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MISCELLANEOUS ADMINISTRATIVE PROVISIONS**Rule 1901. Prompt disposition of matters; termination of inactive cases.**

(a) *General policy.*—It is the policy of the unified judicial system to bring each pending matter to a final conclusion as promptly as possible consistently with the character of the matter and the resources of the system. Where a matter has been inactive for an unreasonable period of time, the tribunal, on its own motion, shall enter an appropriate order terminating the matter.

(b) *Primary responsibility for implementation of policy.*—

(1) Except as provided by paragraph (3), each court of common pleas is primarily responsible for the implementation of the policy expressed in subdivision (a) of this rule and is directed to make local rules of court for such purposes applicable to the court and to the community court or magisterial district judges of the judicial district.

(2) The Philadelphia Municipal Court is directed to make rules of court for such purposes.

(3) The policy set forth in subdivision (a) of this rule shall be implemented in actions governed by the Pennsylvania Rules of Civil Procedure pursuant to Rule of Civil Procedure 230.2.

(c) *Minimum Standards.*—Before any order terminating a matter on the ground of unreasonable inactivity is entered, the parties shall be given at least 30 days' written notice of opportunity for hearing on such proposed termination, which notice shall be given:

(1) In person or by mail to the last address of record of the parties or their counsel of record and setting forth a brief identification of the matter to be terminated; or

(2) By publication in the manner provided by rule of court in the legal newspaper designated by rule of court for the publication of legal notices in any case where notice by mail cannot be given or has been returned undelivered or where the docket of the matter shows no evidence of activity during the previous two years. Any matter terminated after notice by publication pursuant to this paragraph may be reinstated by the court after dismissal upon written application for good cause shown.

(d) *Effect of disposition of records.* Notwithstanding any inconsistent provision of this rule or of any local rule of court made pursuant to this rule, a court shall not entertain any application for the reinstatement of a matter terminated pursuant to this rule if such application for reinstatement is filed after the documents relating to the matter have been disposed of pursuant to the applicable record retention schedule established by or pursuant to law.

Note:

The general policy set forth in Subdivision (a) is based on an administrative consideration, not substantive or procedural standards applicable to speedy trials in either civil or criminal cases. This rule is intended to supplement, not to modify or abrogate, procedural rules or substantive decisions involving the rights of defendants in criminal cases to a speedy disposition of charges. It is intended to foster elimination of stale cases from the judicial system where the parties have failed to proceed and which are carried as open matters because of the failure on the part of any party to seek dismissal or otherwise to bring the matter to a conclusion.

Where a party objects to the termination of an inactive matter, it is intended that the court exercise its judicial discretion. For example, the dormant matter may be a protective action related to a case pending in another jurisdiction between the parties on the same cause of action, or an action involving a controversy arising from a clash of personalities which will probably be terminated upon the death of one of the parties under circumstances where the public interest will not be served by forcing the parties to a judicial resolution of their dispute, etc.

The rule has no effect on the substantive law and thus a termination effected pursuant to the rule will not necessarily foreclose further proceedings in the matter, e.g., in custody, support and other proceedings of an equitable nature where the parties have the substantive right to apply for the modification of a final order or decree on the basis of changed circumstances.

The following is a suggested form of local rule:

Rule

(a) The prothonotary shall list for general call at the first civil argument court held after September 1 of each year all civil matters in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to counsel of record, and to the parties for whom no appearance has been entered, as provided by Pa. R.J.A. No. 1901(c). If no action is taken or no written objection is docketed in such a matter prior to the commencement of the general call, the prothonotary shall strike the matter from the list and enter an order as of course dismissing the matter with prejudice for failure to prosecute, under the provisions of this rule. If no good cause for continuing a matter is shown at the general call, an order shall be entered forthwith by the court for dismissal.

(b) The clerk of courts shall list at the first criminal argument court held after September 1 of each year all criminal proceedings in which no steps or proceedings have been taken for two years or more prior thereto and shall give notice thereof to the district attorney, any private prosecutor and the defendant, as provided by Pa. R.J.A. No. 1901(c). If no good cause for continuing a proceeding is shown at the general call, an order for dismissal shall be entered forthwith by the court.

Under Rule 1901(c)(2), in those cases where it is unduly burdensome to research the captions, parties and mailing addresses of cases which have been inactive for two years or more, the moribund matters may be terminated by the adoption and publication of a general refiling requirement, without service of individual notice. Under such a local rule matters in which no paper has been filed within the previous two years would be deemed terminated without any further entry in the docket, and all such matters could be excluded from any computerized or other modern docket control system installed in the judicial district, subject to the right of the parties to reactivate the matter for good cause shown.

The County Records Committee, established by the act of August 14, 1963 (P. L. 839, No. 407) (16 P. S. § 13001 et seq.), promulgates record retention and disposition schedules applicable to, inter alia, the prothonotary, clerk of the courts, and clerk of the orphans' court division. Where a matter has been terminated without prejudice under the rule, i.e. subject to the right of the parties to reactivate the matter for good cause shown, and the records relating to the matter have been destroyed without microfilming under the applicable record retention and disposition schedule, this subdivision will eliminate the possibility that a party might attempt to reactivate the matter on the basis of copies of the pleadings and other documents retained by counsel (including the district attorney or public defender) or other noncourt records.

Source

The provisions of this Rule 1901 adopted May 10, 1973, 3 Pa.B. 921, amended through December 28, 1973, 3 Pa.B. 2949, amended and effective January 18, 1974; amended March 20, 2003, effective July 1, 2003, 33 Pa.B. 1711; amended June 14, 2018, effective immediately, 48 Pa.B. 3847. Immediately preceding text appears at serial pages (392217) to (392218) and (371453).

Rule 1902. Record of asbestos litigation. Prothonotary.

The prothonotary shall maintain a record of all asbestos actions filed by a separate docket, docketing code or other appropriate means to allow the administrative monitoring of such actions.

Source

The provisions of this Rule 1902 adopted April 24, 1990, effective July 1, 1990, 20 Pa.B. 2275.

Rule 1903. [Rescinded].**Source**

The provisions of this Rule 1903 adopted December 14, 1993, effective January 1, 1994, 24 Pa.B. 8; rescinded March 3, 2014, effective immediately, 44 Pa.B. 1428. Immediately preceding text appears at serial pages (367319) to (367320).

