



# Arizona Superior Court

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## MEMORANDUM

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TO: HON. KYLE BRYSON; RON OVERHOLT

FROM: BTO TASK FORCE

SUBJECT: BTO TASK FORCE FIRST REPORT WITH RECOMMENDATIONS

DATE: MAY 15, 2020

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## INTRODUCTION

On March 18, 2020 Arizona's Supreme Court issued Administrative Order (AO) 2020-48.<sup>1</sup> The original administrative order has been succeeded by subsequent orders which extend the time in which the restrictions remain in place.<sup>2</sup> These orders limit court operations during the COVID-19 Public Health Emergency and include a moratorium on all jury trials. The Supreme Court's Order instructs the Presiding Superior Court Judge of each county to determine how in-person court proceedings are to be conducted in each of the county's courtrooms, under conditions that protect the health and safety of all participants. Additionally, on May 8, 2020, the Supreme Court issued a transitional order which outlines the process for returning Arizona's Courts to regular business.<sup>3</sup> These orders further grant discretion to the Presiding Superior Court Judges to accomplish the expressed directives.

Consistent with the Supreme Court's order, Arizona's Superior Court in Pima County issued AO 2020-16.<sup>4</sup> The original administrative order has been succeeded by subsequent orders which extend the time in which its restrictions remain in place.<sup>5</sup> The administrative orders state that, with limited exceptions, no in-person proceedings are to occur in Pima County Superior Court. Instead, the Court will continue to hold telephonic hearings and will remain available to process all case types and non-appearance proceedings.

In conjunction with Pima County's administrative orders, the Back to Operations Task Force (BTO) was created. BTO is composed of Judges, Court Personnel, and Clerk of Court staff.<sup>6</sup> It is charged with identifying the areas of the court requiring the most immediate attention and with developing a plan to address those needs. BTO meets for 90 minutes each week. During this initial 30 day period, BTO has met on April 3, April 10, April 17 and April 24, and May 1, 2020. Its meeting materials are available on its Microsoft Teams site.<sup>7</sup>

The following recommendations are based upon current information. Not surprisingly, we are finding information to be fluid and changing at a fast pace. While we have worked diligently to create a report with the strongest recommendations possible, we recognize implementing these recommendations will take time and with respect to our recommendations relating to jury trials, it may take several months to safely put the recommendations in place.

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<sup>1</sup> [Arizona Supreme Court Administrative Order 2020-48](#)

<sup>2</sup> Currently, [Arizona Supreme Court Administrative Order 2020-70](#) governs the limitation of court operations during a public health emergency with the order set to expire on June 1, 2020.

<sup>3</sup> [Arizona Supreme Court Administrative Order 2020-75](#). Chief Justice Brutinel also issued a letter to Arizona Attorneys which outlines the first steps for returning to regular court operations. [Chief Justice Brutinel's letter](#).

<sup>4</sup> [Pima County Superior Court Administrative Order 2020-16](#).

<sup>5</sup> Currently, [Pima County Superior Court Order 2020-20](#) governs the restrictions on physical access to Pima County Superior Court Facilities due to a public health emergency with the order set to expire on June 1, 2020.

<sup>6</sup> The task force members are Cassandra Urias, Gina Swecker, Ron Overholt, Vicky Nicula, Tina Mattison, Hon. Peter Hochuli, Hon. John Hinderaker, Terrence Cheung and Hon. Jeff Bergin.

<sup>7</sup> [BTO Teams Hyperlink](#)

## HOLD TELEPHONIC AND VIRTUAL HEARINGS WHEN POSSIBLE

Recognizing that social distancing and hearing restrictions have complicated the Court's ability to efficiently manage the cases before it, there is little surprise with the enhanced focus on holding telephonic and virtual hearings. Our well-established conference call system is Mitel. Our recently approved video conference platform is Microsoft Teams. (Teams). The telephonic Mitel hearings and the Teams hearings have advantages and challenges unique to those systems. These will be discussed below. Ultimately, we recommend the Court primarily hold hearings through our Mitel system. Teams is still evolving into a user-friendly platform for evidentiary hearings and trials. Teams can be effective, however, when used for settlement conferences and with a settlement judge proficient and comfortable with Teams.

### Telephonic Hearings

The Court regularly uses the Mitel system to hold its remote hearings. Mitel has a dedicated "conference line" for each division. The call-in number is the same for all divisions, however, each division has a unique access code. At the scheduled hearing time, the Court calls into the conference line through the bench computer. When connected, the participants can be heard over the courtroom speakers. The Court and anyone present in the courtroom can be heard by those on the phone when speaking into the courtroom microphones.

The advantages of using the Mitel system is that it is user friendly and familiar to most judges and commissioners. Further, it is easy for attorneys and parties to use because it only requires one to have access to a phone and to call in at the appropriate time. Finally, the court's speaker system makes it easy to document an accurate record of the hearing as well as allowing all participants to clearly hear each other.

The disadvantages to the Mitel system include uncertain reliability, difficulty ensuring only authorized participants use the phone line and the absence of a visual component. These limitations make evidentiary presentations difficult.

When the current restrictions were put in place, the Court significantly increased its reliance on the Mitel system. With the increased loads, the Court experienced several incidents where telephonic hearings were "dropped" and other reports with difficulty accessing the conference line. In response, Mitel updated its software. Additionally, the Court acquired 800 phone lines, quadrupling the previous 200 available phone lines. These steps have greatly improved the phone line access problems but have not eliminated them completely.

Further, while the division's unique call-in number can be changed, it rarely is as it requires IT assistance. Accordingly, the phone number and access codes remain the same for all hearings held by a division. This makes it difficult to ensure that only the invited participants are on the phone line and that a disruptive interloper does not appear. Also, should hearings be scheduled close together, participants from the later hearing may call in while the earlier hearing is still in session. Whenever a participant joins or leaves the conference call, an automated announcement is played. These interruptions are problematic.

Finally, without a visual component to the hearing, the process is vulnerable to manipulation. Because we cannot see witnesses, the Court cannot be certain that a party is alone while testifying and is not being coached. Additionally, the Court loses the valuable visual component for judging witness credibility. The absence of being able to see who is speaking also adds challenges to maintaining a clear hearing record when the speaker does not self-identify and is not identified by the Court.

Despite these disadvantages, our judicial officers are familiar with the Mitel system and it is reliable. Thus, we recommend the Court primarily hold telephonic hearings for the immediate future. We also recommend increased training for judges and commissioners that focuses on how to control a telephonic hearing and how to ensure an accurate hearing record.<sup>8</sup>

### Microsoft Teams Remote Video Hearings

Teams is a video conferencing platform similar to Zoom and WebEx. It is relatively new to the Court. While it offers a beneficial visual component to a hearing, many judges, commissioners and hearing participants may not be familiar with how Teams operates. Additionally, Teams is an evolving platform that is not yet ready for evidentiary hearings and trials.

Teams primary advantage is that it adds a visual component to hearings. It is also easily available to most participants because it can be accessed through a laptop computer or a smart phone. Because of this, it is useful in settlement conferences. The judge can see and talk with all parties about the issues. The judge can also share documents with the settlement conference participants, making it easier to confirm settlement agreements. Teams inability to sequester participants makes it cumbersome to have *ex parte* communications often used in settlement conferences. The only way *ex parte* communications can happen with Teams currently is when a party leaves the conference for a time period and rejoins later. This is cumbersome and causes delays. Despite this limitation, some judges have found Teams to be an effective settlement conference tool, especially with criminal cases.

Teams currently has several disadvantages preventing it from being ready for use in evidentiary hearings or trials. First, many of our judicial officers are unfamiliar and uncomfortable using Teams. This discomfort often causes delays in a conference. It is common for participants to need instruction on how to mute and unmute their microphones and how to share documents. Some participants have poor internet connections resulting in garbled communications and frozen video screens. Unless the judge or commissioner is comfortable and proficient in operating Teams, there are often delays when trying to share documents with participants.

The necessary equipment to efficiently hold a Teams hearing is currently substandard for the Court. The Court's bench computers have cameras but do not have functioning microphones or speakers. Because of this, the Court must call its conference line in addition to joining the video conference. This is the only available method to insure the courtroom staff can hear and record the proceedings. Also, Teams is not set up to easily handle electronic exhibits. For an exhibit to be admitted into evidence, it must be printed, marked and entered by the courtroom clerk. If it is only in a digital form, this is cumbersome for the court, especially if there are many pages that must be printed. If the exhibits are in hard copy and provided to the court in advance of the hearing, it takes a coordinated effort to ensure that all participants have a master list of proposed exhibits and that the exhibits can be accessed by all participants during the hearing.

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<sup>8</sup> Exhibit 1 - Telephonic Hearing Tips and Tricks for the Judicial Officer.

It is also difficult to manage witnesses. As discussed above, Teams currently does not have the ability to place participants in a “waiting room” where they cannot see or hear the proceeding until invited to participate. This makes it difficult to enforce “the rule”<sup>9</sup> which excludes witnesses from an evidentiary hearing or trial until it is their time to testify.

The Task Force will continue to evaluate Teams and will continue to experiment with this platform to document how Teams can be efficiently used in more formal hearings. The Court faces a future where the ability to hold virtual evidentiary hearings and trials will be a necessity. Future Task Force reports will make further recommendations on this topic.

We understand that Teams has accelerated development of tools for its platform that will address the concerns outlined above. Until those concerns are addressed, our current recommendation is that the Court use the Teams platform for settlement conferences and off the record meetings. We also recommend providing Teams training to the Judicial officers and supporting staff.

#### **INCREASE ALLOWABLE HEARINGS FOR FAMILY, CRIMINAL AND CIVIL BENCHES IN CONJUNCTION WITH ADJUSTING JUDICIAL ASSIGNMENTS TO ASSIST WITH INCREASED CASELOADS.**

The importance of reducing current pending hearings cannot be overstated. To accomplish this, the judicial officers should be permitted to set hearings beyond those that are identified as essential. Additionally, it may be necessary to adjust case assignments so that those areas with the heaviest workload have the necessary resources to process the work. We are predicting the Family and Criminal benches will experience the greatest workload increase. Accordingly, the Court may need to reassign judicial officers from current assignments to the Family or Criminal benches. Further, the Civil bench judges may cover criminal hearings on a temporary basis if needed. For example, a Civil judge could accept a guilty plea from a criminal defendant and set the sentencing to take place before the appropriate judge.

#### Criminal Bench

We recommend that the Criminal bench begin sentencing out of custody (OOC) defendants but only when the sentence will not require the Defendant to spend any time in custody. Further, sentencing an OOC defendant should be scheduled during the time currently blocked for the Judge’s morning calendar.<sup>10</sup> Accordingly, courtroom clerks are already assigned to the Judge for that time frame and this will not increase the burden on the Clerk’s office. Finally, OOC sentencings should be set to begin after all other matter on the morning calendar have concluded. Sentencings should be spaced 20 minutes apart with those in attendance being required to immediately leave the building at the end of the hearing. This will allow for the courtroom to be sanitized between each OOC sentencing and allows the division to limit the number of people who are in the courtroom during each OOC sentencing.

The criminal presiding judge meets weekly with representatives of the County Attorney’s Office, Attorney General’s Office, Public Defender, Legal Defender, Legal Advocate, and the Office of Court

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<sup>9</sup> Evidence Rule 615 – Excluding Witnesses

<sup>10</sup> Morning calendars typically begin no earlier than 8:30 AM and conclude no later than 11:55 AM.

Appointed Counsel. This group discusses issues currently affecting the criminal cases in Pima County. The group has worked on calendaring issues, review of in custody defendants, telephonic hearings, and video hearings. The Criminal bench continues to insure both public safety and preserving the rights of the accused and victims is achieved even in these difficult times.

