

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

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

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ADMINISTRATIVE ORDER  
NO. 2021-031

In response to the current public health emergency, on March 18, 2020 the Chief Justice suspended the empanelment of any new petit juries. This suspension was extended several times through both Supreme Court and Superior Court Administrative Orders. On July 29, 2020 this Court determined that new COVID-19 infection numbers had leveled off at half of their peak and that hospitalization rates had dropped steadily. Based upon those metrics as well as the steps the Court had taken to mitigate the spread of the virus within the courthouses and courtrooms in Maricopa County, and mindful of its Constitutional and statutory obligations, the Court ordered the recommencement of jury trials on August 3, 2020.

COVID-19 infection rates and hospitalizations began to rise during late fall of 2020. In response, on December 3, 2020 the Court issued Administrative Order 2020-170 suspending the empanelment of juries for civil trials through February 28, 2021 while allowing for a limited number of safely spaced criminal jury trials in the South Court Tower. On February 3, 2021 the Court extended the suspension of civil jury trials through March 31, 2021. Throughout the month of February COVID-19 new infection rates have decreased substantially. Arizona has held an infection positivity rate of 5% for the last two weeks and had a positivity rate of 7% for the two weeks preceding. The COVID-19 hospitalization rate has dropped to mid-September 2020 levels, the lowest of the pandemic. According to the Arizona Department of Health Services 22.3% of Arizonans have received at least one dose of an FDA approved vaccine. Based upon the present state of the crisis, the Court will move forward again with safely spaced civil jury trials and expand safely spaced criminal jury trial operations.

Accordingly,

**IT IS ORDERED** that effective March 15<sup>th</sup>, 2021 the Court will lift the limitations on criminal jury trials put in place on December 3, 2020 in Administrative order 2020-170. The Criminal Department will resume master calendar trial operations utilizing 15 safely spaced courtrooms until further ordered.

**IT IS FURTHER ORDERED** delegating to the Presiding and Associate Presiding Judge of the Criminal Department the authority to exclude time under Rule 8 of the Arizona Rules of Criminal Procedure in individual cases or groups of cases due to calendar congestion.

**IT IS FURTHER ORDERED** that effective April 1, 2021 civil jury trials may recommence utilizing a modified master calendar system. To safely space jurors and trial participants, the Civil Department will presumptively:

- Conduct jury selection in the jury assembly area in the South Court Tower.
- Hold no more than one simultaneous jury trial per floor in the East Court Building.
- Hold no more than one simultaneous jury trial in the Old Courthouse, Southeast Courthouse or Northeast Courthouse.

Until the public health restrictions set forth above are modified or lifted, the civil judges will confer regarding the prioritization of trials and the Civil Presiding Judge or her delegee will determine a department-wide schedule for jury trials, identifying the start date, jury selection location and courtroom location of all civil jury trials.

The Civil Presiding Judge in consultation with the Presiding Judge may grant exceptions to these presumptive operations for good cause.

**IT IS FURTHER ORDERED** that all prior health and safety protocols including but not limited to restrictions on public entry to the courthouses as set out in prior Administrative Orders of this Court and the Arizona Supreme Court remain in full force and effect. Except for jury trials and other specifically enumerated in-person hearings, the work of the Court will continue to be conducted presumptively through audio and visual platforms with individuals permitted into the courthouses only as deemed necessary by a Judicial Officer as previously set forth in Administrative Orders 2020-78, 2020-115 and 2020-155.

Dated this 15<sup>th</sup> day of March, 2021.

/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  
Richard Woods, Deputy Court Administrator  
Bob James, Deputy Court Administrator  
Keith Kaplan, Civil Department Administrator  
Matthew Martin, Acting Criminal Department Administrator  
Nicole Garcia, Jury Administrator