Rule 1904. Medical professional liability actions.

(a) The prothonotary of each judicial district shall maintain a docket of all medical professional liability actions by separate docketing code or other appropriate means. When the docket is established by docketing code, the code shall be “Civil Action—Medical Professional Liability Action.”

(b) The prothonotary shall record on the medical professional liability action docket:

- (1) the separate findings of the trier of fact, including, where applicable:
 - (i) past damages in lump sums for “medical and other related expenses,” “loss of earnings,” and “noneconomic loss,”
 - (ii) future damages in lump sums for “loss of earnings or earning capacity” and “noneconomic loss,” and
 - (iii) future damages by year for “medical and other related expenses,” and

Official Note: See Section 509(a) of the Mcare Act, 40 P. S. § 1303.509(a) and Pa.R.C.P. No. 1042.71.

(2) all orders of the court affecting the amount of damages determined by the trier of fact. The orders shall be set forth on the docket verbatim or with specificity sufficient to determine the effect of the orders upon the damages awarded to each plaintiff.

(c) Where a jury has made the separate findings that are recorded pursuant to subdivision (b), the jury’s verdict sheet and interrogatories shall be made part of the official record and shall be maintained in the custody of the prothonotary.

(d) On or before January 20 of each calendar year, the President Judge of each judicial district shall forward to the Court Administrator of Pennsylvania a report of medical professional liability cases. The report shall be prepared in a format prescribed by the Administrative Office of Pennsylvania Courts. Among items to be included are:

- (1) a list of all medical professional liability actions filed in the preceding calendar year showing the present caption of
 - (i) those actions initially filed in the judicial district, and
 - (ii) those actions transferred into the judicial district. The list of actions transferred shall also show the former caption and the county of origin, and
- (2) the separate findings required by subdivision (b) to be set forth on the docket for each action in which a verdict or decision has been entered.

Source

The provisions of this Rule 1904 adopted November 22, 2004, effective immediately, 34 Pa.B. 6504.

Rule 1905. Investment Advisory Board.

(a) *General.* There is hereby established the Investment Advisory Board (“Board”), which shall consist of eight members. The Supreme Court shall appoint four (4) members. The Disciplinary Board of the Supreme Court, the Pennsylvania Lawyers Fund for Client Security Board, the Pennsylvania Continuing Legal Education Board and the Pennsylvania Board of Law Examiners (“the program boards”) shall each appoint one (1) member to serve on the Board. The Court Administrator shall serve as an ex officio member to the Board. All members of the Board shall serve at the pleasure of the Supreme Court. The Board shall annually designate its chair.

(b) *Qualifications.* All appointees to the Board shall possess knowledge and expertise in investments and knowledge of public sector investment funds. If no current program board member is professionally qualified or able to serve on the Board, the program board will appoint a prior Board member or a non-program board member with the requisite expertise.

(c) *Responsibilities.* The Board shall provide recommendations to the Supreme Court with regard to the development and implementation of an investment policy for the program boards that will maximize investment yields while minimizing risk. In addition, the Board shall provide oversight and monitoring of the activity of the investment portfolios. On a fiscal year basis, the Board shall provide the Supreme Court with a review of its activities and appropriate recommendations for further action. The Board’s fiscal year shall begin on July 1 and end on June 30.

(d) *Procedure.* All actions of the Board shall be determined by majority vote. The Court Administrator of Pennsylvania will have no voting power except in the case of a tie.

(e) *Administrative.* The Administrative Office of Pennsylvania Courts shall provide necessary administrative assistance to the Board and shall pay the cost thereof as well as the necessary travel and other expenses of the members of the Board, all staff and any representative of the Supreme Court. The AOPC shall be reimbursed by the program boards for their pro rata share of necessary travel and other expenses.

(f) *Immunity.* Members of the Board, its staff and any other representative of the Supreme Court to the Board shall be immune from civil suit for any conduct in the course of their official duties. Legal costs incurred by Board members in defense of such matters will be borne by the Board but passed through to the program boards in accordance with Rule 1905 (e). Such costs must be approved by the Board prior to being obligated for payment or reimbursement.

Comment

In 2001, the Supreme Court asked the Administrative Office of Pennsylvania Courts to review the investment activities of the Court’s three affiliated boards (the Disciplinary Board, Pennsylvania Lawyers Fund for Client Security and the Pennsylvania Continuing Legal Education Board) and to make recommendations for the improved investment stability, performance, operation and cost efficiencies of the boards’ investments. Following collection of information and consultation with investment advisors, the AOPC recommended the formation of an Investment Advisory Board to assist the

Supreme Court in its oversight and consolidation of investment portfolios that would enhance returns and reduce investment fees. In 2007 the Pennsylvania Board of Law Examiners became a program board member.

Source

The provisions of this Rule 1905 adopted September 20, 2005, effective immediately, 35 Pa.B. 5518; amended February 7, 2007, effective immediately, 37 Pa.B. 929. Immediately preceding text appears at (314364) to (314365).

Rule 1906. Prohibited communication with jurists.

No litigant or any other participant in a legal matter or proceeding shall send a communication related thereto to the home address of a jurist. Such communications will not be reviewed and will have no legal or procedural significance. The communication will not be returned or forwarded, but will be destroyed.

Source

The provisions of Rule 1906 are adopted September 17, 2009, effective immediately, 39 Pa.B. 5722.

CONSTABLES

Rule 1907.1. Definitions.

“Constable.” Includes any elected or appointed constable or deputy constable engaged to perform services for any court of the unified judicial system.

Official Note: For the statutorily prescribed services constables perform for the unified judicial system, *see, e.g.*, 44 Pa.C.S. §§ 7161 and 7161.1.

Source

The provisions of this Rule 1907.1 adopted May 28, 2013, effective in 30 days, 43 Pa.B. 3223.

Rule 1907.2. Policies, procedures and standards of conduct.

(a) The Court Administrator shall establish uniform policies, procedures and standards of conduct for constables who perform services for the courts. These policies, procedures and standards of conduct shall be mandatory for all judicial districts and constables engaged to perform services for any court of the unified judicial system.

