

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

IN THE MATTER OF RESCINDING
ADMINISTRATIVE ORDER 2021-006

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ADMINISTRATIVE ORDER
No. 2021-038

On May 8, 2020, the Supreme Court issued an Administrative Order regarding court operations during the public health emergency. In order to ensure adequate judicial resources, the Administrative Order suspended any procedural rule which allowed litigants a change of judge as a matter of right. This order was reaffirmed in subsequent Administrative Orders regarding court operations during the public health emergency, most recently in Supreme Court Administrative Order 2020-197 issued on December 3, 2020.

In these same series of Administrative Orders, including Administrative Order 2020-197, the Supreme Court has authorized the presiding superior court judge of each county to adopt or suspend any local rule as needed to address the public health emergency.

On January 7th, 2021, Superior Court Administrative Order 2021-006 was issued amending Maricopa County Superior Court Local Rule 4.1 with regards to judicial assignments in criminal cases. The amendment added an additional paragraph requiring any new or amended direct complaint, information, or indictment in a prosecution that is pending at the time of the filing be filed under an existing case number. It further required that if the prosecution of a case has previously been dismissed, a new or amended direct complaint, information, or indictment shall, if possible, be assigned to the same judicial officer as the previous prosecution.

Since the adoption of the amended rule, it has come to the Court's attention that certain stakeholders have objections to portions of the rule as currently written. In order to afford a full opportunity for stakeholders to provide comments regarding the amendment to the Local Rule, as well as to provide opportunities to respond to those comments, it is warranted that the original proposed amendment to Local Rule 4.1 be processed according to the normal procedures afforded by Supreme Court Rule 28.1.

IT IS THEREFORE ORDERED rescinding Administrative Order 2021-006 which adopted the amendment to Local Rule 4.1.

IT IS FURTHER ORDERED that the proposed amendment to Local Rule 4.1 be processed in accordance with Supreme Court Rule 28.1.

Dated this 5th day of April, 2021

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

Original: Clerk of the Superior Court

Copies: All Superior Court Criminal Department Judges and Commissioners
Hon. Allister Adel, Maricopa County Attorney
Christina Phillis, Office of Public Defense Services
David Byers, Administrative Office of the Courts
Hon. Jeff Fine, Clerk of Superior Court
Raymond Billotte, Judicial Branch Administrator
Richard Woods, Deputy Court Administrator
Matthew Martin, Acting Criminal Department Administrator