

Arizona Supreme Court Authorizes Limited Court Operations

(5/21/2020)

On May 8, 2020, the Arizona Supreme Court issued Administrative Order No. 2020-75 authorizing limited court operations while the COVID-19 public health threat is ongoing. The Order directs the resumption of certain court operations and outlines measures being taken to promote the safety of the public, judges, and employees of the judiciary. In particular, the Arizona Supreme Court ordered the following:

- All Arizona courts may begin transitioning to in-person proceedings on June 1, 2020, to the extent this can be safely accomplished.
- By June 1, 2020, court staff, judicial officers, court participants, and visitors shall wear their own or court-provided masks, face coverings, or face shields when in the courthouse. Courts shall exclude persons from the courthouse who refuse to cooperate with or who do not pass established screening protocols or refuse to wear a mask or face covering. The judge may authorize removal of masks or face coverings for purposes of witness testimony, making an appropriate record, or other reasons as deemed necessary by the judge provided appropriate social distancing or other protective measures are followed.
- Court offices shall remain accessible to the public by telephone and e-mail during their regular business hours.
- Presiding superior court judges shall determine for the courts in their respective counties how in-person court proceedings and courthouse activities are to be phased-in and conducted in a manner that protects the health and safety of all participants.
- Judicial leadership shall follow CDC social-distancing guidelines and generally limit the number of persons at any court event to ten individuals. Judicial leadership may authorize groups larger than ten but not to exceed thirty.
- To accommodate the ten-person limit, judicial leadership will limit any required in-person proceedings to attorneys, parties, witnesses, jurors, court personnel, and other necessary persons, where necessary.
- All participants in court proceedings are to notify the court of any COVID-19 diagnosis, symptoms, or exposure and make alternative arrangements to participate.
- Judges shall liberally grant continuances and make accommodations, if necessary and possible, for individuals with business before the courts who are at a high risk of illness from COVID-19 or who report any COVID-19 diagnosis, symptoms, or exposure.

Additionally, the Order addressed the use of technology to minimize in-person proceedings:

- Proceedings in all Arizona appellate, superior, justice, juvenile, and municipal courts may be held by teleconferencing or video conferencing, consistent with core constitutional rights.
- Judicial leadership may authorize the use of available online dispute resolution platforms to resolve cases.
- When the public is limited from attending in-person proceedings, beginning July 1, 2020, to the extent possible, the presiding judge of the superior court shall provide public access by video or audio to civil court proceedings typically open to the public to maximize the public's ability to observe court proceedings.
- For cases where the right to a jury trial has not been waived, cases shall be scheduled in the following order of priority: (a) criminal felony and misdemeanor cases where the defendant is in custody; (b) sexually violent person trials; (c) criminal felony cases; (d) criminal misdemeanor cases; (e) civil and any other jury trial cases.
- Where backlogs exist, case disposition capacity shall be expanded by calling back retired judges, using judges pro tempore, and temporarily reassigning judges from other assignments.