

IN THE COURT OF COMMON PLEAS OF LANCASTER COUNTY, PENNSYLVANIA
SECOND JUDICIAL DISTRICT

IN RE: DISPOSITION OF CIVIL
TRIAL-READY CASES DURING
COVID-19 PANDEMIC

No. A.D. 7-2021
Supreme Court Docket No: 44 MM 2020

ADMINISTRATIVE ORDER

AND NOW, this 2nd day of February, 2021, upon consideration of the Pennsylvania Supreme Court's May 27, 2020 Order specifically empowering President Judges to continue to exercise emergency powers under Rule 1952(B)(2) of the Rules of Judicial Administration, and consistent with this Court's Orders of March 17, 2020, April 1, 2020, April 24, 2020, May 26, 2020, June 19, 2020, August 14, 2020, October 19, 2020, December 4, 2020, December 11, 2020, and January 5, 2021, this Court hereby amends its previous Emergency Operations Administrative Orders and now ORDERS the following pursuant to Pa.R.J.A. No. 1952(B)(2):

COVID-19 Civil Jury Trial Options

1. Civil jury trials shall resume on March 1, 2021, with the parties stipulating to one of the following options for a jury trial:
 - a. **Option 1.** Jury Trial with Eight or Fewer Jurors. Lancaster County Courthouse Courtrooms 1 and 6 can accommodate juries of eight individuals. The parties must stipulate to eight or less jurors for trials to occur in these two courtrooms.
 - b. **Option 2.** Jury Trial with 14 Jurors. Four courtrooms, Courtrooms 2, 12 and A at the Lancaster County Courthouse and Courtroom 102/104 at the Lancaster County Government Center at 150 North Queen Street, can accommodate juries of 14 individuals. Criminal jury trials must be held in these courtrooms and will take precedence over civil jury trials. Therefore, there will be no certainty until a

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week or less before the scheduled civil trial date that a jury panel and courtroom will be available for a civil case. Attorneys selecting Option 2 must be trial ready when their case is called.

c. **Option 3. Alternate Trial Venue.** The parties may agree to a jury trial occurring at a non-court location, such as a theater or other large venue, that can accommodate all participants with proper social distancing and all necessary safety COVID-19 mitigation protocols.

i. The parties will select, coordinate, and bear the costs of an alternative location to include, without limitation:

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| 1. setting up the location with a judge's bench | 9. technology (mics, video equipment, streaming capabilities, etc.) |
| 2. jury "box" | 10. printer/copier |
| 3. counsel tables | 11. sheriff's deputy or constable |
| 4. court reporter table with electric | 12. bailiff mileage expense from courthouse |
| 5. witness stand | 13. parking expense, if any |
| 6. plexiglass dividers between counsel tables, court reporter, witness stand, bench, and jurors | 14. cost to transport jurors from the courthouse to the alternate location, if applicable |
| 7. jury deliberation area/restrooms | 15. purchase and delivery of juror/staff lunches and beverages, and morning and afternoon break beverages for jurors |
| 8. judge office /location with restroom | 16. sanitizing of the entire area at the end of each day |

ii. Selected jurors may be told to report to the alternate site to begin trial.

- iii. Counsel must coordinate preparations with the presiding judge, at least 30 days prior to the start of trial, who will decide if the venue provides all necessary safety COVID-19 mitigation protocols for jurors, Court personnel, counsel, and witnesses.
2. All jury selection will take place in either Courtroom A at the Lancaster County Courthouse or Courtroom 102/104 at the Lancaster County Government Center.
 - a. Courtroom A jury selection takes place on Mondays and Wednesdays. This area seats a venire of 46 jurors.
 - b. Courtroom 102/104 jury selection takes place on Tuesdays and Thursdays. This area seats a venire of 42 jurors.

COVID-19 Alternative Dispute Resolution Options

3. Alternative dispute resolution options shall resume on February 15, 2021, with the parties stipulating to one of the following options:
 - a. **Option 1.** Bench Trial. The parties may stipulate to a bench trial being held in person or via the Lifesize application. (See Court's website at <https://court.co.lancaster.pa.us/> for Lifesize Virtual Proceeding Protocol.)
 - b. **Option 2.** Binding Arbitration. The parties may stipulate to the selection of a private entity to arbitrate their dispute and render a binding decision that is final and enforceable by the Court.
 - c. **Option 3.** Virtual Summary Jury Trial. The parties may stipulate to an expedited closed proceeding during which the parties' attorneys summarize their case before a jury of six persons, selected for examination in the regular term of Court. Unless the parties stipulate

otherwise, the verdict is advisory only. Specific Summary Jury Trial procedures shall be addressed by a separate Administrative Order.

Case Disposition List

4. All trial-ready cases will be placed on the assigned judge's case disposition list. At the earlier of a status conference or pretrial conference, or as directed by the trial judge, counsel shall advise the Court of the case disposition option they are selecting. If the parties fail to stipulate to a jury trial option in Paragraph 1 or an alternative dispute resolution option in Paragraph 3, then Jury Trial Option 2 with 14 jurors, set forth in Paragraph 1(b), shall be the default selection.

Other Modified Court Operations

5. These and other modified Court operations shall be set forth in the protocols on the Court's website at <https://court.co.lancaster.pa.us/>.

Coronavirus Related Safety Precautions, Protocols and Requirements

6. Proceedings requiring in-person appearances shall be conducted in a manner that employs all safety measures consistent with the United States Centers for Disease Control and Prevention (CDC) and the Pennsylvania Department of Health (DOH) guidelines.
7. Individuals permitted access to any Court facility shall be required to maintain appropriate social distancing of at least six feet, to wear protective face masks or appropriate face coverings in public settings, to comply with all safety directives provided by the Court or County staff, and to adhere to the November 17, 2020 *Updated Order of the Secretary of the Pennsylvania Department of Health Requiring Universal Face Coverings*.

8. All coronavirus related safety precautions, protocols and requirements described in this Court's prior Administrative Orders will continue to remain valid and applicable to Lancaster County Court operations.
9. The purpose of this Order is to continue the gradual re-opening of the Court system in a safe, efficient manner while adhering to CDC and DOH guidelines to protect the health, safety and welfare of Lancaster County Courthouse employees, Court personnel, participants in Court proceedings, and the public.

Duration of Administrative Order

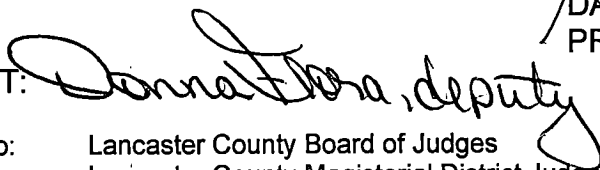
10. This Administrative Order shall be effective immediately and shall remain in effect until further order of this Court.

BY THE COURT:


DAVID L. ASHWORTH
PRESIDENT JUDGE

ATTEST:

Copies to:


Lancaster County Board of Judges
Lancaster County Magisterial District Judges
Lancaster County District Court Administrator
Lancaster County Adult Probation & Parole Services
Lancaster County Children and Youth Social Service Agency
Lancaster County Clerk of Courts
Lancaster County Clerk of the Orphans' Court
Lancaster County District Attorney
Lancaster County Domestic Relations
Lancaster County Juvenile Probation
Lancaster County Law Library
Lancaster County Office of Official Court Reporter
Lancaster County Prison
Lancaster County Prothonotary
Lancaster County Public Defender
Lancaster County Register of Wills
Lancaster County Sheriff
Lancaster County Board of Commissioners
Lancaster County Solicitor
Lancaster County Municipal Police Departments
Pennsylvania State Police