

FILED
GARY L. HARRISON
CLERK, SUPERIOR COURT
20 MAR 17 PM 4:31

IN THE SUPERIOR COURT

IN AND FOR THE COUNTY OF PIMA

J. ORR, DEPUTY
DEPUTY

IN THE MATTER OF:)
Pima County Court Operations)
During the Public Health Emergency)
_____)

ADMINISTRATIVE ORDER
NO. 2020-12

Due to the concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide emergency pursuant to A.R.S. § 26-303 and 26-301(15). The Chief Justice of the Arizona Supreme Court has issued an Administrative Order No. 2020-47, authorizing the presiding judge of the superior court to determine how any in-person court proceedings are to be conducted in each of the county's courtrooms, under conditions that protect the health and safety of all participants.

This order applies to all courts in Pima County, including limited jurisdiction courts, based on Rule 92 of the Rules of the Arizona Supreme Court, Arizona Supreme Court Administrative Orders 2005-32 and 2013-70, as well as the Intergovernmental Agreement between the City of Tucson and Pima County Superior Court for Administrative Oversight of City Court.

This order does not apply to the Arizona Court of Appeals, Division 2.

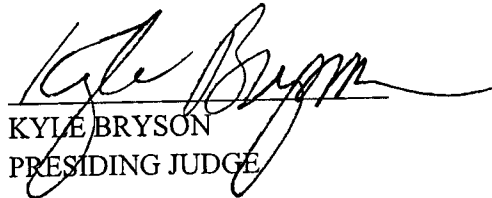
Therefore, pursuant to the aforementioned Administrative Order, which is attached hereto and incorporated herein by this reference, IT IS ORDERED:

- A. Judges in all courts in Pima County, including limited jurisdiction courts, are hereby authorized to exclude any persons from a courtroom, except litigants and lawyers, until further order of this Court. Judges shall observe best social-distancing practices and may order that any person exhibiting symptoms of COVID-19 leave the courtroom. (Per the United States Center for Disease Control, symptoms include but are not limited to fever, cough and shortness of breath.)
- B. Any person who has symptoms of COVID-19 or who suspects to have had exposure to the virus shall refrain from coming to court. Any such person shall contact via telephone or email the assigned trial division to report the reason for her/his absence and request to be excused. To inhibit the spread of the virus, non-parties and others whose presence are not necessary to conduct court business should not attend court proceedings or enter the courthouse. Friends and relatives should not attend court with parties, and children and the elderly should not enter the courthouse. Judges may at any time exclude any person from a courtroom, as per above. Individuals in any courthouse who exhibit symptoms of COVID-19 may be asked to not enter or to exit the building by authorized court security

officers. Court security officers may remove any person who refuses to voluntarily leave any court building after such reasonable request.

- C. Judges may set existing matters, including hearings and trials, as telephonic hearings, *sua sponte*, with reasonable notice to parties and their attorneys. Judges may also *sua sponte* continue matters which cannot be conducted telephonically, with reasonable notice to the parties and their attorneys.
- D. All civil mental health hearings conducted in accordance with A.R.S. § 36-501, et. seq., are hereby closed to the public until or unless otherwise ordered by the judge presiding over that scheduled court event or trial.
- E. To the extent the Local Rules of Practice, Pima County Superior Court, are inconsistent with the terms of this Administrative Order, the Administrative Order controls and the local rule is suspended until further Order of this Court.

Dated this 17th day of March, 2020.


KYLE BRYSON
PRESIDING JUDGE

CC: Ron Overholt, Court Administrator
Hon. John Peck, Presiding, Ajo Justice Court
Hon. Ray Carroll, Presiding, Green Valley Justice Court
Hon. Laine Sklar, Presiding, Marana Municipal Court
Hon. George Dunscomb, Presiding, Oro Valley Magistrate Court
Hon. Maria Avilez, Presiding, Sahuarita Municipal Court
Hon. Darlene Chavaira Chavez, Presiding, South Tucson Municipal Court
Hon. Antonio Riojas, Presiding, Tucson City Court
Hon. Adam Watters, Pima County Presiding Justice of the Peace
Hon. Charlene Pesquiera, Chief Administrative Justice of the Peace

Attachment 1

IN THE SUPREME COURT OF THE STATE OF ARIZONA

FILED

MAR. 16 2020

JANET JOHNSON
CLERK SUPREME COURT
BY: *[Signature]*

In the Matter of:)
)
AUTHORIZING LIMITATION OF)
COURT OPERATIONS DURING A)
PUBLIC HEALTH EMERGENCY)

Administrative Order
No. 2020 - 47

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. §26-301(15). Although Arizona’s courts remain open for business, cooperation by the Judicial Branch is essential to reducing the risk associated with this public health emergency.

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 and grand juries scheduled for March 16, 2020 through March 31, 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 courtroom contact as much as possible by using available technologies, including alternative means of filing, teleconferencing, video conferencing, and use of email and text messages.
- (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 50 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.
- (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.
- (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, 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 March 31, 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 16, 2020 through March 31, 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 for the period March 16, 2020 through March 31, 2020:

(a) Time is excluded for the purposes of calculating time under Rule 6, Rules of Civil Procedure Rule 8, Rules of Criminal Procedure Rules 17 and 100, Rules of Procedure for the Juvenile Court Rules 2 and 3, Rules of Procedure in Eviction Actions and any other rule provisions or statutory procedures concerning when court proceedings are held. A judge in an appropriate case may extend this exclusion of time for good cause.

(b) Time is not excluded for:

Adult in-custody initial appearances, arraignments, preliminary hearings and conditions of release proceedings;
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;
Any other proceeding that is necessary to determine whether to grant emergency relief.

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 _____ day of _____, 20__.

Robert Brutinel
Chief Justice