

UPDATE ON HOW COVID-19 AFFECTS PENNSYLVANIA CIVIL CASES

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With both Courts and legal practitioners alike adjusting to the drastically altered circumstances created by Covid-19 (the Coronavirus), the Pennsylvania court system has recently promulgated some relevant updates concerning civil litigation cases currently in suit, as well as pending claims.

On April 22, the First Judicial District of Pennsylvania issued a court order which governs all Philadelphia County Court of Common Plea cases. This most recent order of the First Judicial District serves as a continuance of judicial emergency previously declared by the Pennsylvania Supreme Court back in March. The order extends the underlying administrative orders of the Pennsylvania Supreme Court dated March 16, March 18, and the Second Supplemental Order of April 1, closing all First District courts to the public until May 29 (at the earliest).

In all state courts of the Commonwealth, the use of remote communication (by phone or video) for court proceedings is not only permissible, but “encouraged.” Cases where remote communication is neither possible nor constitutionally permissible will be delayed. The recent order of the Honorable Idee C. Fox, President Judge of the First Judicial District of Pennsylvania further permits alternative methods of signing, delivery and service of court orders by each individual judge – including but not limited to electronic signatures, proxy signatures, and facsimile signatures.

Whether one’s case will be delayed or not will continue to depend on whether the specific issue is deemed an essential function of the courts. Because the state courts are closed except for essential functions, it’s unlikely that you’ll be able to get a traditional hearing on your case.

Per the order, essential functions for the Superior and Commonwealth courts only include:

- Election matters
- Children’s Fast Track matters
- Emergency filings
- Functions deemed an emergency by President Judge

Jury and non-jury trials will be rescheduled, but for now they will remain suspended. All hearings related to civil trials—including pretrial conferences, discovery motions, and other meetings—are either postponed or must be conducted remotely. In fact, any non-emergency matter requiring the presence of an attorney or a litigant has been postponed indefinitely and will be rescheduled at a later date.

Analysis

As the legal profession continues to adjust on the fly to the dramatically altered circumstances created by the Coronavirus, we here at Lucas & Cavalier will remain committed to answering all questions pertaining to these and other relevant updates, continuously monitoring changes

pertaining to Pennsylvania civil courts and providing our clients and colleagues prompt feedback and guidance.