

**IN THE COURT OF COMMON PLEAS OF NORTHAMPTON COUNTY
COMMONWEALTH OF PENNSYLVANIA
CRIMINAL DIVISION - LAW**

IN RE: ADMINISTRATIVE ORDER 2020-12 | **No.: C-48-AD-57-2020**
Pa.R.J.A. 1952 – JUDICIAL EMERGENCY

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CLERK OF COMMON PLEAS
CRIMINAL DIVISION
NORTHAMPTON COUNTY

ADMINISTRATIVE ORDER

AND NOW, this 30th day of March, 2020, pursuant to the Pennsylvania Supreme Court's Order dated March 16, 2020 declaring a general, statewide judicial emergency until April 14, 2020 in order to limit the risk of exposure to Coronavirus (COVID-19) to the public, this Court's Declaration of a judicial emergency in the Third Judicial District through April 14, 2020, the Pennsylvania Supreme Court's Order dated March 18, 2020 stating that the Courts of Pennsylvania are "**CLOSED TO THE PUBLIC**," and pursuant to Pennsylvania Rule of Judicial Administration 1952, it is hereby **ORDERED** as follows:

1. Except as set forth below, the Northampton County Court of Common Pleas shall remain **CLOSED TO THE PUBLIC** through April 14, 2020 at 4:30 p.m.
2. The Sheriff of Northampton County shall only allow entry to court facilities, which are under the direction and control of the President Judge, to members of the press, attorneys, parties,

and witnesses for the proceedings set forth below in paragraph

3.

3. Courtroom 9 of the Northampton County Courthouse will remain open during Court business hours as an "Essential Services Court." The President Judge of the Northampton County Court of Common Pleas is assigned to **solely** preside over the Essential Services Court to handle all of the following proceedings:

- a. guilty plea hearings for incarcerated defendants;
- b. sentencing hearings for incarcerated defendants;
- c. Gagnon I hearings;
- d. motions for bail modification for incarcerated defendants awaiting hearings for Gagnon II parole, probation, and intermediate punishment revocation hearings;
- e. petition for parole hearings;
- f. applications for search warrants and arrest warrants;
- g. bail modification and revocation hearings;
- h. bench warrant hearings for criminal and domestic relations matters;
- i. petitions for emergency guardian of the person or estate of an incapacitated person pursuant to 20 Pa.C.S.A. § 5513;

- j. actions for emergency child protective services by the Northampton County Division of Children, Youth, and Families;
- k. juvenile emergency shelter and detention hearings;
- l. petitions for emergency child custody pursuant to Pa.R.C.P. 1915.4, where there is an immediate danger to the safety, health, or well-being of the child;
- m. preliminary injunction proceedings where the moving party can establish a threat of irreparable harm, in which case, before appearing in Court, the moving party shall email a .pdf copy of the motion together with a memorandum of law in accordance with Northampton County Local Rule N210 to the Office of Court Administration (jgreene@nccpa.org), and thereafter, the Court Administrator will contact the parties and inform them whether the President Judge has approved an emergency hearing in the matter;
- n. any pleading or motion relating to public health concerns and involving immediate and irreparable harm;
- o. complaints and hearings for indirect criminal contempt of a protection from abuse order;
- p. emergency petitions for protection from abuse;

- q. emergency petitions for protection from elder abuse;
and
 - r. emergency petitions for protection of victims of sexual violence or intimidation.
4. The hearings set forth in paragraph 3(a)-(n) may be conducted via two-way simultaneous audio-visual communication with Courtroom 9 by using Polycom video conferencing. Attorneys and parties may participate by downloading the Polycom RealPresence free app from Google Play for Android devices at [https://play.google.com/store/apps/details?id=com.polycom.cmad.mobile.android.phone&hl=en_US] or from the Apple App Store for all Apple devices at [<https://apps.apple.com/us/app/polycom-realpresence-mobile-hd/id465412616>].
5. Attorneys and parties who wish to participate by using Polycom RealPresence shall contact the Office of Court Administration (jgreene@nccpa.org or 610-829-6700) to receive approval for participation via Polycom RealPresence and to obtain the IP address sign-in information for the scheduled hearing. Members of the press may view the proceedings in Courtroom 9 or by using the Polycom RealPresence app for Androids or Apple devices.

6. In order to limit the risk of exposure to Coronavirus (COVID-19) to the public, and pursuant to this Court's Declaration of a judicial emergency in the Third Judicial District and the mandate of Pennsylvania Rule of Judicial Administration 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public . . .," it is hereby

ORDERED that:

- a. during the effective period of this Order, all court cases previously assigned to any other Judge of the Court of Common Pleas, or any of the administrative judges of any of the divisions of the Court of Common Pleas, shall be reassigned to the President Judge; and
- b. unless specifically assigned by written Order of Court issued and filed by the President Judge, all other Judges of the Court of Common Pleas, and all administrative judges of any of the divisions of the Court of Common Pleas, shall not conduct any of the proceedings set forth in paragraph 3 above, and shall not conduct any other type of proceeding or hearing.

7. To the extent not prohibited by the Governor's March 19, 2020 Order closing all non-life-sustaining businesses, including all law offices except for legal services with respect to an essential

judicial service as defined by the President Judge of a Judicial District, all uncontested motions and agreed-upon, stipulated orders may be submitted by email to the Office of Court Administration (jgreene@nccpa.org) and will be signed by the President Judge and filed by the Office of Court Administration.

