

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

IN THE MATTER OF THE MASTER)
CALENDAR CASE MANAGEMENT) ADMINISTRATIVE ORDER
SYSTEM) NO. 2009-107
_____)

On July 6, 2009, the Superior Court implemented the master calendar case management system for designated criminal cases in the downtown criminal divisions. In order to manage the master calendar system,

IT IS HEREBY ORDERED:

1. Vacating Administrative Orders 2006-105, 2006-106 and 2009-056 as of July 3, 2009.
2. Criminal cases as designated in the Master Calendar Operations Protocol shall be assigned to the master calendar and managed in accordance with the Master Calendar Operations Protocol.
3. Beginning July 6, 2009, each designated criminal division shall schedule morning calendar proceedings for in-custody defendants according to a schedule approved by the Criminal Department Presiding Judge or his/her designee.
4. Motions to continue a firm trial date or to extend the last day in any criminal case must be filed in writing no later than the date set for the final trial management conference. The motion must state the reason(s) the continuance is being requested. Any motion to continue a firm trial date may be denied by the judicial officer with whom the motion is filed. Otherwise, any written motion to continue a firm trial date or to extend the last day shall be handled as follows:
 - a. Cases assigned to the master calendar: A motion to continue the trial date within the current last day may be decided by the Master Calendar Commissioner or Motions Judge with whom the motion is filed. Any motion to continue the trial date beyond the current last day or to extend the last day shall be directed to the Assignment Judge or his/her designee for ruling.
 - b. Capital cases: The motion shall be directed to and ruled on by the Criminal Department Presiding Judge or his/her designee.

- c. Cases assigned to an individual downtown criminal judge: A motion to continue the trial date within the current last day may be ruled on by the assigned judge. Any motion to continue the trial date beyond the current last day or to extend the last day shall be directed to the Criminal Department Presiding Judge or his/her designee for ruling.

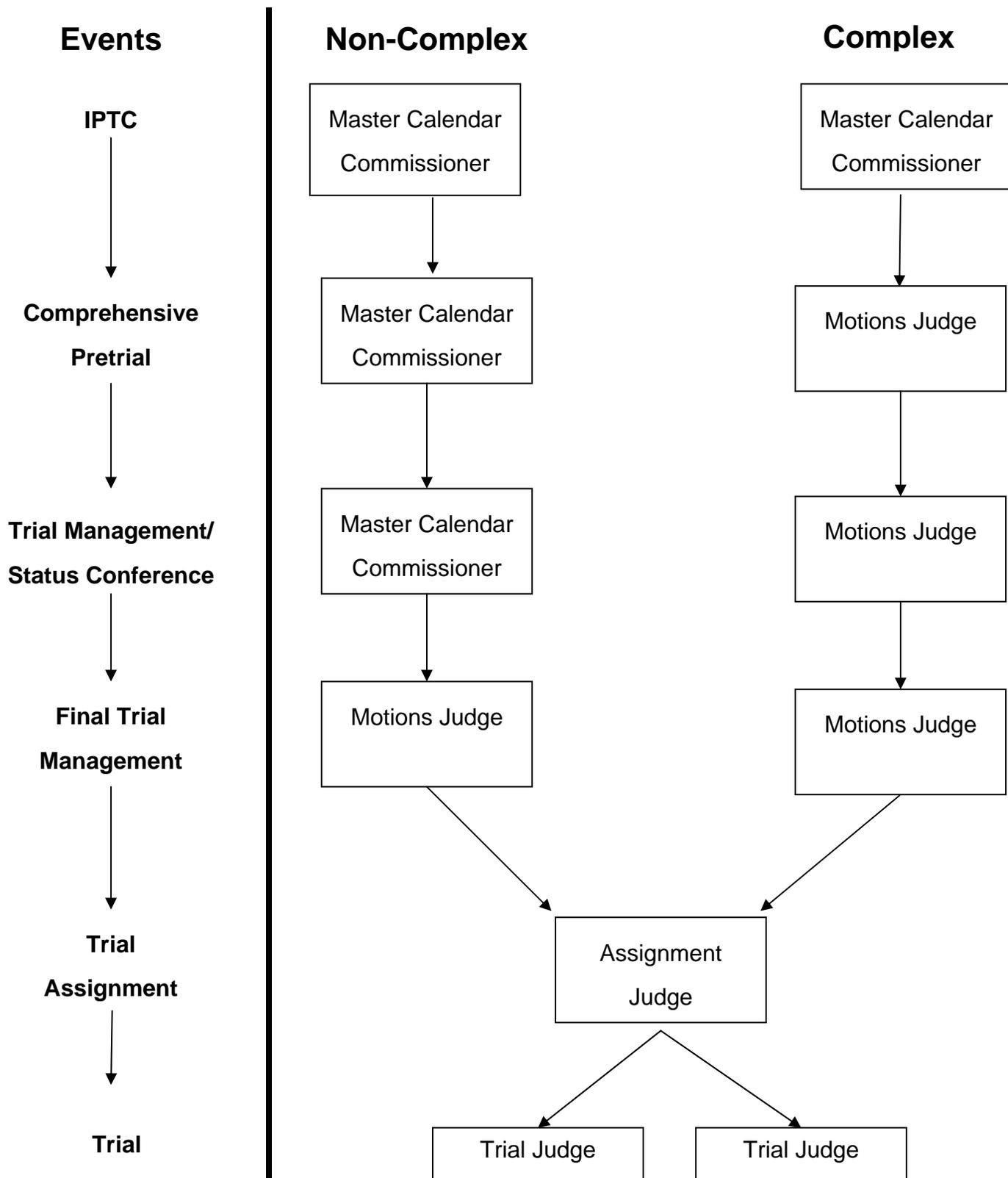
Dated this 3rd day of September, 2009.