### Family Bench

We recommend that the Family Bench be given greater discretion to process its cases. By expanding the range of hearings that can be heard, judges and commissioners can better manage their caseloads and tend to the most pressing matters pending before them.

Family currently has four judges and seven commissioners handling active cases. It also has two commissioners assigned exclusively to the IV-D child support cases; each division has an increasing backlog of hearings needing to be heard. To reduce the backlog, the Family bench should expand the cases being heard to include:

- Enforcement of parenting time and legal decision making (PT/LDM) orders (statutory timeframe of 25 days - ARS §25-414(B);
- Pre-decree temporary order re: exclusive use of family home (ARS §25-315(C)(1). This hearing requires showing that physical or emotional harm may otherwise result;
- Pre-decree temporary orders hearings for PT/LDM/child support (as to PT/LDM, generally need to be held within 60 days - ARS §25-407);
- IV-D child support hearings; and
- Default decrees.

There is concern that the 11 Divisions handling active cases might set so many of these new hearings that it overwhelms the courtroom clerk's office. To avoid this, all requests to set additional hearings must be triaged by a member of the Family Bench. This evaluation should focus on identifying the most pressing matters and setting those to be heard first.

The Family Presiding Judge (PJ) is the obvious person to handle this responsibility. The resulting increased work upon the Family PJ, however, may itself be overwhelming. We, therefore, recommend that a retained judge be assigned to assist the Family PJ with deciding which of the requested hearings should be scheduled. The retained judge assisting with the triage responsibility should also have assistance with processing his or her growing caseload. Additional help might come from the Civil bench as it has a judge with a low caseload that can be moved to the Family bench.

The judge assigned to the hybrid Civil/Probate assignment is scheduled to rotate from the to the Family bench on July 1, 2020 and will not be replaced by another judge. In anticipation of this move, the judge carries an inordinately light caseload. The benefit of this is that the judge can immediately rotate to the Family bench without imposing a significant burden upon the civil and probate judges who will absorb her caseload.

### Civil Bench

While the Civil bench has only seven judges, it is still experiencing a growing backlog of hearings needing to be set. The Civil bench is processing as many pending motions as possible without setting

hearings. The civil procedure rules allow a judge to decide a motion without holding a hearing unless it is a contested summary judgment motion that the judge may grant. Az.R.Civ.P. 7.1(d). Even with the Civil bench's ability to decide matters without a hearing, we recommend the following categories be eligible to be heard through a telephonic hearing. These additional hearings may relieve financial stress on a party and will allow the Court to rule upon case dispositive motions. The additional hearings should include:

- Structured settlement sale approvals;
- Distribution of excess proceeds requests;
- Contested motions for summary judgment or partial summary judgment;
- Motions to dismiss; and
- Motions for judgment on the pleadings.

#### Probate Bench

The Probate bench currently has one judge and two commissioners handling active cases. Probate has been minimally affected by the restriction on hearings. The State and County administrative orders allow the Probate bench to hold telephonic and virtual hearings which comprise most its regular calendar. Accordingly, the Probate bench does not recommend modifying its schedule at this time.

#### Juvenile Bench

The Juvenile bench currently has six judges and seven commissioners handling active cases. Only essential hearings are being conducted in person. The Court may order hearings be conducted telephonically, and most hearings are held without individuals present at the courthouse. Hearings in the following non-essential matter may be conducted, at the discretion of the Court, and only by telephone:

- Out of custody delinquency hearings; and
- Adoptions

Juvenile Court has divided the judicial divisions into three teams of four. The judges and commissioners on each team are supported by a team of four judicial assistants, with at least one judicial assistant per team in the courthouse daily. When not scheduled to be at court, team members are encouraged to work remotely. The teams work together to ensure that essential hearings are handled in a timely manner. With few exceptions, the hearings are handled telephonically.<sup>11</sup>

Juvenile Court meets weekly with representatives from the Public Defender, County Attorney, Office of Children's Counsel, Legal Defender, Pascua Yaqui Tribe, Tohono O'odham Nation, Department of Child Services, Attorney General, Public Defense Services, Office CAC, Sheriff, Court Clerk, PCJCC's Administration, and Judicial. Currently, this group is working on a protocol to bring in person proceedings back into the courtrooms. The group is taking into account a number of factors including the number of people that would come into the courthouse, the hearing types, the mandatory timelines, and the benefit to the children and families by being in person.

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<sup>11</sup> Exhibit 2 - Juvenile Court's hearing procedures in response to COVID-19.



## Institute a Coordinated Courtroom Clerk Assignment Schedule

The growing need for hearings brings with it competing needs for limited resources. Because of this it is important for the Court to accurately predict the number of support staff needed each day to handle each division's scheduled hearings. Thus, we must coordinate hearing calendars across benches. To confront this challenge, the Task Force worked with each bench and the Clerk's Office to design an aggressive, manageable and predictable hearing schedule which allows the Court to efficiently hear pending matters without placing an unreasonable burden on court staff. Additionally, we have asked each division to commit to strict compliance with the schedule. With this commitment, the Clerk's Office knows it will only be called on to provide staffing for a hearing set consistent with an agreed upon schedule. For a hearing to be set outside the schedule, it must have approval of the Presiding Judge for each affected division and approval from the Clerk's Office.<sup>12</sup>

### DOWNTOWN COURTHOUSE

The schedule for the downtown courthouse shows the Criminal and Family benches are assigned most of the available scheduled hearing times with hearings taking place each day of the business week but limiting the days each division may set hearings. This recognizes that these benches are expected to have the largest burdens with the most restrictive time deadlines.

The Civil bench has the least amount of allotted hearing time pursuant to the schedule. This recognizes that the Civil bench will likely suffer less impact than the other benches. The Civil bench agrees that it can reasonably conduct its business with each division setting hearings only one day each business week and without scheduling hearings on our law and motion day for all benches.<sup>13</sup>

### JUVENILE COURT

The Clerk's office at Juvenile Court assigns Courtroom Clerks to cover all scheduled hearings each day. This may require the availability of as many as 13 Courtroom Clerks for assignment to courtrooms. Accordingly, the Clerk's office coordinates with the Judges' and Commissioners' calendars each day to insure there is proper coverage. The Clerk's office continues to support the Judges and Commissioners as the Court moves towards scheduling more in person hearings.

## CLEANING AND DISINFECTING THE COURTHOUSE; PERSONAL PROTECTIVE EQUIPMENT USE REQUIRED

The Court's ability to successfully expand its operations is largely dependent upon the public's comfort and confidence in returning to the courthouse. The Court must show our community that all reasonable steps have been taken to ensure that the public will return to a clean and safe facility.

During our time of limited operation, the court is deep cleaning and disinfecting those areas frequently used by the public. These areas include the library, the jury assembly room, the courtrooms, the jury deliberation rooms and others. We are recording the cleaning process to show the public some

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<sup>12</sup> Exhibit 3 - Approved hearing schedule for the four downtown benches.

<sup>13</sup> Traditionally, law and motion day has been set on Mondays. As discussed on page 11 our recommendations for jury selection include moving law and motion day to Fridays.

of our efforts. The recordings can be shared with the media, still pictures can be strategically posted throughout the courthouse and video can be shown in the jury assembly room.

Also, upon expanding court operations we recommend requiring court staff and members of the public be required to wear face coverings. If the individual does not have a personal face covering, the court must supply one for them or refuse entry. Additionally, all employees and members of the public should be screened for a fever and asked questions to determine whether the individual shows signs or symptoms of COVID-19 or has been exposed to a confirmed case of COVID-19. If any concerns are identified, the individual should not be allowed to enter the building.

## PUBLIC INFORMATION CAMPAIGNS

Presiding Judge Bryson and Court Administrator Ron Overholt wrote a letter that was published in The Arizona Daily Star. The letter focused on informing the public of the Court's efforts to maintain essential services and its plans to ensure a clean and safe environment for the public upon reopening. The letter was published in the Sunday paper on April 26, 2020.<sup>14</sup>

The bench presiding judges have been encouraged to write similar letters as we prepare for reopening. The letters should be provided to newspaper and legal publications and should emphasize the Court's continued efforts to protect the public. The Court will also prepare press release statements highlighting the same points.

The Court has received an invitation to appear on "Law Matters," a radio show which focuses on legal issues.<sup>15</sup> We recommend the Court accept this invitation and schedule an appearance for a time near our return to holding jury trials. Finally, the Court is also producing a public information video showing the steps taken to clean and disinfect the court and efforts made to ensure appropriate social distancing. The video will be shown in our jury assembly room and in public areas of the courthouse. These efforts will help inform the public that it is safe to return.

Additionally, we recommend that the Court produce and clearly display printed posters in high pedestrian areas that inform the public of the cleaning schedule and efforts undertaken by the Court to ensure public safety.

## JURY SERVICE

This section of the first Task Force report focuses on challenges facing the Court after jurors have been summoned to the courthouse. It is important to note, however, that the Task Force is also reviewing *how* we summon jurors to the courthouse. That analysis has not yet formulated recommendations for the Court's consideration. For example, the Task Force is reviewing whether we should include additional "pre-qualifying" questions with the juror summons asking whether the summoned juror has health or financial concerns that may impact their ability or willingness to serve as a juror. Prior to COVID-19 questions like these were routinely explored by the Judge and attorneys during jury selection. The Task Force anticipates that health and financial concerns will be significantly more prominent in the future, causing a correspondingly significant increase in the time needed for jury

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<sup>14</sup> [April 26, 2020, Pima County Superior Court: Essential services continue during COVID-19](#)

<sup>15</sup> [1030 AM The Voice - Law Matters Website](#)

selection. This may necessitate a change in the way we use our jury summons to pre-screen jurors. At the same time, this issue, and issues like it, require further research and evaluation. These issues will be central to our next report.

Preparing for a return to jury trials brings additional challenges. We will continue to be required to provide space to accommodate social distancing throughout the courthouse, including in our jury assembly room, our courtrooms and our jury deliberation rooms. Each room presents unique issues calling for specific recommendations. Each are discussed below.

#### THE JURY ASSEMBLY ROOM LIMITATIONS, EXPANDING JURY SELECTION DAYS, AND DESIGNATING FRIDAY AS LAW AND MOTION DAY.

Our jury assembly room has 284 seats.<sup>16</sup> Before the concerns for COVID-19 and the need for social distancing, our Court summoned jurors on only Tuesdays of each week, the single day of the week when jury selection for all trials begins. On average, we would expect six criminal trials to be scheduled to begin along with one or two civil trials.<sup>17</sup> The average criminal trial calls for a 50-person jury panel.<sup>18</sup> Not surprisingly, it has been common for our Jury Commissioner to summon 300 jurors each Tuesday to accommodate the needs of the scheduled trials. A summoned juror typically appears at one of three reporting times, 7:30 AM, 9:00 AM and 11:00 AM.

We have examined the jury assembly room. Current social distancing recommendations call for people to leave six feet between each other. The chairs in the jury assembly room provide for approximately three feet of space. Therefore, there must be at least two vacant seats between people. The result is that when we allow for social distancing in our jury assembly room, we have no more than 89 available seats for our summoned jury panels.<sup>19</sup> This space limitation makes it impractical, if not impossible, to summon enough people on one day to fulfill the needs for our current average day where six criminal jury trials are ready to begin. To resolve this dilemma, the task force recommends beginning trials throughout the week.

Trials should be scheduled to begin on four days of the week: Monday through Thursday. Additionally, we recommend continuing to summon jurors to report at 7:30 AM, 9:00 AM and 11:00 AM. Each summoned group, however, should amount to no more than 80 potential jurors. This allows our Jury Commissioner to summon fewer jurors throughout the day, allowing for social distancing in the jury assembly room. Additionally, as will become clear when courtroom and jury room limitations are described, we should limit jury selection to two or three criminal trials and, occasionally, 1 civil trial on any day.

