

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF CONDUCTING
JURY OPERATIONS SAFELY DURING
A PUBLIC HEALTH EMERGENCY

ADMINISTRATIVE ORDER
NO. 2020-114

In response to the current public health emergency, on March 18, 2020 the Chief Justice issued Supreme Court Administrative Order 2020-48, which, among other things, suspended the empanelment of any new petit juries through April 17, 2020. This suspension of petit juries was extended to May 1, 2020 by Administrative Order 2020-60, and then again to June 1, 2020 by Administrative Order 2020-70. In Supreme Court Administrative Order 2020-75, the Chief Justice ordered that the presiding judges of the superior courts in each county would determine, in conjunction with stakeholders, how to phase-in petit jury operations after June 1st.

Subsequently, in Superior Court Administrative Order No. 2020-078, the Court ordered that jury trials would commence on a limited basis beginning June 15, 2020. After June 1st, however, new cases of COVID-19 in Maricopa County increased from 187 new cases a day to 3,857 cases a day by June 28th, and hospitalizations rapidly increased with ICU beds reaching 89% capacity. In response, the Court suspended all new jury trials in Superior Court from July 1st through July 31st, 2020. Since the time of that suspension, new COVID-19 cases have leveled off at almost one-half of their peak and hospitalization rates are dropping steadily. The Maricopa County jail system has an inmate population of 4701, the clear majority of which are pre-trial detainees. A portion of those inmates have movement restrictions because of the virus in the jail, but approximately 60% can be safely transported to court. While jury trials have been suspended in the interest of public health, these inmates as well as identified victims in those cases have not had the opportunity to resolve their matters by trial. The Court has a Constitutional duty to move these matters to trial. The Court also has a substantial backlog of civil cases and a duty to the parties and the public to provide jury trials where they are required. The Court must balance its Constitutional and statutory duties against the safety of all court participants as well as the overall public health.

For the past four months, the Superior Court's standing Jury Advisory Committee has carefully studied the steps that are necessary to conduct jury selection and jury trials in a manner that allows for appropriate social spacing and juror safety. The Committee has studied and formulated written recommendations regarding all aspects of jury operations to determine which processes need to be modified to ensure the safest protocols are in place for jury summoning, the transportation of jurors, jury selection, jury trials, and jury deliberations.

At the recommendation of the Committee and others, the Court has adopted a health screening protocol which requires all who enter the courthouse to answer COVID-19 health screening questions and have their temperature taken. People entering any court facility must wear an appropriate face covering. The Court is limiting the number of jurors summoned to the courthouse at one time to allow for social distancing. The Court has also limited the capacity of the juror bus and marked seats for appropriate distancing. Robust cleaning protocols have been established to sanitize all surfaces that jurors or court participants may touch, and jurors will be provided gloves and hand sanitizer to use when handling any physical evidence. All court elevators have been marked to limit capacity to four people. The Court has physically modified the courtrooms that will be used for trial and has installed plexiglass, removed chairs, and marked the courtrooms to provide direction to all participants as to where they may safely sit and stand. The Court has also expanded jury privacy areas for use by jurors when not in the courtroom.

Additionally, to reduce the number of prospective jurors physically reporting to court facilities, the Jury Advisory Committee, in conjunction with leadership in the Civil and Criminal Departments and court administration, have created an electronic prescreen questionnaire for jurors to complete prior to their day of service. This prescreen questionnaire will be used to determine if a juror should be excused due to a hardship reason prior to the juror reporting to the court.

Accordingly,

IT IS ORDERED adopting an electronic prescreen questionnaire for jurors to complete prior to the date that they are to report for jury duty. Prescreen questionnaires in which a juror requests to be excused from jury duty for a hardship are to be reviewed every weekday, excluding holidays, by an assigned duty judge who will make a determination as to whether the juror will be excused, rescheduled or ordered to report on their assigned day.

The Court has a Constitutional and statutory duty to provide for jury trials where required. The Court has suspended those operations due to the severity of the pandemic and the risk to public health. The Court has modified its operations over the last four months to mitigate the risk of infection to court staff and trial participants. Finally, the rate of infection and hospitalization has declined county-wide, which further reduces the risk of infection to court staff and trial participants. Having considered the above, the Court at this time will not extend the suspension of jury trials in Maricopa County.

Accordingly,

IT IS FURTHER ORDERED jury trials in the Superior Court in Maricopa County may recommence August 3, 2020.

IT IS FURTHER ORDERED jury trials in the Limited Jurisdiction Courts in Maricopa County may recommence August 3, 2020 at the discretion of the presiding judges of those courts in conjunction with the guidance of the Supreme Court set forth in AO 2020-114.

Dated this 29th day of July, 2020

/s/ Joseph C. Welty
Hon. Joseph C. Welty
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Superior Court Judges and Commissioners
Superior Court Jury Advisory Committee
Dave Byers, Administrative Office of the Courts
Raymond Billotte, Judicial Branch Administrator
Shawn Friend, Deputy Court Administrator
Bob James, Deputy Court Administrator
Keith Kaplan, Civil Department Administrator
Shawn Haught, Criminal Department Administrator
Nicole Garcia, Jury Administrator