

WHEREAS, on May 26, 2020, the Courts Reopening Committee established by the Chief Justice submitted an interim report recommending a four-phase approach to reopening the courthouses to additional employees and the public;

WHEREAS, in an order dated June 5, 2020 (“Administrative Order No. 7”), the Chief Justice accepted the recommendations of the Courts Reopening Committee and the Justice of the Peace Court for reopening;

WHEREAS, Phase 1 of the Reopening Plan commenced on June 8, 2020, and Phase 2 of the Reopening Plan commenced on June 15, 2020;

WHEREAS, the Courts Reopening Committee submitted to the Chief Justice, in August 2020, a plan for resuming jury trials (“Jury Management Plan”) attached as Exhibit 1 to an order dated September 4, 2020 (“Administrative Order No. 10”);

WHEREAS, on September 4, 2020, the Chief Justice accepted the Jury Management Plan, and, subject to further review if COVID-19 conditions deteriorated, determined that Phase 3 of the Reopening Plan, as set forth in Administrative Order No. 10, would commence on October 5, 2020;

WHEREAS, on October 5, 2020, Phase 3 of the Reopening Plan, as modified in Administrative Order No. 10 commenced;

WHEREAS, on November 16, 2020, in light of the deterioration of COVID-19 conditions in the State, the Chief Justice ordered the courts to postpone jury trials and transition back to Phase 2 of the Reopening Plan (“Administrative Order No. 13”);

WHEREAS, COVID-19 continues to pose a serious risk to public health and safety of Delawareans, requiring the courts to continue taking steps to reduce the risk that COVID-19 poses to jurors, parties, witnesses, lawyers, judges, and court staff and the public who enter judicial facilities; and

WHEREAS, the Chief Justice, in consultation with the other members of the Supreme Court, the presiding judges, and health experts, has determined that extension of the judicial emergency is necessary;

NOW, THEREFORE, IT IS ORDERED that:

- (1) Under the authority of 10 *Del. C.* § 2004, the judicial emergency for all State courts and their facilities in Delaware is extended for another 30 days effective February 3, 2021, subject to further review.
- (2) The courts shall continue to operate under Phase 2 of the Reopening Plan as set forth in Administrative Order No. 7 and Administrative Order No. 13;
- (3) In light of the continuing threat COVID-19 poses to public health, all courts in the State are authorized, to the greatest extent possible under 10 *Del. C.* § 2008, to continue to utilize audiovisual devices at their facilities and remotely to conduct proceedings (except for jury trials) for the duration of this order.
- (4) During the period of judicial emergency, all time requirements under the Speedy Trial Guidelines are tolled.
- (5) Administrative Order No. 3 regarding the suspension of any requirements for sworn declarations, verifications, certificates, statements, oaths, or affidavits in filings with the Supreme Court, the Court of Chancery, the Superior Court, the Family Court, the Court of Common Pleas, or the Justice of the Peace Court will remain in effect.
- (6) Each courthouse shall continue to provide a method, such as a dropbox or mailing address, for attorneys and the public to fill out and file paper documents if electronic filing is not available to them. For such cases, the courts shall continue to provide, when practical, an email address for attorneys and the public to email paper documents which will be considered filed with the court when received.
- (7) The Clerk of the Court is directed to transmit forthwith a certified copy of this Order to the clerk of each trial court in each county.

BY THE CHIEF JUSTICE:

/s/ Collins J. Seitz, Jr.
Chief Justice