



The Superior Court of Pennsylvania



Maintaining Justice During the 2020 Judicial Emergency
The Superior Court's Response to the COVID-19 Pandemic
Safety • Technology • Judicial Access

THE SUPERIOR COURT'S RESPONSE TO THE 2020 PANDEMIC AND JUDICIAL EMERGENCY

Section One: COVID-19 Retrospect

A daily log of the developments following the discovery of the COVID-19 virus in the United States and Pennsylvania

Section Two: Superior Court Internal Protocols and Procedures

A narrative of the actions taken by the Superior Court to maintain the flow of cases during the judicial emergency and internal court operations.

Section Three: Superior Court Health and Safety Plans – Protocols and Precautions

A description and explanation of the protocols adopted by the Superior Court to protect the health and safety of Judges and judicial & administrative staff, as well as the steps taken to physically ensure safety at Superior Court offices.

Section Four: Comparative Statistics for COVID-19

An account of appeals filed and concluded, as well as petitions and wiretaps, handled by the Superior Court during the 2020 Judicial Emergency as compared with prior years.

Section Five: Technology

This section explains the rapid development by the Superior Court of remote office work capabilities, as well as remote video conferencing and telephonic conferencing for legal arguments.

Section Six: Superior Court's Intranet COVID-19 Webpage

Documents posted on the Superior Court's Intranet COVID-19 Webpage designed to assist Judges, Judicial Law Clerks, and Administrative Staff.



JUDGES OF THE SUPERIOR COURT

President Judge Jack A. Panella	2004
President Judge Emeritus John T. Bender	2002
Judge Mary Jane Bowes	2002
Judge Jacqueline O. Shogan	2008
Judge Anne E. Lazarus	2010
Judge Judith Ference Olson	2010
Judge Victor P. Stabile	2014
Judge Alice B. Dubow	2016
Judge Deborah A. Kunselman	2018
Judge Carolyn H. Nichols	2018
Judge Mary P. Murray	2018
Judge Maria C. McLaughlin	2018
Judge Megan McCarthy King	2020
Judge Daniel D. McCaffery	2020
Judge John L. Musmanno	1998
President Judge Emeritus Kate Ford Elliott	1990
President Judge Emeritus Correale F. Stevens	1998
President Judge Emeritus Susan Peikes Gantman	2004
Judge Eugene B. Strassburger, III	2011
President Judge Emeritus James G. Colins*	2019
President Judge Emeritus Dan Pellegrini*	2019

EXECUTIVE ADMINISTRATOR

Christopher Nace

DEPARTMENT HEADS

Joseph D. Seletyn, Esq.

Prothonotary

Philip H. Yoon, Esq.

Chief Staff Attorney

Peter F. Johnson, Esq.

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Reporter/Chief CLS West

James Gilmore, Esq.

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Jay Rycek

Security Manager

- Denotes former President Judge of the Commonwealth Court of Pennsylvania

Superior Court's Response to the Pandemic

1. Covid-19 Retrospect (Superior Court actions are highlighted in red)

This is a detailed listing of actions, orders, and other operations implemented by the Superior Court of Pennsylvania following announcement of the pandemic. To give this list a temporal perspective, included are a number of earlier functions of the Superior Court, as well as selected actions and orders by the Supreme Court of Pennsylvania, the Commonwealth Court of Pennsylvania, Courts of Common Pleas, the Pennsylvania Department of Health and the Office of the Governor.

- January 7, 2020 – Superior Court holds argument court session for Panel A01-20 in Philadelphia.
- January 7, 2020 – Superior Court holds argument court session for Panel A02-20 in Pittsburgh.
- January 8, 2020 – Superior Court holds argument court session for Panel A01-20 in Philadelphia.
- January 8, 2020 – Superior Court holds argument court session for Panel A02-20 in Pittsburgh.
- January 9, 2020 – World Health Organization (WHO)¹ announces mysterious coronavirus-related pneumonia in Wuhan, China.
- January 20, 2020 – Centers for Disease Control and Prevention (CDC)² announces U.S. airports will screen for the coronavirus.
- January 21, 2020 – CDC confirms the first U.S. case of the coronavirus.
- January 22, 2020 – Superior Court holds argument court session for Panel A03-20 in Harrisburg.
- January 23, 2020 – Superior Court holds argument court session for Panel A03-20 in Harrisburg.
- January 31, 2020 – China confirms COVID human transmission.
- January 31, 2020 – WHO issues global health emergency.
- February 2, 2020 – global air travel restricted.

¹ WHO was formally organized on April 7, 1948, and employs more than 7,000 people working in 150 country offices. Its headquarters are in Geneva, Switzerland. Information on the coronavirus from the WHO is available at:

<https://www.who.int/emergencies/diseases/novel-coronavirus-2019>.

² The CDC is the U.S.'s leading science-based, data-driven, service organization to guard against dangers to the public's health. It is a United States federal agency, under the Department of Health and Human Services, and is headquartered in Atlanta, Georgia. In Pennsylvania, the CDC works through the Pennsylvania Department of Health, Dauphin County State Health Center, and the Bureau of Communicable Diseases, Harrisburg, Pennsylvania. Information on the coronavirus from the DOH is available at:

<https://www.health.pa.gov/topics/disease/coronavirus/Pages/Coronavirus.aspx>

and from the CDC at:

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>

- February 3, 2020 – The U.S. declares a public health emergency.
- February 11, 2020 – Superior Court holds argument court session for Panel A04-20 in Philadelphia.
- February 12, 2020 – Superior Court holds argument court session for Panel A04-20 in Philadelphia.
- February 18, 2020 – Superior Court holds argument court session for Panel A05-20 in Pittsburgh.
- February 19, 2020 – Superior Court holds argument court session for Panel A05-20 in Pittsburgh.
- February 25, 2020 – CDC reports COVID heading toward pandemic status.
- March 3, 2020 – Superior Court Executive Administrator sends first email to Department Heads checking the status of cleaning product inventory, asking them to order additional products they may need, and sending CDC guidelines on preventing infectious disease transmission in the workplace.
- March 3, 2020 – Superior Court holds argument court session for Panel A06-20 in Philadelphia.
- March 4, 2020 – Superior Court holds argument court session for Panel A06-20 in Philadelphia.
- March 11, 2020 – Superior Court holds argument court session for Panel A07-20 in Harrisburg.
- March 12, 2020 – Supreme Court grants application of Montgomery County Court of Common Pleas for declaration of a judicial emergency.
- March 12, 2020 – Superior Court issues formal Notice to the Pennsylvania Bar of precautions recommended by CDC. The Notice includes the directive that Counsel scheduled to appear for oral argument during the Court's March 24-25, 2020 Panel A08 Bucks County Special Session in Doylestown should stay home if they feel sick or believe that they may have been exposed to the virus.
- March 13, 2020 - President Trump declares COVID a National Emergency.
- March 13, 2020 - Pennsylvania Department of Education closes schools.
- March 13, 2020 - Travel ban on non-US citizens from Europe.
- March 13, 2020 – State Court Administrator of Pennsylvania Geoff Moulton announces public access to the Pennsylvania Judicial Center (PJC) in Harrisburg would be limited, consistent with Governor Wolf's recent directive with respect to Capitol Complex buildings.
- March 13, 2020 – Superior Court continues generally the first *en banc* panel of the year, Panel E01-20, previously scheduled for March 18 2020. After establishing teleconference capabilities, arguments are later rescheduled for teleconference on June 3, 2020.
- March 16, 2020 – The Pennsylvania Supreme Court issues an Order, **see** 532 Judicial Administration Docket (Mar. 16, 2020), **IN RE: GENERAL STATEWIDE JUDICIAL EMERGENCY**, pursuant to Pennsylvania Rule of Judicial Administration 1952(A), declaring a **statewide judicial emergency** until April 14, 2020, to safeguard the health and safety of court personnel, court users, and members of the public due to the circumstances surrounding the COVID-19 virus (the "Judicial

Districts Order"). A separate Order was issued on the same day for the Superior and Commonwealth Courts (the "Intermediate Courts Order").