Changing the way we summon jurors also requires the Court to move its traditional law and motion day when trials are not in session. Currently, we reserve Mondays for law and motion day. This four-day jury selection recommendation calls for jury selection on Mondays, creating a conflict with the traditional law and motion day. Accordingly, Friday must be designated as our new law and motion day.

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<sup>16</sup> Exhibit 4 - Diagram of the jury assembly room and its available seating.

<sup>17</sup> We have had as many as ten criminal trials with two or more civil jury trials scheduled to begin on the same day.

<sup>18</sup> Exhibit 5 - Standard jury panel sizes.

<sup>19</sup> Exhibit 6 - Diagram of jury assembly room with designated social distancing.

MOVING PROSPECTIVE JURORS TO COURTROOMS FOR JURY SELECTION, SMALLER PANELS, NON-TRADITIONAL TECHNIQUES AND OFF-SITE LOCATIONS.

Moving our jury panels from the jury assembly room to the assigned courtrooms will not be easy with the need to respect social distancing. The challenges include limited elevator space, limited space in the lobby area of each floor and limited space in the courtroom for the jury panel.

When a Court is ready to start jury selection, the first step is to transport the jury panel from the jury assembly room to the assigned courtroom. The average criminal jury panel requires approximately 50 people. The average civil jury panel requires approximately 30 people.<sup>20</sup> The downtown court building has four operational elevators. Social distancing standards limit each elevator to only two occupants at a time. Therefore, even if an average criminal jury panel monopolized the use of all four elevators to transport its panel to the correct floor, it would require each elevator to make at least 6 trips to the correct floor and one elevator making seven trips to the correct floor. Clearly, this would require a significant amount of time to transport our jurors.<sup>21</sup>

Once the jury panel arrives on the assigned floor, additional problems arise. Floors 4, 5 and 6 are home to seven of our twelve criminal divisions. The lobbies on those floors have only 37 chairs and four benches measuring 5'6". Social distancing only allows for 21 people to have a seat with perhaps another 9 to 12 people standing 6 feet apart from each other.<sup>22</sup> The other criminal divisions are on floors 3 and 8 with lobbies allowing for even less seating.<sup>23</sup> The social distancing restrictions prevent our courtroom lobbies from accommodating even one average criminal jury panel.

Once in the courtroom, the seating problem becomes more pronounced. Courtrooms on floors 4, 5 and 6 can accommodate socially distanced seating for only 23 people when using the entire gallery and the jury box.<sup>24</sup> Accordingly, jury selection in the courtroom must be limited to no more than 23 people at a time. Unless the entire jury panel is available for questioning, the traditional strike and replace method of jury selection is unworkable. Because of this, judges selecting juries in the courtroom should consider using a hybrid "struck" method for jury selection.<sup>25</sup> The hybrid "struck" method will

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<sup>20</sup> A criminal jury panel generally ranges from 40 to 76 people or even more. A civil jury panel generally ranges from 12 to 50 people or more. See Exhibit 4, Standard Jury Panel Sizes.

<sup>21</sup> An unscientific experiment found that, excluding time waiting for the elevator and with no stops, a trip from the lobby to the 6<sup>th</sup> floor lasted approximately one minute. Therefore, if all four elevators were available for direct trips to the 6<sup>th</sup> floor with no waiting, it would take a minimum of thirteen minutes to transport all 50 jurors. (6 one-minute trips up and 6 one-minute trips down by four elevators at the same time and one remaining one minute trip up for the final two jurors). It is reasonable to believe that it would take at least twice that time as there will certainly be delays and unavailable elevators.

<sup>22</sup> Exhibit 7 - Socially distanced seating for trial division floor lobbies.

<sup>23</sup> Id.

<sup>24</sup> Exhibit 8 - Diagram of a sixth-floor courtroom with socially distanced seating.

<sup>25</sup> The "struck" method calls for all the jury panel members to participate in voir dire examination by the judge and counsel. Following disposition of the for-cause challenges, the juror list is given to counsel for the exercise of their peremptory strikes. When all the peremptory strikes have been taken and the court has resolved all related issues under *Batson v. Kentucky*, 476 U.S. 79 (1986), the clerk calls the first 8 or 12 names, as the law may require, remaining on the list, plus the number of alternate jurors thought necessary by the judge, who become the trial jury.

The traditional "strike and replace" method of jury selection is where only a portion of the jury panel is examined, the remaining jurors being called upon to participate in jury selection only upon excusing for cause a

require the judge and counsel to question jurors in groups of 23 or less, likely having to repeat the process at least three times in order to evaluate each person and to pass the panel.

Alternatively, jury selection could take place in the jury assembly room. If we limit jury selection to one jury panel for a trial that must be completed by 12:00 PM and one selection beginning at 1:30 that must be concluded by 5:00 PM, a judge, counsel and court staff could select a jury from the summoned panel in the jury assembly room. Further, the strike and replace would be possible. This approach, however, allows for a maximum of two jury panels being selected on any one day and requires near 100% confidence that jury selection can be completed within the allotted time frame. The Criminal bench may consider designating one or two judges as the “jury selection judge.” These designated judges must be efficient and organized in selecting a jury. A designated jury selection judge could bring confidence that jury selection would be completed within the limited morning or afternoon time frame.

A third alternative is that jury selection could take place off site for civil trials. There are several nearby venues that have large meeting spaces and that may be willing to offer an appropriate room for jury selection. Some off-site venue candidates include but are not limited to:

- The Pima County Board of Supervisors Hearing Room;
- The Training Center at Juvenile Court;
- Fox Theater;
- The Tucson Convention Center;
- University of Arizona Lecture Halls; and
- High School Assembly Rooms.

While the Court must resolve security and logistical issues for off-site jury selection, alternative locations could eliminate the social distancing problems that exist in our building. Once out-of-courtroom jury selection was complete, in either the jury assembly room or an off-site location, only the selected jurors would need to report to the assigned courtroom.

Our new process for jury selection will take more time, regardless of the method selected. The Task Force recommends that each trial division add an entire day to the trial schedule to provide enough time to complete jury selection.

There are certainly additional issues we have not considered. We cannot predict the changed behaviors we may see during jury selection. Nevertheless, Judges should be prepared for such issues as:

- Increased resistance from those summoned to participation as a juror;
- Attorney requests for an increased number of juror alternates; and
- Increased “for-cause” challenges on jury panel members.

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juror in the initial group. A juror excused for cause leaves the courtroom, after which the excused juror’s position is filled by a panel member who responds to all previous and future questions of the potential jurors.

## CONDUCTING THE TRIAL, SOCIAL DISTANCE LIMITATION OF 7 OR FEWER JURORS TO A JURY ROOM AND DELIBERATIONS IN A VACANT COURTROOM.

### THE COURTROOM

Conducting jury trials will also be challenging. Our jury box is not designed to accommodate social distancing. Our courtrooms, however, are big enough to accommodate up to a 16-person jury panel while providing for social distancing if the jury is seated in the public gallery.<sup>26</sup> The unique aspect of this design is that counsel must focus arguments to the courtroom gallery while having their back to the judge. Evidence presentation and audio projection must be modified to ensure the gallery jury can hear and see testimony and evidence.

Another unique challenge is that the courtroom must be closed to spectators to maintain the integrity of the jury that will be seated in the public gallery. For this reason, it will be imperative for the Court to provide an alternative way for the public to observe a trial. The Court is exploring different technological alternatives but the most promising may be for the court to post our digital “For the Record” (FTR) recordings of trial proceedings at the conclusion of each trial day.<sup>27</sup>

### JURY DELIBERATIONS

We must be creative in the way we conduct jury deliberations. The trial divisions on floors 3, 4, 5 and 6 have four jury rooms on the south side of the building. Two jury rooms are on the west end of the south hallway. The remaining two jury rooms are on the east side of the south hallway. The eighth floor has three jury rooms on the north side of the building.

If we remove and rearrange the furniture currently in the jury rooms, we can seat 9 or 10 jurors and provide for social distancing.<sup>28</sup> Therefore, juries with 9 people or less can be safely seated in our jury rooms for recesses. Juries that have more than 9 people would need to be split-up and placed in more than one jury room during court recesses.

Deliberations, however, pose problems. Social distancing will not allow for jurors to move freely about a jury room and maintain social distancing. It also would be difficult to share or review evidence in the jury rooms while staying six feet from every other juror. Therefore, deliberations should take place in a vacant courtroom, presumably on the same floor as where the trial occurred.

Juries with more than 10 people would likely use courtroom 805, our largest “ceremonial” courtroom. The trial process would be like the process described above, with the jury sitting in the gallery while trial is in session. A larger jury would necessarily occupy two or three of the eighth-floor jury rooms during recesses. Deliberations would take place in a vacant courtroom, likely 805.

Because of the necessary limited space for our juries, there must be limitation on the number of trials taking place in the courthouse at the same time. Because of this, each trial division must coordinate with other trial divisions to ensure that can accommodate the space necessary for our juries.

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<sup>26</sup> Exhibit 9 - Example of socially distanced jury placement in a sixth-floor courtroom gallery.

<sup>27</sup> We believe AOC legal staff are researching the question of what satisfies required “public access” to a jury trial.

<sup>28</sup> Exhibit 10 – Diagram of jury rooms with social distancing.

The civil and criminal benches should appoint a judge who will be responsible for following the progress of trials in session and designating when and where the next trial may proceed.

## CONCLUSION

The early demographer Thomas Malthus believed that the only way the human population would ever check itself was by running headlong into a disaster, like a pandemic or famine. While our court is experiencing concern and frustration with current circumstances, we work with smart and engaged people who approach our challenging situations with calm, thoughtful and measured reactions. We are not running headlong into the arms of the pandemic. We are cautiously working in response to it.

The Back to Operations Task Force is grateful to all court members who offered their comments, thoughts, and criticisms in helping us design and implement a plan that allows us to serve our community safely and efficiently in difficult times. We are truly fortunate to work with so many dedicated people and look forward to overcoming future challenges together.

## EXHIBIT 1 - TIPS AND TRICKS FOR TELEPHONIC HEARINGS

Courtroom Clerks and Court Reporters may struggle with maintaining the record arising from a telephonic hearing. Below are some tips for making a clean and staff-friendly record.

### Telephonic Hearings Take Longer than In Person Hearings.

Schedule only one hearing at a time and provide more time than you normally would for an in person hearing. Special instructions, controlling the participants who cannot see each other and maintaining a clear record are some of the reasons telephonic hearings take longer.

### Prepare Beforehand for Using Exhibits in a Telephonic Hearing

If there are exhibits to be used in a telephonic hearing, assemble them before the hearing, confirm with the parties that they all have the exhibits and will have access to them during the hearing. Confirm that all parties will identify the exhibits in the same way. Inquire whether there are any objections to any exhibits and determine whether any can be stipulated into evidence. This preparation will significantly reduce hearing delays.

### Organize the Way Parties and Counsel Announce Their Appearance

When calling the case and asking the parties and lawyers to announce their presence, give them an order in which announcements should take place. This prevents unnecessary crosstalk and confusion. First, verify who is on the phone. Next, tell the participants the order you want them to announce their presence. For example: When I ask you to announce please do so in this order—the State, the Plaintiff, the Defendant, the AG, minors counsel, mothers counsel, fathers counsel, etc.

### Set the Ground Rules for How the Hearing Will Proceed

Immediately after calling the case, inform all participants:

- Do not be on speaker phone.
- You must mute your microphone unless you are talking.
- You must be in an area where phone reception is strong.
- You need to speak slowly, loudly and directly into your phone.
- Please trust that everyone will be given an opportunity to speak. There is an order in which the hearing must take place. Therefore, you must wait to be called upon by the judge before speaking.
- Do not interrupt the Court or another person who is speaking.
- Always identify yourself before speaking.