(b) The president judge of a judicial district is authorized to enact policies and procedures consistent with those established by the Court Administrator in section (a) as local rules pursuant to Pa.R.J.A. No. 103(c). Any policies and procedures enacted by the president judge of a judicial district that may deviate from the uniform policies, procedures and standards of conduct for constables established by the Court Administrator must be approved by the Court Administrator before promulgation. *See* Pa.R.J.A. No. 505(1).

(c) President Judges are responsible for implementing the provisions set forth in this rule within their respective judicial districts.

Comment

Constables are independent contractors, belonging analytically to the executive branch of government. *In re Act 147 of 1990*, 528 Pa. 460, 598 A.2d 985 (1991). Constables are defined as “related staff” under the Judicial Code. *Rosenwald v. Barbieri*, 501 Pa. 563, 462 A.2d 644 (1983). While these

Rules are established pursuant to Pa. Const. Art. V, § 10(c), nothing herein, or in any document created under these Rules, shall be construed to alter the status of constables as independent contractors and related staff.

Source

The provisions of this Rule 1907.2 adopted May 28, 2013, effective in 30 days, 43 Pa.B. 3223.

FILLING OF VACANCIES

Rule 1908. Filling of vacancies.

When a court of common pleas is filling a vacancy to an elected office under a statutory duty, the following procedures shall apply:

(a) The Court shall receive applications from any interested candidates for the position pursuant to a deadline established by the court.

(b) The names of all candidates under consideration and any written application materials submitted by any candidate are public information and shall be made available to any member of the public upon request. The following items included in any written application materials shall not be publicly released: the candidate's Social Security number; the candidate's home address, personal telephone number, and personal email address; and information pertaining to the name, home address, or date of birth of children under 17 years of age.

(c) Selection shall be by a vote of the commissioned judges of the court, including the president judge. In the event of a tie vote, the president judge will cast the deciding vote.

Source

The provisions of this Rule 1908 adopted October 3, 2019, effective in 30 days, 49 Pa.B. 6061.

BROADCASTING IN THE COURTROOM

Rule 1910. Broadcasting, Recording and Photography in the Courtroom.

A. *General statutory prohibition.* It is unlawful and a criminal offense to use or operate a device to capture, record, transmit or broadcast a photograph, video, motion picture or audio of a proceeding or person within a judicial facility or in an area adjacent to or immediately surrounding a judicial facility without the approval of the court or presiding judicial officer or except as provided by rules of court. *See* 18 Pa.C.S. § 5103.1 (relating to unlawful use of an audio or video device in court).

B. *General rule.* Unless otherwise provided by this rule or by the Supreme Court of Pennsylvania, judges shall prohibit broadcasting, televising, recording or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions, except that a judge may authorize:

(1) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record or for other purposes of judicial administration;

(2) the broadcasting, televising, recording, or photographing of investitive, ceremonial, or naturalization proceedings;

(3) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(a) the means of recording will not distract participants or impair the dignity of the proceedings;

(b) the parties have consented; and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproductions;

(c) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(d) the reproduction will be exhibited only for instructional purposes in educational institutions.

(4) the use of electronic broadcasting, televising, recording and taking photographs in the courtroom and areas immediately adjacent thereto during sessions of court or recesses between sessions of any trial court nonjury civil proceeding; however, for the purposes of this subsection, "civil proceedings" shall not be construed to mean a support, custody or divorce proceeding. Paragraphs (c) and (d) of Subsection (3) shall not apply to nonjury civil proceedings as heretofore defined. No witness or party who expresses any prior objection to the judge shall be photographed, nor shall the testimony of such witness or party be broadcast or telecast. Permission for the broadcasting, televising, recording and photographing of any civil nonjury proceeding shall have first been expressly granted by the judge, and under such conditions as the judge may prescribe in accordance with the guidelines contained in this rule.

Note: Temperate conduct of judicial proceedings is essential to the fair administration of justice. The recording and reproduction of a proceeding should not distort or dramatize the proceeding.

See the Internal Operating Procedures of the Supreme Court of Pennsylvania and the Commonwealth Court of Pennsylvania regarding broadcasting of proceedings by the Pennsylvania Cable Network.

In implementing this rule, the following guidelines shall apply:

a. *Officers of Court.* The judge has the authority to direct whether broadcast equipment may be taken within the courtroom. The broadcast news person should advise the tipstaff prior to the start of a court session that he or she desires to electronically record and/or broadcast live from within the courtroom. The tipstaff may have prior instructions from the judge as to where the broadcast reporter and/or camera operator may position themselves. In the absence of any directions from the judge or tipstaff, the position should be behind the front row of spectator seats by the least used aisleway or other unobtrusive but viable location.

b. *Pooling.* Unless the judge directs otherwise, no more than one TV camera should be taking pictures in the courtroom at any one time. Where coverage is by both radio and TV, the microphones used by TV should also serve for radio and radio should be permitted to feed from the TV sound system. Multiple radio feeds, if any, should be provided by a junction box outside of the courtroom, such as in the adjacent public hallway. It should be the responsibility of each broadcast news representative present at the opening of each session of court to achieve an understanding with all other broadcast representatives as to who will function at any given time, or, in the alternative, how they will pool their photographic coverage. This understanding should be reached outside the courtroom and without imposing on the judge or court personnel.

Broadcast coverage outside the courtroom should be handled with care and discretion, but need not be pooled.

c. *Broadcast Equipment.* All running wires used should be securely taped to the floor. All broadcasting equipment should be handled as inconspicuously and quietly as reasonably possible. Sufficient file and/or tape capacities should be provided to obviate film and/or tape changes except during court recess. No camera should give any indication of whether it is or is not operating, such as the red light on some studio cameras. No additional lights should be used without the specific approval of the presiding judge, and then only as he may specifically approve.

d. *Decorum.* Broadcast representatives' dress should not set them apart unduly from other trial spectators. Camera operators should not move tripod-mounted cameras except during court recesses. All broadcast equipment should be in place and ready to function no less than five minutes before the beginning of each session of court.

C. Law Enforcement Officers, Sheriff's Department Officers, and Judicial Security Officers.

(1) Unless expressly prohibited by local rule or order of court as authorized by Subsection (5), and except as otherwise provided in this Subdivision C, officers of law enforcement agencies, sheriffs and deputy sheriffs, and judicial security officers (referred to collectively as "Officers") may wear body cameras as part of their standard equipment and operate them as permitted by law or by state or local court rule, and as may be further authorized under the policies of the agency with which the Officer is associated.