Barbara Rodriguez Mundell
Presiding Judge

Original: Clerk of the Court

Copies: Hon. Gary Donahoe, Criminal Department Presiding Judge
All Criminal Court Judges and Commissioners
Marcus Reinkensmeyer, Judicial Branch Administrator
Phil Knox, Court Administrator, General Jurisdiction Courts
Bob James, Criminal Court Administrator
Maricopa County Sheriff's Office
Maricopa County Attorney's Office
Office of Public Defense Services
Office of the Public Defender
Office of the Legal Advocate
Office of the Legal Defender

MASTER CALENDAR OPERATIONS PROTOCOL



I. Case Assignment

- A. All criminal cases filed in this Court will be scheduled according to the Master Calendar Scheduling Protocol, except for the following:
1. Cases involving 6 or more co-defendants: Criminal Court Administration will notify the Criminal Department Presiding Judge when these cases are initiated in iCIS to know which judge will be assigned for individual case management.
 2. Cases designated as Capital: Criminal Court Administration will notify the Criminal Department Presiding Judge for reassignment to a Capital Case Management Judge upon the filing by the prosecution of a notice of intent to seek the death penalty.
 3. Cases assigned to the DUI Center: Criminal Court Administration will assign these cases based on already established business rules.
 4. Cases assigned to the Southeast Regional Facility: In the event the case cannot be tried on its firm trial date at the Southeast Regional Facility, the case may be transferred to the Assignment Judge for trial placement with a master calendar judicial officer.
 5. Other cases assigned to a judge for individual management by the Criminal Department Presiding Judge or his/her designee.
- B. Cases involving the same defendant will be scheduled together based on the assignment for the active case with the lowest CR number (e.g., CR2008-10451-001 and CR2009-00397-001 will both be scheduled before CMC01 and CMJ01) unless one of the cases is a complex case. If one of the cases is a complex case, the matters will be scheduled using the complex case number. If cases involving the same defendant each have different co-defendants, they cannot be scheduled together unless requested by the defendant and agreed to by all of the parties. An “active” case does not include a probation violation case.
- C. Pending complex cases will be assigned to the Master Calendar. The assigned trial judge may elect to keep the case on his or her calendar. A party may, by written motion, request that the Criminal Department Presiding Judge assign the case to an individual judge.
- D. Cases designated complex after July 6, 2009 will remain assigned to the Master Calendar. If a Master Calendar Commissioner or Motions Judge deems the case to need special management, the case will be referred to the Criminal Department Presiding Judge for assignment to an individual judge. A party may, by written motion, request that the Criminal Department Presiding Judge assign a case to an individual judge.