### During the Hearing, Confirm and Repeat Anything of Importance that May Have Been Difficult to Hear or Understand.

### Confirm When a Witness or Third Party Has Left the Telephonic Hearing.

If you want a third-party or a witness to get off the line, tell that person to hang up and tell them you will listen for the tone that indicates the person has left the call. Then listen for the tone before proceeding.



## EXHIBIT 2 – JUVENILE COURT PROCEDURES IN RESPONSE TO COVID-19

- A. JAA Teams – One JAA from each team will be in the office to support the judges on their team. The other JAA's on the team will work remotely. Because the schedules will vary based on the need of the team, and because the JAA schedules will vary and their remote access will vary, please email *all* JAA's on a team for matters related to your cases. The JAA's will coordinate who is best to respond.**

The AG and JAA's have a process in place that is working well for the DCS reports. Other than the AG who emails the PPH reports, DPRV and PERM reports, PLEASE do not email exhibits that have more than 20 pages. Those can be dropped at the court for the division with a note to the JAA to send those to the courtroom for the hearing.

### **1. Judicial Teams:**

**a. McDonald, Johnson, Kettlewell, Sanders, Quigley**

Patricia Carrillo – [pcarrillo@sc.pima.gov](mailto:pcarrillo@sc.pima.gov)

Mona Ramirez – [rramirez@sc.pima.gov](mailto:rramirez@sc.pima.gov)

Mary Ann Ritz – [mrutz@sc.pima.gov](mailto:mrutz@sc.pima.gov)

Debby Reyes - [dreyes@sc.pima.gov](mailto:dreyes@sc.pima.gov)

**b. Hochuli, McGinley, Wagener, Butler**

Michele Ochoa – [mochoa@sc.pima.gov](mailto:mochoa@sc.pima.gov)

Frances Bravo – [frbravo@sc.pima.gov](mailto:frbravo@sc.pima.gov)

Lucas Kimes – [lkimes@sc.pima.gov](mailto:lkimes@sc.pima.gov)

Ryan Lewis – [rlewis@sc.pima.gov](mailto:rlewis@sc.pima.gov)

Krystina Johnson – [kjohnson@sc.pima.gov](mailto:kjohnson@sc.pima.gov)

**c. Bibbens, Jones, Abrams, San Angelo**

Julianne Greenough – [jgreenough@sc.pima.gov](mailto:jgreenough@sc.pima.gov)

Rhonda Lowery – [rlowery@sc.pima.gov](mailto:rlowery@sc.pima.gov)

Ellen Cata-Lewis – [ecata-lewis@sc.pima.gov](mailto:ecata-lewis@sc.pima.gov)

Bernice Sandoval – [bdandoval@sc.pima.gov](mailto:bdandoval@sc.pima.gov)

**B. Telephonic Appearance Required for PHC/PPH/TC for all:**

**1. PHC/PPH/TC**

All counsel must appear via phone and must speak to clients in advance or have a valid reason why not, if not

The PPH report will be scanned and e-mailed per the procedure worked out with AG  
TC may be held telephonically if all parties agree, or will be set another time

Current PHC/PPH protocol will be followed (aside from the telephonic appearance and situation where a party does not have assigned attorney – see below)

Other Exhibits any counsel may plan to use for TC must be scanned and emailed to other parties in advance, or if not received in advance, the scanner in the court lobby will be available to email exhibits to all counsel

Should a parent appear at court, they will be provided their attorney's number and the conference call number and be directed to an interview room with a phone

The Intake Team will have a conference call line for PHC/PPH (new intakes) – The intake/calendaring team will create the teleconference line that will cover the PHC/PPH at the time of the intake and include that information on the bottom of the DEPINT Sheet and Intake Sheet for the case. Since the DEPINT or Intake Sheet is emailed to all attorneys, DCS, and the assigned JAA that is the best means to provide the information in a timely manner. As we implement this process, if the DEPINT sheet does not have the conference call number the JAA will set a conference call for the PPH. **You must call in to the conference call for all telephonic events, as the judge, facilitator, or mediator will not call you.**

**2. PPH Attorney Assignment**

a. **Assignment of Attorney during Intake:** The intake/calendaring team will continue to conduct their regular processes to assign attorneys. Each afternoon when PHC packets are completed the intake/calendaring team will email CCFS Division leadership to inform that either all PPHs have assigned attorneys, or that there are parents who do not have attorneys assigned and provide the relevant case information.

**3. Appointment of Attorney after Intake:**

- a. If no attorney is assigned during the intake process, the DEPINT document accessed by the JAAs will specifically note that there is no attorney appointed.
- b. The Judge/JAA covering the PPH will manage the process for getting an attorney assigned and appointed for the party. If there is an order in the PPH Minute Entry OCAC Juvenile must receive the Minute Entry. There have been instances where an order was made during the hearing, but OCAC never received the Minute Entry or a request form. Thus, no attorney was appointed, and it was

not discovered until the next court hearing. Even with an order in the MEO the request form needs to be sent to OCAC, please make sure to include future dates set at the PPH such as the FSET and DPRV. The OCAC email is: [OCACIntake@pima.gov](mailto:OCACIntake@pima.gov) with the Court's internal form.

#### **4. PHC IF COUNSEL NOT ASSIGNED FOR A PARTY**

- a. The facilitator will call the PHC since it is mandated by statute, however, the facilitator cannot move forward with the substantive issues in the case as to any parent due to the lack of attorney representation.
- b. The facilitator will inform the participants that they cannot discuss placement, visitation, or services due to no attorney being assigned to a party and note that information on the Case Plan Summary.
- c. The facilitator will ask participants to wait on the phone while the facilitator contacts the JAA for the Judge hearing the PPH. The JAA will inform the Facilitator if they want to proceed with the PPH early, or ask parties to call back at the time of the scheduled court hearing.

**C. The following hearings will presumptively be IN PERSON APPEARANCE hearings for all but DCS and OCC/Child's counsel, *UNLESS* requested otherwise by attorney or client and permission granted by judge:**

Rule 59 – Return to Parent Motions

Detention Hearings (**CA, VICTIM and PO BY PHONE**) (child will be brought forward unless the defense attorney requests telephonic; if child is ill detention staff will advise JAA who will advise all child will appear via phone) If parent of child wishes to appear by phone, defense attorney will provide them the call-in number.

OOP's/IAH's (AO from Chief Justice allows telephonic appearances so may be by phone)

In Custody Adjudications\* (**CA IN PERSON and PO IN PERSON**)

In Custody Dispositions\* (**CA, VICTIM, AND PO BY PHONE**)

In-custody Trial Reviews\* (**CA, VICTIM, AND PO BY PHONE**)

Judicial Bypass Hearings

Judicial Transfer Hearings\* (**CA will be in person and PO will be in person**)

\*If child is ill, court and parties have discretion to continue or have appear via phone depending on status of the child

For any hearing listed above where the hearing is by phone, the JAA will obtain a conference call number and provide it to all counsel. Placement may appear by phone. If you wish to ask permission to appear by phone, e-mail the JAA 24 hours in advance, and include all attorneys so as not to *ex parte* the JAA. We will be limiting the number of individuals permitted in the courtroom. All witnesses wait in lobby.

- D. **The following hearings will presumptively be PHONE ONLY APPEARANCE hearings UNLESS otherwise requested by attorney or client. CA, VICTIM, AND PO will appear via phone for all but in custody adjudications, transfer, and evidentiary hearings. All TR's may be continued through a request to the JAA and all parties. All other hearings require a motion to continue. Judges have discretion on matters that do not have strict timelines:**

SH/ADJ

DPRV and Permanency Hearings

Dependency Trials (case by case basis)

Severance Trials – (General rule is to continue but address on case by case basis – **A motion to continue MUST be filed.**

Guardianship Trials (case by case basis) – **A motion to continue MUST be filed.**

Initial Dependency Hearings

Initial Severance Hearings (bailiff/clerk to check for parent and judge and parties allow for flexibility)

Adoptions

Publication Hearings (AG and DCS to appear by phone unless waived by judge)

Mediations (some may need to be by phone; Rene Wright will appear by phone for all mediations)

Probation Reviews

SH for Competency

MH Hearings

Placement Reviews

Private Severance Hearings – ongoing will be telephonic (new IS will be set in June)

Family Law Hearings

Destruction of Records

- E. **Bailiffs and Law Clerks** will check the lobby for every hearing. If a client-shows up for a presumptive telephonic hearing, and the attorney is by phone – the law clerk/bailiff will provide the conference call number, phone number of the attorney (a list will be provided to you), and direct the client to a court interview room with a phone to 1) call their attorney and 2) call into conference call.

- F. **The following hearings will be continued by the JAA to their own Judge's TR block the week of April 20 and set as SH's.**

Out of custody Delinquency Adjudications

Out of Custody Delinquency Dispositions

Out of custody Motions

Out of custody Restitution Hearings

- G. **THERE WILL BE NO TR'S SET THE WEEK OF APRIL 20<sup>TH</sup>.** If we are still in crisis mode, we will assess our next step at that time. If we are out of crisis mode, judges will set those matters for the appropriate hearing at that time. Defense counsel has asked for leave to file a motion to request that the matter not be vacated or that it be reset to a date before the 20<sup>th</sup> of April, in limited matters.

- H. **DCS PPH/DPRV/Perm Reports for Judge and as Exhibits:** AG will send these reports only to the JAA team. The JAA teams will ensure a copy of each PPH, DPRV and Perm Report is provided to the judge and that a copy is brought to the courtroom to be marked as an exhibit.
- I. **Exhibits:** All other exhibits necessary for telephonic hearings, under 20 pages, may be emailed to the JAA Team to be printed and brought to the courtroom for the Clerk to be used as exhibits for telephonic hearings. Exhibits over 20 pages must be brought to the court for the judge's division for telephonic hearings to be brought to the courtroom for the clerk to mark.
- J. **Mediation:** Signatures – Mediator will be original and then attorneys may sign for client. DCS must be available to make arrangements for signing.
- K. **Adoption hearings** pursuant to Rule 71 will be telephonic. The petitioner's attorney must email the form of order to the assigned judge's JAA 24 hours in advance of the adoption hearing. If there is an adoption that NEEDS to move forward and the request is for in person appearance, please file your motion to request the hearing and the reason the hearing must proceed as an in-person appearance hearing. Be aware, if the judge grants the motion, the court may invoke ARS § 8-115 (A) and limit who may attend.
- L. **CFT meetings** for kids in detention will still be held but we will work to have them telephonically. For other CFTs, the lobby conference rooms are not available to reserve, at this time.
- M. **Adult clients at the jail:** WILL NOT be transported to juvenile court, even if it is a hearing where all parties will presumptively appear due to the risk of the congregate care in the jail. If you would like to deviate from this, please contact the JAA and all parties to make your request. An email was sent out for defense attorneys to arrange for telephonic appearance from the jail. [pcadcspecialrequests@sheriff.pima.gov](mailto:pcadcspecialrequests@sheriff.pima.gov). If the conference call number and code is provided in advance through the email, the jail staff will call in to the hearing.
- N. **Youth at the Jail** – will NOT be transported to the court for delinquency. An email was sent out for defense attorneys to arrange for telephonic appearance from the jail. [pcadcspecialrequests@sheriff.pima.gov](mailto:pcadcspecialrequests@sheriff.pima.gov). If the conference call number and code is provided in advance through the email, the jail staff will call in to the hearing.
- O. **Family Drug Court** will be shut down for two weeks. **Beginning April 1, hearings will be conducted telephonically until further notice.** Parents may complete intakes before observing. We are continuing to recruit and accept new clients for FDC.
- P. **Miscellaneous:**
  - a. **If you are going to be late** – please notify JAA for the next hearing via e-mail
  - b. Judges will be appropriately liberal with motions to continue and leeway in appropriate circumstances.