- March 16, 2020 – Supreme Court enters Order: **IN RE: GENERAL STATEWIDE JUDICIAL EMERGENCY – AUTHORIZATION FOR SUPERIOR COURT AND COMMONWEALTH COURT**. In this Order, the President Judges of the Superior and Commonwealth Courts were authorized to
 - (1) suspend time calculations and deadlines, subject to constitutional restrictions;
 - (2) utilize advanced communication technology to conduct court proceedings, including oral argument;
 - (3) cancel and continue cases as needed, and to order them to be submitted for merits determination; and
 - (4) take other necessary administrative action.
- March 16, 2020 – Superior Court files and posts online a notice informing attorneys and public about the rescheduling of argument sessions, closing of the public filing counters, and advising attorneys and the public to monitor the website for further developments. The "Notice Regarding the Coronavirus Outbreak and Superior Court Operations" contained the following:
 - (1) continues argument sessions scheduled for March and April and orders cases to be determined on submission;
 - (2) orders the Superior Court offices in Philadelphia to remain open but encourages filings in the Eastern District to be by PACFile or United States Mail;
 - (3) orders no public access to Superior Court offices at the PJC; (4) orders filings in the Middle District to be by PACFile or United States Mail, or at the counter in Philadelphia; orders the Superior Court offices in Pittsburgh to remain open but encourages filings in the Western District to be by PACFile or United States Mail.
- March 16, 2020 – Superior Court opens new Administrative Docket, 3 Administrative Docket 2020, which codifies orders referencing COVID-19.
- March 16, 2020 – Superior Court cancels A09-20 argument session and orders all cases to be decided on submission.
- March 16 2020 – The Commonwealth Court of Pennsylvania enters two Orders, the first continues all hearings in cases of original jurisdiction, except those involving the 2020 primary election or for exigent circumstances, and the second cancels the argument sessions scheduled for later in March 2020.
- March 16, 2020 – Adams County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Allegheny County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Blair County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Centre County Court of Common Pleas declares a judicial emergency.

- March 16, 2020 – Columbia/Montour Counties Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Crawford County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Cumberland County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Dauphin County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Elk/Cameron Counties Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Fayette County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Greene County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Huntingdon County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Lackawanna County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Lawrence County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Luzerne County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Lycoming County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Washington County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Mifflin County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Monroe County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Northampton County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Venango County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Washington County Court of Common Pleas declares a judicial emergency.
- March 16, 2020 – Wayne County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 – Armstrong County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 – Beaver County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 – Bedford County Court of Common Pleas declares a judicial emergency.

- March 17, 2020 - Berks County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Bradford County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Bucks County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Cambria County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Carbon County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Chester County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Clarion County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Delaware County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Erie County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Indiana County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Juniata/Perry Counties Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Lancaster County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Lebanon County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Lehigh County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Philadelphia County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Pike County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Schuylkill County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Westmoreland County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Wyoming/Sullivan Counties Court of Common Pleas adopts policies to postpone all non-essential/non-emergency hearings.
- March 17, 2020 - York County Court of Common Pleas declares a judicial emergency.
- March 17, 2020 - Superior Court enters administrative order: **In Re: Statewide Judicial Emergency – Suspension.** This general administrative order:
 - (1) closes the public counters for all three Superior Court Offices of the Prothonotary until further Order of this Court;
 - (2) directs filings will be accepted only through PACFile electronic filing, the United States Postal Service, or by commercial delivery carrier;

(3) extends due dates for all filings in the Superior Court between March 17, 2020, and April 17, 2020, by 30 days (however filings for matters classified as Children's Fast Track are not subject to the extension);

(4) extends time periods for the filings of appeals in the Superior Court, as imposed by Pennsylvania Rule of Appellate Procedure 903, for orders of the trial courts entered between March 17, 2020, and April 17, 2020, by 30 days;

(5) extends time periods for applications for reconsideration or reargument, as imposed by Pennsylvania Rule of Appellate Procedure 2542(a), by 30 days (however excludes Children's Fast Track cases);

(6) orders that applications under the Wiretapping and Electronic Surveillance Control Act, 18 Pa.C.S. §§ 5701, *et seq.* ("Wiretap Act") must be made to the assigned judge or the Wiretap Act Supervising Judge;

(7) specifies that all Emergency Motions are to be filed through PACFile;

(8) orders the transmission of this Order to the Pennsylvania Bar Association, with a request that such association promptly forward the notice to all members and all local bar associations; and

(8) specifies that this Order will terminate on April 17, 2020, unless renewed on or before that date.

- March 18, 2020 – Rachel L. Levine, M.D., Secretary of Health, sends letter to Chief Justice Thomas G. Saylor with recommendation for statewide closure of the courts, except for essential services, for a period of 14 days.
- March 18, 2020 - Pennsylvania Supreme Court generally closes state courts to the public subject to certain directives and exceptions beginning at close of business on March 19, 2020, and lasting through at least April 3, 2020. In general, all time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, were suspended through April 3, 2020. Furthermore, all President Judges of the trial courts were instructed to adopt procedures to restrict potential COVID-19 exposure which could result from judges, court staff, and county agency staff interaction with the public.
 - With respect to the intermediate appellate courts, the Superior and Commonwealth Courts were ordered to be closed to the public as to nonessential functions through at least April 3, 2020.
 - Essential functions to remain open (1) Election matters; (2) Children's Fast-Track matters; (3) Matters credibly labeled as emergency filings; and (4) Any other function deemed by a President Judge to be essential consistent with constitutional limitations.
- March 18, 2020 – The Commonwealth Court extends certain deadlines for filing an appeal and for briefs, petitions, motions and other applications by 30 days.
- March 18, 2020 – Superior Court cancels A10-20 argument session and orders all cases to be decided on submission. After establishing videoconference capabilities, arguments rescheduled for remote video for the week of May 18, 2020.
- March 18, 2020 - Butler County Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – Clinton County Court of Common Pleas declares a judicial emergency.

