



JUDGES' CHAMBERS
COURT OF COMMON PLEAS
MERCER COUNTY
MERCER, PENNSYLVANIA 16137

ROBERT G. YEATTS
PRESIDENT JUDGE

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MEMORANDUM

TO: Daniel P. Wallace, Judge
Tedd C. Nesbit, Judge
Ronald D. Amrhein, Judge
Brian Arthur, Magisterial District Judge
D. Neil McEwen, Magisterial District Judge
Dennis Songer, Magisterial District Judge
Mary Odem, Magisterial District Judge
Daniel Davis, Magisterial District Judge
Court related Departments and Court Staff
Mercer County Bar Association

FROM: Robert G. Yeatts, President Judge 

DATE: March 17, 2020

RE: Public Health Emergency Response/Courts

Effective immediately and until further notice, to protect Court employees from being exposed to health threatening conditions and, therefore, reducing the chance of exposing colleagues and members of the public, the Court adopts the following policy:

I. General Procedures

1. Any employee who believes he/she may have been exposed to the coronavirus must report the potential exposure to his/her supervisor or department head/Judge immediately. Upon report of the incident, the supervisor or department head/Judge will provide Court Administration with the details of potential exposure. Reported incidents will be responded to on a case by case basis.

2. Employees who have symptoms of acute, respiratory illness are required to stay home and not come to work until they are free of fever, signs of fever, or any other symptoms for at least 24 hours without the use of fever reducing or other symptom altering medications. Signs and symptoms generally include combinations of the following: coughing, sneezing, other respiratory symptoms, fever, sweating, chills, muscle aches, weakness, and malaise.

3. The Court reserves the right to require self-isolation of an employee in appropriate circumstances (e.g. travel to foreign country) even absent outward symptoms.

4. Employees who appear to have acute respiratory illness symptoms upon arrival to work or become sick during the work day, shall be separated from other employees and be sent home immediately. Work areas should be thoroughly cleaned with an EPA approved disinfectant on a routine basis. Areas to consider are work stations, phones, fax machines, copiers, break rooms, and other common objects or areas.

5. Employees may be asked to work remotely for a period of time after being exposed. This period will be in accordance with federal, state, and/or local health guidelines. We will adhere to the guidance of the public health authorities.

6. Employees may be required to provide a medical note releasing them to return to work.

II. Court Scheduling and Related Matters

As of today, March 17, 2020, the 35th Judicial District, unless noted below, remains open and operational. We are continuing to rely upon the guidance of the Administrative Office of Pennsylvania Courts and federal, state, and local health departments both to limit potential exposure and fulfill our responsibility to the citizens of Mercer County by keeping our services available.

1. All Judges when reasonably possible shall do the following:

a. Utilize and encourage litigants to utilize to the fullest extent available telephonic/video/audio services and other advanced communication technology to reduce personal appearances for hearings, trials, meetings, conferences, and similar proceedings or gatherings.

b. Stagger court appearance times to reduce crowding. Require people to spread out in the courtroom. Prop doors open to avoid necessity of handles or knobs being touched.

c. Limit meetings, conferences, and other gatherings to essential participants and arrange seating to avoid unnecessary close personal contact.

d. Develop the capability to work remotely from the court facility with assistance if necessary from Mercer County MIS.

- i. For jury trials, utilize only 1 alternate.
 - ii. Discuss with litigants the possibility of utilizing less than the maximum number of jurors in civil cases.
- e. Other than the modifications described above Judges shall schedule and conduct hearings and trials in essentially the same manner they were scheduled and conducted before the outbreak of coronavirus.

2. The Mercer County Sheriff's Deputies and Mercer County Constables are hereby authorized and directed to decline transportation of prisoners from any prison/jail despite a valid transportation order if, using his/her reasonable discretion, the prisoner to be transported appears to be sick or may have recently (within the last 14 days) been in contact with someone who is positive for coronavirus. Any Sheriff Deputy or Constable declining transportation on this basis shall immediately contact the appropriate Judge involved in the subject case.