8. To the extent not prohibited by the Governor's March 19, 2020 Order closing all non-life-sustaining businesses, including all law offices except for legal services with respect to an essential judicial service as defined by the President Judge of a Judicial District, a party or attorney who must present a contested motion or petition to the Court prior to April 15, 2020, which is not specifically set forth in Paragraph 3 above as an essential judicial service, shall:
 - a. email a .pdf copy of the motion together with a memorandum of law in accordance with Northampton County Local Rule N210 to the Office of Court Administration (jgreene@nccpa.org);
 - b. serve the motion and memorandum of law upon the opposing party and attorney of record by email, by first class mail, and by certified mail, return receipt requested, restricted delivery, with a statement to the opposing party and attorney that the opposing party

and attorney must, within five days of receipt, email a .pdf copy of the motion together with a memorandum of law in accordance with Northampton County Local Rule N210 to the Office of Court Administration (jgreene@nccpa.org); and

- c. if the motion or petition requires testimony, the parties shall arrange for depositions and submit a .pdf copy of the depositions to the Office of Court Administration (jgreene@nccpa.org).

The Court will thereafter decide the motion and issue an order.

9. Except as set forth below, the Northampton County Magisterial District Courts shall remain **CLOSED TO THE PUBLIC** through April 14, 2020 at 4:30 p.m.
10. During "normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, each Magisterial District Court shall only allow entry to the Magisterial District Court facilities to: (1) members of the press; (2) attorneys, police officers, and witnesses for a preliminary hearing of an incarcerated defendant (all preliminary hearings for all defendants who are not in prison are continued to a date after April 14, 2020); and (3) law enforcement officers for the filing and subsequent processing of criminal, summary criminal,

and non-traffic cases. Preliminary hearings of incarcerated defendants before Magisterial District Judges may be conducted via two-way simultaneous audio-visual communication with the Magisterial District Court by using Polycom video conferencing. Attorneys and parties may participate by downloading the Polycom RealPresence free app from Google Play for Android devices at [https://play.google.com/store/apps/details?id=com.polycom.cmad.mobile.android.phone&hl=en_US] or from the Apple App Store for all Apple devices at [<https://apps.apple.com/us/app/polycom-realpresence-mobile-hd/id465412616>].

11. Attorneys and parties who wish to participate by using Polycom RealPresence shall contact the Magisterial District Judge to receive approval for participation via Polycom RealPresence and to obtain the IP address sign-in information for the scheduled hearing. Members of the press may view the proceedings in the Magisterial District Court or by using the Polycom RealPresence app for Androids or Apple devices.
12. Payments of fines and costs for summary criminal, traffic, and non-traffic cases pending before a Magisterial District Judge shall only be made online at [<https://ujportal.pacourts.us/PayOnline.aspx>].

13. Landlords may mail requests to the Magisterial District Judge for orders of possession and orders for eviction with a check for the required filing fee. Private criminal complaints and civil complaints may be mailed to the Magisterial District Judge with a check for the required filing fee.
14. All preliminary arraignments by Magisterial District Judges, regardless of whether the arrest is made during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County Administrative Order 2007-3, shall be conducted pursuant to paragraph 4(A) of Northampton County Administrative Order 2007-3.
15. All applications for arrest and search warrants to Magisterial District Judges, and the issuance thereof by Magisterial District Judges, regardless of whether the application is made during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County Administrative Order 2007-3, shall be conducted pursuant to paragraph 8 of Northampton County Administrative Order 2007-3.

16. All emergency petitions and hearings for protection from abuse, protection from elder abuse, and protection of victims of sexual violence or intimidation, which are presented between the hours of 2:30 p.m. and 4:30 p.m., Monday through Friday, and "at times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, shall be conducted by Magisterial District Judges pursuant to paragraph 9 of Northampton County Administrative Order 2007-3.
Complaints for indirect criminal contempt of protection from abuse, protection from elder abuse, and protection of victims of sexual violence or intimidation orders, which are presented between the hours of 2:30 p.m. and 4:30 p.m., Monday through Friday, and "at times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, shall be processed by Magisterial District Judges pursuant to paragraph 9 of Northampton County Administrative Order 2007-3.
17. During "normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, each Magisterial District Judge shall conduct the proceedings set forth in paragraphs 14 through 15 of this Order which occur in his/her Magisterial District.

18. "At times other than normal business hours" as that term is defined in Northampton County Administrative Order 2007-3, the Magisterial District Judge who is temporarily assigned as the issuing authority for all Magisterial Districts in the Third Judicial District pursuant to the December 16, 2019 Order of Court, shall conduct both (1) the proceedings set forth in paragraphs 14 through 15 of this Order; and (2) **all** proceedings set forth in paragraph 16 of this Order.

It is further **ORDERED** as follows:

1. The requirements in Northampton County Administrative Order 2020-5, directing that Magisterial District Judges provide requested case records to the public or press, shall apply to all proceedings in paragraphs 14 through 15 of this Order, regardless of whether the proceeding occurs during "normal business hours" or "at times other than normal business hours" as those terms are defined in Northampton County Administrative Order 2007-3. Members of the press may view the proceedings in paragraph 14 of this Order by using the Polycom RealPresence app for Androids or Apple devices.
2. Nothing in this Order amends or changes the terms of paragraph 4(A) of Northampton County Administrative Order 2015-9.

3. To the extent this Order conflicts with Administrative Order 2020-9, this Order shall govern.
4. The provisions of this Order in paragraphs 4 and 10, allowing proceedings to be conducted via two-way simultaneous audio-visual communication by using the Polycom RealPresence app for Android and Apple devices, are effective immediately through April 14, 2020 at 4:30 p.m. All other provisions of this Order shall become effective on April 3, 2020 at 4:30 p.m. and shall expire on April 14, 2020 at 4:30 p.m., unless extended by further Order of Court.

BY THE COURT:



MICHAEL J. KOURY, JR.
PRESIDENT JUDGE