- March 18, 2020 – Forest/Warren Counties Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – Franklin/Fulton Counties Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – McKean County Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – Northumberland County Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – Potter County Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – Snyder/Union Counties Court of Common Pleas declares a judicial emergency.
- March 18, 2020 – Susquehanna County Court of Common Pleas adopts policies to postpone all non-essential/non-emergency hearings.
- March 18, 2020 – Tioga County Court of Common Pleas declares a judicial emergency.
- March 19, 2020 - Governor Wolf shuts down all non-essential businesses.
- March 19, 2020 – Mercer County Court of Common Pleas closes all non-essential court facilities.
- March 19, 2020 – Superior Court compiles a list of convenient e-mail addresses for judges, chief clerks and executive secretaries to aid in court communication.
- March 19, 2020 – Superior Court cancels A08-20 argument session and orders all cases to be decided on submission. After establishing teleconference capabilities, arguments rescheduled for teleconference on April 30, 2020.
- March 20, 2020 - – Superior Court orders Case No. 2063 EDA 2018 from the first *en banc* session for 2020, E01-20, to be submitted for disposition on briefs in light of the extensive number of appellate cases that are being held pending the resolution of issues in this case.
- March 20, 2020 – Clearfield County Court of Common Pleas enters Administrative Order closing most court operations and limiting to essential functions.
- March 23, 2020 – Superior Court creates failsafe procedure to ensure filings of *praecipies* for writs of summons prior to expiration of applicable statutes of limitations, and opens Superior Court COVID-19 Administrative Docket for such writs.
- March 24, 2020 – Pennsylvania Supreme Court approves Superior Court’s failsafe procedure to permit filing of writs in the event a trial court is unable to timely docket *praecipe* for writ of summons.
- March 25, 2020 - Pennsylvania Supreme Court cancels its April argument session in Pittsburgh.
- March 25, 2020 – Somerset County Court of Common Pleas closes all non-essential court facilities.
- March 26, 2020 – Superior Court creates failsafe procedure to ensure filings of appeals in Children’s Fast Track appeals and opens Superior Court COVID-19 Administrative Docket for such notices of appeals.

- March 27, 2020 – Pennsylvania Supreme Court approves Superior Court’s failsafe procedure to permit filing of appeals from Children’s Fast Track cases in the event a trial court is unable to timely docket the appeal.
- March 27, 2020 - CARES Act signed into law.
- March 27, 2020 – U.S. reaches 101,000 COVID cases.
- **March 30, 2020 – Superior Court holds meeting of all Chief Clerks to coordinate remote work, exchange experiences and provide assistance to each other.**
- March 30, 2020 – AOPC issues Guidance for COVID-19 in the Workplace, specifies steps to be taken if (1) employees test positive for the coronavirus, (2) suspected but unconfirmed cases, (3) employees exposed to the coronavirus, and (4) length of time for quarantined employees.
- March 31, 2020 – The Commonwealth Court cancels its oral argument session for April 2020 by way of an Administrative Order.
- April 1, 2020 – Pennsylvania Supreme Court enters supplemental order which extends general, statewide judicial emergency order of March 16, 2020 to April 30, 2020, and all Pennsylvania courts are to remain generally closed to the public, except for essential matters, through April 30, 2020.
 - All time calculations for purposes of time computation relevant to court cases or other judicial business, as well as time deadlines, are generally suspended through April 30, 2020.
 - The order clarifies that “non-essential matters can continue to move forward, within the sound discretion of President Judges.”
 - For both essential and non-essential matters, the order authorizes and encourages the use of advanced communication technology, which the order defines.
- April 1, 2020 – Effective date for federal Families First Coronavirus Response Act (FFCRA) to assist those who may be affected by COVID-19. FFCRA applies to all state and local government employers and all government employees including confidential staff (law clerks and judicial secretaries). The law does not apply to elected officials.
- April 1, 2020 - Governor Wolf issues stay-at-home order.
- **April 1, 2020 – Superior Court cancels A11-20 argument session and orders all cases to be decided on submission. After establishing teleconference capabilities, arguments rescheduled for teleconference for April 30 and May 14 & 18, 2020.**
- **April 3, 2020 – Superior Court cancels A12-20 argument session and orders all cases to be decided on submission. After establishing teleconference capabilities, arguments rescheduled for teleconference on May 28, 2020.**
- **April 3, 2020 – Superior Court cancels A13-20 argument session and orders all cases to be decided on submission. After establishing teleconference capabilities, arguments rescheduled for teleconference on June 8 & 10, 2020.**
- April 3, 2020 – Supreme Court of Pennsylvania directs the President Judges of trial courts to engage with other county stakeholders to review the current capabilities of the county correctional institutions in their districts to address the spread of COVID-19.
- April 7, 2020 – Supreme Court of Pennsylvania directs the President Judges of trial courts to review residential placements of juveniles. Reiterates that essential

court functions include juvenile delinquency detention, juvenile emergency shelter and detention hearing and emergency placements for children.

- April 10, 2020 – Superior Court Security Committee reviews correspondence from the Pennsylvania Department of Corrections regarding the possible release of certain state inmates to home confinement due to COVID-19. This reviews centers on potential dangers to crime victims and judges.
- April 13, 2020 – Supreme Court of Pennsylvania extends due dates for filings, with exceptions, to May 1, 2020.
- April 22, 2020 – Philadelphia Court of Common Pleas extends judicial emergency through May 29, 2020.
- April 22, 2020 – Governor Wolf announces three-phase reentry plan: red, yellow, and green.
- April 23, 2020 – Dauphin County Court of Common Pleas extends judicial emergency through May 31, 2020.
- April 24, 2020 – Superior Court schedules its first two remote argument court sessions, Panels A08-20 and A11-20, for April 30, 2020.
- April 28, 2020 – Supreme Court of Pennsylvania extends general, statewide judicial emergency through June 1, 2020.
 - Certain deadlines for filings, excluding statutes of limitations and other time requirements, are extended to May 11, 2020.
 - This emergency order directs the trial courts to restore a wider range of operations, while giving priority to “critical functions.”
 - The Supreme Court focused on protecting the health and safety of judges, court users, personnel, and the public.
 - All courts were encouraged to decide matters on submission and to conduct court proceedings through the use of advanced communication technologies.
- April 27, 2020 – The Commonwealth Court moves its June oral argument session from Philadelphia to Harrisburg by way of an Administrative Order. The Commonwealth Court later directs the June oral argument session to be conducted remotely by advanced video communications.
- April 28, 2020 – U.S. reaches one million COVID cases.
- April 30, 2020 – Superior Court conducts oral arguments via telephonic conference for Panel A08-20.
- April 30, 2020 – Superior Court conducts oral arguments via telephonic conference for Panel A11-20.
- May 4, 2020 – Superior Court Security Department receives permission from the Equal Employment Opportunity Commission (EEOC) to take employees’ temperatures to guard against transmission of the virus.
- May 6, 2020 – Allegheny County Court of Common Pleas extends judicial emergency through June 1, 2020.
- May 8, 2020 – Governor Wolf extends the state’s coronavirus stay-at-home order until June 4, 2020.

