

**IN THE GLENDALE CITY COURT
COUNTY OF MARICOPA, STATE OF ARIZONA**

IN THE MATTER OF:)	
)	
LIMITING COURT)	ADMINISTRATIVE ORDER
OPERATIONS DURING A PUBLIC)	No. 2020 - 021
HEALTH EMERGENCY)	(Replacing Order 2020-014)
)	

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona extended 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 18, 2020, several administrative orders have been issued in response to the COVID-19 public threat that limited and modified court operations to ensure justice in Arizona is administered safely. The most recent order, Administrative Order No. 2020-114 issued on July 15, 2020, directed Arizona’s courts to continue to conduct business in a manner that reduced the risks associated with COVID-19 but to resume certain operations in an orderly way that prioritizes the safety of the public, judicial officers, and employees of the judiciary. Supreme Court Administrative Order 2020-143 updates and continues the effect of that order. Arizona courts remain open to serve the public. Nevertheless, given the ongoing threat to public safety, certain limitations and changes in court practices and operations are still necessary.

Therefore, to continue mitigating all in-person proceedings in the Glendale City Court to the greatest extent possible consistent with core constitutional rights and until further order of the Arizona Supreme Court, pursuant to Administrative Order No. 2020-143,

IT IS ORDERED that Glendale Administrative Order 2020-014 is replaced by this order.

IT IS ORDERED that from June 8, 2020 through November 1, 2020 certain Rules of Criminal Procedure are suspended. The Court will continue to hold telephonic/virtual court hearings and remain available to process all case types and non-appearance proceedings.

IT IS ORDERED that attendance at any in-person proceeding held

pursuant to one of the limited exceptions below will be limited to parties, witnesses, victims, law enforcement officers, and lawyers participating in the proceeding. Family members of the parties may be permitted, if approved by the judge.

IT IS ORDERED as follows:

- (a) All in-custody hearings will proceed as normal.
- (b) Civil traffic matters can continue to be resolved by telephone, virtual court, email and/or in person.
- (c) All non-jury trials for out of custody defendants can continue with emphasis on utilizing virtual court.
- (d) All pretrial conferences have resumed with emphasis on utilizing virtual court.
- (e) For all criminal cases subject to this Order, time is excluded for the purpose of calculating time under Rules 8 and 27, *Rules of Criminal Procedure*, between May 12, 2020, and November 1, 2020, subject to further direction of the Arizona Supreme Court. The Rules are not suspended for in-custody defendants.
- (f) All in-custody defendants will be seen within 24 hours and all in-custody defendants held on bond will be seen according to the Rules of Criminal Procedure time-lines. If an in-custody defendant requests a non-jury trial be set, it will be set during this time period preserving victim's rights and those of the defendants.
- (g) All Protective Order contested proceedings will continue in-person unless a request to appear telephonically or via virtual court is granted. Plaintiffs are encouraged to complete all paperwork at azpoint.azcourts.gov.
- (h) Information about requirements for the public, including below, will be posted by signage and displayed on the Court website
 - All persons with scheduled or unscheduled appearances are required to notify the Court of any COVID-19 symptoms or suspected exposure and to refrain from entering the Court.
 - All persons entering the courthouse shall wear their own or a Court provided mask or face shields.