- c. PD: expect to see that PD's will begin filing motions to release their clients from detention

Q. **DCS:**

- a. We spoke to Director Faust and Deputy Director Shalom Jacobs:
  - i. Parental Visitation/Parenting time: will now be all telephonic/skype/phone when children are placed in foster care.
  - ii. Visitation supervisors have been instructed to clean cars between each transportation and facilities after each visit
  - iii. They are doing their level best to keep services in place for parents and children.
- b. *Court Staff*, please direct any questions to your supervisor.
- c. *Attorneys*, please let me know if you have questions.
- d. The JAAs have a list of all Advocates and their CASAaz email. JAAs will include the CASA and also [CASASupportStaff@sc.pima.gov](mailto:CASASupportStaff@sc.pima.gov) (when sending the conference call information or other case-related information).
- e. The Interpreter Director requested the following:  
"Juvenile Court interpreters will not meet in interview rooms with attorneys and clients, these services will be provided telephonically. If an attorney needs an interpreter please check in with the LITSO office on the first floor near the Clerk's Office to obtain a conference call number."

Updated: 3/25/20

EXHIBIT 3 - COURTROOM CLERK SCHEDULE

CRIMINAL DIV	MONDAY AM/PM	TUESDAY AM/PM	WEDNESDAY AM/PM	THURSDAY AM/PM	FRIDAY AM/PM
Criminal 1					No Hearings
				No Hearings	No Hearings
Criminal 2					No Hearings
		No Hearings		No Hearings	No Hearings
Criminal 3					No Hearings
		No Hearings		No Hearings	No Hearings
Criminal 4				No Hearings	
			No Hearings	No Hearings	No Hearings
Criminal 5				No Hearings	
			No Hearings	No Hearings	
Criminal 6				No Hearings	
				No Hearings	No Hearings
Criminal 7			No Hearings		
		No Hearings	No Hearings	No Hearings	
Criminal 8			No Hearings		
		No Hearings	No Hearings	No Hearings	
Criminal 9			No Hearings		
		No Hearings	No Hearings	No Hearings	
Criminal 10		No Hearings			
		No Hearings	No Hearings		No Hearings
Criminal 11		No Hearings			
		No Hearings	No Hearings		No Hearings
Criminal 12		No Hearings			
		No Hearings	No Hearings		No Hearings
Hearing Officer					

- No more than 6 sentencings/dispositions per session (12/day)
- No more than 40 hearings per day (including sentencings)
- Each division must have two full-schedule days, two half schedule days (AM), and a dark day. Specialty Court divisions will have three full-schedule days, one half-schedule day (AM) and a dark day.
- Courtroom Clerk rotation will be more frequent

<b>FAMILY DIV</b>	<b>MONDAY AM/PM</b>	<b>TUESDAY AM/PM</b>	<b>WEDNESDAY AM/PM</b>	<b>THURSDAY AM/PM</b>	<b>FRIDAY AM/PM</b>
<b>Family 1</b>					No Hearings
					No Hearings
<b>Family 2</b>					No Hearings
					No Hearings
<b>Family 3</b>					No Hearings
					No Hearings
<b>Family 4</b>	No Hearings				
	No Hearings				
<b>Family 5</b>	No Hearings				
	No Hearings				
<b>Family 6</b>	No Hearings				
	No Hearings				
<b>Family 7</b>		No Hearings			
		No Hearings			
<b>Family 8</b>		No Hearings			
		No Hearings			
<b>Family 9</b>		No Hearings			
		No Hearings			
<b>Family 10</b>			No Hearings		
			No Hearings		
<b>Family 11</b>			No Hearings		
			No Hearings		
<b>Family 12</b>				No Hearings	
				No Hearings	
<b>Family 13</b>				No Hearings	
				No Hearings	
<b>IV-D DIV</b>	<b>MONDAY AM/PM</b>	<b>TUESDAY AM/PM</b>	<b>WEDNESDAY AM/PM</b>	<b>THURSDAY AM/PM</b>	<b>FRIDAY AM/PM</b>
<b>Family 14</b>					
<b>Family 15</b>					

- No hearings may be set earlier than 8:30 AM
- Morning hearings MUST conclude by 11:55 AM

- Afternoon hearings MUST conclude by 4:55 PM
- Assignment weeks will have clerk coverage
- Courtroom Clerk rotation will be more frequent



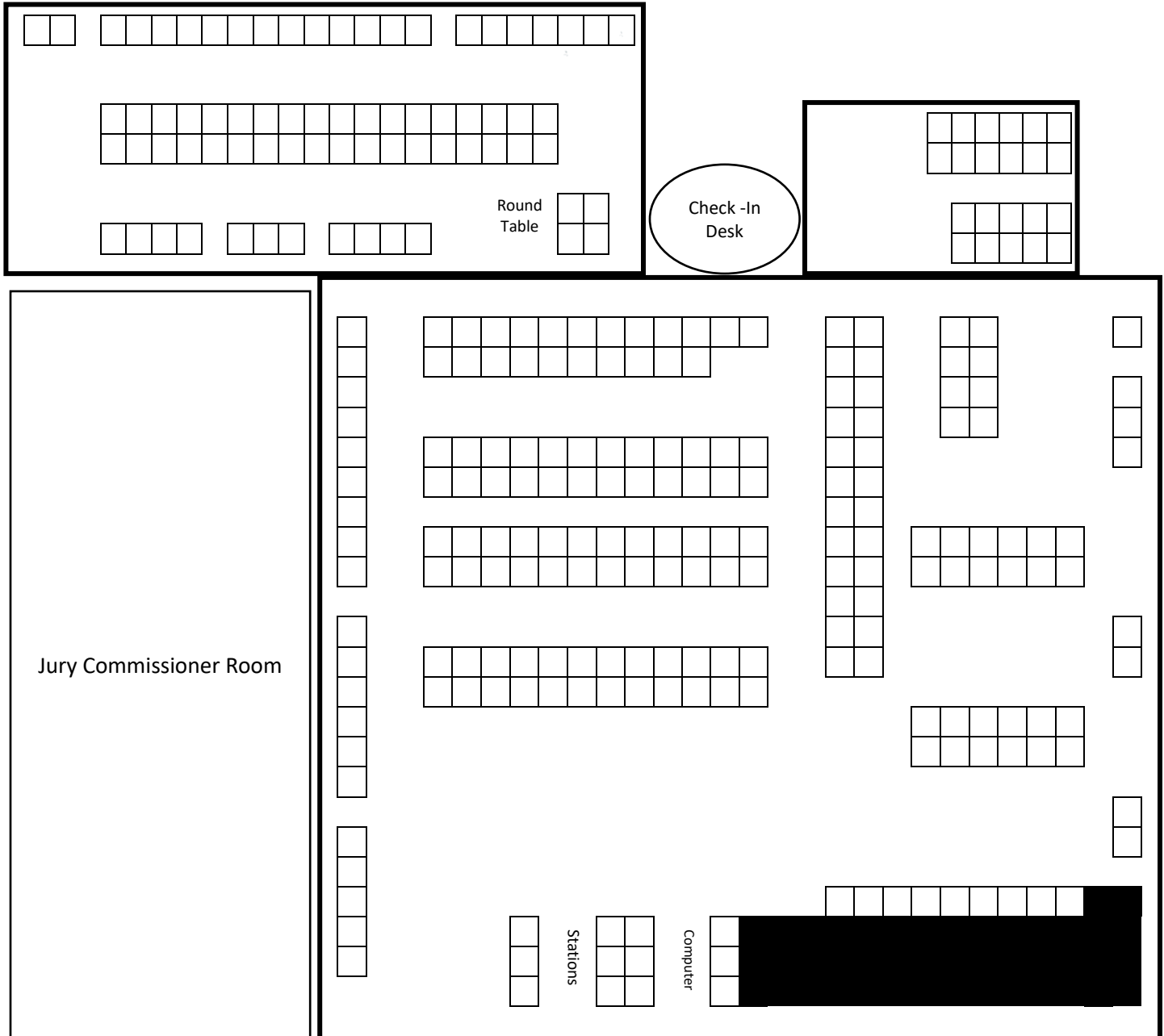
<b>CIVIL DIV</b>	<b>MONDAY AM/PM</b>	<b>TUESDAY AM/PM</b>	<b>WEDNESDAY AM/PM</b>	<b>THURSDAY AM/PM</b>	<b>FRIDAY AM/PM</b>
Civil 1	No Hearings		No Hearings	No Hearings	No Hearings
	No Hearings		No Hearings	No Hearings	No Hearings
Civil 2	No Hearings		No Hearings	No Hearings	No Hearings
	No Hearings		No Hearings	No Hearings	No Hearings
Civil 3	No Hearings	No Hearings		No Hearings	No Hearings
	No Hearings	No Hearings		No Hearings	No Hearings
Civil 4	No Hearings	No Hearings		No Hearings	No Hearings
	No Hearings	No Hearings		No Hearings	No Hearings
Civil 5	No Hearings	No Hearings	No Hearings		No Hearings
	No Hearings	No Hearings	No Hearings		No Hearings
Civil 6	No Hearings	No Hearings	No Hearings		No Hearings
	No Hearings	No Hearings	No Hearings		No Hearings
Civil 7	No Hearings	No Hearings	No Hearings	No Hearings	
	No Hearings	No Hearings	No Hearings	No Hearings	

- Every Civil Division will have one law and motion day that cannot be Monday.
- No hearings may be set earlier than 8:30 AM.
- Morning hearings MUST conclude by 11:55 AM
- Afternoon hearings MUST conclude by 4:55 PM
- Courtroom Clerk rotation will be more frequent

<b>PROBATE DIV</b>	<b>MONDAY AM/PM</b>	<b>TUESDAY AM/PM</b>	<b>WEDNESDAY AM/PM</b>	<b>THURSDAY AM/PM</b>	<b>FRIDAY AM/PM</b>
Probate 1					No Hearings
	No Hearings				No Hearings
Probate 2					
	No Hearings		No Hearings		No Hearings
Probate 3					
		No Hearings		No Hearings	

- No hearings may be set earlier than 8:30 AM.
- Morning hearings MUST conclude by 11:55 AM
- Afternoon hearings MUST conclude by 4:55 PM
- Courtroom Clerk rotation will be more frequent

EXHIBIT 4 - JURY ASSEMBLY ROOM (284 SEATS)



**ARIZONA SUPERIOR COURT IN PIMA COUNTY  
BEST PRACTICES GUIDELINES  
STANDARD JURY PANEL SIZES**

<b><u>CIVIL</u></b>	<b><u>PANEL SIZE</u></b>
Summary Jury Trial	12
2-4 Days	30
5-8 Days	40
Longer Than 8 Days	50

<b><u>CRIMINAL</u></b>	<b><u>PANEL SIZE</u></b>
8-Person, 1–4 Days	40
8-Person, Longer than 4 Days	45
12-Person, 1-4 Days	45
12-Person, Longer than 4 Days	50
8-Person Sex Crimes	50
12-Person Sex Crimes	76
DUI and Assault Cases	Add 5 Jurors
1 <sup>st</sup> and 2 <sup>nd</sup> Degree Homicide	Trial Judge Determines

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EXHIBIT 6 – JURY ASSEMBLY ROOM SOCIAL DISTANCING (89 SEATS)

