

2020 DEC 10 PM 3:45

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF PINAL

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DEPUTY

IN THE MATTER OF ESTABLISHING STANDARD)
LEVELS OF MAXIMUM JURY TRIAL CAPACITY)
IN THE SUPERIOR COURT AND APPLICABLE) ADMINISTRATIVE ORDER
PROCEDURES)
_____) No. 2020 - 000 late

WHEREAS, the Presiding Judge of the Superior Court of Arizona in and for Pinal County is the chief judicial officer of the county and has administrative authority over all courts in Pinal County, pursuant to Article VI of the Arizona Constitution and Arizona Supreme Court Administrative Order No. 2017-79;

WHEREAS, the Covid-19 Pandemic resulted in the temporary suspension of jury trials and speedy trial rights, and the continuing impact of social distancing and other necessary safety precautions reduce the availability of prospective jurors and reduce the physical capacity of the Superior Court Courthouse to accommodate simultaneous jury trials, such that the traditional practice of setting future criminal jury trials, and the uncertainty surrounding which cases are actually ready for trial or not, does not adequately allocate scarce jury trial resources;

NOW, THEREFORE, IT IS ORDERED setting the following limits on the maximum jury trial capacity of the Superior Court Courthouse and directing the judges and commissioners of the Superior Court to allocate available jury trial resources, as set forth herein.

Subject to the administrative orders of the Chief Justice of the Supreme Court of Arizona, the Presiding Judge hereby adopts the following standard capacity levels for jury trials, which shall establish the maximum number of authorized jury trials in the Superior Court Courthouse and the procedures for allocating that capacity, and the Presiding Judge shall periodically issue a separate Administrative Order to set the appropriate standard capacity level, in due consideration of public health considerations, availability of prospective jurors, and need for jury trial resources:

- **FULL SUSPENSION:** No jury trials shall be permitted in the Superior Court Courthouse, and all jury trial shall be vacated or rescheduled by the assigned trial judge or commissioner.

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- **LIMITED SUSPENSION**: No jury trials shall be permitted in the Superior Court Courthouse, except one criminal jury trial is authorized to begin during any trial week, in the discretion of the Criminal Presiding Judge or at the direction of the Presiding Judge.¹

During any period of *Limited Suspension*, trial judges and commissioners may set future jury trial settings without restriction; but the assigned trial judges and commissioners shall vacate or reschedule all non-criminal jury trial settings and any criminal jury trial settings that do not justify application of scarce jury trial resources during a period of Limited Suspension.

As to any remaining jury trial settings, the Criminal Presiding Judge shall consult with the assigned trial judges and exercise his discretion by presiding over a combined hearing of all remaining criminal cases set for jury trial in any given week, identifying any individual jury trial setting that may proceed to trial and vacating or resetting any other jury trial settings.

- **SINGLE JURY TRIAL CAPACITY**: One jury trial is authorized in the Superior Court Courthouse during any period of *Single Jury Trial Capacity*, and criminal jury trial settings shall have the highest priority for this resource, in the discretion of the Criminal Presiding Judge or at the direction of the Presiding Judge.

During any period of *Single Jury Trial Capacity*, trial judges and commissioners may set future jury trial settings without restriction; but the assigned trial judges and commissioners shall vacate or reschedule any jury trial settings that may reasonably be rescheduled, which shall be evaluated in the context of other cases that are set for jury trial during the same week and shall be determined not later than 14 days before the scheduled start of trial.

As to any remaining jury trial settings, the Criminal Presiding Judge shall consult with the assigned trial judges and exercise his discretion by presiding over a combined hearing of all remaining cases set for jury trial in any given week, identifying any individual jury trial setting that may proceed to trial and vacating or resetting any other jury trial settings.

- **DOUBLE JURY TRIAL CAPACITY**: Two simultaneous jury trials are authorized in the Superior Court Courthouse during any period of *Double Jury Trial Capacity*, and criminal jury trial settings shall have the highest priority for this resource, in the discretion of the Criminal Presiding Judge or at the direction of

¹ When the Criminal Presiding Judge exercises his discretion to authorize a jury trial, the goal is to restrict the occupancy demands and risks on the public and staff, which should typically result in little or not overlap between trials, but the Criminal Presiding Judge may authorize a trial that may overlap with a trial that began in the prior week, giving due consideration to public health concerns, availability of prospective jurors, and the need for jury trial resources.

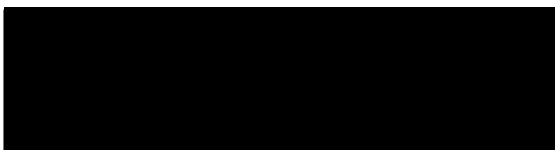
the Presiding Judge. The applicable procedure for allocating this resource is the same as for *Single Jury Trial Capacity*, except for the availability to select two jury trial settings. The Criminal Presiding Judge shall only select one jury trial setting for any trial judge or commissioner, unless that trial judge or commissioner has arranged coverage for simultaneous trials.

- **TRIPLE JURY TRIAL CAPACITY**: Three simultaneous jury trials are authorized in the Superior Court Courthouse during any period of *Triple Jury Trial Capacity*, and criminal jury trial settings shall have the highest priority for this resource, in the discretion of the Criminal Presiding Judge or at the direction of the Presiding Judge. The applicable procedure for allocating this resource is the same as for *Double Jury Trial Capacity*, except for the availability to select three jury trial settings.
- **UNRESTRICTED CAPACITY**: As many simultaneous jury trials are authorized in the Superior Court Courthouse during any period of *Unrestricted Capacity*, as can safely be accommodated by the physical courthouse and as can be supplied by the Jury Commissioner with sufficient prospective jurors.

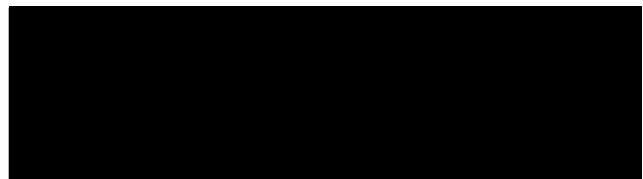
When the Criminal Presiding Judge exercises his discretion to authorize a jury trial during a period of a *Limited Suspension* or *Single Jury Trial Capacity*, any authorized trial should typically result in little or no overlap with another trial, but the Criminal Presiding Judge may authorize a trial that may overlap with another trial, giving due consideration to public health implications, availability of prospective jurors, the need for jury trial resources, and the likelihood and scope of any resulting overlap between trials.

By separate Administrative Order, the Presiding Judge shall periodically establish the current and appropriate standard capacity level for the Superior Court Courthouse, in due consideration of public health considerations, availability of prospective jurors, and need for jury trial resources. That order may include a targeted expiration date for that standard capacity level, but any change to the capacity level will include sufficient advance notice to judges and commissioners, attorneys, and the Jury Commissioner to implement any change in the standard capacity level.

Dated this 10th day of December 2020



Honorable Stephen F. McCarville,
Presiding Judge



Honorable Robert Carter Olson
Presiding Criminal Judge

Original: Clerk of the Superior Court
Copies: Judges, Pinal County
Kent Volkmer, Pinal County Attorney
Rebecca Padilla, Clerk of the Court
Leo Lew, Interim County Manager
Catherine Whelan, Indigent Defense Services
Kate Milewski, Public Defender
Todd Zweig, Court Administration
Rod McKone, Adult Probation Department
David Rodriguez, Chief Criminal Deputy County Attorney
Victims' Assistance Program
Odette Apodaca, Chief Deputy
Jackie McMurry, Office of Indigent Defense Services (to distribute to Attorneys on the Indigent Appointment lists)