(2) No body camera may be activated in a courtroom during judicial proceedings except when an Officer, in his or her professional opinion, determines that there is an actual or imminent emergency situation warranting activation in the ordinary course of his or her duties. In such an emergency situation, an Officer may activate his or her body camera until such time as, in his or her professional judgment, the emergency situation has concluded.

(3) When an Officer activates a body camera in a courtroom as permitted by paragraph (2), he or she shall verbally notify the presiding judge at the first reasonable opportunity after the body camera has been activated. Also, within one business day of the emergency incident, the Officer or his or her supervisor shall provide to the presiding judge a written report of the circumstances surrounding the activation of the body camera, including the times of activation and deactivation and an explanation of the Officer's actions. The presiding judge shall promptly share the activation report with judicial district court administration. The activation report also shall be provided to the law enforcement agency with which the Officer is associated.

(4) Any recording made in a courtroom during a judicial proceeding may not be released to anyone outside the court and the law enforcement agency with which the Officer is associated without the express written approval of the president judge of the court. Use and dissemination of a recording made under this Subdivision C in connection with law enforcement activity shall require the express written approval of the president judge.

(5) A judicial district may adopt local rules or protocols regulating the use, operation and activation of body cameras in any location and space that is controlled by the judicial district and used in the ordinary course of its business, including a courtroom.

(6) A court and any law enforcement agency providing security services in the courtroom shall enter into a written agreement conforming to this rule and

any local rule or protocol promulgated by the judicial district. At minimum, the agreement shall require the agency to (i) inform its officers of their responsibilities under the rule; (ii) provide training to its officers regarding the requirements of the rule, including training of new officers before they are permitted to activate a body camera in the courtroom; (iii) require annual written certification by a responsible representative of the law enforcement agency that the agency's officers have been informed of their responsibilities under the rule and have received proper training; and (iv) monitor their officers' compliance.

(7) Each law enforcement agency that provides security services to a court or judicial district shall provide to the district court administrator a copy of its current policies regarding use of body cameras, as well as a list of those Officers assigned to a court or judicial district who are qualified to wear and use body cameras.

Source

The provisions of this Rule 1910 adopted January 8, 2014, effective July 1, 2014, 44 Pa.B. 454; amended January 8, 2014, effective July 1, 2014, 44 Pa.B. 3053; amended October 8, 2019, effective January 1, 2020, 49 Pa.B. 6379. Immediately preceding text appears at serial pages (370650) and (379899) to (379900).

CRIMINAL AND DISCIPLINARY MATTERS AGAINST JUDGES

Rule 1920. Definitions.

“Disciplinary matter.” Any matter arising under Pa. Const. Art. V, § 18.

“Judge.” Includes any appointed or elected justice, judge or magisterial district judge of the unified judicial system.

“Criminal investigation or prosecution.” Includes any offense listed in 18 Pa.C.S. § 106(a) and any other offense if a person convicted thereof may be sentenced to a term of imprisonment. It does not include parking violations or summary offenses, both traffic and non-traffic, unless there is a likelihood that the sentence will be imprisonment.

Source

The provisions of this Rule 1920 adopted June 23, 2011, effective immediately, 41 Pa.B. 3719; amended October 24, 2011, effective immediately, 41 Pa.B. 6085. Immediately preceding text appears at serial page (357740).

Rule 1921. Notice to the Chief Justice and to the Judicial Conduct Board.

Whenever a judge receives notice that he or she is the subject of any federal or state criminal investigation or prosecution through a target letter, a subject letter, a presentment, an indictment, an arrest, a summons, a complaint, or by any other legal process, the judge must report the receipt of such notice in writing to the Chief Justice and to the Judicial Conduct Board within five (5) days.

Source

The provisions of this Rule 1921 adopted June 23, 2011, effective immediately, 41 Pa.B. 3719; amended April 7, 2015, effective immediately, 45 Pa.B. 2040. Immediately preceding text appears at serial page (372048).

19-8.2

Rule 1922. Counsel fees.(A) *Purpose.*

The purpose of this rule is to establish standards and procedures under which the Court Administrator shall determine whether a judge may be reimbursed for the expense of attorney's fees incurred in connection with a criminal matter or a disciplinary matter.

(B) *Criminal matters.*

(1) *Mandatory requirements.* A judge may be reimbursed for legal fees paid in the defense of a criminal action only if the following criteria are met:

Official Note: See *Yurgosky v. Commonwealth of Pa., Administrative Office of Pa. Courts*, 554 Pa. 533, 722 A.2d 631 (1998).

(a) Notice must be given to the Administrative Office of Pennsylvania Courts within a reasonable time after the charges are filed.

(b) The criminal charges must arise directly from the judge's performance of his or her official duties.

(c) The judge must be acquitted of the crimes charged or the charges must have been dismissed or *nolle prossed*.

Official Note: Reimbursement of counsel fees is not permitted in cases resolved through participation in pre-trial diversionary programs, through negotiated pleas, or by participation in Accelerated Rehabilitative Disposition (ARD) programs. See *Yurgosky*, 554 Pa. at 545 n.15, 722 A.2d at 637 n.15.

(d) The legal expenses must be reasonable and necessary.

(2) *Decision of the Court Administrator.*

(a) *Standard.* If the mandatory requirements prescribed by paragraph (1) have been met, a request for reimbursement of attorney's fees may be approved only if the Court Administrator determines that the judge's conduct giving rise to the criminal charges did not prejudice the proper administration of justice or bring the judicial office into disrepute.

Official Note: This is the same standard prescribed by Pa. Const. art. V, § 18(d)(1), for determining whether a judge may be subject to discipline.

(b) *Factors to be considered.* In making his or her determination under subparagraph (a), the Court Administrator shall consider the following:

(I) Whether the criminal charges made against the judge had a reasonable basis in law and fact.

(II) The quantity and quality of the evidence supporting the criminal charges made against the judge.

(III) Whether the conduct giving rise to the criminal charges might properly subject the judge to discipline under Pa. Const. art. V, § 18(d)(1), irrespective of whether the judge's conduct prejudiced the proper administration of justice or brought the judicial office into disrepute.

(IV) Whether other criminal or disciplinary charges have been or are reasonably anticipated to be commenced against the judge arising out of

the same conduct involved in the criminal matter and, if so, the nature and disposition of those proceedings.

