

IN RE: ADMINISTRATIVE ORDER : IN THE COURT OF COMMON PLEAS OF
CONCERNING THE MAGISTERIAL : BERKS COUNTY, PENNSYLVANIA
DISTRICT JUDGE SYSTEM IN :
RESPONSE TO THE DECLARATION : No. 20-3264
OF DISASTER EMERGENCY : Prothonotary
IN BERKS COUNTY :

ORDER

AND NOW, this 2nd day of June 2020, it is hereby Ordered that pursuant to the Supplemental Emergency Orders dated April 30, 2020, May 14, 2020, and June 1, 2020, regarding the ongoing judicial emergency in Berks County, the Magisterial District Judge System will continue with the operational changes implemented on March 18, 2020 subject to the modifications included in this Order:

1. The Magisterial District Courts will be open for essential services and for hearings during limited hours. The Magisterial District Courts otherwise remain closed to the general public at least until June 30, 2020.
2. Any hearing may be scheduled using advanced communication technologies to the extent that constitutional requirements can be satisfied. Advanced communication technologies should be used whenever possible. When deemed appropriate and necessary, hearings requiring personal appearances of individuals may be scheduled at the discretion of the Magisterial District Judge. If a party objects to a hearing using advanced communications technologies or objects to a hearing requiring personal appearance, the Magisterial District Judge may continue the hearing. During such times when the magisterial district courts are open for hearings, in-person payments and filings may be accepted.
3. All persons entering a magisterial district court shall wear a mask covering their nose and mouth at all times, unless otherwise specifically permitted or directed by a Magisterial District Judge. Where parties, attorneys, or witnesses are in congregate settings, social distancing shall be observed.
4. Magisterial District Courts will accept new civil filings by mail, or in-person when the magisterial district courts are open for hearings.
5. Dispossession of property actions remain subject to restrictions of other directives including but not limited to the Governor's Executive Order dated May 7, 2020 and provisions of the federal Coronavirus Aid, Relief, and Economic Security Act.
6. Magisterial District Courts may continue to accept summary citations. No summary warrant shall be issued in summary cases until the expiration of the local judicial emergency declaration or further order. When there is no longer a local emergency declaration in place, summary warrants may be issued. However, no person shall be taken into custody solely for a summary warrant at least until August 3.

7. Magisterial District Courts shall continue to accept criminal case filings and conduct preliminary arraignments. For incarcerated defendants, there may be a stipulated hearing based on the Affidavit of Probable Cause or a hearing using advanced communication technologies. A stipulated hearing based on the Probable Cause alleviates the need for the defendant and witnesses to be present. The Commonwealth Attorney and/or Defense Counsel may attend by phone to present their case or submit it in writing by email to the district court's generic email address. Incarcerated defendants shall not be transported for hearings through at least June 30, 2020.
8. Defendants should be encouraged to make credit card payments on-line (PAePay), credit card payments over the phone, or issue a check sent by mail to the district court. In-person payments may be made during the limited hours when the magisterial district courts are open for hearings.
9. The Berks County Central Arraignment Court (BCCAC/Night Court) will continue to operate. HOWEVER, summary cases are no longer considered an emergency matter to be brought before the BCCAC.

The Court will continue to monitor the situation with the COVID-19 pandemic and information regarding MDJS operations will be disseminated as necessary and appropriate.

This Order shall remain in effect until further Order of this Court.

BY THE COURT:



THOMAS G. PARISI,
PRESIDENT JUDGE

SUPREME COURT DOCKET 53MM2020