- May 8, 2020 – AOPC advises that any pending or submitted request for senior judge assignments from the trial courts or the MDJ level, for non-recusal matters, would be held in abeyance, except for limited circumstances.
- May 8, 2020 – Superior Court reschedules Panel E01-20 for June 3, 2020, via video-conferencing.
- May 8, 2020 – following review of AOPC's recommendations for reopening of offices, Superior Court decides to maintain status quo of administrative offices until July 1, 2020.
- May 11, 2020 – Superior Court establishes Argument Session information webpage.
- May 14, 2020 – Superior Court conducts oral arguments via telephonic conference for Panel A11-20.
- May 15, 2020 – Governor Wolf orders thirteen Pennsylvania counties into the yellow phase of re-opening. This makes 37 counties in the yellow phase.
- May 18, 2020 – Superior Court conducts oral arguments via remote video conference for Panel A10-20.
- May 18, 2020 – Superior Court conducts oral arguments via telephonic conference for Panel A11-20.
- May 19-21, 2020 – Supreme Court conducts oral arguments via remote video conference.
- May 20, 2020 – Superior Court conducts oral arguments via remote video conference for Panel A10-20.
- May 21, 2020 – Superior Court cancels A16-20 argument session and orders all cases to be decided on submission. After establishing teleconference capabilities, arguments rescheduled for teleconference on July 7, 2020.
- May 22, 2020 – Superior Court conducts oral arguments via remote video conference for Panel A10-20.
- May 23, 2020 – U.S. reaches 100,000 COVID-19 related deaths.
- May 27, 2020 – Pennsylvania Supreme Court enters order: CESSATION OF STATEWIDE JUDICIAL EMERGENCY AFTER JUNE 1, 2020. The President Judges of the trial courts and the intermediate appellate courts continue to have authority to limit access to court facilities, utilize advanced communication technologies, and suspend jury trials and certain state rules regarding time computations.
- May 28, 2020 – Superior Court enters order in response to the Supreme Court's directive to end the judicial emergency on June 1, 2020. The purpose of the order was to remind attorneys that the statewide judicial emergency directive of the Supreme Court had expired, therefore the standard time requirements for filings were reinstated. The Superior Court ordered as follows:
 - (1) the Superior Court remains open to the public to conduct all Court business;
 - (2) restores filing deadlines;
 - (3) continues to use advanced communication technology for arguments;
 - (4) deadlines for filings of writs of summons and Children's Fast Track notices of appeals remain in effect;

(5) requests for extensions or extraordinary relief in wiretap cases must go to assigned judge or wiretap administrative judge; and
(6) the filing of emergency motions must be through PACFile electronic system.

- May 28, 2020 - Superior Court conducts oral arguments via remote teleconference for Panel A12-20.
- June 3, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel E01-20, being the first *en banc* panel for 2020.
- June 5, 2020 - All counties in Pennsylvania are moved into the green phase of reopening by the Governor.
- June 5, 2020 - Superior Court Security Department advises of planned protests which could impede access to administrative offices in Harrisburg, Philadelphia and Pittsburgh. Security Department remains in touch with Capitol Police Department and the Pennsylvania State Police.
- June 8, 2020 - Superior Court conducts oral arguments via teleconference for Panel A13-20.
- June 10, 2020 - Superior Court conducts oral arguments via teleconference for Panel A13-20.
- June 10, 2020 - U.S. Covid-19 cases reach two million.
- June 16, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A14-20.
- June 17, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A14-20.
- June 23, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A15-20.
- June 24, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A15-20.
- June 28, 2020 - Allegheny County Health Department orders all bars and restaurants to cease on-site consumption of alcohol to help prevent the spread of the virus.
- June 30, 2020 -AOPC recommends the implementation of a general hiring freeze for all non-essential AOPC and state-level District Court positions, effective immediately.
- July 1, 2020 - Pennsylvania Secretary of Health issues face-mask order, requiring all individuals (with limited exceptions) to wear face coverings when interacting outside of their households.
- July 6, 2020 - Superior Court Security Department recommends measures to be taken if live argument sessions are scheduled. These are necessary because the Allegheny Sheriff's Department will not conduct temperature readings upon entry into the City & County Building in Pittsburgh nor does the Capitol Police at the PJC. The steps include:
 - Temperature screening by a trained nurse or other medical professional;
 - Staggering cases throughout the day to ensure social distancing;
 - Chairs in the courtroom to be X'ed out to enforce distancing;
 - Social distancing floor decals for the magnetomer/X-Ray screening lines;

- The use of masks, hand sanitizers, gloves, shields, disinfecting wipes, and other cleaning products;
- July 7, 2020 - Superior Court conducts oral arguments via remote telephonic conference for Panel A16-20.
- July 7, 2020 – AOPC circulates memo recommending application of Secretary of Health’s face-mask order for the judicial branch.
- July 8, 2020 – U.S. reaches three million COVID-19 cases.
- July 10, 2020 – Special Panels A18-20 in Butler County, A22-20 in Tioga County, and A25-20 in Lancaster, are reassigned as remote panels and will be rescheduled as special away panels next year.
- July 14, 2020 – Superior Court circulates to all staff “Superior Court COVID-19 Information & Resources” which includes policies and protocols for operating in administrative offices. This is also posted on Superior Court’s COVID-19 intranet informational webpage. The Protocol and Policy Statement was reviewed and approved by AOPC Human Resources and AOPC Legal.
- July 14, 2020 - Superior Court circulates to all staff and posts on Superior Court’s COVID-19 intranet informational webpage a short film, an orientation PowerPoint presentation with audio, which summarizes Superior Court policies and protocols to guard against exposure to the virus during the reopening of Superior Court judicial and administrative offices.
- July 14, 2020 – Superior Court circulates to all staff and posts on Superior Court’s COVID-19 intranet informational webpage an instructional film on the proper usage and cleaning of the IR Thermometer.
- July 14, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A17-20.
- July 15, 2020 – Pennsylvania Department of Health orders telework for businesses unless it is not possible.
- July 15, 2020 – Superior Court presents safety protocols to staff by way of training software including a PowerPoint presentation.
- July 21, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A18-20.
- July 23, 2020 – Superior Court implements new interim policy to permit the hand delivery of briefs at our front door from a limited number of governmental and quasi-governmental offices. This permission is limited to district attorney offices, public defender offices, city and county solicitor offices, and similar government entities.
- July 23, 2020 – Dr. Deborah Birx, a leader of the White House Coronavirus Task Force, warns that Pittsburgh is on the list of cities experiencing high percentages of positive COVID-19 tests results and “aggressive steps” should be taken to mitigate the outbreaks.
- July 24, 2020 – Following the discovery of a number of courthouse employees who had tested positive for COVID-19, as well as the death of an Assistant District Attorney, parts of the Allegheny County Courthouse were ordered closed until further notice by the President Judge of Allegheny County. The Allegheny County

Court of Common Pleas enters an Order that no in-person hearings or proceedings will occur in the Criminal Division of Allegheny County until further order of court.

