

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

IN THE MATTER OF CONDUCTING
JURY OPERATIONS SAFELY DURING
A PUBLIC HEALTH EMERGENCY

}
ADMINISTRATIVE ORDER
NO. 2020-170

In response to the current public health emergency, on March 18, 2020 the Chief Justice issued Supreme Court Administrative Order 2020-48, which, among other things, suspended the empanelment of any new petit juries through April 17, 2020. This suspension of petit juries was extended to May 1, 2020 by Administrative Order 2020-60, and then again to June 1, 2020 by Administrative Order 2020-70. In Supreme Court Administrative Order 2020-75, the Chief Justice ordered that the presiding judges of the superior courts in each county would determine, in conjunction with stakeholders, how to phase-in petit jury operations after June 1st.

Subsequently, in Superior Court Administrative Order No. 2020-078, the Court ordered that jury trials would commence on a limited basis beginning June 15, 2020. After June 1st, however, new cases of COVID-19 in Maricopa County increased from 187 new cases a day to 3,857 cases a day by June 28th, and hospitalizations rapidly increased with ICU beds reaching 89% capacity. In response, the Court suspended all new jury trials in Superior Court from July 1st through July 31st, 2020. On July 29, 2020 the Court determined that new COVID-19 infection numbers had leveled off at half of their peak and that hospitalization rates had dropped steadily. Based upon those metrics as well as the steps the Court had taken to mitigate the spread of the virus within the courthouses and courtrooms in Maricopa County, and mindful of its Constitutional and statutory obligations, the Court ordered that jury trials would recommence effective August 3, 2020.

Since commencement of jury trials, the COVID-19 metrics in Maricopa County and the risks attendant with them have changed for the worse. New COVID-19 infections have risen steadily in Maricopa County since mid-October. By the end of November 2020, the Maricopa County Health Department was reporting in excess of 3000 new cases per day. Public health, hospital administrators and researchers are all indicating that the current increases will be

exacerbated by people coming together during the holidays and that currently stressed hospital resources may be overwhelmed unless additional mitigation measures are put in place.

As set forth in previous Administrative Orders, the Court has adopted and continues to practice numerous mitigations strategies including the presumptive use of virtual platforms to conduct court operations, mandated face coverings in all court facilities, limited public access to court facilities and strict health screening protocols. To further mitigate the spread of the virus at this critical time it is necessary to reduce the number of trial jurors entering the Superior Court.

To meet the Court's Constitutional responsibility to provide timely criminal jury trials in balance with the interests of public health, and in accordance with Supreme Court Administrative Order 2020-075's case processing standards assigning criminal jury trials priority over other jury trials, the Court will conduct a limited number of safely spaced criminal jury trials in the South Court Tower and will summons jurors to hear those trials. The Court will suspend all civil jury trials in the Superior Court.

Accordingly,

IT IS ORDERED that all Superior Court criminal jury trials shall be held in the South Court Tower in courtrooms that have been prepared with appropriate screening and properly marked spacing. That no more than two jury trials may proceed at one time on any trial court floor of the South Court Tower. That no more than one jury shall be empaneled per day to minimize the number of jurors processed through the jury assembly room in single day.

IT IS FURTHER ORDERED that the empanelment of juries for civil trials in the Superior Court is suspended through February 28, 2021.

Dated this 3rd day of December, 2020

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

Original: Clerk of the Superior Court

Copies: All Superior Court Judges and Commissioners
Superior Court Jury Advisory Committee
Dave Byers, Administrative Office of the Courts
Raymond Billotte, Judicial Branch Administrator
Richard Woods, Deputy Court Administrator
Bob James, Deputy Court Administrator
Keith Kaplan, Civil Department Administrator
Shawn Haught, Criminal Department Administrator
Nicole Garcia, Jury Administrator