergency Operations Plan Order of August 31, 2020.

- All previously scheduled fully remote arbitration hearings conducted using ACT shall proceed as remote hearings. If an in-person hearing has been suspended pursuant to prior Order, the parties may request a fully remote arbitration hearing using ACT. The parties requesting a fully remote ACT arbitration hearing shall do so utilizing the forms, instructions and protocols found on the Court's website at <https://www.alleghenycourts.us/civil/arbitration.aspx>.
- Information regarding requesting an arbitration hearing date for a case filed during the time when dates were not being assigned can be found on the Court's website at:  
<https://www.alleghenycourts.us/civil/arbitration.aspx>

### **Orphans' Court**

Effective June 7, 2021, any matter may proceed in-person or remotely via ACT (subject to Constitutional limitations), at the discretion of the presiding judge. Matters previously scheduled as remote hearings shall proceed as remote hearings.

### **Magisterial District Courts**

Effective June 1, 2021, Summary Non-Traffic/Traffic, Commercial Landlord-Tenant and Civil proceedings shall proceed as scheduled in-person or using

ACT. Case scheduling shall be staggered and all COVID-19 protocols, including occupancy restrictions in courtrooms and waiting rooms, are to be strictly followed.

Residential Landlord-Tenant proceedings may be held in person and shall be governed by the March 31, 2021 Order regarding certain Residential Landlord Tenant Actions.

Preliminary Hearings for non-incarcerated individuals shall proceed as scheduled in person or using ACT.

Preliminary Hearings for incarcerated individuals shall proceed as scheduled using ACT. No inmates shall be transported from the Allegheny County Jail or a state correctional facility for preliminary hearings.

Matters previously scheduled as remote hearings shall proceed as remote hearings.

Preliminary Arraignments will proceed per the August 31, 2020 Emergency Operations Order.

Private criminal complaint interviews with an Assistant District Attorney may take place in person at the Magisterial District Courts. The interviews shall be staggered and all COVID-19 protocols, including occupancy restrictions in courtrooms and waiting rooms, are to be strictly followed.

Case scheduling shall be staggered and all COVID-19 protocols, including occupancy restrictions in courtrooms and waiting rooms, are to be strictly followed.

### **Pittsburgh Municipal Court**

Effective June 1, 2021, Non-Traffic and Traffic summary proceedings shall proceed as scheduled in person or using ACT.

Preliminary Hearings for incarcerated individuals shall proceed as scheduled using ACT. No inmates shall be transported from the Allegheny County Jail or a state correctional facility for preliminary hearings.

Preliminary Hearings for non-incarcerated individuals shall proceed as scheduled, in person or using ACT.

Matters previously scheduled as remote hearings shall proceed as remote hearings.

Preliminary Arraignments will proceed per the August 31, 2020 Emergency Operations Order.

Private criminal complaint interviews with an Assistant District Attorney may take place in person at Pittsburgh Municipal Court. The interviews shall be staggered and all COVID-19 protocols, including occupancy restrictions in courtrooms and waiting rooms are to be strictly followed.

Case scheduling shall be staggered and all COVID-19 protocols, including occupancy restrictions in courtrooms and waiting rooms are to be strictly followed.

---

All other provisions of the Emergency Operations Plan Order entered on August 31, 2020 as amended shall remain in effect until further Order of Court.

BY THE COURT:

  
\_\_\_\_\_, P.J.  
Kim Berkeley Clark  
President Judge