

**IN THE PHOENIX MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA**

IN THE MATTER OF TRANSITIONING)
AND RESUMING COURT OPERATIONS)
DUE TO A PUBLIC HEALTH) ORDER 20-10
EMERGENCY)
_____)

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide emergency on March 11, 2020. Subsequently, the Arizona Supreme Court issued Administrative Orders Nos. 2020-47, 2020-48, 2020-60 and 2020-70 ordering the limitation of court operations during a public health emergency.

On March 30, 2020, in order to further reduce the continuing spread of COVID-19, the Governor issued Executive Order 2020-18, titled "Stay Home, Stay Healthy, Stay Connected" urging Arizona residents to stay at home other than for essential activities. The Executive Order acknowledged that legal and court processes constituted essential activities and the Phoenix Municipal Court responded by imposing further restrictions on in-person court proceedings and court activities to protect the health and safety of the public and court employees.

On May 8, 2020, the Arizona Supreme Court issued Administrative Order No. 2020-75, effectively superseding its previous administrative orders and providing "direction on transition to resumption of certain operations in an orderly way [prioritizing] the safety of the public, judges, and employees of the judiciary."

On May 12, 2020, the Governor issued Executive Order 2020-36 titled "Stay Healthy, Return Smarter, Return Stronger." This order provided that on May 16, 2020, the Governor's previous Executive Order 2020-18, that had urged Arizona residents to stay at home other than for essential activities, was "expired and rescinded."

On May 20, 2020, the Arizona Supreme Court issued Administrative Order No. 2020-79, replacing Administrative Order No. 2020-75 and continuing to provide direction to Arizona courts on how to orderly transition and resume court operations while maintaining the safety of the public, judges, and judicial employees.

Therefore, to continue mitigating all in-person proceedings in the Phoenix Municipal Court to the greatest extent possible consistent with core constitutional rights,

and pursuant to Arizona Supreme Court Administrative Order No. 2020-79, and until any further order of the Arizona Supreme Court,

IT IS ORDERED, beginning June 1, 2020, that:

I. To Protect the Safety of Court Participants, the Public, and Court Employees

- A. Only members of the public with scheduled court appearances will be allowed to enter the Phoenix Municipal Court building, with the following exceptions: (1) individuals seeking orders of protection/injunctions against harassment and related witnesses; (2) city employees, as necessary; and (3) any specific individuals conducting or facilitating necessary court business. Persons participating in Phoenix Municipal Court proceedings, including attorneys, parties, victims, witnesses, jurors, and other necessary persons, are required to notify the Court prior to appearing at the courthouse, of any COVID-19 diagnosis, symptoms, or exposure notification by public health authorities and to make alternative arrangements to participate by contacting the Court by telephone or email. These participants and individuals are to refrain from entering the Court.
- B. As mandated by the Arizona Supreme Court, members of the public are subject to a health screening protocol upon entrance into the Phoenix Municipal Court building and may be denied entry subject to that protocol.
- C. Participants attending in-person proceedings should minimize the time they are inside the court and immediately exit upon the conclusion of the hearing. Jurors may enter the courthouse at any time during their date of service; however, after entering the courthouse, the jurors should remain in spaces specifically designated for jurors.
- D. To maintain the recommended social distancing within the Phoenix Municipal Court building, including each courtroom, all in-person court proceedings are limited to attorneys, parties, victims, witnesses, jurors, court personnel, and any other necessary persons; the judge in each proceeding is authorized to make reasonable orders to ensure the health and safety of hearing participants consistent with the parties' right to due process of law.

- E. Only members of the general public wearing masks, face coverings, or face shields will be allowed into the Phoenix Municipal Court building and entry shall be denied to those choosing not to cooperate. Further, all Phoenix Municipal Court staff, including judicial officers, shall wear masks, face coverings, or face shields during any in-person contact with other court personnel or the public.
- F. During in-courtroom proceedings, the judge presiding over the proceeding may authorize removal of masks, face coverings, or face shields for purposes of witness testimony, defendant identification, making an appropriate record, or other reasons as deemed necessary by the judge provided that appropriate social distancing or other protective measures are followed.
- G. Pursuant to Arizona Supreme Court Administrative Order No. 2020-79, Rule 10.2, *Arizona Rules of Criminal Procedure* and Rule 1.7, *Local Rules of Practice and Procedure—City Court—City of Phoenix*, providing litigants with a change of judge as a matter of right, are suspended until December 31, 2020, to ensure adequate judicial resources for case backlog reduction of cases that were continued as a result of the COVID-19 pandemic.
- H. Pursuant to Arizona Supreme Court Administrative Order No. 2020-79, Rule 18.4(c), *Arizona Rules of Criminal Procedure* is modified to afford litigants only one peremptory strike per side for the purpose of reducing the number of citizens summoned to jury duty.

II. To Transition to Resuming Court Proceedings:


- A. Jury trials will not be scheduled prior to July 6, 2020. All persons summoned for jury duty from March 18 through July 6, 2020 are excused.
- B. In-person, criminal arraignments will resume June 2, 2020.
- C. In-person, post arraignment settings for out of custody defendants will resume June 22, 2020.
- D. In-person, civil hearings will resume June 22, 2020. Pre-hearing, in-person appearances in civil matters are suspended indefinitely.

- E. All Protective Order proceedings will continue with the direction that telephonic and video appearances are to be utilized where feasible.
- F. All non-essential functions currently scheduled to be conducted in the Court continue to be cancelled until further notice, including field trips, tours, and Teen Court.
- G. All proceedings occurring within the Court are to be conducted in a manner consistent with the Centers for Disease Control's social distancing recommendations and guidance. Until further notice, courtroom proceedings will include a maximum of ten (10) persons, unless more than ten (10) are authorized by the Chief Presiding Judge.

III. To Calculate Extensions and Exclusions of Time:

- A. For all criminal cases subject to this Order, time is excluded for the purpose of calculating time under Rule 8, *Rules of Criminal Procedure*, from March 18 through August 1, 2020. A judge, pursuant to Rule 8, may extend this exclusion of time in criminal cases, for good cause including, but not limited to COVID-19 illness, quarantine, and travel restrictions.
- B. The time for conducting probation revocation arraignments under Rule 27.8 (a)(1), *Rules of Criminal Procedure* is extended to twenty (20) days from an initial appearance that occurs through July 3, 2020.

DATED this 29th day of May, 2020.


B. Don Taylor III
Chief Presiding Judge