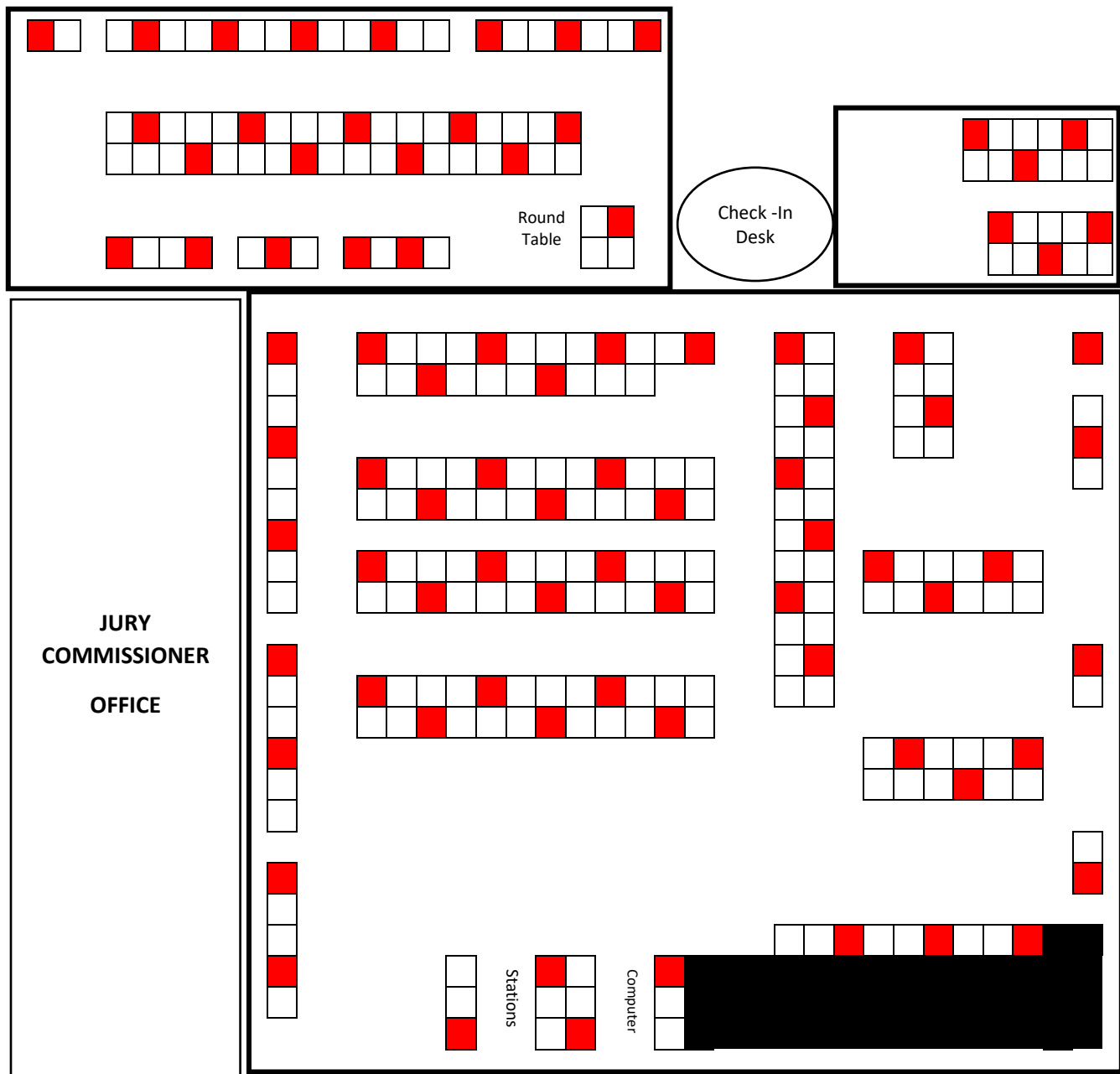
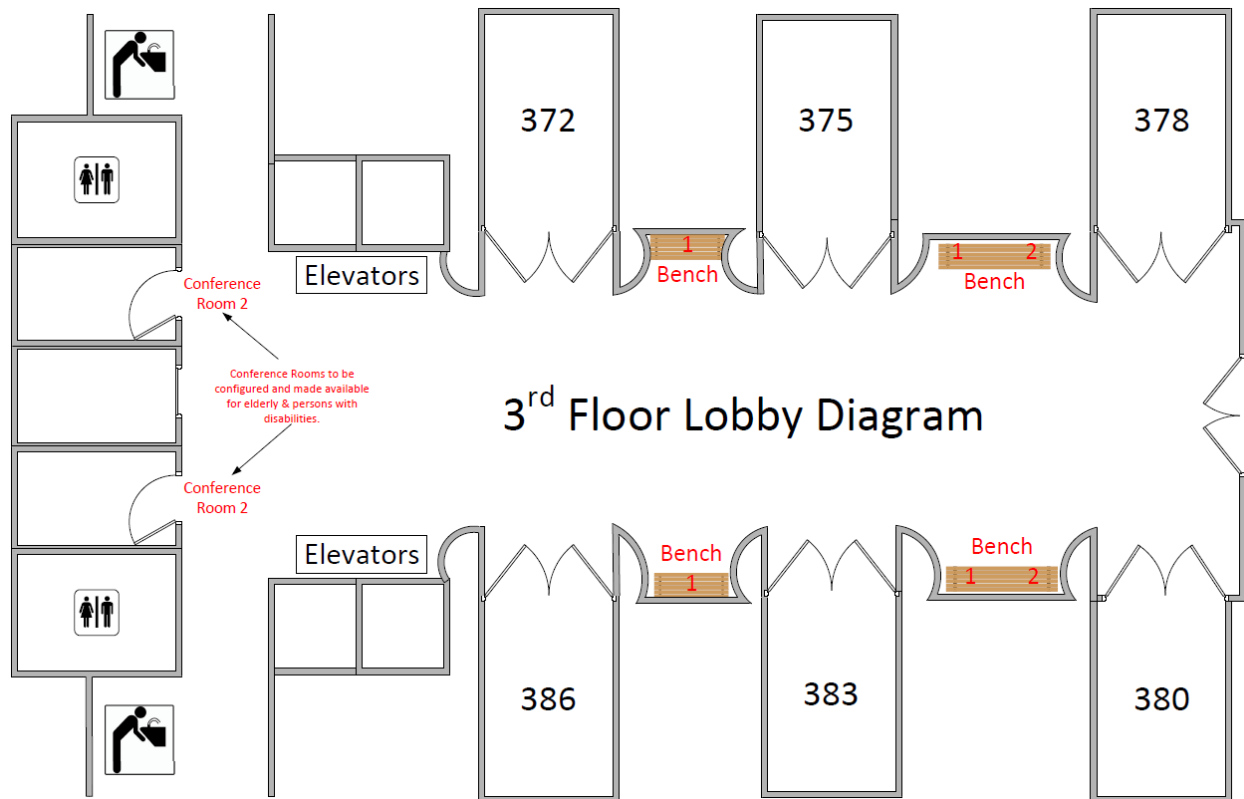
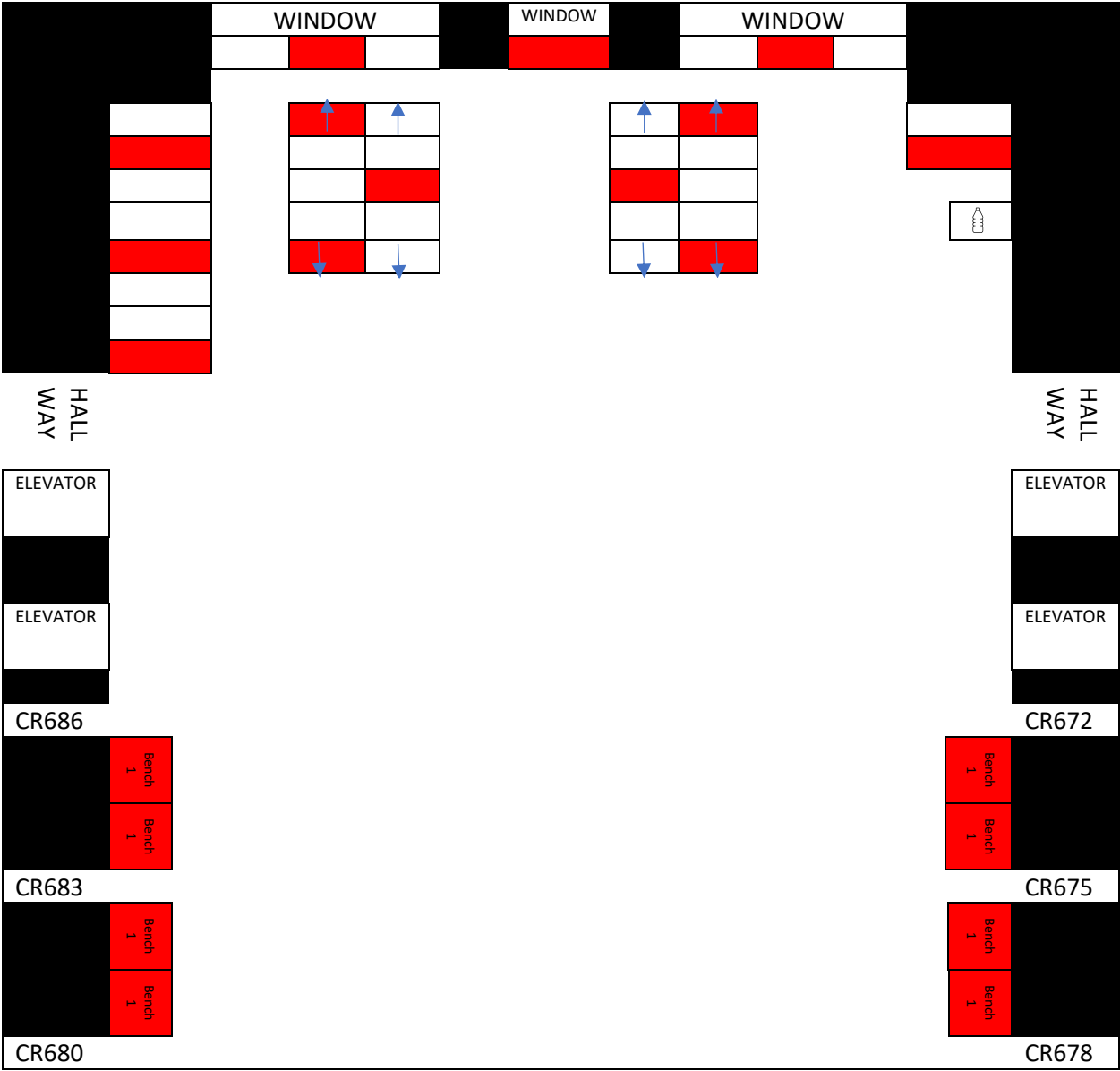


EXHIBIT 7 –FLOOR LOBBIES – SOCIAL DISTANCING (6 to 21 SEATS)