(c) *Procedural requirements.*

(I) Under no circumstances shall the Court Administrator act upon a request for reimbursement of counsel fees incurred by a judge in a criminal matter until he or she has determined that all possible criminal and disciplinary issues related to the matters involved in the criminal case have been finally concluded in all fora having proper jurisdiction over the judge and a full evaluation of any such additional criminal or disciplinary matter has been made.

(II) A judge who seeks reimbursement of attorney's fees in a criminal matter shall be required to waive confidentiality so that the Judicial Conduct Board and other proper authorities are able to share with the Court Administrator all information relating to actual or potential disciplinary action against the judge. If the judge does not waive confidentiality, the Court Administrator shall deny the judge's request for reimbursement.

(III) In determining under this part whether a judge should be reimbursed attorney's fees incurred in the successful defense against criminal charges, the Court Administrator may rely upon the same information that was available to the Judicial Conduct Board and other proper authority and may consider the evaluation of that information and its determination by the Judicial Conduct Board or other proper authority, as well as any determination made by the Court of Judicial Discipline or other tribunal.

(C) *Disciplinary matters.*

(1) *Mandatory requirements.* A judge may be reimbursed for legal fees paid in the defense of a judicial disciplinary matter only if the following criteria are met:

(a) Notice must be given to the Administrative Office of Pennsylvania Courts within a reasonable time after the charges are filed.

(b) The allegations of judicial misconduct must arise directly from the judge's performance of his or her official duties.

(c) The judge must be acquitted of the misconduct charges, or the charges must have been dismissed or *nolle prossed*.

Official Note: This does not include any rehabilitative or other diversionary programs, or resolution through a "letter of counsel."

(d) The legal expenses must be reasonable and necessary.

(2) *Decision of the Court Administrator.*

(a) *Standard.* If the mandatory requirements prescribed by paragraph (1) have been met, a request for reimbursement of attorney's fees may be approved only if the Court Administrator determines that the judge's conduct giving rise to the disciplinary matter did not prejudice the proper administration of justice or bring the judicial office into disrepute.

Official Note: This is the same standard prescribed by Pa. Const. art. V, § 18(d)(1), for determining whether a judge may be subject to discipline.

(b) *Factors to be considered.* In making his or her determination under subparagraph (a), the Court Administrator shall consider the following:

(I) Whether the disciplinary charges made against the judge had a reasonable basis in law and fact.

(II) The quantity and quality of the evidence supporting the disciplinary charges made against the judge.

(III) Whether the conduct giving rise to the disciplinary matter might properly subject the judge to discipline under Pa. Const. art. V, § 18(d)(1), irrespective of whether the judge's conduct prejudiced the proper administration of justice or brought the judicial office into disrepute.

(IV) Whether criminal or other disciplinary charges have been or are reasonably anticipated to be commenced against the judge arising out of the same conduct involved in the disciplinary matter and, if so, the nature and disposition of those proceedings.

(c) *Procedural requirements.*

(I) Under no circumstances shall the Court Administrator act upon a request for reimbursement of counsel fees incurred by a judge in a disciplinary matter until he or she has determined that all possible criminal and disciplinary issues have been finally concluded in all fora having jurisdiction over the judge and a full evaluation of all such criminal or disciplinary matters has been made.

(II) A judge who seeks reimbursement of attorney's fees shall be required to waive confidentiality so that the Judicial Conduct Board and other proper authorities are able to share with the Court Administrator all information relating to actual or potential disciplinary action against the judge. If the judge does not waive confidentiality, the Court Administrator shall deny the judge's request for reimbursement.

(III) In determining under this part whether a judge should be reimbursed attorney's fees incurred in the successful defense against disciplinary charges, the Court Administrator may rely upon the same information that was available to the Judicial Conduct Board and other proper authorities and may consider the evaluation of that information by the Judicial Conduct Board or other proper authority, as well as any determination made by the Court of Judicial Discipline or other tribunal.

(D) Subject to review and approval by the Supreme Court, the Court Administrator shall establish and periodically revise a maximum hourly rate for counsel fee reimbursement and shall develop policies necessary to implement the provisions of this Rule.

(E) If a claim for reimbursement is denied in whole or in part, a judge shall have the right to be heard by a hearing examiner designated by the Court Administrator. The hearing examiner shall issue findings of fact and conclusions of law.

Findings of fact by the hearing examiner shall be made based on the standard of preponderance of the evidence. Appeals from the decision of a hearing examiner shall be as provided by law.

Official Note: See *Yurgosky*, 554 Pa. at 546, 722 A.2d at 637; 42 Pa.C.S. § 763(a)(1).

Comment

In disciplinary matters, judges should contact the Administrative Office of Pennsylvania Courts before retaining counsel if a Notice of Full Investigation by the Judicial Conduct Board has not been issued.

Source

The provisions of this Rule 1922 adopted June 23, 2011, effective immediately, 41 Pa.B. 3719; amended December 29, 2015, effective immediately, 46 Pa.B. 330. Immediately preceding text appears at serial pages (376700) and (357741).

**CONTINUITY OF OPERATIONS, EMERGENCY ACTIONS,
EMERGENCY UNITS AND JUDICIAL SECURITY**

Rule 1950. Definitions.

Emergency—An emergency is an event or events that causes or threatens the destruction or partial destruction of court facilities, significantly interrupts the performance of court operations, or poses a threat to the health or safety of court personnel, court users or the public.

Continuity of Operations—Continuity of operations is the process, during and following an emergency, by which a court maintains at least minimum levels of service.

Court Facility—Court facility includes the courtrooms, judicial chambers, witness rooms, jury deliberation rooms, attorney conference rooms, court administrative offices and any other office or space under the control of or supervised by the judiciary.

President Judge—For the purposes of these Rules, “president judge” refers to the president judge of the judicial district.

Security Incident—A security incident is an event that has the potential to cause, or has in fact caused, personal injury or property damage.

Official Note: See also definitions in Pa.R.J.A. No. 102.

Source

The provisions of Rule 1950 are adopted December 28, 2009, effective immediately, 40 Pa.B. 218.

Rule 1951. Continuity of operations.

(a) Responsibility for Continuity of Operations and Emergency Planning.

