

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

IN RE: MODIFIED COURT
OPERATIONS REGARDING
COVID-19 MITIGATION EFFORTS

No. A.D. 1-2022
Supreme Court Docket No. 4

CLERK OF COURTS
2022 JAN 10 AM 9:15
LANCASTER COUNTY, PA

ADMINISTRATIVE ORDER

AND NOW, this 10th day of January, 2022, pursuant to U.S. Centers for Disease Control and Prevention (CDC) guidance,¹ and Pennsylvania Rule of Judicial Administration No. 1952, in order to balance the public's compelling interest in securing access to judicial services and the mandate of Rule 1952(B)(2) to "take necessary action to provide for the . . . safety of court personnel, court users and the public," it is hereby ORDERED as follows:

1. The County of Lancaster continues to be identified as an area of "high" community transmission based on current CDC data. See <https://covid.cdc.gov/covid-data-tracker/#county-view>. **The new confirmed Covid-19 cases per 100,000 in the Lancaster County population during the last seven days is 1,307, which represents a 52% increase from the previous week.** See <https://covid-19-lancastercountypa.hub.arcgis.com>. This number is significantly higher than the 807 average number of cases reported just one month ago, and is over 26 times the CDC target of below 50 ("moderate" transmission rate). The hospitalization rate for Lancaster County has increased 16% in the last seven days with an average of 168 new Covid patient admissions a day. See <https://covid.cdc.gov/covid-data-tracker/#county-view>. See also <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Cases.aspx#>. Lancaster County has set a pandemic record for Covid-19 hospitalizations. See <https://lancasteronline.com/news/health/lancaster-county-surpasses-200-covid-19->

¹ On July 27, 2021, the CDC issued new guidance based on increasing concern related to the potential spread and impact of the B.1.617.2 (Delta) variant. This guidance recommended that both vaccinated and unvaccinated individuals wear face coverings in public indoor settings in areas identified as having "substantial" or "high" community transmission to maximize protection from the Delta variant and to further reduce the spread of the virus. This recommendation was updated on October 25, 2021, and remains relevant in light of the spread and impact of the B.1.1.529 (Omicron) variant. See <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/about-face-coverings.html>.

hospitalizations/article_1344c950-7008-11ec-8153-1bd38c91d855.html. The daily death rate for Lancaster County residents over the last seven days has increased 9% and is not at seven deaths per day. See <https://covid.cdc.gov/covid-data-tracker/#county-view>. See also <https://covid-19-lancastercountypa.hub.arcgis.com> (deaths associated with Covid-19 have now exceeded 1,440 Lancaster County residents). These critical figures and statistics clearly necessitate the continued use of masks in public areas of Court facilities.

2. Continuing through February 15, 2022, all persons, including court employees under the supervision and authority of the President Judge, irrespective of COVID-19 vaccination status, who enter any court facility under the supervision and authority of the President Judge, including all Magisterial District Courts, the Office of Court Administration and Bail Administration and Pretrial Services, the offices of Domestic Relations, Adult Probation and Pretrial Services, Juvenile Probation, Court Reporters, Law Library, and Court Self Help Center, shall wear a mask or appropriate face covering in all courtrooms, public hallways, lobbies, stairways, elevators, and common areas accessible to the public. Any person seeking entry to the Courthouse without an appropriate mask or face covering will be provided a mask by the Court.

3. Those persons who cannot medically tolerate a face covering (including children under the age of two) are exempted from this Order. For court participants such as judges, witnesses, interpreters, Court staff, and attorneys, the removal of masks for purposes of communication will be at the discretion of the presiding judge.

4. This mask mandate for everyone, regardless of vaccination status, is necessary as an extra precautionary measure for all court personnel, court users and the public.

5. This Administrative Order applies only to those courts, departments, offices, and public common areas of the Lancaster County Courthouse under the jurisdiction of the President Judge and does not apply to the individual Row Offices in the courthouse which are under the independent control of the officials overseeing those court-related offices. All Row Officers retain the authority to implement any mask policy that they believe is necessary and appropriate to properly manage their individual offices.

6. This Court will continue to operate at full capacity, but social distancing is encouraged.

7. At the discretion of the presiding judge or hearing officer, advanced communication technology shall continue to be utilized where practical in all civil proceedings.

8. The Court of Common Pleas and the District Judges are also encouraged to favor advanced communication technology for criminal proceedings where it is appropriate and consistent with due process, through February 15, 2022.² Judges shall be present in the courthouse or other court facility whenever a proceeding is being conducted by advanced communication technology, except for extraordinary circumstances, such as when court properties have been closed due to inclement weather or other emergency under Pa.R.J.A. Nos. 1950-1954, or when a proceeding is not being conducted during normal business hours.

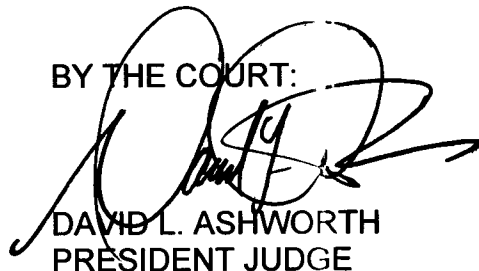
9. All criminal court continuances will be evaluated by the presiding judge on a case-by-case basis. Any postponement resulting from the COVID-19 pandemic shall be considered a court delay and shall constitute excludable time for purposes of the application of Pa.R.Crim.P. 600. See Pa.R.Crim.P. 600(C)(1); Pa.R.Crim.P. 600 cmt.

10. Detailed protocols for the handling of matters in each division of the Court of Common Pleas will be provided on the Court's website: <https://court.co.lancaster.pa.us/>.

11. The Court will continue to closely monitor new information from the CDC, the Administrative Office of Pennsylvania Courts, the Pennsylvania Department of Health, Bureau of Epidemiology, as well as the Lancaster County Government COVID-19 public dashboard regarding the dynamics of the COVID-19 virus and its variants in the community, and will amend this Order as appropriate.

12. This Order shall remain in effect through February 15, 2022, or until further order of this Court.

BY THE COURT:



DAVID L. ASHWORTH
PRESIDENT JUDGE

ATTEST:

Rhonda F. Allen Ch. Dep

² See Supreme Court Order of December 27, 2021, at No. 44 MM 2020, authorizing the suspension of state or local rules that restrict the use of advanced communication technology in Lancaster County court proceedings through February 15, 2022.

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
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Lancaster County Board of Commissioners
Lancaster County Solicitor
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Lancaster County Municipal Police Departments
Pennsylvania State Police