

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

In the Matter of:)
)
COVID-19 MITIGATION MEASURES) ADMINISTRATIVE ORDER
AND TRANSITION TO RESUMPTION OF) No. 2021-002
CERTAIN OPERATIONS) (Replacing AO No. 2020-019)
)
_____)

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide public health emergency on March 11, 2020 pursuant to A.R.S. § 26-303 and in accordance with A.R.S. §26-301 (15). Since March 18, 2020, several Administrative Orders from the Supreme Court and locally have been issued in response to the COVID-19 public health threat that limited and modified court operations to ensure justice in Arizona is administered safely. This order supersedes Administrative Order No. 2020-019 and provides direction on transition to resumption of certain operations in accordance with the Arizona Supreme Court Administrative Order No. 2020-197.

Coconino County Courts remain open to serve the public. Nevertheless, given the current emergency, and in the interest of public safety, certain limitations and changes in court practices are necessary.

This order applies to all civil, criminal, juvenile and family court-proceedings.

THEREFORE, IT IS ORDERED, effective immediately until otherwise ordered, the following procedures will be in place for all courts in Coconino County.

1. All parties to a case will appear telephonically or by video conferencing for any hearing unless the Judge issues an order for all parties to appear in person. If telephonic appearances or video conferencing is not permitted for a specific type of hearing, the Court may grant a continuance in the case or ask for the parties to appear in person with restrictions in place.
2. Until further notice, the Courts will limit any in-person proceedings to attorneys, parties, victims, witnesses, jurors, court personnel, and other required persons, when necessary to maintain the recommended social distancing within a court facility. Essential parties will be allowed to enter the courtroom to observe those proceedings as long as safety protocols and social distancing are followed. The Courts will provide alternative ways for the public to participate in hearings and that information will be posted on their webpage.
3. If the defendant is in custody of the jail and would like to appear telephonically or by video-conference, defense counsel is responsible for contacting the jail and arranging for their client to appear as requested. Video conferencing will be utilized as feasible during the criminal law and motion calendar for Superior Court. Self-represented defendants in criminal cases will appear telephonically or by video-conference if available, unless the

Court orders their appearance. If defense counsel is waiving the appearance of their client, there is no need to file a motion. Counsel will be allowed to inform the court on the record at the hearing that they are waiving their client's appearance.

4. Counsel and all self-represented parties may appear telephonically for all case management conferences. Counsel and self-represented parties may choose to file a written case management conference update in lieu of appearing telephonically. In all criminal cases, defense counsel or a self-represented litigant shall include in their written update whether time is waived. Counsel will be required to provide written updates to the court on the date the case management conference is set with available dates for future hearings. The written update must include: 1) What the parties will specifically accomplish by the next CMC; 2) Have the parties accomplished what they said they would from the last CMC and if the parties have not accomplished what they said they would, why not. These written updates need to be as specific as possible to provide information to the judge on the progress of the case. A Judge may issue an order requesting counsel to appear either by telephone or in person if extenuating circumstances exist.
5. If a document must be signed by multiple parties and a defendant who is in custody, the defendant will sign their copy, and have it sent back to defense counsel. Defense counsel may sign that copy and file it with the Clerk of Court or may use an e-signature and file that copy plus the signed copy with the Clerk of Court. The prosecutor will be responsible for signing a copy of the plea and may use an e-signature for the plea. Those documents together shall constitute the original signed document.
6. Effective on June 1, 2020 and until further notice, court participants and visitors must wear a mask or face covering when entering and while conducting business in the courthouse. In addition, the court will implement the COVID-19 health screening protocol. Any person who refuses to cooperate with or does not pass established screening protocols, or refuses to wear a mask or face covering, will be excluded from entering the courthouse. If the excluded person is attempting to attend a scheduled court proceeding, the court will be notified of the person's inability to enter the courthouse. If the person has an attorney, they will be directed to call their attorney to request further information.
7. Effective June 1, 2020 and until further notice, Court and judicial personnel will be required to wear a mask or face covering when having any in-person contact with other personnel or the public. During in-courtroom proceedings, the judge may authorize removal of masks or face coverings for purposes outlined in the Arizona Supreme Court Administrative Order No. 2020-197. Court and judicial personnel must also complete a COVID-19 health screening as approved by the Administrative Office of the Courts.
8. Effective June 1, 2020, the Superior Court will begin to schedule in-person sentencings for defendants. This will allow for cases to move forward and to be able to capture the defendant's fingerprint on the sentencing document.