- All parties entering the courthouse will be subject to non-contact infrared thermometer checks. If they refuse the thermometer check, show symptoms or suspect exposure, their contact information will be obtained and someone from the Court will contact them with further instructions. Options will include but are not limited to information about virtual court.
- (i) All staff and judges are always to wear masks in the courthouse, either their own or Court provided. Masks include the currently provided masks, personal masks or face shields. The only exception is if a person is eating, in their cubicle working or is in a private office. Additionally, masks may be removed to provide for persons to be heard more easily but must then be set in the appropriate position to protect all parties. This is pursuant to the Supreme Court Administrative Order 2020-143.
- (j) All proceedings occurring within the Court are to be conducted in a manner consistent with Center for Disease Control social distancing recommendations until further notice.
- (k) Until December 31, 2020, to reduce the number of citizens summoned to jury duty, procedural rules, including Rule 18.4 (c), Rules of Criminal Procedure; Rule 47(e), are modified to afford litigants only one peremptory strike per side in all misdemeanor cases.
- (l) To accommodate social distancing standards, the Court may stagger times for prospective jurors to report for jury duty, direct them to individual rooms rather than courtroom rooms, and conduct voir dire remotely or in multiple groups. At the direction of the presiding superior court judge, more than 30 prospective jurors may be summoned to a courthouse and non-courthouse facilities provided social distancing standards can be accommodated.
- (m) As required by A.R.S. § 21-202 (b)(2), jury commissioners must temporarily excuse prospective jurors whose jury service would substantially and materially affect the public welfare in an adverse manner, including but not limited to

those who report a COVID-19 diagnosis, symptoms, or notification by a public health official of exposure to COVID-19 and may temporarily excuse potential jurors who are highly vulnerable to COVID-19

IN GENERAL:

1. Court 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, faxes and email for documents. Court email: citycourtmotions@glendaleaz.com
2. During this period of reduced operations, courts and court clerks shall make reasonable efforts to provide alternative methods of accessing court records.

IT IS FURTHER ENCOURAGED that all parties continue to work towards the resolution and settlement of the cases virtually subject to this Order.

DATED this 1st day of September 2020



Judge Elizabeth Finn
Presiding Judge

APPENDIX “A” Issued by Arizona Supreme Court

Standards for Resumption of On-site Court Operations During a Public Health Emergency

In planning for a phased resumption of on-site Court operations, courts must consider the following factors:

1. The status of the pandemic in each local court jurisdiction;
2. The size and functionality of courthouse facilities, both in terms of courtrooms and other public meeting areas; and
3. The size of the bench and supporting court staff.

The timing of the phases will be largely determined by Arizona specific directives. The Administrative Director will notify the judicial leadership of the current phase. Taking these factors into account, local courts should systematically resume on-site operations as follows:

Phase Zero: Due to the statewide public health emergency, all in-person court proceedings should be avoided to the greatest extent possible, consistent with constitutional rights.

- Courts should follow CDC social distancing guidelines and limit the number of persons at any court event to 10. Judicial leadership may authorize groups larger than 10, but not to exceed 30.
- The empaneling of new petit juries is suspended.
- In-person contact is to be limited through the use of virtual hearings (audio or video), electronic recording of court proceedings and electronic transmission of documents.
- Certain state and local court rules are suspended or amended to maximize public safety.
- Courts shall require masks or face coverings to be worn in the courthouse.

Phase I: Courts were authorized to begin on June 1, 2020 transitioning to in-person proceedings to the extent it could be safely accomplished in compliance with the following standards:

- Courthouse Safety:
 - Except where the size of the employees or other constraints will not allow, judicial leadership shall implement a staffing plan, which may include

dividing employees and judicial officers into two or more teams or other methods to accomplish the goal of preventing all or a substantial portion of court employees and judicial officers from becoming infected or requiring quarantine at the same time due to work related contact. The presiding superior court judge may exempt employees and judicial officers who perform critical court functions from this provision if there is no practical alternative.