**3<sup>rd</sup> Floor – 6 Seats**



6<sup>th</sup> Floor Lobby 21 Seats



8<sup>th</sup> Floor Lobby – 18 Seats

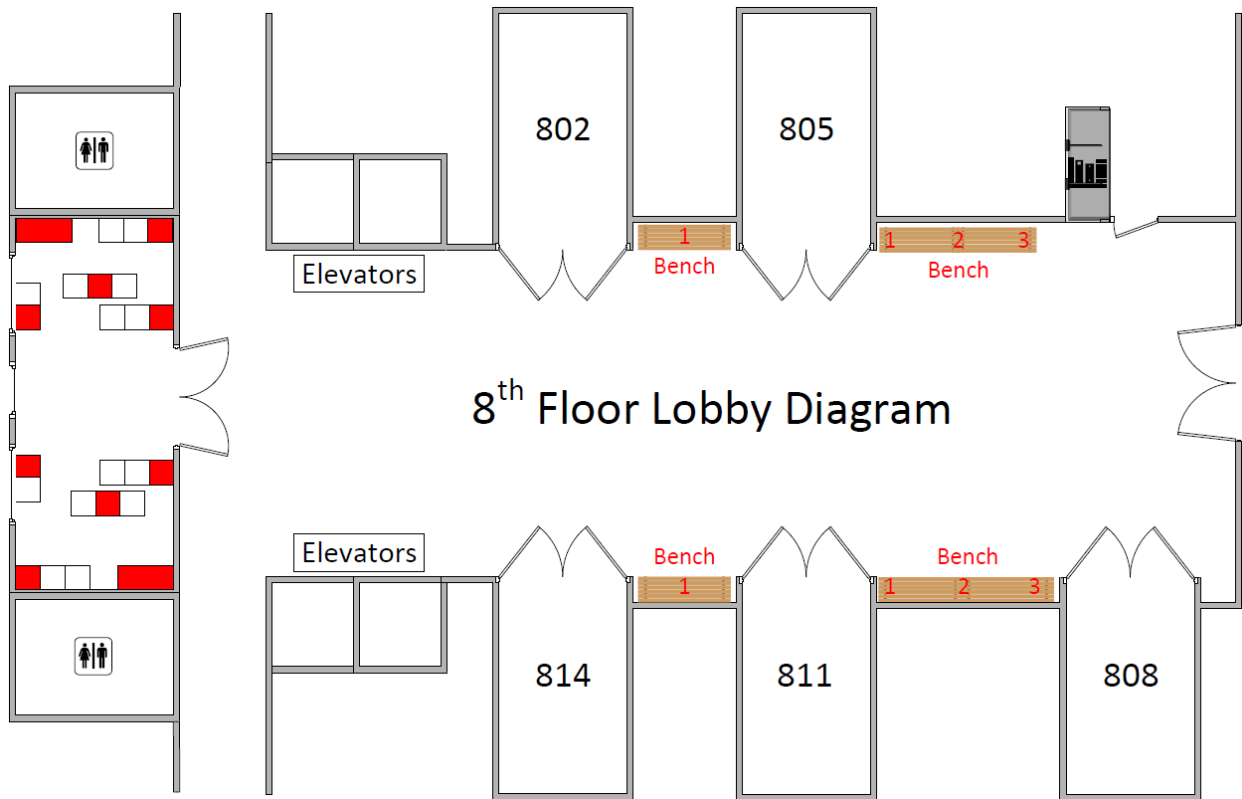




EXHIBIT 8 – SIXTH FLOOR COURTROOM SEATING SOCIAL DISTANCING (23 SEATS)

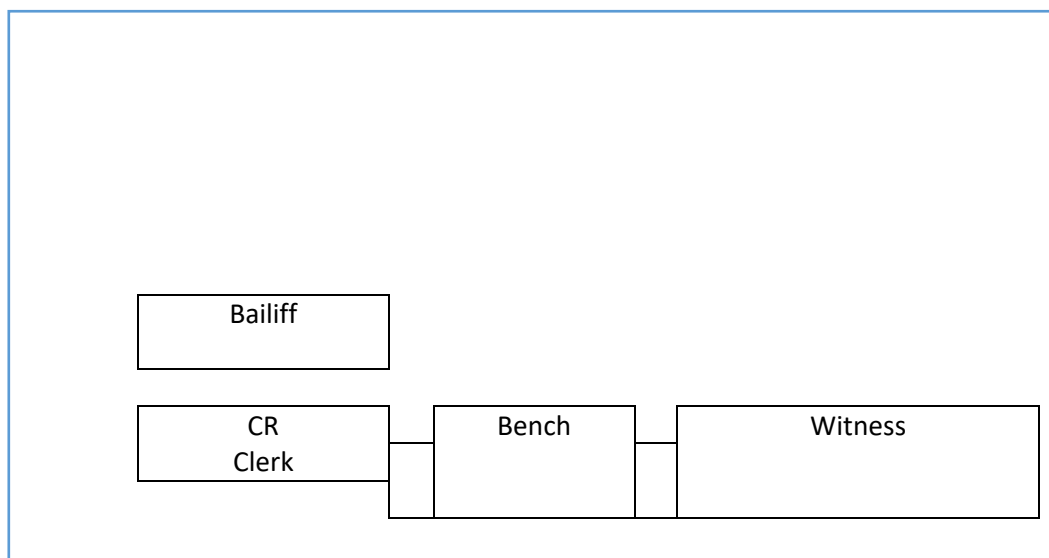
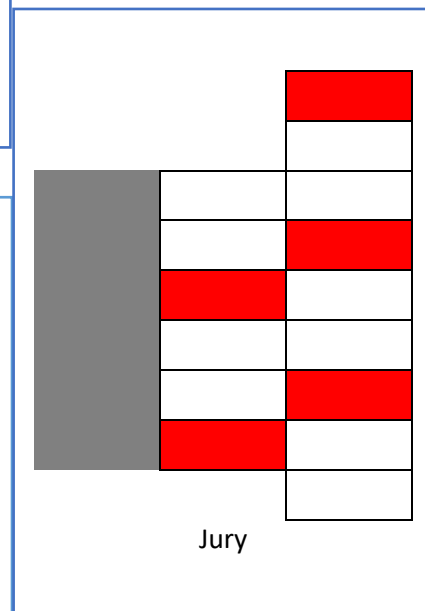
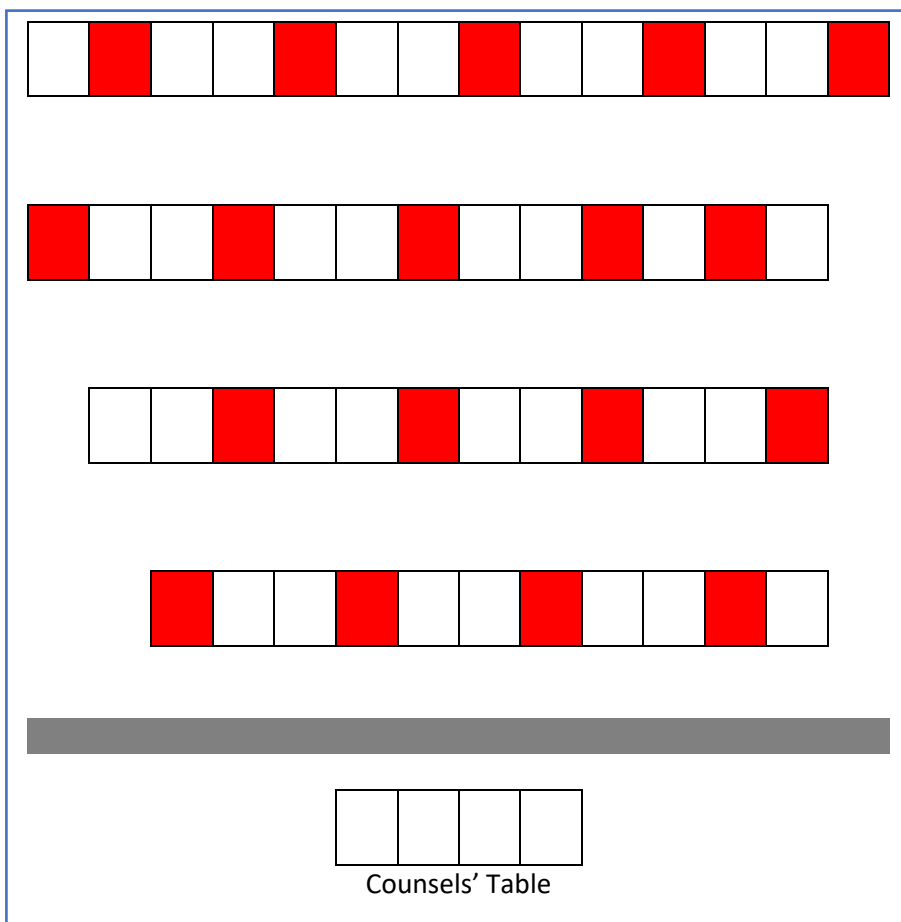
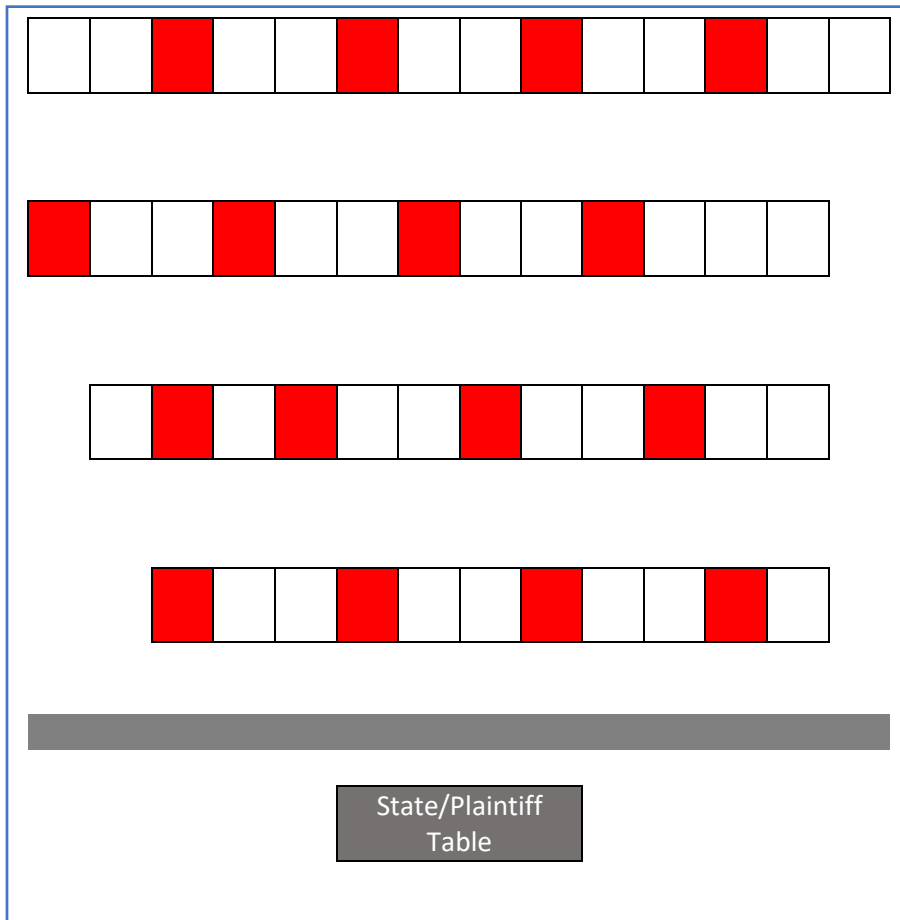
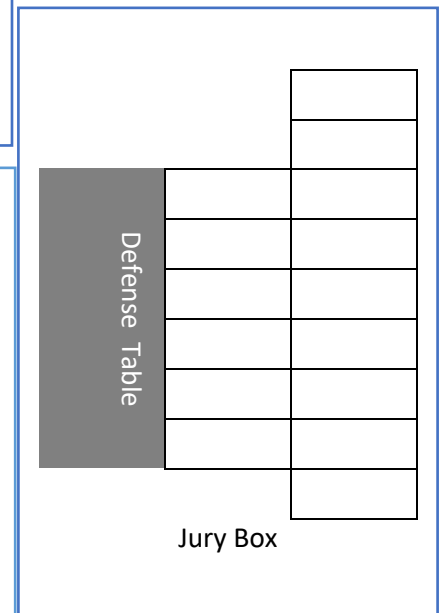


