

IN THE MUNICIPAL COURT OF THE CITY OF GOODYEAR

In the Matter of:	)	
	)	Administrative Order
AUTHORIZING LIMITATIONS OF	)	No. 2020-07
COURT OPERATIONS DURING A	)	(Replacing Administrative
PUBLIC HEALTH EMERGENCY AND	)	Order No. 2020-05)
TRANSITION TO RESUMPTION OF	)	
<u>CERTAIN OPERATIONS</u>	)	

Due to concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona declared a statewide emergency pursuant to A.R.S. § 26-303 and in accordance with A.R.S. § 26-301(15) on March 1, 2020. Since March 18, 2020, the Arizona Supreme Court has issued several administrative orders in response to the COVID-19 public health threat that limited and modified court operations to ensure justice in Arizona is administered safely. Administrative Order No. 2020-70 issued on April 24, 2020 directed Arizona's courts to conduct business in a manner that reduced the risks associated with COVID-19. The most recent Arizona Supreme Court Administrative Order issued on May 20, 2020 provides direction on transition to resumption of certain operations in an orderly manner that prioritizes the safety of the public, judges, and employees of the judiciary.

Over the course of this public health emergency, the Goodyear Municipal Court, has marked off its courtrooms and public areas to provide for appropriate social spacing for those entering the courthouse, has mandated daily temperature checks by all court employees while in the courthouse, and has introduced telephonic, video and audio-conferencing capabilities. Arizona courts remain open to serve the public. However, given the on-going threat to public safety, certain limitations and changes in court practices and operations continue to be necessary. In accordance with the Supreme Court's Administrative Order, starting June 1, 2020 the Goodyear Municipal Court will expand operations, including limited in-person proceedings, to be conducted in court facilities. These changes will occur in phases consistent with this Order and the standards in Attachment A.

Therefore, pursuant to Article VI, sections 3 and 5 of the Arizona Constitution,

IT IS ORDERED that the Goodyear Municipal Court will begin transitioning to in-person proceedings on June 1, 2020 to the extent this can be safely accomplished.

IT IS ORDERED that Administrative Order 2020-05 is superseded and replaced by this Order.

IT IS FURTHER ORDERED that:

I. TO PROTECT COURTHOUSE SAFETY

- Until Arizona enters Phase II and except where the size of court staff or other constraints will not allow, the Goodyear Municipal Court will implement a staffing plan, using available methods to prevent all or a substantial portion of court personnel from becoming infected or requiring quarantine at the same time due to work-place contact. The court has designed a staffing agreement with the Buckeye Municipal Court. Both courts use the same case management system. In the event one court loses a significant amount of staff due to COVID-19 that they are unable to function, the other court will allow part of their staff to assist the injured court, thus allowing it to remain in operation. The court may exempt court personnel that performs critical court functions from this provision if there is no practical alternative.
- All in-custody proceedings will be conducted telephonically or by using available technologies to minimize mixing of populations to eliminate avoidable quarantines among in-custody and out-of-custody defendants.
- Rule 10.2, Rules of Criminal Procedure which provides litigants with a change of judge as a matter of right, are suspended until December 31, 2020 to reduce the risk of virus exposure inherent in out-of-county judges' travel, and to ensure adequate judicial resources for backlog reduction.
- The Goodyear Municipal Court shall adopt measures that adhere to social distancing standards as set forth in Attachment A. In consideration of courtroom sizes and other gathering areas in and around the courthouse all proceedings will be scheduled pursuant to these practices. Only until Arizona enters Phase II, and in extraordinary circumstances and with appropriate precautions the Presiding Judge may authorize a maximum of 30 persons to gather in one location provided social distancing measures are taken. The Goodyear Municipal Court will coordinate with law enforcement to require staggered citation appearance times.
- All participants in court proceedings, including attorneys, parties, witnesses, victims, jurors, court personnel, and other necessary persons, shall notify the court prior to appearing at the courthouse of any COVID-19 diagnosis, symptoms, or exposure notification by public health authorities and make alternative arrangements to participate.
- Until Arizona enters Phase III all in-person proceedings will be limited to attorneys, parties, victims, witnesses, jurors, court personnel and any other persons to maintain social distancing procedures within the courthouse and courtrooms and the judge in each proceeding to ensure the health and safety of all participants consistent is consistent with the parties' rights to due process of law.
- The Goodyear Municipal Court will make the necessary accommodations for persons with business before the Court who are at a high risk of illness from COVID-19 or who report any COVID-19 diagnosis, symptoms, or exposure notification by public health authorities.
- Through Phase I, the Goodyear Municipal Court will implement COVID-19 screening for

all court staff and judicial personnel. All court staff shall follow Arizona Court Health Screening Protocols pursuant to Arizona Supreme Court Administrative Office Of The Courts Administrative Directive No. 2020-10. Additionally, Court staff and Judicial Officers shall wear their own court-provided masks, face coverings, or face shields when having *any* in-person contact with other personnel or the public.