- July 28, 2020 – U.S. reaches 150,000 COVID-19 related deaths.
- August 11, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A19-20.
- August 12, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A19-20.
- August 13, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A19-20.
- August 25, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A20-20.
- September 2, 2020 – Superior Court posts video, *Maintaining Justice During the Pandemic*, on Superior Court's intranet webpage for employees. This video examines steps taken to guard staff against exposure to the coronavirus.
- September 9, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A22-20.
- September 15, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel E02-20, the second *en banc* panel for 2020.
- September 16, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A21-20.
- September 17, 2020 – The Superior Court Security Department circulates recommendations issued by the Federal Emergency Management Agency of the Department of Homeland Security to better prepare for the spread of COVID-19.
- September 25, 2020 – Superior Court runs remote Continuing Legal Education Program for judicial law clerks and staff attorneys.
- October 6, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A24-20.
- October 7, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A23-20.
- October 8, 2020 –U.S. reaches 212,762 COVID-19 related deaths.
- October 14, 2020 - Superior Court conducts oral arguments via remote video teleconference for Panel A25-20.
- October 19, 2020 – Allegheny County resumes jury trials.
- October 15, 2020 – In light of the Executive Branch's institution of a general hiring freeze for non-essential positions in all Executive Branch agencies, AOPC recommends the implementation of a general hiring freeze for all non-essential AOPC and state-level District Court positions, effective immediately. This was earlier recommended by AOPC on June 30, 2020.
- October 20, 2020 - Superior Court directs listing of cases and arguments for third *en banc* court session of 2020, E03-20, for December 3, 2020, by way of remote video teleconference.
- October 20, 2020 - Superior Court directs listing of cases and arguments for Panel A26-20 by way of remote video teleconference for November 12, 2020.
- October 26, 2020 – Pennsylvania Department of Health reports 1,407 new cases of COVID-19 over last 24 hours. Positive cases have exceeded 1,000 every day

for the last 21 days. The current surge is starting to outpace the initial wave of infections in the spring. In the past week, there were three days of more than 2,000 cases. Friday, October 23, 2020 had the highest daily new case count since the pandemic began.

- October 28, 2020 – The Superior Court Security Department issues notices to the Judges and staff of potential major protests scheduled for Philadelphia.
- October 28, 2020 – Superior Court directs listing of cases and arguments for Panel A28-20 by way of remote video teleconference for December 1, 2020.
- November 12, 2020 – The National Center for State Courts establishes a webpage for all of the CCJ/COSCA COVID-19 Rapid Response Team materials.
- November 17, 2020 – The Pennsylvania Secretary of Health issued an updated order concerning mask wearing. This order contains no exceptions for government buildings, including courthouses and courtrooms.
- November 18, 2020 – The Court of Common Pleas of Philadelphia again suspends criminal trials due to the increasing number of coronavirus cases in the city.
- November 23, 2020 – The Pennsylvania Department of Health reports that there have now been a total of 302, 564 cases of COVID-19 since the pandemic began. There have now been weeks of multiple record-setting daily increases.
- December 1, 2020 – Superior Court conducts oral arguments via remote video teleconference for Panel A28-20.
- December 3, 2020 – Superior Court conducts oral arguments via remote video teleconference for the third *en banc* panel of the year, Panel E03-20.
- December 4, 2020 – Superior Court conducts oral arguments via remote video teleconference for Panel A27-20.
- December 8, 2020 – Superior Court conducts oral arguments via remote video teleconference for Panel A29-20.
- December 9, 2020 – Superior Court conducts oral arguments via remote video teleconference for Panel A29-20.
- December 11, 2020 – The Pennsylvania Department of Health reports 11,972 new COVID-19 infections on Thursday, December 10th, an increase of nearly 3,300 from a day earlier. The death toll rose to 12,010, an increase of 248 from Wednesday, December 9th. The vast majority of those who died are 65 or older.
- December 11, 2020 – Effective Saturday, December 12, 2020, the Governor has ordered the shutdown of indoor dining, the suspension of school sports and extracurricular activities, ordered the closure of all casinos, gyms, and other entertainment venues, lowered retail occupancy limits, and sharply reduced the number of people allowed to gather in one place, until January 4, 2021.

2. Superior Court Internal Protocols and Procedures

Case Management During the Judicial Emergency

In early January 2020, the World Health Organization (WHO) announced the mysterious coronavirus-related pneumonia in Wuhan, China. By the end of that month, the Centers for Disease Control and Prevention (CDC) confirmed the first case of COVID-19 in the United States. Soon after, the United States declared a public health emergency. On February 25, 2020, the CDC reported that COVID-19 was moving toward pandemic status. The Superior Court acted quickly and within a week sent out an email to all Department Heads to ensure that all offices had enough cleaning supplies and placed orders for any additional products necessary to defend against the virus. The Superior Court also issued a formal Notice to the Pennsylvania Bar of precautions recommended by the CDC. On March 13, 2020, President Trump declared COVID-19 a National Emergency. The Superior Court's Administrative Offices immediately adopted contingency plans, including staggered in-office work schedules and training for all users on LogMeIn, in preparation for a statewide outbreak.

The Supreme Court of Pennsylvania, on March 16, 2020, entered an order declaring a statewide judicial emergency until April 14, 2020. In another order of that date, the Supreme Court gave authorization to the Superior and Commonwealth Courts to: (1) suspend time calculations and deadlines, subject to constitutional restrictions; (2) utilize advanced communication technology to conduct court proceedings, including oral argument; (3) cancel and continue cases as needed, and to order them to be submitted for merits determination; and (4) take other necessary administrative action. The Superior Court then filed and posted on its website a notice informing counsel and the public about the rescheduling of argument sessions, closing of the public filing counters, and advising attorneys and the public to monitor the Superior Court website for further developments. The Superior Court also created a new Administrative Docket, 3 Administrative Docket 2020, codifying orders referencing COVID-19. The following day, March 17, 2020, the Superior Court entered an administrative order closing the public counters of the Prothonotary offices, noted that filings would be accepted only through PACFile electronic filing, the United States Postal Service, or by commercial delivery carrier, and extended the due dates for all filings in the Superior Court. However, filings for matters designated as Children's Fast Track were not subject to that extension.

On March 18, 2020, the Supreme Court of Pennsylvania generally closed state courts to the public subject to certain directives and exceptions, beginning at the close of business on March 19, 2020. In response, the Superior Court continued argument sessions that were scheduled to be held around that date. To avoid a slowdown in disposition rates, orders were entered in all of the upcoming panels alerting the parties that the cases would be decided by way of submission on brief unless counsel filed a motion for continuance which justifies reasons why oral argument at a later date was necessary. It was also decided that, in addition to Children's Fast Track cases, wiretap applications are essential matters and would not be delayed.

All Superior Court Judges adopted measures to avoid as much personal contact with attorneys and law enforcement officials as possible. With the closure of the courts, the Prothonotary Offices moved to having only skeleton crews. The Prothonotary Clerks continue to work staggered hours to limit person-to-person contact. All the offices remain closed to the public and notices to the public were posted at all locations.

