

Phase II Reopening Statement

PHASE II OPERATIONS PLAN TO BEGIN ON JULY 20, 2020

I. BACKGROUND

For the past 16 weeks, the Court of Common Pleas of Montgomery County has tailored its operations in response to the impact of the Covid-19 Pandemic.

Under the original Emergency Operations Plan, the Court remained operational addressing emergency matters using minimal staff and a limited footprint. In early June, the Phase I Operations Plan was put into place resuming proceedings across all divisions utilizing advance communications methods and limited court appearances. The Court adopted many strategies and efficiencies, some of which we believe will carry forward post-pandemic.

As the Commonwealth of Pennsylvania resumes business operations, travel and social interaction, The Court recognizes its obligation to expand the scope of our operations. However, recognizing the recent increase in infection rates in those areas that have opened, we have chosen to adopt a more cautious and gradual approach. We will balance our commitment to safety and our duty to provide full access to the Courts. We

also reaffirm our commitment to remain creative and flexible as community health conditions change.

The pandemic has caused an increase in unresolved matters. This is not a surprise. However, the Court is committed to undertake new strategies and to increase our efforts to reduce our backlogs. This is already evidenced by the reduction in the outstanding matters in our Juvenile, Orphans and Family Court Divisions. There are some things that are not within our control. As of this date, there is no projection as to when jury trials might resume. In the interim, we will focus our attention on those matters which bring about final resolution and those matters that involve the constitutional and civil rights of our citizens.

II. SAFETY PROTOCOL

The Phase II Operations Plan will involve more hearings being held within Montgomery County Courthouse and other court facilities.

The Court will continue to enforce the safety protocol put into place at the onset of Phase I Operations. This protocol involves the mandatory wearing of masks and social distancing within court facilities. It also involves the implementation and installation of safety equipment. For more specific information, please review the safety protocol materials on the Court's

website. This information is also available on the Montgomery Bar Association website.

III. AREAS AFFECTED BY PHASE II OPERATIONS

The Phase II Operations Plan will affect cases in the Civil, Criminal and Family Divisions as well as some operations in our MDJ Courts. For specific details see the updated protocols posted on the Court's website.

IV. AREAS NOT AFFECTED BY PHASE II OPERATIONS

The Phase II Operations Plan calls for no changes to be made in our Juvenile Division and Orphans Court Division. Cases within those divisions will continue to be addressed in accordance with the Phase I protocol, available on the Court's website, as well as the website of the Montgomery Bar Association.

V. FAMILY DIVISION

One of the most significant changes brought about in Phase II will occur in the Family Division. Family court hearings in custody, custody contempt and special relief will now take place within the Montgomery County Courthouse. Previously, these hearings were being conducted using advanced communication technology. This change is necessitated by the Court's need to more efficiently deal with the large volume of

cases currently awaiting a hearing. It is important that the Court provide stability for those children who are affected by the uncertainty caused by custody litigation. The Court will be taking appropriate caution by balancing the scheduling of these cases and imposing safety protocol for individuals both within the Courthouse and within the actual courtroom. Cases scheduled for Triage will still be conducted using advanced communication technology on the Zoom platform.

There will also be changes with respect to support matters, some of which have already been put into place. Beginning on July 13, the Office of Domestic Relations (DRO) will begin holding enforcement proceedings remotely utilizing telephone conferences. Support Master hearings will begin on or about August 3, 2020, with scheduling notices being issued during mid-July. These hearings will be conducted utilizing advanced communication technology. As of this date, the Court intends to use the Zoom platform, although the Court is working through details regarding the compatibility of that platform with our recording system. These hearings would be scheduled at specific times. Finally, in the area of support, the Court is investigating the possibility of utilizing video conferencing for support conferences, rather than telephone as currently in place.

The Court will be reducing the number of Judges addressing protection from abuse matters. Currently, three Judges have been assigned to address the backlog of those cases. Each of the Judges hears those cases five days per week. Beginning in Phase II, one Judge will be assigned, working five days per week. The remaining Judges will be reassigned to handle custody, contempt and special relief matters.

All other aspects of the Phase I Plan will remain in effect. It is strongly suggested that attorneys and litigants review the specific protocols listed on the Court's website, as well as the website of the Montgomery Bar Association.

VI. CRIMINAL DIVISION

The changes being made in Phase II relating to the Criminal Division reinforce the Courts commitment to the protection of the public and the civil rights of individuals accused of committing criminal offenses. For obvious reasons, criminal jury trials are currently not practical and, perhaps not possible. Nevertheless, the Court believes the implementation of the following protocols will assist in addressing outstanding matters.

Beginning on July 20, 2020 the Court will begin to conduct Gagnon hearings. These hearings will address outstanding violations of probation and parole in a manner different than

they were addressed pre-pandemic. Two Judges have been assigned to hear Gagnon cases over the course of four days per week. The cases will be held within the Montgomery County Courthouse provided, however, that defendants who are incarcerated will appear by video. Defendants on the street will appear in person, as will counsel. The cases will be scheduled at staggered times and the Court's standard safety protocol will be in place. Due to the large volume of outstanding Gagnon hearings, the Court has prioritized the cases. See the specific protocol for details.

The Court is also creating an opportunity for counsel representing parties with outstanding criminal charges to conference those cases before Administrative Judge Thomas C. Branca. These conferences would take place in the Courthouse two days per week and must be scheduled by appointment. The defendant is not to appear at these conferences. If an agreement is reached, the case will be rescheduled in accordance with the Court's Plea Day protocol currently in place.

The Court will begin to hear summary criminal appeals in the Montgomery County Courthouse beginning on July 20, 2020. These cases will be scheduled on a staggered basis.

The Court has already begun to schedule arraignments where waivers have not been delivered. They occur in Courtroom 1 at the rate of 5 per hour on every Tuesday and Wednesday.

While there is no ability to conduct treatment court proceedings, the court will consider applications to treatment court beginning on July 20, 2020.

The specifics related to each of these programs and protocols are set forth on the Court's website, as well as the website of the Montgomery Bar Association. Attorneys are advised to familiarize themselves with the same.

VII. CIVIL DIVISION

In order to address the vast number of cases awaiting case management conferences, the Court will issue case managements Orders automatically without holding individual case management conferences. Deadlines will be extended for 90 days for arbitration level cases and 180 days for cases above arbitration levels, from the date of the case management Order. These orders will be issued on a staggered basis to preclude deadlines from all occurring at the same time. Please refer to the specific protocol on the Court's website and the website of the Montgomery Bar Association for further detail.

VIII. MDJ COURTS

There will be several changes in the operations of our MDJ Courts beginning on July 20, 2020.

As of that date all such courts, except courts in consolidated facilities, will be open every day during regular business hours. The courts may continue to limit the days and or times periods that they are open to the public. Courts will continue to schedule criminal matters on their assigned weekly criminal day and will begin to address all other matters on their non-criminal days. Our MDJ Courts will continue to utilize advanced communication technologies when possible. All safety protocol previously imposed under the Phase I Operations Plan will remain in place.

XI. FILING OFFICES

All provisions in the Phase I Operations Plan related to the filing offices will remain in effect during Phase II with one exception. Beginning on July 20, 2020, the Clerk of Courts will begin accepting payments for fines, costs and will also accept the posting of bail from individuals (but not commercial bail agencies). This last distinction is necessitated by the need to limit personnel within that filing office.