IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
AUTHORIZING LIMITATION OF	)	Administrative Order
COURT OPERATIONS DURING A	)	No. 2020 - 70
PUBLIC HEALTH EMERGENCY	)	(Replacing Administrative
	)	Order No. 2020 - 60)
	)	

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15). On March 18, 2020, Administrative Order No. 2020-48 directed Arizona's courts to conduct business in a manner that reduces the risk associated with this public health emergency. This order revises, clarifies, and adds to that direction.

Arizona Courts remain open to serve the public. Nevertheless, given the current emergency, and in the interest of public safety, certain limitations and changes in court practices are necessary. It is anticipated that Arizona courts will be able to begin a phased-in approach to conducting in person hearings and jury trials in late Spring or early Summer. An order providing for that transition will be issued soon. Until that time, it is necessary to extend the duration of the provisions of Administrative Order No. 2020-60.

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

IT IS ORDERED that all in-person proceedings in all Arizona appellate, superior, justice and municipal courts and before the presiding disciplinary judge be avoided to the greatest extent possible consistent with core constitutional rights until further order of this court.

IT IS FURTHER ORDERED that empaneling of new petit juries scheduled through June 1, 2020 be rescheduled.

IT IS FURTHER ORDERED that the presiding superior court judge of each county shall determine how any in-person court proceedings are to be conducted in each of the county's court rooms, under conditions that protect the health and safety of all participants including:

(a) Limiting in-person contact as much as possible by using available technologies, including alternative means of filing, teleconferencing, video conferencing, and use of email and text messages and issuing orders to reasonably ensure the health and safety of all participants.
(b) Following CDC social distancing recommendations, considering the size of the court facility. Courts shall not schedule multiple, simultaneous hearings in a number that prevents appropriate social distancing, considering the size of the courtroom, and in no event shall a court schedule more than 10 persons at one time. Requiring all scheduled participants to notify the court of any COVID-19 symptoms or suspected exposure and

to refrain from coming to the courthouse. The intent of this order is to discourage the use of large group scheduling of court hearings. However, in extraordinary circumstances, and with appropriate precautions, the presiding judge may authorize groups larger than 10 but in no event larger than 25.

(c) Limiting any required in-person proceedings to attorneys, parties, victims, witnesses, jurors, court personnel, and other necessary persons, where necessary to maintain the recommended social distancing within a court facility, and authorizing trial judges to make reasonable orders to ensure the health and safety of hearing participants consistent with the parties' right to due process of law.

(d) Liberally granting continuances and additional accommodations to parties, witnesses, attorneys, jurors and others with business before the courts who are at a high risk of illness from COVID-19.

IT IS FURTHER ORDERED that the presiding superior court judge continue to meet with local criminal justice system stakeholders to coordinate how best to handle criminal proceedings, including grand jury proceedings, for the duration of this health emergency.

IT IS FURTHER ORDERED that, until further order, the presiding superior court judge of each county is authorized to adopt or suspend any local rules and orders needed to address the current public health emergency in cooperation with public health officials and to take any reasonable action that the circumstances require to enable necessary operations of the superior, justice and municipal courts in each county.

IT IS FURTHER ORDERED that any court rule that impedes a judge's or court clerk's ability to use available technologies to eliminate or limit in-person contact in the conduct of court business is suspended through June 1, 2020, except such suspension is subject to constitutional requirements. Judges may hold ex parte hearings on orders of protection telephonically.

IT IS FURTHER ORDERED that if it becomes necessary to close court offices to the public during the period of suspension, these offices shall remain accessible to the public by telephone and email during their regular business hours to the greatest extent possible, including using drop boxes for documents that cannot be e-filed.

IT IS FURTHER ORDERED that for the period March 18, 2020 through June 1, 2020 if a judge is unable to rule on a pending matter due to illness or is otherwise unable to work, the judge is deemed to be physically disabled and therefore that period is excluded from the calculation of the 60 days from the date of submission in which a matter must be determined under ARS § 12-128.01 or § 11-424.02.

IT IS FURTHER ORDERED that the period March 18, 2020 through June 1, 2020:

(a) Is excluded from calculation of time under rule provisions and statutory procedures that require court proceedings to be held within a specific period of time, including Rule 8, Rules of Criminal Procedure; Rules 17, 79 and 100, Rules of Procedure for the Juvenile Court; Rules 2 and 3, Rules of Procedure in Eviction Actions and Rule 38.1(d)(2), Rules of Civil Procedure. A judge, pursuant to Rule 8, may extend this exclusion of time in criminal cases, for good cause.

(b) Is not excluded from calculation of time for:
The following proceedings for persons held in-custody: initial appearances, arraignments, preliminary hearings, in-custody probation violation, and conditions of release;
Domestic violence protective proceedings;
Child protection temporary custody proceedings;
Civil commitment hearings and reviews;
Emergency protection of elderly or vulnerable persons proceedings;
Habeas corpus proceedings;
COVID-19 public health emergency proceedings;
Juvenile detention hearings;
Election cases; and
Any other proceeding that is necessary to determine whether to grant emergency relief.

IT IS FURTHER ORDERED that the clerks of the court shall continue to issue marriage licenses and may do so remotely if the available technology allows licenses to be properly issued. A judge may perform a marriage ceremony at the courthouse with no more than 10 persons present with proper social distancing.

IT IS FURTHER ORDERED that the time for conducting Preliminary Hearings for in-custody defendants under Rule 5.1(a) and (d) and Probation Revocation Arraignments under Rule 27.8 (a)(1) of the Arizona Rules of Criminal Procedure is extended to twenty (20) days from an initial appearance that occurs through June 1, 2020.

IT IS FURTHER ORDERED that electronic, digital or other means regularly used in court proceedings may be used to create a verbatim record, except in grand jury proceedings, notwithstanding a party's request that the proceedings be recorded by a certified court reporter.

IT IS FURTHER ORDERED that, until June 1, 2020, notwithstanding Rule 6 (b)(2), Rules Civil Procedure that in an individual case the court may extend the time to act under Rules 50(b), 52(b), 59(b)(1), (c), and (d), and 60(c) as those rules allow, or alternatively, may extend the time to act under those rules for 30 days upon a showing of good cause.

IT IS FURTHER ORDERED that the presiding superior court judge notify court customers, the public, and the Administrative Director of all administrative orders issued under the authorization provided by this order using the most effective means available.

Dated this 24th day of April, 2020.

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ROBERT BRUTINEL
Chief Justice