

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

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ADOPTION AND IMPLEMENTATION OF)
PRESUMPTIVE STANDARDS FOR REMOTE)
AND IN-PERSON HEARINGS FOR THE)
JUSTICE OF THE PEACE COURTS IN)
PINAL COUNTY, ARIZONA)
ADMINISTRATIVE ORDER
2022- 00041

In June 2021, the Arizona Supreme Court’s COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (Plan B Workgroup) recommended best practices that should be retained or adapted post-pandemic, which included a recommendation that courts continue to use and expand technology to conduct remote court proceedings. In January 2022 the workgroup reconvened and issue a report, Recommended Remote and In-Person Hearing sin Arizona State Courts in the Post-Pandemic World (“Report”) which includes as Appendix 1 recommendations regarding which hearing types should be held remotely and which should be held in person (“Presumptive Standards”).

On April 27, 2022, the Supreme Court issued Administrative Order No. 2022-46 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requires the presiding judge of the superior court in each county to issue an administrative order adopting standards for the justice of the peace courts in their county regarding which hearing types will be held remotely and which hearing types will be held in person. Administrative Order No 2022-46 allows the presiding judge of the superior court to adapt the Presumptive Standards as necessary due to limitations in local court resources, bandwidth, technology hardware, software, and staffing or, for good cause, to meet unique needs in their respective counties.

Therefore, having consulted with the presiding justice of the peace in Pinal County, pursuant to Supreme Court Administrative Order No. 2022-46, the following is ordered:

IT IS ORDERED adopting the Appendix attached hereto as the presumptive manner for holding hearings set on or after October 1, 2022, in the Justice of the Peace Courts in Pinal County under the following conditions:

- Court resources and staffing responsibilities must be resolved before all Presumptive Standards can take effect.
- When a Remote Hearing is the Presumptive Standard or otherwise authorized, a person may appear in-person in the courtroom or by remote means.

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- Requests/Motions by a party wishing to appear “remotely” must be filed at least 5 business days prior to the scheduled hearing date.
 - Requests/Motions can be filed electronically by emailing the request to the court’s email address.
- Authorization for a Remote Hearing by video conference is subject to the following conditions, and a party waives their appearance if the following conditions are not met:
 - Parties must use the video conference system that is selected by the Court; and,
 - Parties must test and confirm, before the court hearing, that they have the required equipment, in good working order, properly configured, and supported by a strong and reliable internet connections, and the person must actually provide a clear audio and video feed, free from background noise, during the hearing.
 - Parties appearing via video conferencing system(s) must abide by the Courts courtroom rules; to include proper dress and courtroom etiquette.
- The Court reserves discretion to handle cases where persons are appearing in-person before cases where persons are appearing by remote means.
- The above presumptive standards do not limit the discretion of the Court to make a hearing-specific deviation, if the presumptive standard is not practicable or otherwise not in the interest of justice, provided that the Court provides timely notice to the parties.

IT IS FURTHER ORDERED adapting the Presumptive Standards adopted by the Supreme Court as outlined in Appendix A.

IT IS FURTHER ORDERED that hearings in the Justice of the Peace Courts in Pinal County must be offered in the presumptive manner, but a judge assigned to a case may make a hearing specific deviation from the presumptive manner in which a hearing must be held if holding the hearing in a presumptive manner is not practical or otherwise not in the interest of justice. The court must provide notice to the parties when such an alternative is utilized.

DATED this 25 day of July.



Honorable Joseph R. Georgin
Presiding Superior Court Judge

Original Filed with: Clerk of the Superior Court

Copies To: Pinal County Justice of the Peace Judges
Chief Clerks, Justice of the Peace Courts
Kent Volkmer, County Attorney
Kate Milewski, Public Defender
Cathryn Whalen, Office of Public Defense Services
Pinal County Bar Association

Appendix A

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under the Arizona Rules of Civil Procedure (Including Proceedings Under the Rules of Procedure for Judicial Review of Administrative Decisions; Superior Court Rules of Appellate Procedure – Civil and Criminal and Tax Court Rules of Practice)</i>			
<i>General</i>			
	Scheduling Conference	X	
	Settlement Conference		X
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X
	Default	X	
	Contempt – Non-witness	X	
	Contempt – Witness		X
	Post-Judgment Proceedings – Non-witness	X	
	Post-Judgment Proceedings – Witness		X
	Forfeitures	X	
	If none of the above categories apply: Any Other Hearing	X	

Appendix A

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	
<i>Proceedings Under the Arizona Rules of Procedure for Eviction Actions</i>			
	Initial Appearance	X ²	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Writ of Restitution	X	
	Post-Judgment	X	
<i>Proceedings Under the Arizona Rules of Small Claims Procedure</i>			
	Hearing	X	
	Alternative Dispute Resolution	X	
<i>Proceedings Under the Arizona Justice Court Rules of Civil Procedure</i>			
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Mediation Conference	X	
	Settlement Conference	X	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Other	X	

² By statute:

Notwithstanding any other law, in a special detainer or forcible detainer proceeding before the court, any party, including an attorney or witness upon written notice to the court, shall be permitted to participate at the initial appearance remotely by using a telephone or video conference connection. If the court continues a contested matter to a later date, at the discretion of the court, the court may require all parties, attorneys and witnesses to participate in person.

Ariz. Rev. Stat. § 22-206.

Appendix A

Case Type	Hearing Type	Remote	In- Person
<i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV) and Juvenile Hearing Officer Proceedings</i>			
<i>Criminal Misdemeanor</i>			
	Appearance/Arrestment/Initial	X	
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea/Sentencing	X	
	Pre-trial Conference	X	
	Order to Show Cause		X
	Case Management Conference/Trial Preparedness Conference	X	
	Settlement Conference	X	
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arrestment	X	
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness	X	
	Other – Witness		X
	Bond Forfeiture	X	
	If none of the above categories apply: Any Hearing when the Defendant may need to sign a document or provide a fingerprint such as Release Conditions or Conditions of Probation	X Counsel	X Defendant
<i>CTBMPSV</i>			
	Arrestment	X	
	Trial/Contested Hearing		X
	Photo Enforcement Hearing	X	
	Identification Hearing		X
	Other (Local Ordinance, Parking)	X	
<i>Juvenile Hearing Officer Proceedings</i>	Other – Non-witness	X	
	Other - Witness		X