

**COURT OF COMMON PLEAS OF MONROE COUNTY
COMMONWEALTH OF PENNSYLVANIA
43RD JUDICIAL DISTRICT**

RE: Administrative Order 2012. 5

No. AD

To certify that this is a true and correct copy	
of	<u>Court Order</u>
Certified From the Record this	<u>24th</u> Day of
	<u>August</u> A.D. 2012
Court of Common Pleas of Monroe County Forty-Third Judicial District Commonwealth of Pennsylvania George J. Warian, Prothonotary	
By:	<u>Brandon M. Kirby</u>

ORDER

And Now, this 24th day of August, 2012, in order to comply with the specific coverage requirements of Pa.R. Crim.P. 117 for Magisterial District Judges, the following schedule for coverage is adopted:

1. Normal Business Hours

- (a) Normal business hours shall be Monday through Friday from 8:30 a.m. to 4:30 p.m. except when a Court holiday has been declared on such day.
- (b) All court proceedings normally conducted before a Magisterial District Judge, which occur during normal business hours of the Court, shall be conducted by the appropriate Magisterial District Judge as determined by the rules relating to venue.
- (c) The Magisterial District Judge shall be available for all court proceedings without unreasonable delay during normal business hours for the purpose of accepting the posting of a defendant's bail, performing preliminary arraignments, and issuing warrants.
- (d) The Magisterial District Judge shall use advanced communication technology in execution of his or her duties. Each Magisterial District Judge, as an "issuing authority" under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

- (e) Priority of judicial business demands prompt and proper attention by Magisterial District Judges before partaking in any other endeavor, pursuant to Rule 3(A) of Rules Governing Standards of Conduct of Magisterial District Judges. If a magisterial district judge will not be available within one hour of any request for service, that Judge shall have pre-arranged judicial coverage from a cooperating Judge who will immediately meet the judicial responsibilities of the requesting absent Judge. The arrangement of judicial coverage shall be in writing by any method of communication and shall not exceed eight continuous hours of coverage. A copy of

all communications for coverage shall be made immediately available to the Magisterial District Judge Court Administrator upon request.

2. Duty Magisterial District Judge

- (a) The Duty Magisterial District Judge is the MDJ assigned by the MDJ court administrator to conduct business outside of normal business hours.
- (b) The Magisterial District Judge Court Administrator shall establish a rotating schedule assigning a Duty Magisterial District Judge to be on-call outside of the normal business hours of the Court to fulfill all duties of an issuing authority within the 43rd Judicial District, Monroe County, as required by the Rules of Criminal Procedure and the Protection from Abuse Act.
- (c) On weekdays when the Court is open for business, the Duty Magisterial District Judge shall commence their duty at 4:30 p.m. until 8:30 a.m. the following morning. At any time during weekends and holidays the Magisterial District Judge shall be on duty from 4:30 p.m. the day their duty starts until 8:30 a.m. when the court next opens for business.
- (d) The Duty Magisterial District Judge shall use advanced communication technology in execution of his or her responsibilities. Each Magisterial District Judge, as an "issuing authority" under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

3. Preliminary Arraignments Outside Normal Business Hours

- (a) Weekdays – When an individual is placed under arrest by law enforcement and requires arraignment:
 - 1. The Duty Magisterial District Judge shall be contacted by the Monroe County Control Center and be available to conduct preliminary arraignments between the hours of 4:30 p.m. and 11:00 p.m. without unreasonable delay.
 - 2. Between the hours of 11:00 p.m. and 8:30 a.m. the on-call MDJ may defer the performance of Rule 117(A)(2)(a) services until no later than 9:00 a.m. the following morning.
 - 3. The Magisterial District Judge shall use advanced communication technology in execution of his or her duties. Each Magisterial District Judge, as an "issuing authority" under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an

individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

(b) Saturdays, Sundays and Holidays – When an individual is placed under arrest by law enforcement and requires arraignment:

1. The Duty Magisterial District Judge shall be contacted by the Monroe County Control Center and shall be available to conduct preliminary arraignments between the hours of 8:30 a.m. and 11:00 p.m. without unreasonable delay.
2. Between the hours of 11:00 p.m. and 8:30 a.m., the duty Magisterial District Judge may defer the performance of Rule 117(A)(2)(a) services until no later than 9:00 a.m. the following morning.

(c) The Magisterial District Judge shall use advanced communication technology in execution of his or her duties. Each Magisterial District Judge, as an “issuing authority” under Pennsylvania Rules of Criminal Procedure 203, 513 and 540, shall have the discretion, in a particular case or situation, to require on an individual case basis an individual to appear in person, rather than to conduct said judicial business using advanced communication technology.

The Magisterial District Judge shall not, as a matter of discretion, have the right to make a blanket refusal to utilize advanced communication technology in all such cases.

4. Bail Outside Normal Business Hours

Monetary bail shall be posted outside of normal business hours at the Monroe County Correctional Facility. The Warden of the Monroe County Correctional Facility, or her designee in charge, shall be authorized to accept bail deposits as provided in Rule 117, having the defendant sign the bail bond, releasing the defendant and delivering the bail deposit and bail bond to the issuing authority or to the Clerk of Courts.

After hour bail deposits must be in the form of cash, money order or bail bond. The posting of \$10,000.00 or more in cash shall require the submission of IRS Form 8300. All persons wishing to post bail after hours shall contact the Monroe County Correctional Facility at (570) 992-3232.

5. Warrants

The Duty Magisterial District Judge shall be available at all times during the week after normal business hours and at all times during weekends and holidays without unnecessary delay to issue search warrants pursuant to Pa.R.Crim.P. 203, arrest warrants pursuant to Pa.R.Crim.P. 513 and emergency orders under the Protection from Abuse Act.

Advanced communication technology may be utilized to submit the warrant application and affidavit(s) and to issue warrants in accordance with the requirements of Rules 203 and 513.

Each Magisterial District Judge shall be responsible for processing his or her summary warrants outside of normal business hours.

6. PFA

When an individual seeks an emergency protection from abuse order outside normal business hours, the Duty Magisterial District Judge shall, without unreasonable delay, speak with the Plaintiff by phone to establish a time when the individual will be available for hearing. At the agreed time, the Duty Magisterial District Judge shall receive the petition for relief, conduct an ex-parte hearing, and either issue or deny the requested order.

7. Juvenile Offenders

The Duty Magisterial District Judge shall be the designated issuing authority for purposes of Pa. R.J.C. P. 210(A) outside normal business hours.

IT IS ORDERED that one (1) certified copy of this Order shall be filed with the Administrative Office of Pennsylvania Courts; that two (2) certified copies and one (1) diskette shall be filed with the Legislative Reference Bureau for publication in the *Pennsylvania Bulletin*; that one (1) certified copy shall be filed with the Criminal Procedural Rules Committee of the Supreme Court of Pennsylvania; that this local rule be published on the Unified Judicial System's web site at <http://ujportal.pacourts.us/localrules/ruleselection.aspx>; one copy to the *Monroe County Legal Reporter* for publication, and that one copy shall be filed with the Clerk of Courts – Criminal of the Court of Common Pleas of Monroe County.

The effective date of this Order shall be 60 days after publication in the *Pennsylvania Bulletin*.

BY THE COURT


MARGHERITA PATTI WORTHINGTON, P.J.

Cc: All District Courts
MDJ Court Administration
Clerk of Courts
District Attorney
Public Defender
Sheriff

Monroe County Correctional Facility
Monroe County Central Booking Center
Monroe County Control Center
Women's Resources of Monroe County
District Court Administrator

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MONROE COUNTY