- All court visitors shall follow COVID-19 Arizona Health Screening Protocols for the Public SECURITY LEVEL 3: ENHANCED + SECURITY DOING BODY TEMPERATURE SCREENING per Arizona Supreme Court Administrative Office Of The Courts Administrative Directive No. 2020-10. All visitors shall wear a mask or face covering when entering and remaining in the courthouse. The Court *may* provide the required face-covering for use by persons who do not have their own. The Court *shall* exclude persons from the courthouse who refuse to cooperate with or who do not pass established screening protocols or refuse to wear a mask or other face covering. These notices shall be posted at the all entrances and on the Court website.
- During in-courtroom proceedings, the judge may authorize removal of face masks or face coverings for purposes of witness testimony, defendant identification, making an appropriate record, or other reasons as deemed necessary by the judge provided social distancing or other protective measures are followed.
- The Court has established and implemented social distancing and sanitation measures established by the United States Department of Labor and the CDC.

II. TO USE TECHNOLOGY TO MINIMIZE IN-PERSON PROCEEDINGS:

- Proceedings in all Arizona Courts may be held by teleconferencing or videoconferencing, consistent with core constitutional rights.
- During Phases I and II the Goodyear Municipal Court will limit in-person contact as much as possible by using available technologies, including alternative means of filing, teleconferencing, videoconferencing and use of email and text messages to reasonably ensure the health and safety of all participants.
- Ex parte and contested protective order hearings will be held telephonically or by using available technologies.
- The Court will use Online Dispute Resolution to resolve specific case types.
- The Court may authorize the use of electronic, digital, or other means regularly used in court proceedings to create a verbatim record.
- When the public is limited from attending in-person proceedings, beginning July 1, 2020, to the extent logistically possible the court will make video or audio proceedings available.

- Any person may request recordings of proceedings by contacting the court via email at: goodyearcourt@courts.az.gov or by calling (623)882-7200.
- It is ordered that any person not authorized to attend a proceeding may submit a request in writing to the Presiding Judge for permission to attend.
- The 100-mile distance requirement for a limited jurisdiction court to accept a telephonic plea under Rule 17.1(f) of the Rules of Criminal Procedure is suspended through December 31, 2020.
- The judge in each proceeding conducted *using* video-conferencing may limit and permit recording as appropriate to apply the policies provided in Rule 122, Rules of the Supreme Court to those proceedings.
- When conducting virtual hearings, the court has established a procedure to collect a defendant's fingerprint, or to otherwise establish the defendant's identity as an alternative means of complying with the procedures required by A.R.S §13-607 and Rule 26.10 of the Rules of Criminal Procedure.

III. TO APPROPRIATELY PRIORITIZE CASE PROCESSING:

- Constitutional and statutory priorities for cases continue to apply unless otherwise waived.
- For cases where the right to a jury trial has not been waived, but where limits on courthouse facilities or judicial or court personnel capacity require prioritization and recognizing that constitutional and statutory preferences govern for specific issues raised in a specific case, cases shall be scheduled in the following order of priority:
 - (a) Criminal misdemeanor cases where the defendant is in custody;
 - (b) Criminal misdemeanor cases, where the defendant is not in custody; and
 - (c) Any other jury trial cases.
- Where limits on courthouse facilities or judicial, or court personnel capacity require prioritization and recognizing that constitutional and statutory preferences govern for specific issues raised in a specific case, cases shall be scheduled in the following order of priority:
 - (a) Criminal
- Where backlogs exist, case disposition capacity will be expanded by calling judges pro tempore to assist.

IV. TO SAFELY PROVIDE FOR JURY TRIALS

- Trials of cases to a jury may resume when Arizona enters Phase I, but not prior to June 15,

2020.

- The Goodyear Municipal Court employs appropriate social distancing and other measures necessary for the protection of jurors and the public. Information describing protective measures are posted on our court website describing the protective measures taken.
- Until December 31, 2020, to reduce the number of citizens summoned to jury duty, procedural rules including Rule 18.4(c), Rules of Criminal Procedure, are modified to afford litigants *one* preemptory strike per side in all misdemeanor cases.
- To accommodate social distancing standards, the court will stagger times for prospective jurors to report for jury duty, by directing them to individual courtrooms rather than jury assembly rooms to conduct jury selection. At the discretion of the presiding judge, prospective jurors may be summoned to non-courthouse facilities that can accommodate larger number of individuals.
- The presiding judge may authorize the use of technology to facilitate alternatives to in-person appearances for selecting jurors for jury trials, with the permission of the presiding superior court judge.