(1) The Court Administrator shall establish minimum standards and procedures for continuity of operations and other emergency plans. The standards

shall include procedures for periodic review, including the procedures for conducting exercises to ensure the efficacy of the plan.

(2) The president judge has primary responsibility for planning for the continuity of operations in the event of an emergency, and for implementing such plans in his or her judicial district.

Official Note: See also Pa.R.J.A. No. 1954.

(b) Continuity of Operations Plans.

(1) Pursuant to the standards and procedures established by the Court Administrator in Rule 1951(A)(1), the president judge, in conjunction with the district court administrator and any other relevant individuals designated by the president judge shall, in consultation with county emergency service agencies and other governmental entities, develop a plan to provide for the continuity of court operations during and following the occurrence of an emergency.

(2) The continuity of operations plan shall provide for the continuation or immediate resumption of court business by the most expeditious and practical means possible, consistent with continuity of operations standards as established by the Court Administrator.

(3) The president judge shall be responsible for ensuring that the continuity of operations plan is accurate and updated as needed.

(4) On an annual basis, the president judge shall review the continuity of operations plan and shall certify on a form prescribed by the Court Administrator that the review has taken place and that the plan is accurate and meets the requirements established by the Court Administrator.

Comment

Fires. Floods. Hurricanes, earthquakes and tornados. Terrorist attacks. Pandemics. Nuclear and bio-hazardous accidents (and attacks). The experiences from other states and countries around the world have shown that if any of these events should occur in Pennsylvania, the results could be catastrophic.

State and local governments, and in particular chief judges and court administrators, have learned from the experiences of governments in places where natural and human-made disasters have

occurred, for example: the state and city of New York in the aftermath of the 2001 terrorist attacks; the city of Toronto in Canada's Ontario Province after the 2003 SARS outbreak; the Gulf Coast states, such as Louisiana and Florida in the wake of Hurricane Katrina and other devastating storms; and California, among other states, coping with calamitous wildfires and earthquakes. One lesson learned is that many of the difficulties citizens face during and after an emergency or disaster can be ameliorated if the court system is operational and providing at least its essential functions.

In an attempt to plan and prepare for a wide variety of emergencies that could strike Pennsylvania, the Supreme Court has adopted new Rules of Judicial Administration Nos. 1950—1954. Rules 1951—1953, designed to become operational only in the event of a significant emergency that causes or threatens the disruption of court operations, were derived in part from “judicial emergency” rules and statutes developed in other states such as Florida, California and Louisiana. The Rules specify that the primary authority and responsibility for continuing court operations rests with the Supreme Court and with the president judges of Pennsylvania's 60 judicial districts. Rule 1954 consolidates judicial security practices and directives developed over the past several years.

Rule 1951 formalizes the requirement that each judicial district in Pennsylvania develop and practice emergency and continuity of operations plans. Under this Rule, the Court Administrator of Pennsylvania is responsible for establishing standards and procedures for emergency and continuity of operations plans, and the president judges of Pennsylvania's judicial districts, with the assistance of the district court administrators, are responsible for developing plans for their respective judicial districts. Continuity of operations plans must provide for the continuation or immediate resumption of court business—or at least essential functions—during and immediately following an emergency. The Rule calls for these plans to be reviewed and updated annually.

Source

The provisions of Rule 1951 are adopted December 28, 2009, effective immediately, 40 Pa.B. 218.

Rule 1952. Emergency actions, duties and authorities.

(a) Role of Supreme Court

(1) In the event of an emergency that affects court operations in the Commonwealth or in one or more judicial districts, the Supreme Court shall have the authority to declare a judicial emergency generally or in any judicial district affected by the emergency.

(2) By the declaration of a judicial emergency, the Supreme Court may:

(A) suspend or modify statewide or local procedural or administrative court rules;

(B) suspend time calculations for the purposes of time computation relevant to court cases or other judicial business;

(C) direct a court to sit in a location other than its normal place of operations, including outside of its judicial district;

(D) assign judges or court personnel from outside the affected judicial district;

(E) authorize additional uses of advanced communication technology to conduct court proceedings;

(F) take any action listed in Rule 1952(B)(2)(a)-(r) for an individual or multiple judicial districts; and

(G) take any other necessary administrative action regarding judicial staff, court facilities and operations.

Official Note: See also Pa.R.J.A. No. 1952(B)(2) for actions a president judge may take once a judicial emergency has been declared.

See Pa.R.Crim.P. 103 for the definition of advanced communication technology.

See Pa.R.Crim.P. 118 and 119 for general rules governing the use of two-way simultaneous audio-visual communications in criminal proceedings.

(b) Role of the President Judge

(1) In the event of an emergency, the president judge may request authorization from the Supreme Court to declare a judicial emergency in the judicial district. Such declaration shall remain in effect until such time as it is amended, rescinded, modified or superseded by order of the Supreme Court.

(2) If the Supreme Court authorizes the president judge to declare a judicial emergency in the judicial district, and unless limited by the Supreme Court, the president judge shall have the authority to:

- (A) order the closure of court facilities until safe operations of the court and its offices can be restored;
- (B) order the evacuation of court facilities;

Official Note: Ordering the evacuation of court facilities, when practical under the circumstances, should occur after consultation with members of the local standing court security committee, established under Rule of Judicial Administration No. 1954(A), and relevant law enforcement agencies.

- (C) direct the relocation of court operations to safe locations;
- (D) take necessary action to provide for (i) the safety of court personnel, court users and the public, and (ii) the security of court facilities, financial and cash operations, equipment and records;
- (E) establish a telephone hotline or web site to provide the bench, bar and the public with court and emergency information;
- (F) reassign judges or court personnel within the judicial district as needed to ensure the continuation of operations;

Official Note: See also Rule of Judicial Administration No. 1953 for requests for additional judges from within the Emergency Regional Administrative Unit.

- (G) expand the duties and work hours of staff to handle emergency matters;
- (H) cancel or modify court calendars, subpoenas or other court orders;
- (I) cancel or suspend jury and non-jury trials;
- (J) cancel or suspend jury duty;
- (K) suspend or modify local rules of court and administrative rules or procedures, including personnel policies;
- (L) suspend or modify the time requirements and limitations established by local rule;
- (M) make application to the Supreme Court to temporarily suspend or modify statewide court rules as applied to any case or cases in the judicial district;
- (N) provide for alternative signing, delivery and service of court documents and orders;
- (O) extend the duration of any emergency or temporary order (for example, protection from abuse order) issued by a judge or magisterial district judge in the judicial district;
- (P) assign custodial responsibility for court funds;

(Q) ensure compliance with any Federal, State or local emergency declarations;

(R) order the full or partial implementation of the continuity of operations plan established pursuant to Rule of Judicial Administration No. 1951; and

(S) request additional emergency judicial orders from the Supreme Court as the needs of justice require.

