

**IN THE PHOENIX MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA**

IN THE MATTER OF ADOPTION AND)
IMPLEMENTATION OF PRESUMPTIVE)
STANDARDS FOR REMOTE AND) ORDER 22-16
IN-PERSON HEARINGS)
_____)

In June 2021, the Arizona Supreme Court's COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (“the Plan B Workgroup”) recommended best practices that should be retained or adapted post-pandemic, which included a recommendation that courts continue to use and expand technology to conduct remote court proceedings. In January 2022, the workgroup reconvened to develop and make additional recommendations regarding the use of remote hearings post-pandemic. The workgroup issued a report on February 22, 2022, *Recommended Remote and In-Person Hearings in Arizona State Courts in the Post-Pandemic World*. The report included recommendations regarding which hearing types should be held remotely and which should be held in person (“Presumptive Standards”).

On April 27, 2022, the Arizona Supreme Court issued Administrative Order No. 2022-46 (“AO 2022-46”) adopting the Presumptive Standards and requiring the presiding judge of each municipal court to issue an administrative order adopting standards regarding which hearing types would be held remotely and which would be held in person. AO 2022-46 allowed each presiding judge of each respective municipal court, after consultation and approval from the presiding judge of the superior court in the county where that municipal court is located, to adapt the Presumptive Standards as necessary in consideration of limitations in local court resources, bandwidth, technology hardware, software, and staffing, or, for good cause, to meet unique needs of their respective cities.

On August 3, 2022, the Arizona Supreme Court issued AO 2022-88 replacing AO 2022-46. AO 2022-88 still adopts the Presumptive Standards and requires the presiding judge of each municipal court to issue an administrative order adopting standards regarding which hearing types will be held remotely and which will be held in person. Moreover, the order still requires consultation with, and approval by, the presiding judge of Maricopa County Superior Court of any adaptations to the Presumptive Standards. Finally, AO 2022-88 has an additional requirement relative to AO 2022-46—the requirement that the Arizona Supreme Court Chief Justice approve any local administrative order adopting the Presumptive Standards and providing any adaptations.

Therefore, pursuant to Arizona Supreme Court AO 2022-88 and upon consultation with and approval from the presiding judge of the superior court in Maricopa County and further, upon approval of the Chief Justice of the Arizona Supreme Court,

IT IS ORDERED adopting the Presumptive Standards approved by the Arizona Supreme Court subject to the adaptations herein, as the presumptive manner for holding hearings set on, or after, October 1, 2022, in the Phoenix Municipal Court. See Appendix 1.

IT IS FURTHER ORDERED that the adaptations to the Presumptive Standards adopted by the Arizona Supreme Court have taken place for the following hearing types and reasons:

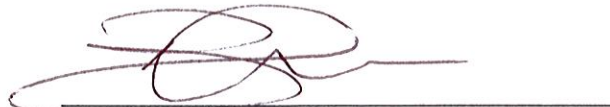
- **Initial Appearances / Arraignments** and **Probation Violation Arraignments** will be scheduled for in-person proceedings, to facilitate meaningful consultation with public defense services, the prompt resolution of cases, and the completion of fingerprinting requirements established by law.
- The first **Pre-trial Disposition Conference** in a case will be scheduled for in-person proceedings, to facilitate meaningful consultation with initially assigned public defenders, effective resolution of discovery matters, and the resolution of cases, including diversion program enrollment.
- **Changes of Plea** and **Sentencings** will be scheduled for in-person proceedings, to ensure the appropriate completion of necessary documentation and fingerprinting requirements. It is noted, however, that pursuant to Rules 17.1(f)(1), -(f)(2), *Arizona Rules of Criminal Procedure*, telephonic pleas and pleas by mail still remain at the discretion of the assigned trial court judge.
- **Settlement Conferences** will be scheduled for in-person proceedings, to facilitate the successful final disposition of cases without the need for scheduling a jury trial.

IT IS FURTHER ORDERED that a judge assigned to a case may make a hearing-specific deviation from the presumptive standard if holding the hearing in the presumptive manner is not practical, or otherwise is not in the interest of justice. The court must provide notice to the parties when such an alternative is utilized.

IT IS FURTHER ORDERED that for any hearing scheduled to be conducted remotely, the individual charged with an offense may elect to attend the hearing in person.

IT IS FINALLY ORDERED that, notwithstanding the presumptive manner for holding hearings and the adaptations to the presumptive manner outlined in this Order, any hearing type, with the exception of criminal trials, may be conducted remotely upon the request of a party, good cause appearing, and consistent with the requirements of applicable rules.

DATED this 30th day of September, 2022.

A handwritten signature in dark ink, consisting of several overlapping loops and a long horizontal stroke extending to the right, positioned above a solid horizontal line.

B. Don Taylor III
Chief Presiding Judge

APPENDIX 1

Appendix 1

Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	
<i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV)</i>			
<i>Criminal Misdemeanor</i>			
	Appearance/Arrestment/Initial		X
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea/Sentencing		X
	First Pre-trial Disposition Conference		X
	Second and Subsequent Pre-trial Disposition Conference	X	
	Order to Show Cause		X
	Progress Conference	X	
	Settlement Conference		X
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arrestment		X
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness	X	
	Other – Witness		X
	Bond Forfeiture	X	
<i>CTBMPSV</i>			
	Arrestment		X
	Trial/Contested Hearing		X
	Photo Enforcement Hearing	X	
	Other (including ID Hearings, Local Ordinance, Parking)	X	