9. Until further notice, customers wishing to make payments for court fines/fees are asked to please mail in their payments, make their payment online, pay at a PayNearMe vendor or call the court to make other arrangements for payment.
10. Judges and Court staff will continue to use all reasonable alternatives to in-person court hearings and any court-ordered programs to decrease or eliminate person to person contact. Settlement conferences and mediations shall be conducted in compliance with eliminating or decreasing social contact. They may be conducted by telephonic appearances. Counsel should contact the respective judge regarding continuing these conferences or ensuring that they are conducted in a manner in accordance with minimizing social contact.
11. The courts in Coconino County will comply with this order and the Arizona Supreme Court's Administrative Order No. 2020-197.
12. Pursuant to the Arizona Supreme Court Administrative Order No. 2020-143, trials of cases to a jury may resume no earlier than June 15, 2020. The period of March 18, 2020 through March 31, 2021 is excluded from calculation of time under rule provisions and statutory procedures that require court proceeding to be held within a specific period of time, including Rule 8, Rules of Criminal Procedure; Rules 17, 25, 79 and 100, Rules of Procedure for the Juvenile Court; Rules 2,3, and 15, Rules of Procedure in eviction Actions; and Rule 38.1 (d)(2), Rules of Civil Procedure. A judge, pursuant to Rule 8, may extend this exclusion of time in criminal cases, for good cause including, but not limited to COVID-19 illness, quarantine and travel restrictions.
13. The court will transition to the different phases as ordered by the Arizona Supreme Court.

IT IS FURTHER ORDERED, marriage ceremonies may take place inside the courthouse with a limit of ten (10) persons including the parties and witnesses present, as long as protocols are followed, and social distancing is in place.

IT IS FURTHER ORDERED that attorneys in all civil case filings are required to electronically file documents when filing into the Superior Court through the statewide system, eFileAZ.

IT IS FURTHER ORDERED that attorneys are required to electronically file post-initiation criminal case documents when filing into the Superior Court through the statewide system, eFileAZ. Documents excluded from this are outlined in the Arizona Supreme Court's Administrative Order No. 2020-125. Documents that are excluded may be filed through the Superior Court's local email system, coconinot36@courts.az.gov. The Superior Court will accept Informations but will not accept Indictments through this email. Plea agreements being filed electronically may contain e-signatures from counsel, but it must include an original signature of defendant. One plea agreement may be electronically filed containing counsels' signatures as described above. However, one copy of the plea agreement must contain the defendant's original signature. An electronic signature by the defendant will not be accepted. A separate plea agreement shall be filed in each individual case.

IT IS FURTHER ORDERED that any document filed through the email Coconinot36@courts.az.gov will follow the procedures and processes outlined below:

1. The document is to be filed through the email of Coconinot36@courts.az.gov and shall be considered the official original record.
2. The electronically-submitted document shall be deemed filed on the date and time it is received by the Clerk of Superior Court as reflected through Microsoft Outlook email account of Coconinot36@courts.az.gov .
3. The filing party is responsible for distribution of each electronically filed motion to continue to the other respective parties.
4. All documents shall be in a .pdf format except proposed orders which shall be in WORD (.docx) format.

IT IS FURTHER ORDERED that electronic filing of documents in Probate and Domestic cases is available but not mandatory through the statewide system, eFileAZ.

DATED this 16 day of February, 2021.



HON. DAN R. SLAYTON
Presiding Judge