II. Document Flow

- A. The distribution of all documents related to Master Calendar cases, and the assignment of responsibility for judicial decisions for those documents when necessary, is detailed in the *Master Calendar Document Routing List* portion of the Master Calendar Case Management Protocol.

- B. All Master Calendar documents are to be delivered to Criminal Court Administration on CCB 2. If documents are left with MCC divisions, Criminal Court Administration will pick up the documents and route according to the *Master Calendar Document Routing List*.
- C. Criminal Court Administration is to mark in green in the top right corner any document received by Criminal Court Administration and the date it was received. Criminal Court Administration will also log receipt of documents in the Hearings/Events screen of iCIS. Criminal Court Administration staff will sort and route the documents to the appropriate parties and judicial divisions using the current *Master Calendar Document Routing List*.
- D. If a motion is filed but not ruled on at the start of the department-wide implementation of the Master Calendar, then each division shall forward pending motions to the appropriate judicial officer (MCC or MJ) based on the last digit of the CR case number.
- E. Not Guilty Arraignment (NGA) calendar support staff shall notify Criminal Court Administration regarding interpreter issues at the time of the NGA and shall update iCIS to reflect that need.

III. Settlement Conferences

- A. Parties may go to any judicial officer for a settlement conference. If a change of plea is completed, see below for the parties' options for sentencing.

IV. Change of Plea and Sentencing

- A. Direct parties to the MCC to handle the change of plea. If a change of plea is completed, the parties have the following options for which judicial officer will conduct the sentencing:
 - 1. Stay with the judicial officer who handled the change of plea if that judicial officer agrees to do the sentencing;
 - 2. Utilize Rule 10.2(d) to stipulate to a judicial officer, but only if the requested judicial officer agrees; or
 - 3. Go to the judge who is indicated on iCIS as the "Sentencing Judge." If either party wants to notice the designated "Sentencing Judge," then that party will have to use their 10.2 notice. Designation of the "Sentencing judge" in iCIS will be accomplished by a randomized process that distributes the cases equitably among the criminal judges. Designation of a "Sentencing Judge" does not mean that the case is assigned to that judge for case management or administration.

V. Master Calendar Commissioner (MCC)

- A. When a Master Calendar Commissioner (MCC) gets noticed, the case will be assigned to another MCC. This will be accomplished by a randomized process that distributes the cases equitably among the MCCs.

- B. The MCC will receive input at IPTC from the parties for a realistic Firm Trial Date (FTD). The MCC will utilize the Master Calendar Scheduling Protocol to calculate the FTD. However, the MCC may deviate from that schedule to set an earlier FTD if the parties agree. If the parties request a trial date later than the normal calculation but earlier than the last day, the MCC can grant that request. The minute entry should reflect that counsel agreed to the trial date and that a continuance will not be granted because of trial conflicts. However, the MCC cannot grant a request to set the FTD beyond the last day under Rule 8. That may only be granted by the Assignment Judge. The MCC staff will set the FTD at 8:00 a.m. on the Assignment Judge's calendar. The scheduling will need to be evenly balanced across four days, Monday through Thursday.
- C. Interpreter days for each MCC will be five days a week.
- D. Vacation Coverage Protocol for MCCs – If the MCC will be on vacation for 3 or less consecutive court business days, MCC staff will be required to block those dates and notify Criminal Court Administration at least 60 days in advance so IPTCs are not scheduled on those dates. If the MCC will be on vacation for more than 3 consecutive court business days, MCC staff will be required to block the first 3 days. All remaining days in that vacation period will be covered by a coverage JO, and normal scheduling rules apply, with the exception that the MCC shall not schedule sentencings on those days. If the Court is in a court-wide critical calendar period, this plan is replaced by the court-wide matrix published through the office of the Presiding Judge.

