

IN THE SUPERIOR COURT

IN AND FOR THE COUNTY OF PIMA

IN THE MATTER OF:) ADMINISTRATIVE ORDER
) NO. 2021-40 (replaces 2021-35)
Pima County Court Operations)
During the Public Health Emergency)
_____)

Due to the concern for the spread of COVID-19 in the general population, the Governor of the State of Arizona has declared a statewide emergency pursuant to A.R.S. § 26-303 and 26-301(15). The Chief Justice of the Arizona Supreme Court has issued an Administrative Order No. 2021-109, authorizing the presiding judge of the superior court to determine how any 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.

This order applies to all limited jurisdiction courts in Pima County, based on Rule 92 of the Rules of the Arizona Supreme Court, Arizona Supreme Court Administrative Orders 2005-32 and 2013-70, as well as the Intergovernmental Agreement between the City of Tucson and Pima County Superior Court for Administrative Oversight of City Court. It further is meant to operate in concert with Supreme Court Administrative Order 2021-109 and Pima County Superior Court Administrative Order 2021-32.

This order does not apply to the Arizona Court of Appeals, Division 2.

This order applies only to courthouse spaces in any buildings in which the court shares space with other entities.

Therefore, pursuant to the aforementioned Administrative Order, which is attached hereto and incorporated herein by this reference, IT IS ORDERED:

- A. All people in attendance at any in-person event in all courts in Pima County, including limited jurisdiction courts, must maintain a minimum of three (3) feet social distance from all other persons in the courtroom. Each judge has discretion to exclude any persons from a courtroom, except litigants and lawyers, until further order of this Court. Judges shall observe best social-distancing practices and may order that any person exhibiting symptoms of COVID-19 leave the courtroom. (Per the United States Center for Disease Control, symptoms include but are not limited to fever, cough and shortness of breath.)

- B. Any person who has symptoms of COVID-19 or who suspects to have had exposure to the virus shall refrain from coming to court. Any such person shall contact via telephone or email the assigned trial division to report the reason for her/his absence and request to be excused. To inhibit the spread of the virus, non-parties and others whose presence are not necessary to conduct court business should not attend court proceedings or enter the courthouse. Friends and relatives should not attend court with parties, and children and the elderly should not enter the courthouse. Judges may at any time exclude any person from a courtroom, as per above. Individuals in any courthouse who exhibit symptoms of COVID-19 may be asked to not enter or to exit the building by authorized court security officers. Court security officers may remove any person who refuses to voluntarily leave any court building after such reasonable request.
- C. All persons entering any courthouse, including but not limited to attorneys, parties, victims, witnesses, jurors, court personnel, judicial officers and other necessary persons shall wear their own or court-provided mask or face covering over their nose and mouth. The wearing of a mask or face covering is mandatory for all persons regardless of vaccination status while in a court facility. Court personnel may remove their mask or face covering while they are at their workspace and able to maintain appropriate social distancing from any other person. This Order does not serve to require the Court to provide masks or face coverings.
- D. During in-courtroom proceedings, the judicial officer presiding may authorize removal of masks or face coverings for purposes of witness testimony, defendant identification, making an appropriate record, or other reasons as deemed necessary by the judicial officer, provided that appropriate social distancing or other protective measures are followed. At the judge's discretion, the judge and staff may remove their own masks in a courtroom when no member of the public is physically present.
- E. Judges may set existing matters, including hearings and trials, as teleconference or video conference hearings, *sua sponte*, with reasonable notice to parties and their attorneys. Judges may also *sua sponte* continue matters which cannot be conducted by teleconference or video conference, with reasonable notice to the parties and their attorneys.
- F. All civil mental health hearings conducted in accordance with A.R.S. § 36-501, et. seq., are hereby closed to the public until or unless otherwise ordered by the judge presiding over that scheduled court event or trial.
- G. To the extent the Local Rules of Practice, Pima County Superior Court, are inconsistent with the terms of this Administrative Order, the Administrative Order controls and the local rule is suspended until further Order of this Court.

H. This order is effective **August 12, 2021**. Until that date, the procedures in AO 2021-35 remain in effect.

Dated this 12th day of August 2021

JEFFREY T. BERGIN
PRESIDING JUDGE

cc: Ron Overholt, Court Administrator
Hon. John Peck, Presiding, Ajo Justice Court
Hon. Ray Carroll, Presiding, Green Valley Justice Court
Hon. Laine McDonald, Presiding, Marana Municipal Court
Hon. James Hazel, Presiding, Oro Valley Magistrate Court
Hon. Maria Avilez, Presiding, Sahuarita Municipal Court
Hon. Darlene Chavira Chavez, Presiding, South Tucson Municipal Court
Hon. Antonio Riojas, Presiding, Tucson City Court
Hon. Kendrick Wilson, Pima County Presiding Justice of the Peace