IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
EXTENDING PROCEDURES FOR CRIMINAL ARRAIGNMENTS USING AN ONLINE DISPUTE RESOLUTION SYSTEM DURING A PUBLIC HEALTH EMERGENCY	)	Administrative Order No. 2021 - 28 (Affecting Administrative Order No. 2020-82)

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 pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). Since March 2020, several Arizona Supreme Court administrative orders have been issued in response to the COVID-19 pandemic that have limited and modified court operations to ensure that justice is administered safely in Arizona courts.

In June 2020, this Court issued Administrative Order No. 2020-82, establishing procedures for the use of an Administrative Office of the Courts (AOC) approved online dispute resolution (ODR) system by limited jurisdiction courts to resolve misdemeanor cases. Rules of procedure related to accepting plea agreements using an ODR system were adopted and became effective January 1, 2021. However, rules of procedure related to conducting arraignments using an ODR system have not yet been adopted, and the provisions of Administrative Order No. 2020-82 regarding the same must be extended.

Therefore, pursuant to Article VI, Sections 3 and 5, of the Arizona Constitution,

IT IS ORDERED that limited jurisdiction courts may continue to conduct arraignments in misdemeanor cases for out of custody defendants using an AOC approved ODR system.

IT IS FURTHER ORDERED extending the system requirements set forth in Administrative Order No. 2020-82 for conducting arraignments.

IT IS FURTHER ORDERED that courts must continue to adhere to the requirements of Rule 14, Arizona Rules of Criminal Procedure. The personal appearance requirement in Rule 14.3(a), Arizona Rules of Criminal Procedure, is met for defendants arraigned through the ODR system.

IT IS FURTHER ORDERED that all documents electronically transmitted for filing through the ODR system, and which are file-stamped and maintained by courts, shall be considered the original documents of record. A copy of any of these documents upon which the court has

placed its seal attesting to the authenticity of the document shall be considered a certified copy of the original.

IT IS FURTHER ORDERED that any court rule requiring that a document be an original, be on paper or in any other tangible medium, or be in writing, is satisfied by a document defined herein as the original.

IT IS FURTHER ORDERED that provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of those rules.

IT IS FURTHER ORDERED that this Order shall be effective *nunc pro tunc* January 1, 2021 until December 31, 2021 or further order of this court.

Dated this 24th day of February, 2021.

_____

ROBERT BRUTINEL
Chief Justice