Similarly, any Mercer County Sheriff Deputies, Constables, or Juvenile Probation Officer (JPO) ordered to transport any juvenile from a juvenile detention facility placement or other place of detainment are hereby authorized and directed to decline transportation of said juvenile from any juvenile detention facility placement or other place of detainment despite a valid transportation order if, using his/her reasonable discretion, the juvenile to be transported appears to be sick or may have recently (within the last 14 days) been in contact with someone who is positive for coronavirus. Any Sheriff Deputy, Constable, or JPO declining transportation on this basis shall immediately contact the appropriate Judge involved in the subject case.

Transportation of incarcerated/detained out of county witnesses, criminal defendants, juvenile defendants, or similar persons for all Mercer County trials, hearings, or other proceedings shall be avoided if such persons may adequately participate by telephonic/video/audio devices and other advance communication technology.

3. The Mercer County Court Administrator shall do the following:
- a. Arrange to limit the number of jurors coming into the courthouse at 50 per time, or in the alternative, to limit no more than 50 in one location by using a second large room such as an accessible courtroom. Seating for prospective jurors shall be staggered, if possible, to reduce juror crowding.
 - b. Judges of Mercer County Common Pleas are hereby authorized to order civil litigants to participate in mandatory mediation with mediation costs shared by the parties.

4. The Mercer County Bar Association is hereby requested to assist civil trial Judges locating and utilizing such mediators.

5. All Mercer County Judges, court related department heads, and Magisterial District Judges are to be vigilant about proactively requiring employees who appear to be sick or may have recently (within the last 14 days) been in contact with someone who is positive for coronavirus to stay home.

6. Court employees will not attend off site conferences or trainings. Court events/meetings (as distinguished from court hearings, conferences, etc.) will be rescheduled or held virtually. When possible use email and electronic mediums to create, file and transmit documents and court orders. Limit the number of persons in chambers and other meeting/conference rooms to comply with social distancing recommendations.

7. Scheduling of larger court lists such as arraignment and call of the list will be staggered by the hour or location to avoid larger groups of litigants and attorneys in the courtroom. Scheduling will be adjusted starting as soon as possible.

a. Until further notice, each month's criminal call of the list shall be divided among the four courtrooms to lessen the number of people in one place and to allow spacing between individuals. One half of the April call of the list will be handled by courtrooms 1 and 3 and one half will be handled by courtrooms 2 and 4. The Judges shall determine the number of cases in each courtroom. To the extent possible this division of cases shall be provided to the Court Administrator who can post the same prior to the commencement of call of the list.

8. Waivers of arraignment will be accepted up to and including the day scheduled for formal arraignment. Defendants who execute and file such waivers need not attend court on that date. Those who will be entered into the ARD program or who will enter a plea at that time must attend.

9. Gagnon and parole violation hearings for those in custody shall be conducted by advanced communication and technology to the greatest extent possible.

10. DRS establishment and modification conferences may be held by telephone provided that the parties comply with document presentation requirements prior to the conference as required and in the manner determined by the director of DRS.

11. The Community Service Director shall continue to assign defendants to work sites taking into consideration the need to limit that number of individuals at any one place. Should the lack of available work sites be the primary reason for the defendant's failure to timely complete his/her community service. The Court can consider alternates, including but not limited to, extended time periods for completion of community service, reducing the number of hours of community service, or waiving the community service requirement altogether.

III. Miscellaneous

1. Any party required to attend a scheduled court proceeding or who is visiting the court facility to access a filing office is encouraged to arrive alone or in smaller groups, if possible, in an effort to decrease the possible spread of the virus. Subject to constitutional consideration, the Court may at its discretion order any non-party from the courtroom to help with social distancing. Parties and visitors are encouraged to stay home if you are feeling sick. Any party under court order to appear for a proceeding of any type but is not feeling well should make a reasonable attempt to notify Court Administration at (724) 662-3800 ext. 2517, of their illness. Those individuals who are represented by an attorney should ask their attorney to notify the Court of your condition and ask that you be excused in advance or that you be permitted to appear via alternate methods such as a video or telephone. Each case will be decided by the Court on a case by case basis.

2. All visitors and parties are encouraged to practice good hygiene when in a court facility and refrain from shaking hands or other forms of physical contact. Use other non-contact methods of greeting. Wash your hands or use hand sanitizer on regular intervals. Create habits and reminders to avoid touching faces and cover coughs and sneezes.

NOTE: It is anticipated that as more information becomes available these procedures set forth above shall be eliminated, amended, and/or supplemented.