V. TO CALCULATE TIME CONSIDERING THE EMERGENCY:

- The period from March 18, 2020 through August 1, 2020 is excluded from calculation of time under rule provisions and statutory procedures that require court proceedings to be held within a specific period of time, including Rule 8, Rules of Criminal Procedure. Pursuant to Rule 8, the judge may extend this exclusion of time in criminal cases, for good cause including, but not limited to COVID-19 illness, quarantine and travel restrictions.
- The following are *not* excluded from calculation of time:
 - (a) For persons held in-custody: initial appearances, arraignments and release conditions of release
 - (b) Domestic Violence protective proceedings.
 - (c) Any other proceeding that is necessary to determine whether to grant emergency relief.
- For the period of March 18, 2020 through August 1, 2020, if a judge is unable to rule on a pending matter due to the judge's illness or is otherwise unable to work, the judge is deemed to be physically disabled, and the period of time the judge is ill or unable to work is excluded from the calculation of the 60 days from the date of submission in which a matter must be determined under ARS § 12- 128.01 or §11-424.02.

VI. IN GENERAL

- The Goodyear Municipal Court will remain accessible to the public by telephone and email during our regular business hours to the greatest extent possible, including the use of a drop

box for documents that cannot be e-filed if it becomes necessary to close court offices to the public.

- During the Goodyear Municipal Court's phased re-opening court staff shall make reasonable efforts to provide alternative methods of accessing court records.
- The presiding judge shall provide information regarding court access and operations in both English and Spanish.
- The presiding judge and court management shall periodically meet to coordinate county-wide court activities impacted by the current COVID-19 crisis. Attendance at such properly scheduled meetings is mandatory unless excused by the county presiding judge.

Dated this 27th day of May, 2020.

/s/ Mayra Galindo

Hon. Mayra Galindo
Presiding Judge

Attachment A

Standards for Resumption of On-site Court Operations During a Public Health Emergency

PHASE I:

The Goodyear Municipal Court will begin transitioning to in-person proceedings on June 1, 2020.

Staffing Plans

- During Phase I the Goodyear Municipal Court will implement a staffing plan to the extent the size of the court's reduced staff will allow. Due to severe ongoing staffing shortages the Goodyear Municipal Court will partner with its sister court, the Buckeye Municipal Court, to provide coverage should any staffer or presiding judge from either court become infected. This staffing plan is targeted at preventing all or a substantial portion of court personnel from becoming infected or requiring mass quarantine due to work-related contact.
- Court staff including the presiding judge and all judges pro tempore shall follow the Arizona Courts Health Screening Protocols for Judicial and Court Personnel Administrative Office of the Courts Administrative Directive No. 2020-10.
- Upon arrival to work all court staff including the presiding judge and all judges pro tempore shall take their body temperature. Each court staffer and judge(s) shall sanitize their hands, wipe down thermometer, take their temperature, log that temperature has been taken but not write down the temperature itself on the temperature log then date and sign next to entry.
- In the event the court cannot adhere to the 6-foot distance as recommended by the CDC the court will affix plexiglass dividers between each work station in the general work area.
- All court staff shall wear a court-provided face mask at all times while in the court facility except during lunch.
- All court staff shall adhere to the daily handwashing and sanitization schedule provided by Court Administrator and Supervisors. Staff shall be mindful to clean and sanitize commonly used work machines and accessories including but not limited to the following:
 - 1.) Printers
 - 2.) Screens
 - 3.) Keyboards,
 - 4.) Cursor device
 - 5.) Phones
 - 6.) Copiers

- 7.) Scanners
- 8.) Fax machine
- 9.) Date & time stamp machines
- 10.) Staplers
- 11.) Tape dispensers
- 12.) White boards

Courthouse Safety

- Court Access: regular business hours
- Crowd Management: AOC screening protocol for all court visitors. Temperature checks/Face mask/covering managed by main entry security personnel.
- Social Distance: greatest extent possible 6 ft. Social distancing decals placed on floor throughout Courthouse lobby area, over flow court room, overflow jury assembly room and main court room.
- Limited number of proceedings per hour with application of caps. 10-person cap inside courtroom always.
- Sanitation: Daily thorough sanitation of high traffic (touch) areas. Daily sanitization of workspaces, office restrooms, windows, door handles, benches, arm chairs and bi-monthly electrostatic deep cleaning and sanitization.
- PPE: Daily masks when dealing with the public and masks and gloves for security personnel.