On March 23, 2020, the Superior Court created a failsafe procedure to ensure filings of *praecipes* for writs of summons prior to expiration of applicable statutes of limitations. This procedure allowed parties to file a *praecipe* for a writ of summons in the Superior Court district corresponding to the applicable court of common pleas in the event a court of common pleas was unable to accommodate the filing of a *praecipe* for a writ of summons. A COVID-19 Administrative Docket was opened for such writs. This Order was approved by the Supreme Court in a supplemental order dated March 24, 2020. Similarly, the Superior Court created another failsafe procedure to ensure filings of appeals in Children's Fast Track appeals. A COVID-19 Administrative Docket was also opened for such notices of appeals. The Supreme Court also approved this Order.

On April 1, 2020, the Supreme Court of Pennsylvania entered a supplemental order extending the general, statewide judicial emergency order of March 16, 2020 to April 30, 2020, and all Pennsylvania Courts were to remain generally closed to the public, except for essential matters. In late April, the Supreme Court again extended the judicial emergency through June 1, 2020. Cases listed for May argument sessions were ordered to be decided on submission, subject to the right of counsel to ask for a continuance based upon compelling reasons. It was left to the discretion of each individual Panel to permit telephonic or electronic argument for cases in which counsel stated oral argument was essential. Argument cases which were previously continued because of COVID-19, were relisted for argument by an alternative method. For consistency across the state, AOPC adopted WebEx as the remote video system for the appellate courts; the Superior Court followed AOPC's directive and began using WebEx for both audio and video arguments. The Prothonotary sent the parties remote argument instructions. Notices of the argument sessions and instructions for the public to access the remote arguments were posted on the Superior Court's website.

At the end of May, the Supreme Court entered an order titled "Cessation of Statewide Judicial Emergency After June 1, 2020." The Order granted authority to the President Judges of the trial courts and the intermediate appellate courts to continue to limit access to court facilities, utilize advanced communication technologies, suspend certain state rules regarding time computations, and suspend jury trials. In response to this Order, the Superior Court entered an order reminding parties that the statewide judicial emergency directive of the Supreme Court was expiring and, therefore, the standard time requirements for filings were reinstated.

Advanced communication technology for arguments continued. On June 3, 2020, the first *en banc* session was held for 2020. The *en banc* session was held via remote video teleconference. For June, all argument panels continued to be submitted, however, once listed, an order was sent to the parties informing them that they could request to have their case heard via video teleconference.

At the end of July, in light of serious budgetary concerns, the Superior Court implemented an interim policy which permits governmental and quasi-governmental offices to file hard copies of briefs by delivering them to the filing offices. This permission was limited to district attorney offices, public defender offices, city and county solicitor offices, and similar government entities. The government office wishing to drop off the paper copies must call the filing office and inform the office of the drop-off so that the briefs may be promptly retrieved.

Remote arguments continued through July, August, September, and October. The Court's second *en banc* session was successfully held in October. The next *en banc* session is scheduled for December 3, 2020.

The Superior Court continues to work diligently to efficiently review all cases to dispose of them timely. An advantage of using video teleconferencing for argument court is that the public is now able to view all arguments live via an online web link posted on the Court's website. The Superior Court will continue to respond to any new concerns during the pandemic, as necessary.

The judicial emergency did not cause any delays in panels of the Superior Court assigned to handle cases submitted for decision on the litigants' briefs. The argument panels affected by COVID-19 and the judicial emergency were scheduled as follows:

En Banc Panels

Panel E01-20 – arguments by remote videoconference on June 3, 2020

Panel E02-20 – arguments by remote videoconference on September 15, 2020

Panel E03-20 – arguments scheduled for remote videoconference on December 3, 2020

Standard Argument Panels

Panel A08-20 – arguments by remote teleconference on April 30, 2020

Panel A09-20 – all cases decided on submission of briefs

Panel A10-20 – arguments by remote videoconference on May 18 & 22, 2020

Panel A11-20 – arguments by remote teleconference on April 30 and May 14 & 18, 2020

Panel A12-20 – arguments by remote teleconference on May 28, 2020

Panel A13-20 – arguments by teleconference on June 8 & 10, 2020

Panel A14-20 – arguments by remote teleconference on June 16 & 17, 2020

Panel A15-20 – arguments by remote teleconference on June 23 & 24, 2020

Panel A16-20 – arguments by remote teleconference on July 7, 2020

Panel A17-20 – arguments by remote videoconference on July 14, 2020

Panel A18-20 – arguments by remote videoconference on July 21, 2020

Panel A19-20 – arguments by remote videoconference on August 11 - 13, 2020

Panel A20-20 – arguments by remote videoconference on August 25, 2020

Panel A21-20 – arguments by remote videoconference on September 16, 2020

Panel A22-20 – arguments by remote videoconference on September 9, 2020

Panel A23-20 – arguments by remote videoconference on October 7, 2020

Panel A24-20 – arguments by remote videoconference on October 6, 2020

Panel A25-20 – arguments by remote videoconference on October 14, 2020

Panel A26-20 – arguments scheduled for remote videoconference on November 12, 2020

Panel A27-20 – arguments scheduled for remote videoconference on December 4, 2020

Panel A28-20 – arguments scheduled for remote videoconference on December 1, 2020

Panel A29-20 – arguments scheduled for remote videoconference on December 8 & 9, 2020

Notices of the remote Superior Court panels were advertised on the official Pennsylvania Judiciary website as well as numerous social media websites. On the AOPC website, the entire yearly schedule of the Superior Court panels was posted, with information and links to the cases that were to be argued remotely. Links to the calendar page were provided on the Pennsylvania Judiciary's Twitter site.

For example, the remote arguments for the third *en banc* argument session of the year, Panel E03-20, appeared on the Pennsylvania Courts Twitter account as follow:



PA Courts @ PACourts

Dec. 2

An en banc PA Superior Court panel (E03-20) will hear arguments remotely tomorrow starting at 10:00 a.m. The session will be live-streamed [via@YouTube/pacourts.us/SCLivestream](https://www.youtube.com/watch?v=...)

More details about this – and other upcoming sessions – can be found here bitly.us/aHLF

Judicial Operations During the Pandemic

Internally, the Superior Court reacted promptly to ensure the safety of all staff. When the judicial emergency was ordered, most offices moved to remote working. Legal Systems worked quickly to ensure all staff could access their desktops remotely via LogMeIn. Also, several Zoom accounts were made available so that video meetings could be held. The chief clerks for all chambers, along with Department Heads, met to discuss tips and strategies for working remotely. Regular meetings of the chief clerks have continued.

In response to only having a skeleton crew operate in the filing offices and to ensure the safety of all staff during the Judicial Emergency, changes were made to how chambers would receive panel assignments. The filing office would no longer send paper briefs to the panel, instead asking that chambers access the scanned versions of the briefs on PACMS. This change eliminated the need to send extra staff into the filing offices to print and copy briefs, and pack boxes, thereby putting fewer employees at risk of catching or spreading COVID-19. Further, it eliminated the need for chambers staff to go into chambers to receive paper shipments. For certified records, all electronic records are always available in PACMS. With regards to paper records, the filing office will scan them and send only the paper records that chambers request.