EXHIBIT 9 – SIXTH FLOOR COURTROOM SEATING SOCIAL DISTANCING 16 GALLERY SEATS



State/Plaintiff  
Table



Defense Table

Jury Box

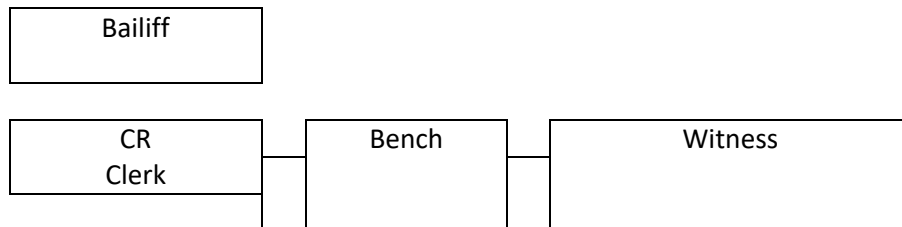
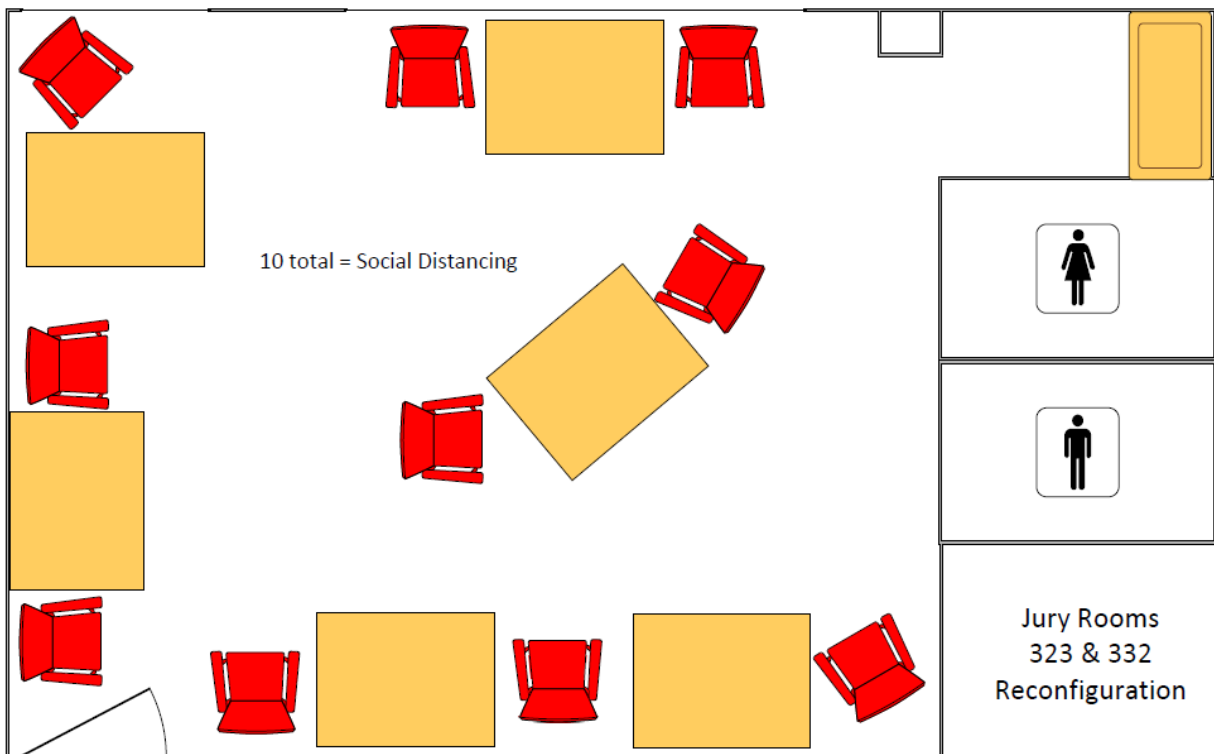
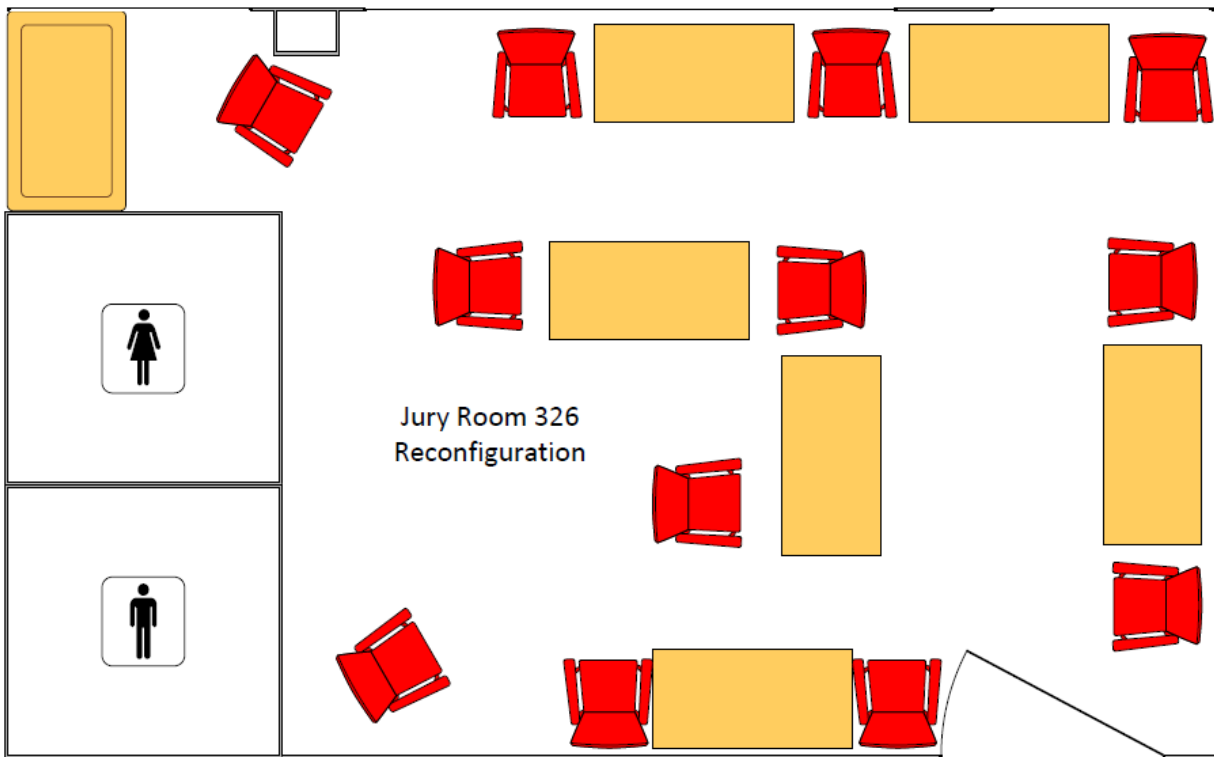


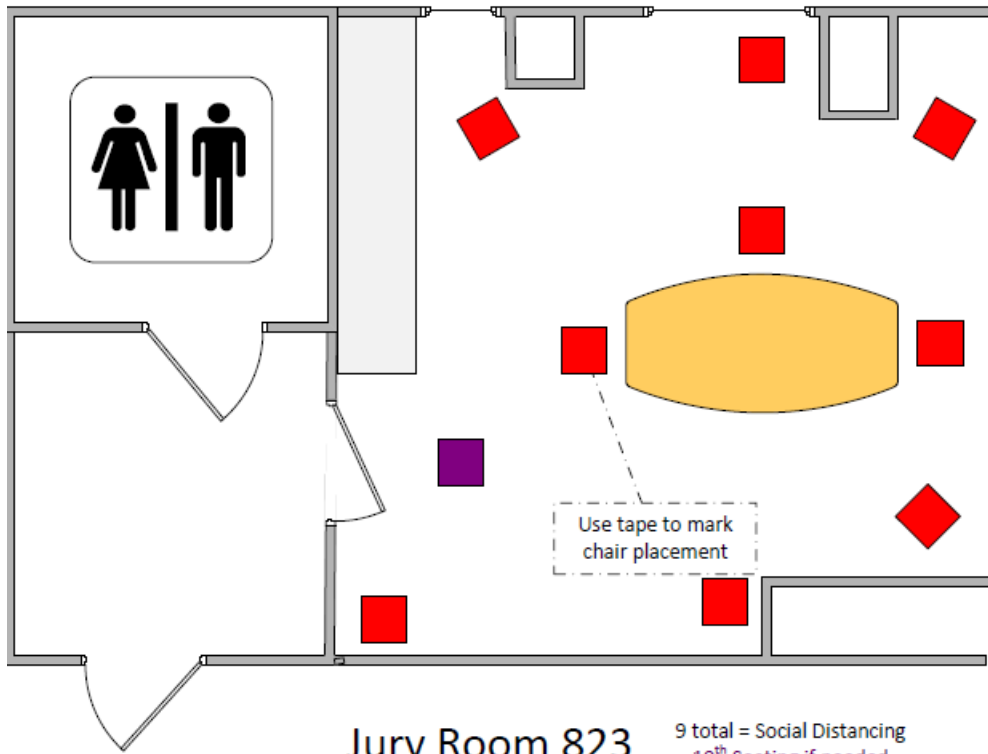
EXHIBIT 10 –JURY ROOM DIAGRAMS SOCIAL DISTANCING 9 to 12 SEATS



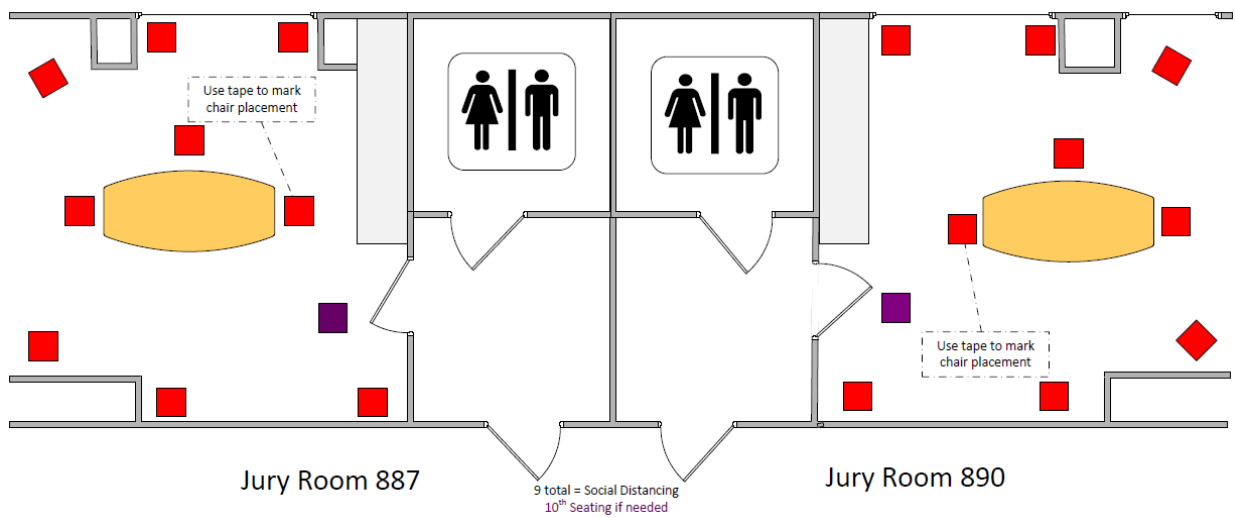
Floors Four, Five and Six - 9 to 10 Total



## Eighth Floor – 9 to 10 Total



9 total = Social Distancing  
10<sup>th</sup> Seating if needed



9 total = Social Distancing  
10<sup>th</sup> Seating if needed