



DCBA Town Hall Virtual Meeting
With Dauphin County Court
9-11-2020
Summary

1. Welcome by Lisa Benzie at 12 noon via Zoom
2. Brief introduction to Zoom and Meeting Protocols by Patrice Merzanis
3. Updates from the Court: President Judge John F. Cherry; Judge John J. McNally; Judge Royce L. Morris; and District Court Administrator Deborah S. Freeman

Questions & Answers

QU: On the resumption of jury trials, have you established "what if" protocols? For instance, what if a juror tests positive during the trial or becomes symptomatic; or what if a key witness tests positive; or what if a family member of a trial participant tests positive?

- A. Jury trials have begun and are working smoothly thanks to assistance from Deb Freeman and other Court staff. Protocols – everyone entering the Courthouse will wear a mask, have their temperature taken, answers symptom questions (if answering yes to symptom questions, no admittance). All jurors and courtroom participants wear masks and are social distanced. If a juror tests positive, they would be replaced by an alternate. Jurors are questioned each day for symptoms and also asked about their comfort level in continuing. If juror expresses fear in going forward they would be excused. Entire courtroom is sanitized each evening along with staff sanitizing during lunchtime anywhere someone has been seated and the surrounding area. Every precaution is being taken. If a key witness comes down ill and they are able, their testimony would be done by video. The Court hopes lawyers are verifying their witnesses have the correct information on participation and notifying participant they cannot attend in person if scheduled by video, if that is the Judge's courtroom policy at the time.

QU: Since the postal service often will not get signature on certified mail receipts, but rather write COVID on the green card and return it, will the Court acknowledge that as service or accept Federal Express or UPS as an alternative?

- A. The Court will accept UPS or Fed Express as alternative. If the postal service writes COVID on the certified mail return receipt card that is okay. Everyone should also be sending that notification by general postal mail. If postal mail is not returned, it is presumed received. Under this situation, it calls upon attorneys to take an extra step to communicate to other counsel and to let their client know of the scheduled court date.

QU: The Emergency Order has expired, to the best of my knowledge, does that mean we are back to normal? Is there consistency as to in person v. remote between judges or each judge deciding their own preferences?

- A. The Judicial emergency has expired. Nothing is normal. Courthouse staff has done an amazing job getting things back to normal. No consistency with Judges how they are running their courtroom, check in with the individual Judge for their preference. Settlement conferences are primarily held in person. Status conferences may presume are remote, but check with the Judge.

QU: How often are the Judge's using remote proceedings? Will a request for remote by and attorney be honored? If an attorney requests remote, will all then be remote, as opposed to some in person and others remote?

- A. Many proceedings are being done by video or phone. Those include juvenile, PFA hearings, ex parte and the final hearings, status conferences, discovery matters, miscellaneous criminal matters, divorce master hearings, custody conference matters, but is determined by the Judge. Scheduling of part remote and part live attendance does not work for the court reporters.

QU: What can an attorney expect when arriving to the Courthouse? Temps, masks, must you have an appointment, etc.?

- A. Attorneys are encouraged to enter the building at the rear Courthouse entrance, will be asked COVID symptom questions, wear a mask, and have their temperature checked. Courthouse and row offices are open. If entering the front of the building you will be asked if you have an appointment to verify your name is on the list for entrance, then proceed directly to courtroom assigned. Instruct witnesses and clients to arrive early due to possible backup at front entrance. Courtroom set ups vary by the Judge and layout of the room for proper social distancing. The Court requests attorneys to limit the number of representatives in the proceedings and to remind witnesses they will be sequestered due to social distancing requirements. Notify the Court in advance, if any witness cannot sequester. Judges encourage attorneys to stop by to see them as they want to maintain contact with you.

QU: Will jurors wear face shields or take of masks when answering questions to allow attorneys to properly assess the answers and use their strikes?

- A. Jurors wear masks at all times. Hand held microphones will be used (held by staff) so everyone can hear responses. The Court realizes it is important to see the jury's

expressions, but we want the juror to feel safe by keeping their masks on. All juror selection is done downstairs. In addition to overnight sanitization, staff will also complete morning and afternoon sanitization.

QU: How will compulsory arbitrations be conducted in the future?

- A. They are being done by video and will continue to be moving forward. The Court noted status conferences by video are moving much quicker. Children & Youth termination of rights hearings are going well.

QU: Attorneys are adapting to video remote hearings and have developed their own ideas of what to do and how to do it. From the perspective of the Bench what are we doing wrong and what can we do better?

- A. If being held remotely, and the attorney is not going to be there with the client or witness, attorney should make sure client, witness, and the Court have all the exhibits that are going to be introduced and that the person in possession of them has the ability to share their screen and keep exhibits in order. All attorneys should know how to Share Screen in Video Conference. The DCBA has two quick Zoom tips. For Zoom Screen Sharing click [here](#) and Zoom Rooms click [here](#).

Make sure clients and witnesses are aware they will be seen and to dress appropriately and try to have a quiet location without distractions. Client or witness cannot have someone off camera coaching them on what to say during testimony. This is not allowed in Court and is the same for video or phone. There is an opportunity to place the attorney and client in a separate video room to adequately protect the attorney client privilege but not on the witness stand. The consultation would happen before or after they are done testifying. If client or witness can read lips, this information should be disclosed to the Court in advance. Clients should mute their phone when not testifying.

Closing remarks from the court:

Judge Morris thanked the Family Law practitioners for being patient with the video hearings and has been pleasantly surprised how everyone had adapted and that parties have been gracious to each other. Thank you for moving these cases forward.

Judge Cherry thanked Judge Evans for his work moving cases along with other members of the Court staff, for the organizational process with setting trials and jury dates. In particular, in the past the Court had a problem with getting cases to trial. Judge Evans is holding attorneys' feet to the fire and moving cases to trial and being resolved. The Court held 13 cases last month.

Judge Cherry appreciates the time to talk to everyone and misses the interaction between the Bar and members of the Bar Association.