As the Governor continued to recommend telework as the preferred option, staff continues to work remotely. For those staff members continuing to work on a skeleton basis, several steps were taken to ensure safety of all staff.

- (1) To guard staff from exposure to COVID-19, the Court made large orders for Personal Protective Equipment (PPE). All offices received disposable masks, KN95 masks, face shields, and nitrile gloves. Hand sanitizer and disinfecting

wipes were also purchased for all offices as well as IR thermometers and pulse oximeters. Training was provided for staff on how to appropriately use both the pulse oximeter and IR thermometer. Both are permitted to be used in complete privacy.

- (2) Employees are asked to leave work if they have a temperature of 100.4 or above.
- (3) Appropriate signage was also placed in offices to promote social distancing.
- (4) Policies were also put in place to require all personnel to follow social distancing by remaining six feet apart and to wear face masks when not at their desks.
- (5) Plexiglas barriers were also purchased and erected to protect staff members working in cubicles.

The Superior Court set up a COVID-19 webpage on its Intranet Site with a number of materials posted to assist staff in guarding against the spread of the virus:

- (1) A comprehensive statement of the Court's Policies and Protocols to guard against the spread of the virus is available on the Superior Court's Intranet Site.
- (2) A PowerPoint presentation, with audio, was prepared. The presentation summarizes all protocols and procedures for the Court as staff return to work.
- (3) A short video was posted on the Superior Court's Intranet site on the techniques to use an IR Thermometer.
- (4) The guide from the CDC regarding its updated protocols from October 26, 2020.
- (5) A short video of the adjustments made at our administrative offices to guard against the spread of the virus.

Each Judge was given full discretion to operate chambers as the Judge deems best. A Judge may consider the building, transportation needs of staff, and of any other particular needs.

The Superior Court's Security Department took a very active role in addressing concerns directly related to the virus and many other matters which were secondarily affected by the judicial emergency. The Security Department circulated guidelines for dealing with COVID-19 recommended by the Federal Emergency Management Agency within the Department of Homeland Security. At the early stages of actions taken by the Commonwealth to reduce the spread of the virus, the Security Department reviewed the

Pennsylvania Department of Corrections' plan for a possible emergency early release of certain categories of inmates, to ensure that no victim of a crime or judge would be endangered. The Security Department adopted procedures, pursuant to guidelines adopted by the National Center for State Courts and CDC, for the taking of temperatures of individuals entering the courtroom during argument sessions. The Security Department kept current with guidelines and rules adopted by the Capitol Complex in Harrisburg, the Pittsburgh City-County Building, and the Penn Mutual Building in Philadelphia for entry into the buildings and the handling of argument panels. Although there was a wide shutdown of pedestrian and automobile traffic in our two major cities, the Security Department kept a close watch on numerous protests, some involving violence and vandalism, due to the death of George Floyd and the presidential election associated with a deeply split country. Further, to assist judges and staff, the Security Department distributed recommendations and suggestions in the event planned protests would turn into riots.

In July 2020, our Chief Staff Attorney, Philip Yoon, our Prothonotary, Joseph Seletyn, and our Legal Systems Coordinator (head of the Court's IT Department), Peter Johnson, prepared materials to educate practicing attorneys on the procedures and use of the Superior Court's newly adopted remote argument system. Their presentation included three parts: (1) the method to list a case for remote argument; (2) registration on WebEx; and (3) protocols for the day of argument. This presentation was reviewed with the PBA's Appellate Advocacy Committee, and was incorporated into a PBA sponsored Continuing Legal Education program: *Virtual Arguments in the Appellate Courts*.

Evaluation of Superior Court's Processes During the Pandemic

In December 2019, Judge Maria McLaughlin was appointed the Chair of the Superior Court's Committee on Advocacy. As part of that assignment, Judge McLaughlin's role is the Court's liaison to the Bar to evaluate ongoing procedures of the Superior Court in relation to argument court panels. Following the institution of the Judicial Emergency by the Pennsylvania Supreme Court, Judge McLaughlin undertook the job of evaluating the Superior Court's remote argument methods and whether attorneys desired a return to in-person, oral arguments in the courtroom.

Judge McLaughlin arranged a Zoom meeting with over a dozen members of the Pennsylvania Bar Association's Appellate Advocacy Committee to solicit feedback. The appellate courts, and the Superior Court specifically, received praise for the handling of remote arguments on short notice. The attorneys noted the smooth adjustment of the Judges to remote arguments and the accommodations made by Legal Systems and the Prothonotary to assist attorneys unfamiliar with the process. Although certain suggestions were made to improve the process, and most attorneys agreed in-person arguments are ideal in normal circumstances, the consensus was that the Court should continue with remote arguments at least through the end of the year or, at the very least, offer both options. A number of attorneys were so pleased with the remote argument process, they suggested the Court offer it as an option even after in-person arguments are deemed appropriate to resume.

Judge McLaughlin made arrangements for additional meetings, to include district attorney and public defender offices, as well as a number of county bar associations. These are ongoing, and will be included in a final report due in December 2020.

The remote sessions of Superior Court arguments generated other beneficial results. The remote video arguments were simultaneously shown on YouTube. The opportunity to review the remote sessions was made available to the litigants themselves, who, for the first time in Superior Court history, could watch and hear the arguments in their respective appeals without having to travel to the regional courtrooms. Moreover, the general public, the news media and members of the Bar of Pennsylvania also had access to the remote arguments because the broadcast was publicized on the Superior Court website and the Supreme Court's Twitter account. Additionally, news releases and notices of the remote sessions were sent to news agencies and social media.

Argument Court Panels for 2021

The Superior Court's Legal Systems Department successfully completed an exemplary job in organizing remote argument panels, whether by telephone conference or video conference. In light of the Superior Court's proficiency in scheduling, managing and presiding over remote argument panels, the Court held a meeting on October 27, 2020, and decided to again schedule all cases for oral argument in which a request was made by counsel, for 2021. Two special sessions of argument court, in Tioga and Lancaster counties, remain on the schedule for 2021 at this time.

Superior Court's Response to the Pandemic

3. Superior Court Health and Safety Plans Protocols and Precautions for COVID-19

In response to the COVID-19 pandemic, the Superior Court adopted comprehensive policies and procedures to help ensure the safety of our employees working in-person at our offices. Presently, each of the Prothonotary Offices and the Executive Administrator's office are using a skeleton staff and staggering work days, and the remaining administrative offices are primarily working remotely, but, eventually, we will increase the staffing number in all departments.

We have made great efforts to instill confidence that attendance at the office is not, nor will be, a health-threatening undertaking. We have been very successful in arranging remote work, utilizing guidelines issued by AOPC and the Pennsylvania Department of Health. And we have not only appropriately reduced in-person staffing levels and put into place policies and procedures, as mentioned, but have distributed large quantities of Personal Protective Equipment (PPE).

PPE was distributed to our Judges, Chambers' staff, and to all departments in our administrative offices in Philadelphia, Harrisburg, and Pittsburgh.