- Judicial leadership shall limit any required in-person proceedings to attorneys, parties, victims, witnesses, jurors, judicial officers, court employees, and other necessary persons.
 - Judicial leadership should modify operations to limit the number of transportation events to necessary in-court hearings for individuals in custody.
 - Court should limit the number of persons at any court event to 30 people depending on the size of the facility and with appropriate precautions. In extraordinary circumstances, the presiding superior court judge may authorize more than 30 people to gather in one location to conduct court business based on social distancing recommendations and the space available at the location.
 - Court shall utilize the health screening protocols provided by the AOC.
 - Court shall require masks or face coverings to be worn in the courthouse.
 - Court shall exclude persons failing the screening protocol from entry to the courthouse.
 - Rules which provide litigants a change of judge as a matter of right are suspended until December 31, 2020.
 - Court shall exclude persons failing the screening protocol from entry to the courthouse and attempt to make alternative arrangements for them to conduct court business. If an excluded person is attempting to attend a scheduled court proceeding, the appropriate court shall be notified of the person's inability to enter the courthouse.
- Technology
 - Court shall continue the use of virtual hearings, electronic recording and electronic transmission of documents.

- Courts shall provide public access by video or audio to court proceedings which are typically open to the public, specifically for the case types designated in this Administrative Order.
 - Court shall consider and encourage the use of on-line dispute resolution (ODR).
- Appropriately Prioritize Case Processing
 - Court shall follow the prioritization of case types, both for jury and non-jury cases.
 - Courts shall expand case disposition capacity, using retired judges pro tempore and temporarily reassigning judges from other assignments.
- Jury Trials and Grand Juries
 - Jury trials may resume, subject to the approval of the presiding superior court judge.
 - Court shall utilize appropriate social distancing and measures necessary for the protection of jurors, including the use of technology for virtual selection of petit and grand jurors and conducting of grand jury proceedings and, with the approval of the presiding superior court judge, for jury trials.
 - The presiding superior court judge may determine when grand juries can be resumed.
- In General
 - Court shall provide for the use of drop boxes for filing documents.

Phase II: Scheduling of in-person court proceedings can resume, while limiting the projected number of courthouse visitors during peak times.

- Courthouse Safety
 - On-site court staffing should systematically increase during Phase II, as necessary to serve the increased number of visitors at the courthouse. Except where the number of judicial officers and court employees or other constraints will not allow, judicial leadership shall implement a staffing plan, which may include dividing judicial officers and court employees into two or more teams or using other methods to prevent all or a substantial portion of judicial officers and court employees from becoming infected or requiring

quarantine at the same time due to work-related contact. The presiding superior court judge may exempt judicial officers and court employees who perform critical court functions from this provision if there is no practical alternative.

- Courts should limit the number of persons at any court event to 50 people depending on the size of the facility and with appropriate precautions. In extraordinary circumstances, the presiding superior court judge may authorize more than 50 people to gather in one location to conduct court business based on social distancing recommendations and the space available at the location.
- Courts shall utilize the health screening protocols provided by the AOC.
- Courts shall require masks or face coverings to be worn in the courthouse.
- Technology
 - The use of technology should continue, both to maximize public safety and to maximize efficiencies in court operations.
- Appropriately Prioritize Case Processing
 - Some courts may no longer have a need to expand case disposition capacity.
- The other Phase I provisions remain in effect during Phase II, specifically the sections of this Administrative Order regarding:
 - Jury Trials
 - In General

Phase III: Scheduling of in-person court proceedings and other on-site court services can fully resume, while limiting the projected number of courthouse visitors during peak times.

- Courthouse Safety
 - On-site court staffing should be largely restored during this phase to serve the increased number of visitors at the courthouse. Courts may still opt to have some judicial officers and court employees continue working remotely. These judicial officers and court employees would be available for deployment to the courthouse in the event that on-site judicial officers and court employees become infected.
 - Courts should follow CDC social distancing guidelines and limit the

number of persons at any court event accordingly.

- Technology
 - The use of technology should continue, both to maximize public safety and to achieve efficiencies in court operations.
- Jury Trials and Grand Juries
 - Courts should continue to employ appropriate social distancing and other measures necessary for the protection of jurors, including the use of technology for virtual selection of petit and grand jurors and conducting of grand jury proceedings and, with the approval of the presiding superior court judge, for jury trials.
- In General
 - Court shall provide for the use of drop boxes for filing documents.

Phase IV: Return to normal operations – no restrictions