Technology

- Virtual court hearings, electronic recording and electronic transmission of documents will be used to the greatest extent available.
- Certain case types will be directed for resolution (with defendant consent) using on-line dispute resolution (ODR).

Criminal Cases

- All arraignments will be handled telephonically or using available technologies.
- All in-custody cases will be handled remotely via telephone or using available technologies.
- All pretrial conferences, order to show cause hearings, status conferences, evidentiary hearings, settlement conferences, trial readiness and management conferences will be handled telephonically or using available technologies including online dispute resolution (ODR).
- Bench trials will be handled using available technologies to the greatest extent possible.
- Jury Trials for unresolved cases will be scheduled 8 weeks out from Settlement Conference date.
- To accommodate social distancing standards, the court will stagger times for prospective jurors to report for jury duty, by directing them to individual courtrooms rather than jury assembly room. Additionally, the Court will use available technologies as alternatives to in-person appearances for selecting jurors

for jury trials provided permission from presiding judge of Superior Court is obtained.

Civil Cases

- All civil traffic arraignments will be held telephonically or by using available technologies.
- Civil traffic hearings will be handled by piloting available technologies to the greatest extent possible.
- Protective Orders will be handled remotely either telephonically or by using available technologies.

In General

- A Drop box has been affixed in a prominent place at the entrance of the courthouse for filing of documents that cannot be e-filed.

PHASE II:

The Goodyear Municipal Court will resume scheduling in-person court proceedings and other on-site proceedings while limiting the number of courthouse visitors during peak times.

Staffing Plan

- During Phase II the Goodyear Municipal Court will implement a modified staffing plan. The court will gradually increase the number of visitors to the courthouse once more staff return to court, provided, ongoing continuous and intermittent EFMLA requests diminish. Should the court once again be fully staffed the court will rotate 2 staffing teams to minimize interruption to court operations should there be an infection. Additionally, the court will continue to partner with the Buckeye Municipal Court, to provide coverage should any staffer or presiding judge from either court become infected.
- In the event the court cannot adhere to the 6-foot distance as recommended by CDC guidelines the court will affix plexiglass dividers between each work station in the general work area.
- All court staff shall wear a court provided face mask at all times while in the court facility except during lunch.
- All court staff shall continue to adhere to the daily handwashing and sanitization schedule provided by Court Administrator and Supervisors.

Courthouse Security

- The Court will continue following the CDC social distancing guidelines and total number of visitors will be limited. Groups of 30 but no larger than 50 may be allowed by the Presiding Judge.

Technology

- The court will continue using all available technologies, to maximize public safety and maximize court operations.

All other Phase I provisions remain in effect during Phase II, specifically the sections of the Administrative Order regarding:

- Jury Trials
- In General

PHASE III:**Staffing**

- Staffing will be largely restored. The court will continue to partner with the Buckeye Municipal Court, to provide coverage should any staffer or presiding judge from either court become infected.
- Plexiglass dividers between each work station in the general work area will remain in place.

Courthouse Safety

- During this phase the Goodyear Municipal court will continue to adhere to the CDC recommendations following social distancing guidelines and will cap the number of court visitors accordingly.
- CDC and AOC screening protocol may be relaxed during this phase as directed by the Presiding Judge.

Technology

- Virtual court hearings, electronic recording and electronic transmission of documents will continue to be used.
- All non-victim cases will be directed for resolution (with consent) using on-line dispute resolution (ODR).

Criminal Cases

- All arraignments, pretrial conferences, and all other hearing types will be handled using available technologies including ODR.
- All in-custody cases will be handled remotely via telephone or by using available technologies.
- Bench trials will be handled using available technologies or in-person while employing social distancing and other measures necessary for the protection of all proceeding participants.
- Jury trials for unresolved cases will be scheduled 8 weeks out from settlement conference date. The court will use available technologies as alternatives to in-person appearances for selecting jurors for jury trials with the authorization of the presiding judge of the superior county court.

Civil Cases

- All civil traffic arraignments will be held telephonically or by using available technologies.
- Civil traffic hearings will be handled by using available technologies or in-person while employing social distancing and other measures necessary for the protection of all proceeding participants.
- Protective Orders will be handled remotely either by using available technologies.

In General:

The Court drop box will continue to be used for filing of documents that cannot be e-filed.

PHASE IV: Return to normal operations – no restrictions.