(3) The president judge shall immediately notify the Court Administrator of any emergency occurring within his or her court or judicial district that causes the closure of court facilities, causes the temporary suspension of court operations or causes the full or partial implementation of the court's continuity of operations plan.

(4) Requests for emergency judicial orders pursuant to Rule 1952(B)(1) or 1952(B)(2)(s) shall be made to the Court Administrator on a form substantially similar to the one appended to this Rule. Upon receiving a request for an emergency judicial order, the Court Administrator shall immediately transmit said request to (1) the Chief Justice of Pennsylvania or another Justice designated by the Chief Justice and (2) to the Supreme Court Prothonotary. Emergency judicial orders may be signed by the Chief Justice or another Justice designated by the Chief Justice to handle emergency applications for relief. Facsimile signatures may be used in lieu of original signatures on emergency judicial orders. Objections to emergency judicial orders from the Supreme Court shall be transmitted to the Supreme Court Prothonotary in a manner prescribed by the Supreme Court.

(5) During an emergency, the provisions of any statewide procedural rules that require submission of local rules, including administrative orders, to the Supreme Court, the Administrative Office of Pennsylvania Courts, a statewide procedural rules committee, or the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*, shall not apply to any local rules or administrative orders issued in response to the emergency. The president judge of the affected judicial district shall inform the Supreme Court of any local rule or administrative order issued under this paragraph as soon as practicable.

Official Note: See Pa.R.J.A. No. 103(c) and (d) for local rule adoption procedures.

(c) Role of the Court Administrator

(1) The Court Administrator shall render such assistance as practicable and proper to judicial districts affected by an emergency and to assist in the continuity of operations.

(2) The Court Administrator shall coordinate efforts of the Unified Judicial System to provide relief to judicial districts affected by an emergency, including providing available resources and personnel from other judicial districts.

Official Note: See also Pa.R.J.A. No. 701.

(3) The Court Administrator shall provide information concerning the emergency to appropriate governmental and non-governmental entities in a timely manner.

(4) In the event the Court Administrator is notified of an emergency that causes the temporary closure of court operations, the Court Administrator shall immediately advise the Chief Justice of Pennsylvania, the Governor, the President Pro Tempore of the Pennsylvania Senate and the Speaker of the Pennsylvania House of Representatives of such emergency.

Official Note: See Pa.R.J.A. No. 1952(B)(4) regarding requests for emergency judicial orders.

(5) All requests for emergency judicial orders submitted to the Supreme Court, all emergency judicial orders issued by the Supreme Court, and all emergency judicial orders issued by president judges shall, to the extent possible and practical under the circumstances, be promptly and conspicuously posted on the Unified Judicial System web site.

(d) Role of the District Court Administrator

(1) The district court administrator shall assist the president judge in planning for emergencies and for the continuation of court operations in the event of an emergency.

Official Note: See Pa.R.J.A. Nos. 1951(A)(2) and (B)(1) for the development of continuity of operations plans.

(2) In the event of an emergency, the district court administrator shall assist the president judge in implementing continuity of operations plans.

Official Note: See Pa.R.J.A. No. 1951(A)(2) for the president judge's authority to implement continuity of operations plans.

(3) In the event of an emergency, unless otherwise specified in the continuity of operations plan, the district court administrator shall:

(A) gather information from state and local officials, health and safety personnel, and any other relevant individuals or information sources to advise the president judge if the continuity of operations plan should be activated;

(B) prepare the continuity of operations plan notification for approval by the president judge and disseminate the notification;

(C) coordinate court personnel and resource deployment to an alternate facility;

(D) assist the sheriff and courthouse security in the movement of jurors, prisoners and the public, and assist with the general security of court and alternate facilities;

(E) ensure that all emergency judicial orders are promptly posted conspicuously in the affected judicial district and that they are transmitted to the Court Administrator in as prompt a manner as circumstances permit;

(F) manage alternate facility operations;

(G) provide timely information to the president judge and Court Administrator on the performance of court operations;

(H) ensure personnel issues are addressed and resolved; and

(I) confirm and communicate to the president judge when the emergency situation has ended.

(4) Once normal court operations are resumed, the district court administrator shall communicate with judges, staff and other appropriate individuals and entities to develop an after-action report to be transmitted to the Court Administrator and in conjunction with the continuity of operations plan review mandated in Rule of Judicial Administration No. 1951(B)(4).

Comment

Rule of Judicial Administration No. 1952 clarifies a non-exhaustive list of actions the Supreme Court may order during an emergency. In addition to declaring a “judicial emergency” in one or several judicial districts, the Rule specifies numerous judicial and administrative actions the Supreme Court may order to continue and protect the judicial process, as well as the rights of litigants and the public. In addition, Pa.R.J.A. No. 1952 details the role of the president judges during and after an emergency. Under this Rule, and subject to Supreme Court approval and oversight, the president judges of each judicial district are given wide authority to order that extraordinary measures be taken to protect the public, court users and staff and to continue court operations during and after an emergency.

IN THE SUPREME COURT OF PENNSYLVANIA

In Re: _____ Judicial District—Request for Emergency Judicial Order

1. _____, President Judge of the ____ Judicial District, hereby requests the following relief by Order of the Supreme Court:

a. Authorize the president judge to declare a judicial emergency in this judicial district and take any actions authorized by Pa.R.J.A. No. 1952(B)(2).

b. Suspend or modify statewide procedural or administrative rules in this judicial district as follows:

1. Suspend time calculations for the purposes of time computation within this judicial district for the filing of documents with the court or taking other judicially mandated action. Beginning date _____, ending date _____.

