



O'Donnell, Weiss & Mattei, P.C.



OWM Law Special Newsletter

April 9, 2020

COVID-19 Additional Information

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Chester County Court of Common Pleas During COVID-19

In response to COVID-19, the Pennsylvania Supreme Court has issued a statewide judicial emergency Order on March 18, 2020, requiring all Pennsylvania courts to be generally closed to the public. On April 1, 2020, the Pennsylvania Supreme Court entered a supplemental Order extending the statewide judicial emergency through April 30, 2020. This includes the staying of all evictions in residential landlord/tenant matters.

In light of the Pennsylvania Supreme Court's Order, the Chester County Court of Common Pleas has modified how the court system operates during this time. All non-essential cases have been postponed through April 30, 2020; this includes the cancellation of all jury and non-jury trials, both civil and criminal.

Most importantly, criminal defendant's right to a speedy trial pursuant to Pennsylvania Rule of Criminal Procedure 600 has been suspended. Although a defendant still has a constitutional right to a speedy trial pursuant to both the United States and Pennsylvania Constitutions, the time period effected by the emergency judicial Orders due to COVID-19, will not be counted as part of the calculations for defendant's speedy trial right.

To help alleviate and streamline the court process, the judges at the Chester County Court of Common Pleas, along with the Public Defender's Office, District Attorney's Office and private defense counsel, have sought to reduce the Chester County Prison population by allowing incarcerated individuals with underlying health issues that might be exacerbated by COVID-19 to apply for emergency bail hearings for release. The Chester County Court of Common Pleas is utilizing telecommunication technology to maintain social distancing and allow some legal matters to move forward.

However, litigants, both civil and criminal, should expect delays of an unknown time period before their matters can be resolved. It is very important that if you are either a civil litigant or a criminal defendant to be in communication with your attorney to ascertain the impact that the emergency judicial orders by both the Pennsylvania Supreme Court and the President Judge of the Chester County Court of Common Pleas may have on your case.

On behalf of O'Donnell, Weiss & Mattei, P.C., we hope that you and your family and loved ones are staying safe and healthy during this unprecedented global pandemic. If you need legal advice, please be aware that O'Donnell, Weiss & Mattei, P.C. is still fully operational through telecommunication with electronic access to all of our files, and available to help serve your needs

If you have any questions or would like to discuss the above in more detail, please call [Thomas P. McCabe, Esq.](tel:610-323-2800), at 610-323-2800 or send an email to tmccabe@owmlaw.com.

DISCLAIMER: The contents of this article are not legal advice, and are not to be used for that purpose. If you charged with a criminal offense, you should contact a lawyer immediately in the order to ensure that your rights are protected. Thomas P. McCabe, Esq., is a licensed Pennsylvania lawyer, and does not purport to comment on any other jurisdiction in the United States of America.



Thomas P.
McCabe, Esq.



Joseph K. Koury,
Esq.

Current Status: Not Quo

The ongoing COVID-19 pandemic has touched all aspects of the American economy, including the residential real estate market. This, in turn, has effected real estate agents, lenders, title agents, and real estate lawyers. The health and economic crisis look likely to continue for the indefinite future.

Business as usual for buyers and sellers and their real estate agents is anything but. Understandably, concerns are being raised about personal contact, notwithstanding the current (as of this writing) shutdown and “stay at home” orders recently entered by Governor Wolf. “Virtual” and “drive-by” showings have replaced the traditional in-person showing and viewing of properties. Inspection contingency periods should be generous or extended, as home and other electable inspections similarly cannot currently be conducted.

From a financing standpoint, buyers are facing longer commitment times, suggesting that mortgage contingency periods in the Agreement of Sale should be generous or extended. Necessary appraisals for lending purposes could be problematic, as traditional, in-person appraisals are prohibited. And a buyer with a change in his or her financial status is duty-bound to notify the seller of that change, a reality which many may confront in the coming weeks and months.

From a title underwriting standpoint, judgment and lien searches are taking longer due to County recorders' offices currently being closed to the public. Municipal transfer procedures may also be a hurdle, as most municipalities are simply not open for business, although a temporary occupancy permit may be obtainable.

To try and ease the burden, the Pennsylvania Association of Realtors has come up with a form providing a 30-day extension to amend existing agreements of sale while sellers and buyers address the current reality of residential real estate closings. Some are suggesting that real estate contracts like agreements of sale simply can't be performed in the current environment.

The [real estate lawyers at OWM Law](#) are here to help. If you would like to discuss the above in more detail, please call [Joseph Koury, Esq.](#), at 610-323-2800 or send an email to jkkoury@owmlaw.com.

COVID-19 and Domestic Violence

Most couples who live together, married or otherwise, are spending an inordinate amount of time together due to COVID-19 and Stay in Place Orders. They are working from home, teaching their children, and managing their household without the ability to leave and take a breather when tensions undoubtedly rise. However, for victims of domestic violence, rising tensions can lead to abuse from which escape is now much more difficult if not impossible. A recent Time article, citing the National Domestic Violence Hotline, reported that a growing number of callers say that their abusers are using COVID-19 as a means of further isolating them from friends and family. Other victims reported their abusers are using the pandemic as an excuse to withhold financial resources and medical assistance.

In Pennsylvania, victims of domestic violence or abuse can file for a Protection From Abuse Order. Under the law, abuse is causing or trying to cause physical harm or putting someone in reasonable fear of immediate and serious physical harm. A victim must go to his or her local



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courthouse in person and file for a PFA. Keep in mind that while courthouses across the state are generally closed during this time, they remain open for individuals to file for a Protection from Abuse Order. Courthouses may have limited hours and revised procedures, so it is important to contact a family law attorney who can provide guidance.

If you have questions about filing for a PFA while living at home with your spouse or partner, please contact [Melissa lacobucci, Esq.](mailto:Melissa.lacobucci, Esq.,), at 610-323-2800 or miacobucci@owmlaw.com.

Firm News

In complying with Governor's Order, as of March 20, 2020, our OWM Law physical office locations are closed; however, we are still operating remotely with full service for our clients and our referral sources. You can reach all of our attorneys and staff by phone or email as usual.

Read our article in 422 Business Advisor March 2020 edition and learn a little more about OWM Law: http://www.422business.com/sites/default/files/Rt422BA_Mar2020_Pottstown.pdf?fbclid=IwAR2XyhGwR5lY3m6kHGkUehC2qSt_HfM6yjZI_FSnh_jzYHs3OXf93NeliVg



Watch OWM's Legal Talk on PCTV or on our website [here](#).

Read Legal Ease every first and third Sunday in the [Pottstown Mercury](#).



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