VI. Motions Judge (MJ)

- A. If a matter needs to be handled after the current Motions Judge (MJ) has rotated out of that assignment, the Judicial Assistant (JA) of the current MJ shall set the hearing on the calendar of the next judge who will rotate into the MJ role. Also the JA of the current MJ is to maintain a file and tickler of pending issues for the next MJ.
- B. The MJ rotating out of that role should de-brief the incoming MJ and staff.
- C. Interpreter days for each MJ will be Tuesdays and Thursdays. When a MJ rotates out of that assignment, that division will resume the interpreter schedule they used prior to the MJ assignment.
- D. Motions *in limine*, voluntariness motions, *Dessureault* motions and Rule 609 (priors) motions will be heard by the trial judge unless a party requests that a MJ decide the motion. A party may request that any motion designated to be heard by the trial judge be ruled on by the MJ.
- E. Vacation Coverage Protocol for MJs – A MJ who takes vacation time during his/her assignment period is responsible for either blocking the affected dates or arranging coverage. Whichever choice is made, this must be communicated in advance to Criminal Court Administration so the related MCC knows when to set FTMCs. In addition, if the decision is made to block dates, MJ staff is responsible for blocking the calendar in iCIS.

VII. Assignment Judge (AJ)

- A. Any judicial officer who steps in as Assignment Judge (AJ) will hear cases in the courtroom of the primary AJ.
- B. The AJ will route parties to the Trial Judge (TJ) directly from their appearance on the FTD in the AJ's courtroom. Criminal Court Administration staff in the AJ's courtroom on the FTD shall order the jury at the direction of the AJ when the parties are sent to their assigned TJ. As long as that order is placed with the Jury Office before 10:30 a.m., the TJ is to begin jury selection at 1:30 p.m. that afternoon. If the AJ assigns a trial to a TJ but does not require the TJ to begin jury selection that day, the staff of the TJ must order the jury no later than 3:30 p.m. on the FTD to begin jury selection the next day. If trial does not begin on the day the case is assigned to the TJ, it must start the next day. The TJ is not authorized to start the trial later than the next day following the assignment of the case absent approval by the AJ or the Criminal Department Presiding Judge.

VIII. Trial Judge (TJ)

- A. When conducting a trial, the second day and every subsequent day should start no later than 10:30 am for trial judges and 1:30 p.m. for MCCs.
- B. No trials may start on Fridays. Whether a trial continues on Friday remains within the discretion of the presiding trial judicial officer after conferring with the trial lawyers.

Master Calendar Scheduling Protocol (MCSP)

Event	Scheduling Interval	Event Location	Scheduling Responsibility
IPTC	Arrestment + 45 days	MCC	NGA/RCC/EDC
CPTC	IPTC + 30 days	Non-complex = MCC Complex = MJ	MCC
TMC/Status Conference	As needed between CPTC and FTMC	Non-complex = MCC Complex = MJ	Non-complex = MCC Complex = MJ
FTMC	FTD – 5 court business days	MJ	MCC
FTD	In custody: Arrestment + 120 days Out of custody: Arrestment + 150 days	AJ	MCC

Master Calendar Document Routing List

Revised July 29, 2009

The following list provides direction on where documents related to Master Calendar cases are to be routed.

Master Calendar Commissioners

- Amend Indictment (Motion) (the case is at the IPTC level)
- Defendant's Request for Extension of Time to Challenge the Preliminary Hearing Proceedings
- Motion for Depositions
- Designate Count as a Class One Misdemeanor and Proceed with Bench Trial (after IPTC) – State's Motion
- Joint Case Management Plan
- Pretrial Management Statement (if prepared before CPTC)
- Petition to Secure Attendance of Prisoner
- Motion Regarding Counsel (Motion to Withdraw; Motion for Substitution of Counsel; Motion to Determine Counsel)
- Motion Regarding Disclosure (15.2) and (15.1) (motion or request) filed before IPTC; (if filed after IPTC, direct motion to Motions Judge)
- Regarding Release Conditions (Motion to Modify Release Conditions)
- Request for Court Transcripts (other than Grand Jury transcripts)
- Motion to Appoint Interpreter for Victim/Witness
- Motion for Rule 11 Exam
- Motion to Seal File or Portion of File
- State's motion for taking physical evidence and proposed order
- Motion to Transport Witness
- Motion to Unseal Mental Health Exams and any Proposed Order