2. Authorize the expanded use of advanced communication technology to conduct court proceedings as follows:

3. Suspend or modify other statewide procedural or administrative rules as follows:

c. Grant other relief as follows:

2. The circumstances necessitating this request for an emergency judicial order are as follows:

3. To the extent possible and practical under the circumstances, notice of this request for an emergency judicial order has been or will be:

____ posted in the courthouse or other judicial office

____ posted on the court’s or county’s web site

____ posted on the county bar association’s web site

____ submitted to the Administrative Office of Pennsylvania Courts for publication pursuant to Rule of Judicial Administration No. 1952(C)(5)

____ published in the legal publication designated by the court for publication of legal notices

____ published in a newspaper of general circulation within the county

4. Interested parties are advised that objections to any emergency judicial order issued by the Supreme Court should be transmitted to the Supreme Court Prothonotary.

Signed:

Dated:

Source

The provisions of Rule 1952 are adopted December 28, 2009, effective immediately, 40 Pa.B. 218; amended June 28, 2016, effective August 1, 2016, 46 Pa.B. 3790. Immediately preceding text appears at serial pages (357743) to (357747).

Rule 1953. Emergency regional administrative units.

(a) Within sixty (60) days of the adoption of this Rule, the Court Administrator shall recommend to the Supreme Court the number and designation of “emer-

gency regional administrative units,” ensuring that every judicial district in the Commonwealth is included within an “emergency regional administrative unit” with one or more neighboring judicial districts.

Official Note: The units created pursuant to this rule are similar to those created pursuant to Pa.R.J.A. No. 701(E).

(b) In the event of an emergency affecting any court’s operations, causing the partial or full implementation of a court’s continuity of operations plan under Rule 1951, or if the Supreme Court or president judge declares a judicial emergency under Rule 1952 (A)(1) or (B)(1), the president judge of the affected judicial district or districts may activate the respective emergency regional administrative unit by providing notice to the Court Administrator. Once activated, judges and magisterial district judges may be temporarily assigned to another judicial district within the emergency regional administrative unit as if the judicial districts were operating within a unit created under Pa.R.J.A. No. 701(E).

(c) All judges and magisterial district judges assigned to another judicial district pursuant to this Rule shall have the same power and authority as that vested in a judge or magisterial district judge of that judicial district.

Official Note: See also Pa.R.J.A. No. 701(E).

(d) Whenever a judge or magisterial district judge is assigned to another judicial district pursuant to this Rule, notice shall immediately be sent to the Court Administrator of Pennsylvania.

(e) All expenses of any jurist assigned to another judicial district pursuant to this Rule shall be reimbursed as provided by law.

Comment

Rule 1953 is designed as a companion to Rule of Judicial Administration No. 701(E). Pursuant to Rule 701(E), president judges may petition the Supreme Court to combine with other judicial districts and form “regional administrative units.” Within each regional administrative unit, judges from one judicial district may be temporarily assigned to another judicial district within the unit without first obtaining a judicial assignment order from the Supreme Court. At present, only about half of Pennsylvania’s 60 judicial districts are included within a Rule 701 regional administrative unit. Rule 1953 authorizes the creation of “Emergency Regional Administrative Units” covering all of Pennsylvania’s 60 judicial districts. Through this Rule, in the event of an emergency judges and magisterial district judges from one judicial district within an emergency regional administrative unit may be assigned to another judicial district within the unit without first obtaining a Supreme Court order authorizing the temporary assignment. The Rule directs the Court Administrator of Pennsylvania to recommend to the Supreme Court the number and designation of emergency regional administrative units within 60 days of the adoption of this new Rule.

Source

The provisions of Rule 1953 are adopted December 28, 2009, effective immediately, 40 Pa.B. 218.

Rule 1954. Judicial security.

(a) The president judge of each judicial district shall establish a local standing court security committee. The duties of the local standing court security committee shall be to:

- (1) make recommendations to the president judge on protocols, policies and procedures necessary to protect the public, court personnel and court facilities in the event of an emergency;
- (2) communicate the approved protocols, policies and procedures identified in Rule of Judicial Administration No. 1954(A)(1) to all court employees;
- (3) review and assess all security incident reports specified in Rule of Judicial Administration No. 1954(B) and recommend to the president judge appropriate actions; and
- (4) develop and recommend to the president judge training programs for court employees on safety and security awareness.

Official Note: When forming local standing court security committees, president judges should consider a variety of court and county employees as well as public officials whose positions, experience and authority would benefit court security decisions. While not an exhaustive list, the president judge may consider: a member of the county executive branch, the district court administrator, a magisterial district judge, an individual responsible for county and court records, an individual responsible for courthouse security, a courthouse facility or risk manager and a member of county or local law enforcement.

(b) The president judge shall ensure that all reporting requirements of the Pennsylvania Judicial Incident Reporting System (“PAJIRS”) are completed by the district court administrator or his or her designee no later than the close of business on the day that any reportable action occurs.

(c) The president judge shall ensure the completion of court facility security assessments as identified in the Unified Judicial System Court Safety and Security Manual and as prescribed by the Court Administrator.

(d) The president judge shall establish court security protocols, policies and procedures to be implemented in the event of an emergency, including, but not limited to: fire, natural disaster, “white powder” or other human-made emergency or disaster, and escaped prisoner and hostage situations. The president judge shall ensure that all employees receive training on how and when to implement such protocols, policies and procedures. All policies and procedures identified in this Rule shall be reviewed and updated annually.

Comment

Rule 1954 addresses court security and formalizes the creation of local standing court security committees. These committees, which have existed in every judicial district since at least 2005, are appointed by the president judges. They make recommendations to the president judge on protocols, policies and procedures which should be implemented to protect the public, court personnel and court facilities in the event of an emergency, and the president judge must establish such security protocols, policies and procedures for the judicial district. In addition, each local standing court security committee is charged with reviewing court security incident reports collected through PAJIRS, which was

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implemented in 2005 for magisterial district courts and 2007 for common pleas courts, and making appropriate recommendations to the president judge based on those reports. Finally, Rule 1954 directs the president judges of Pennsylvania's judicial districts to complete and annually update court facility security assessments.

It is hoped that a significant natural or man-made emergency never impacts Pennsylvania. However, through the framework provided in Rules 1950—1954, should an emergency occur, Pennsylvania Courts will be prepared to provide at least minimum services, including all essential court functions, both during and after the emergency, to better protect and serve Pennsylvania's citizens.

Source

The provisions of Rule 1954 are adopted December 28, 2009, effective immediately, 40 Pa.B. 218.

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