The PPE consists of surgical-type masks, KN95 masks, face shields, infrared (IR) thermometers, pulse oximeters, nitrile gloves, hand sanitizer, hand sanitizer stations, and bleach/ non-bleach wipes. So far 671 KN95 masks, 500 surgical masks, 700 cloth masks, 4,000 pairs of nitrile gloves, 39 IR thermometers, 3 pulse oximeters, 31 hand sanitizer stations, 50 gallons of sanitizer, 40 face shields, 60 containers of bleach wipes, 30 containers of non-bleach wipes, and 70 social distancing signs, have been distributed.

We will continue to distribute PPE as needed.

We created a COVID-19 section on our Court intranet site that features PowerPoint presentations on COVID safety measures and reentry plans for when we eventually resume increased staffing levels. The site also has an instructional video to train staff on how to properly use an IR thermometer.

Throughout the pandemic we have emailed staff about safety measures and updates.

INFECTION PREVENTION MEASURES

✓ WEAR A MASK

Employees must wear masks in all common areas, including in hallways, restrooms, breakrooms/kitchens. Employees do not have to wear masks while in their offices or

cubicles, unless another person is visiting your work area and is not spaced six feet apart. Only an employee whose health is adversely affected by wearing a mask may be exempt from this requirement.

✓ **SOCIAL DISTANCING**

Keep at least six feet between you and others at all times, including in common areas. Limit riding in an elevator to you and two other people. Use the stairs when and if possible. Conduct meetings and trainings virtually, if possible. Consider calling co-workers rather than visiting in person. We have provided each of the administrative offices with social distance signage that AOPC has chosen to use, as well as signs we have purchased. The landlords of our buildings in Pittsburgh and Philadelphia have issued building-specific social distancing guidelines. AOPC has communicated building-specific guidelines to all personnel working in the PJC. The administrative offices have received plexiglass barriers between cubicles for the protection of staff.

✓ **PROPER HYGIENE PRACTICES**

Wash your hands often with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer that contains at least 60% alcohol. Cover your mouth and nose with a tissue or your elbow when you sneeze or cough. Avoid touching your face with unwashed hands. And avoid shaking hands with others.

✓ **CLEANING PROTOCOLS**

Wash/sanitize hands before and after using office equipment such as copiers, refrigerators, vending machines, coffee makers, etc. Personal workstations should be frequently cleaned by employees, including desks, phones, keyboards, mice, and mobile devices. Cleaning supplies are available in each administrative office.

✓ **SELF-MONITORING**

Employees should self-monitor for symptoms such as fever, cough, shortness of breath, and self-administered temperature checks. If an employee feels sick they should stay home.

Employees have been instructed on the use of the IR thermometer and pulse oximeter, and designated areas in each of our administrative offices have been made available for self-administered checks done in complete privacy. Temperature readings of 100.4 degrees F or higher will require that employee to go home. This will be a self-reporting system with no log kept. Cleaning wipes have been made available for the employees to wipe down the thermometers and an open waste basket for easy disposal of the wipes.

PROTOCOLS ARE IN PLACE IN THE EVENT AN EMPLOYEE BECOMES ILL

- If an employee becomes ill at work or starts to experience Covid-19 symptoms, they should immediately inform their supervisor by email and then go home.
- The employee should then notify their doctor for follow-up medical care.

- All other employees who may have come into contact with an ill employee will be notified (keeping symptomatic employee anonymous) and will be asked to self-quarantine as necessary.

PROTOCOLS ARE IN PLACE FOR IMPLEMENTATION UPON DISCOVERY OF A CASE OF EXPOSURE IN THE WORKPLACE IN ACCORDANCE WITH CDC AND PA DEPARTMENT OF HEALTH CRITERIA

- Employees should not return to the workplace until the CDC criteria to discontinue home isolation is met.

PROTOCOLS WHEN IN-PERSON FILINGS RESUMES AT EACH OF OUR ADMINISTRATIVE OFFICES

- Staff at the counter will be issued KN95 masks, gloves, and a face shield. Members of the public will be required to wear a mask upon entering our front counter spaces and if they want to inspect records they will need to also wear gloves. Social distancing will be enforced, which will limit persons entering the reception area at the same time. Based on recent studies on how this virus is transmitted, submitted documents at our counters will be accepted.

PROTOCOLS FOR THE REINSTITUTION OF LIVE ORAL ARGUMENTS

- Safety and security protocols were developed for the reinstitution of live oral arguments.
 - Measures will be taken to ensure the safety and well-being of our employees, the attorneys, the Judges, law enforcement, and members of the general public. We will administer temperature screenings, for all entering the courtroom, by a trained nurse or medical professional. There will be staggered cases throughout the day to help with social distancing, chairs in the courtroom will be marked with, "do not sit here" decals or the chairs will be removed to enforce distancing, and social distancing will be enforced at the magnetometer/ X-ray screening lines using floor decals.
- All those in the courtroom must wear masks and follow social distancing guidelines.
 - Masks, hand sanitizers, and gloves will be made available. Counsel's table and the podium will be cleaned and disinfected after each case is argued. Temperature readings will be the responsibility of our Court. The Allegheny County Sheriff's Department will not conduct temperature reading upon entry into the City/ County building, but they do not object to such screenings at individual courtrooms by any Court. This will be the same practice by the PA Capitol Police for the Capitol Building.

The opening of the administrative offices follows the guidelines set by the Centers for Disease Control:

<https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>

Superior Court's Response to the Pandemic

4. Comparative Statistics for Covid-19

Total Appeals filed:

2018:	7626
2019:	7597
2020 (11-30-2020)	4882

Total Disposition filed (by Docket Number):

2018:	5275
2019:	5290
2020 (11-30-2020)	4333

Superior Court Decisions Filed Per Week During Statewide Judicial Emergency (by Journal Number)

Week ending March 20 th	63 decisions filed
Week ending March 29 th	100 decisions filed
Week ending April 3 rd	109 decisions filed
Week ending April 9 th	69 decisions filed
Week ending April 17 th	111 decisions filed
Week ending April 24 th	85 decisions filed
Week ending May 14 th	76 decisions filed
Week ending May 22 nd	98 decisions filed
Week ending June 5 th	76 decisions filed
Week ending June 12 ^h	96 decisions filed
Week ending June 19 ^h	44 decisions filed
Week ending June 26 th	97 decisions filed
Week ending July 2 nd	61 decisions filed
Week ending July 10 th	90 decisions filed
Week ending July 17 th	60 decisions filed
Week ending July 24 th	91 decisions filed
Week ending August 7 th	60 decisions filed
Week ending August 14 th	103 decisions filed
Week ending August 21 st	93 decisions filed
Week ending August 28 th	74 decisions filed
Week ending September 4 th	62 decisions filed
Week ending September 11 th	73 decisions filed
Week ending September 18 th	86 decisions filed

Week ending September 25 th	67 decisions filed
Week ending October 2 nd	78 decisions filed
Week ending October 9 th	85 decisions filed
Week ending October 16 th	63 decisions filed
Week ending October 23 rd	70 decisions filed
Week as of October 30 th	93 decisions filed
Week as of Nov 6 th	46 decisions filed
Week of Nov 13 th	67 decisions filed
Week of Nov 25 th	50 decisions filed