Motions Judges

- Joint Pretrial Statement
- Motion to Continue a non-capital case filed on or before the FTMC
- Motion to Dismiss (Filed by Defense; Rule 16.6(b))
- Motion for Extension of Time to Challenge Grand Jury
- Motion to Grant Interstate Compact
- Motion for *In Camera* Inspection of Police Records (Integrity file issues)
- Miscellaneous Letters
- Other Motions/Hearings Regarding Substantive Issues or Involve Potentially Serious Sanctions
- Motion to Preclude Other Acts Evidence
- Motion to Reinstate Prosecution (only if after IPTC)
- Motion to Remand for New Determination of Probable Cause
- Motion to Remand to Grand Jury (Rule 12.9)
- Motion regarding Rule 8 time limits
- Rule 404 (b) or (c) Motion or Request for Hearing
- Search & Seizure motions (Motion to Suppress)
- Motion to Sever Counts or Sever Defendants
- Writ of Habeas Corpus
- Response and Reply to any of the above motions

Trial Judges

- Probation Requests (warrants, early terminations, modifications, etc.). Route all probation requests to the judges that would have received them if there were no master calendar.

Assignment Judge

- Motion to Continue a non-capital case filed between FTMC and Firm Trial Date (FTD)
- Motion to Designate Case as Complex
- Opposition to Motion to Continue by the defendant
- Motions *in Limine* with evidence or items attached.
- Motion to Dismiss by State (on FTD)

Criminal Department Presiding Judge

- Anything from the Court of Appeals
- Motion to Combine, Transfer or Consolidate Cases
- Notice of Intent to Seek the Death Penalty
- Request for Expedited Grand Jury Transcripts
- Rule 10.1 (Motion for Change of Judge for Cause)
- Motion to transfer in or out of master calendar
- Dismiss by state (before FTD)
- Motion to Continue Trial or Motion to Extend Last Day in Capital case
- Motion to expedite translation of documents

Sentencing Judge

- Amend Indictment (Motion) (after plea/sentencing)
- Motion to Continue or Reset Sentencing
- Designate Offense Misdemeanor (Motion)
- Petition to Terminate Probation
- Petition to Modify Conditions of Probation
- Memo from APO

PCR Unit

- PCRs (Petition for Post-Conviction Relief, Notice and any related pleadings)

Judicial Officer being Noticed

- Rule 10.2 (Motion) (JO unless next event is FTMC or FTD, then to AJ)

IA Court

- Restore Civil Rights

See Supervisor

- Stays

Documents not to be routed:

- 902 motions
- Affirmation of Preliminary Hearing (should be prior to IPTC)
- Allegation of Aggravating Circumstances other than Prior Convictions
- Allegation of Historical Priors
- Allegation of Felony committed while on Release / Enhanced Sentencing
- Appearance Notice
- Disclosure Notice (15.1)
- Disclosure Notice (15.2)
- Discovery Notice
- Defense Witnesses and Exhibits Notice
- Defenses and Request for notice of Rebuttal Witnesses
- Exhibits worksheets
- In limine (Motion) (see assignment judge section for exceptions)
- Intent to argue Accomplice Liability Theories Notice
- Invocation of fifth and sixth amendment rights
- Request for Voir Dire instructions
- Request for Jury Instructions
- Rule 609 (Unless next event is FTD, then to AJ)
- State's allegation Pursuant to 13-702.02
- Vacate preliminary hearing (Should be prior to IPTC)
- Voluntariness Hearing (Request) – Unless an expedited oral argument is requested, then route to the Motions Judge