



ADMINISTRATIVE OFFICE of PENNSYLVANIA COURTS

TO: All President Judges and District Court Administrators

FROM: Geoff Moulton *GM*
Court Administrator of Pennsylvania

DATE: July 7, 2020

RE: Order of the Secretary of Health Requiring Universal Face Coverings

As we advised last week, the Secretary of Health on July 1, 2020, issued an Order requiring all individuals (subject to limited exceptions) to wear face coverings when interacting with others outside their household. See <https://www.governor.pa.gov/wp-content/uploads/2020/07/20200701-SOH-Universal-Face-Coverings-Order.pdf>.

Since we issued our advisory, AOPC has received several inquiries about the application of the Secretary's Order to courts and courthouses. Unlike previous orders, there are no general exceptions in the Secretary's Order for local governments or other government entities, including counties and courts. In fact, the Department of Health (DOH) on July 3 posted on its website an FAQ that states explicitly that the Secretary's Order applies to individuals "inside and outside of local government facilities, **court houses**, and other government buildings." See <https://www.health.pa.gov/topics/disease/coronavirus/Pages/Guidance/Universal-Masking-FAQ.aspx> (bolding added).

The Secretary of Health issued the Order under authority granted to her by Section 5 of the Disease Prevention and Control Law of 1955 (35 P.S. § 521.5), Sections 2102(a) and 2106 of The Administrative Code of 1929 (71 P.S. §§ 532(a) and 536), and DOH regulations at 28 Pa. Code §§ 27.60-.68. ***In the interest of public health and safety, and in light of recent reports of transmission within court houses, AOPC strongly recommends adherence to the Secretary's Order, including inside courtrooms.***

Of course, compliance with the Secretary's Order in a manner consistent with the needs of a judicial proceeding necessarily requires that courts and judges exercise judgment and discretion. For example, the mandate to wear face coverings can be implemented and enforced only in such manner that enables those who are required to speak (*e.g.*, attorneys, witnesses, the judge) to do so intelligibly and effectively. In addition to social distancing, a court also might consider forms of face coverings (face shields) or other measures (such as transparent barriers) that simultaneously facilitate effective communication and personal protection of all in the courtroom.

Please let us know if you have questions or concerns.

cc: Andrea B. Tuominen, Esq.
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