



CAPTION

In re: 45th Judicial District - Request for Emergency Judicial Order

(Lackawanna County)

CASE INFORMATION

Initiating Document: Petition for Relief Pa.R.A.P. 123

Case Status: Decided/Active

Journal Number:

Case Category: Civil Case Type(s): Other

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Pro Se: Barrasse, Hon. Michael J.
 Address: Lackawanna County Court of Common Pleas
 200 N. Washington Avenue
 Scranton, PA 18503

Receive Mail: Yes

Pro Se: Barrasse, Hon. Michael J., Petitioner
 Pro Se: Yes
 IFP Status:

Attorney: Castellano, Frank P.
 Address: Court Administrator's Office
 200 N Washington Ave
 Scranton, PA 18503-1551

Phone No: (570) 963-6773

Receive Mail: Yes

Representing: Court Administrator of Lackawanna County, Participant
 Pro Se: No
 IFP Status:

Attorney: Moulton, H. Geoffrey
 Pennsylvania Supreme Court

Address: Supreme Court Of Pa
 601 Commonwealth Ave Ste 6100 Po Box 62545
 Harrisburg, PA 17106

Phone No: (717) 231-3283

Receive Mail: Yes

Representing: Court Administrator of Pennsylvania, Participant
 Pro Se: No
 IFP Status:



FEE INFORMATION					
Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt

AGENCY/TRIAL COURT INFORMATION		
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Court Below:	Lackawanna County Court of Common Pleas	
County:	Lackawanna	Division: Lackawanna County Civil Division
Date of Agency/Trial Court Order:		
Docket Number:	.	
Judge(s):	Barrasse, Michael J.	OTN:
Order Type:		

ORIGINAL RECORD CONTENT		
Original Record Item	Filed Date	Content/Description

Record Remittal:

DISPOSITION INFORMATION			
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Related Journal No:		Judgment Date:	
Category:	Decided	Disposition Author:	Saylor, Thomas G.
Disposition:	Order Granting Application for Relief Pa.R.A.P. 123	Disposition Date:	March 17, 2020
Dispositional Filing:		Author:	
Filed Date:			

DOCKET ENTRY			
Filed Date	Docket Entry / Representing	Participant Type	Filed By

March 16, 2020	Request for Emergency Judicial Order	Petitioner	Barrasse, Hon. Michael J.
March 16, 2020	Emergency Judicial Order Dated March 16, 2020	Petitioner	Barrasse, Hon. Michael J.
March 17, 2020	Order to the Request for Emergency Judicial Order		Saylor, Thomas G.

Comments:

AND NOW, this 17th day of March, 2020, the Request for Emergency Judicial Order by the Honorable Michael J. Barrasse, President Judge of the Forty-Fifth Judicial District, is GRANTED IN PART. Relief is DENIED as to Paragraph 1(b)(1), to the extent that it seeks to suspend time calculations irrespective of constitutional restrictions, and Paragraph 1(b)(2), to the extent that it seeks to suspend Rule of Criminal Procedure 119(A)(7), insofar as that rule protects a defendant's constitutional right to be physically present. In all other respects, the application is GRANTED, as the remaining requested relief is consistent with this Court's order declaring a General Statewide Judicial Emergency, see 531 Judicial Administration Docket (order dated March 16, 2020) (detailing, inter alia, certain authority President Judges



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
	have following a declaration of a judicial emergency, subject to constitutional limitations).		
March 17, 2020	Order Exited		Office of the Prothonotary
March 20, 2020	13 Administrative Orders received 3-20-2020	Petitioner	Barrasse, Hon. Michael J.
April 1, 2020	Administrative Order dated 4-1-2020	Petitioner	Barrasse, Hon. Michael J.
April 3, 2020	Administrative Order dated 4-2-2020	Petitioner	Barrasse, Hon. Michael J.
April 3, 2020	Administrative Order dated 4-3-2020	Petitioner	Barrasse, Hon. Michael J.
April 20, 2020	Administrative Order dated 4-20-20	Petitioner	Barrasse, Hon. Michael J.
May 29, 2020	Administrative Order dated 5-29-20	Petitioner	Barrasse, Hon. Michael J.
June 26, 2020	Administrative Order dated 6-26-20	Petitioner	Barrasse, Hon. Michael J.
September 1, 2020	Administrative Order dated 9-1-20	Petitioner	Barrasse, Hon. Michael J.
October 26, 2020	Administrative Order dated 10-21-20	Petitioner	Barrasse, Hon. Michael J.
October 29, 2020	Application to Suspend or Modify State Rule 221	Petitioner	Barrasse, Hon. Michael J.



DOCKET ENTRY

Filed Date	Docket Entry / Representing	Participant Type	Filed By
November 4, 2020	Order Granting Application to Suspend or Modify State Rule 221		Per Curiam

Comments:

AND NOW, this 4th day of November, 2020, the Application by the 45th Judicial District to Suspend or Modify State Rule 221, seeking permission to reduce or eliminate the number of peremptory challenges permitted in civil matters, see Pa.R.C.P. No. 221, is GRANTED, subject to the following qualifications:

1. The judge presiding over the jury selection process is to announce his or her intent to reduce or eliminate the number of peremptory challenges authorized by Rule of Civil Procedure 221 at the beginning of voir dire; such announcement shall specify the number of peremptory challenges the parties will be permitted to exercise with respect to that venire;
2. The judge presiding over the jury selection process is to memorialize, via a written order, any reduction or elimination of the number of peremptory challenges; that written order shall be placed on the docket of that particular case; and
3. The reduction or elimination of the number of peremptory challenges shall be effectuated in a manner designed to achieve fairness between or among the parties. See *Leaphart v. Whiting Corp.*, 564 A.2d 165, 169 (Pa.Super. 1989) ("[O]nly when the trial court's allocation of strikes failed to result in a fair distribution of challenges, will we find an abuse of discretion and, consequently, reversible error.") (quotation omitted); cf. Pa.R.C.P. No. 221 (providing that peremptory challenges are to be exercised in alternating turns, so that "a fair distribution of challenges" is achieved).

This order shall remain in effect no longer than the duration of the judicial emergency in the 45th Judicial District. Interested parties may object to this Court's order no later than noon on November 12, 2020. Objections shall be filed at the above docket number and served on the District Court Administrator of the Forty-Fifth Judicial District.

November 4, 2020 Order Exited

Office of the Prothonotary