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

DEPUTY

IN THE MATTER OF ESTABLISHING)	
MAXIMUM JURY TRIAL CAPACITY IN THE)	
SUPERIOR COURT AND IMPLEMENTING)	ADMINISTRATIVE ORDER
A CASE TRANSFER PROTOCOL FOR PEAK)	
AND EXCESS JURY TRIAL DEMAND)	
<hr/>		No. 2021 – 00045

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 social distancing and other necessary safety precautions continue to 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 does not adequately allocate scarce jury trial resources;

NOW, THEREFORE, IT IS ORDERED affirming the maximum jury trial capacity of the Superior Court Courthouse at a level of three simultaneous jury trials, and said jury trials shall commence on Tuesdays of each trial week at 9:00 a.m., except as otherwise provided in this administrative order. ¹

IT IS FURTHER ORDERED that, with the approval of the Presiding Judge, the Criminal Presiding Judge may periodically amend the maximum jury trial capacity level, including suspending jury trials, in due consideration of public health considerations, availability of prospective jurors, and need for jury trial resources.

IT IS FURTHER ORDERED affirming that jury trial resources in the Superior Court shall be allocated by the priority established by the Supreme Court, which gives priority to Criminal jury trials.

¹ When implementing this administrative order, the Criminal Presiding Judge will typically limit the start of trials that may overlap with trials-in-progress to avoid exceeding the maximum simultaneous jury trial capacity established by this administrative order, except upon good cause, giving due consideration to public health concerns, availability of prospective jurors, the need for jury trial resources, and the projected duration when the maximum simultaneous jury trial capacity may be exceeded.

IT IS FURTHER ORDERED that the Criminal Presiding Judge shall monitor the probable demand for Criminal jury trials and shall designate and reserve current and future jury trial dates for Civil jury trials, as directed by the Presiding Judge or when the Criminal Presiding Judge determines that release of a given jury trial date is unlikely to interfere with a necessary Criminal jury trial.

IT IS FURTHER ORDERED adopting a Case Transfer Protocol to handle peak demand for Criminal jury trials, as set forth below:

1. Case Transfer is active for any trial week where the number of scheduled Criminal jury trials exceeds the remaining capacity for simultaneous jury trials that are available for Criminal jury trials.
2. When Case Transfer is active, the Criminal Presiding Judge shall classify and thereby designate which trials may commence and which trials will be rescheduled to the following jury trial start date, which is typically the next Tuesday, after first conferring with any judge who has a case scheduled for jury trial that will be impacted by Case Transfer.² The Criminal Presiding Judge shall classify the trials, as follows:
 - a. **“Priority”** means the jury trial is confirmed to start on the scheduled trial date.³
 - b. **“Stand-By”** means the jury trial may start on the scheduled trial date, if a Priority trial is vacated, and counsel shall remain ready to start on that date, provided that notice is transmitted from the Court by noon on the day prior to the scheduled trial date, which shall be promptly acknowledged by counsel; absent such a notice, the jury trial is deemed rescheduled and counsel shall be ready to start on the next jury trial start date, which is typically the next Tuesday.
 - c. **“Queued”** means the jury trial will not start on the scheduled trial date, and counsel is NOT required to remain ready to start on that date, but the jury trial is deemed rescheduled and counsel shall be ready to start on the next jury trial start date, which is typically the next Tuesday, unless a different jury trial start date is designated by court order.

² In the discretion of the Criminal Presiding Judge, a combined hearing may also be held with counsel for the scheduled jury trials to assist the Criminal Presiding Judge in classifying the jury trials.

³ For cases in which there may be a hardship to a party or a victim, such as when out-of-state travel is required, the Criminal Presiding Judge may pre-classify a jury trial as a “Priority” setting four weeks before the scheduled trial date, if recommended and requested by the assigned trial judge.

3. Jury trials will be classified by the Criminal Presiding Judge based upon the respective priority of each case for trial, not based on whether the case is assigned to an available trial judge, and the Criminal Presiding Judge will thereafter confirm or reassign jury trials to judges on the Criminal trial bench, in the discretion of the Criminal Presiding Judge, and each judge of the Criminal trial bench shall remain available to accept such assignments during any period when Case Transfer is active.
4. To assist the Criminal Presiding Judge in allocating jury trial resources, each trial judge of the Criminal Bench is responsible for maintaining and updating their trial data on a central trial calendar that is adopted by the Criminal Presiding Judge, including but not limited to identifying all upcoming jury trial dates, expected trial duration, required number of jurors, remaining number of speedy trial days (as of the scheduled trial date), and any prior classification of any given trial as a "Priority" trial, as defined above.⁴
5. The Criminal Presiding Judge shall monitor the upcoming trial schedule and identify any future trial weeks when a speedy trial violation may occur, due to an excess demand for jury trials, and the Criminal Presiding Judge may temporarily maximize the court's trial capacity to accommodate such excess demand by directing the Jury Commissioner⁵ to call additional jury panels on any particular Wednesday, Thursday, or Friday, and designate those dates as additional jury trial start dates, meaning that jury trials will start as soon as possible during excess demand, rather than delaying until the next Tuesday.

IT IS FURTHER ORDERED that, absent direction from the Presiding Judge or Criminal Presiding Judge, the Jury Commissioner shall routinely call all juries for a start of jury selection to occur on Tuesdays at 9:00 a.m., and the Jury Commissioner is directed to adopt practices that will facilitate the early processing and release of jurors to Bailiffs, and the Bailiffs are responsible for the early and prompt transport of jurors by the Bailiffs to the assigned trial courtroom (and any designated overflow areas), where the Jury Commissioner will orient the prospective jurors and have the jurors ready for jury selection to begin as close to 9:00 a.m. as is practicable.⁶

⁴ The Court's maintenance of a central trial calendar does not relieve attorneys of their responsibility to promptly inform the court of impending deadlines.

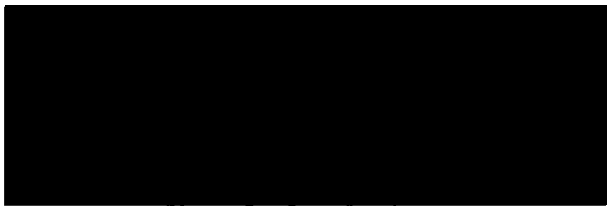
⁵ When possible, the Jury Commissioner shall be given not less than four weeks advance notice of predicted peak demand.

⁶ Nothing in this order shall preclude a special jury selection event on a separate date, when authorized by the Presiding Judge or Criminal Presiding Judge, as may be necessary for a lengthy trial or for a trial with more intensive jury selection demands.

IT IS FURTHER ORDERED that each trial judge will use their best efforts to pass their jury panel before lunch recess; so as to minimize the number of jurors that must reenter the courthouse.

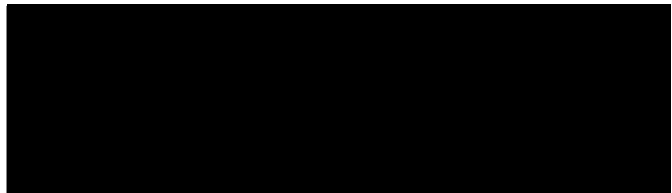
IT IS FURTHER ORDERED that this administrative order shall supersede and replace AO202000066, *In the Matter of Establishing Standard Levels of Maximum Trial Capacity in the Superior Court and Applicable Procedures*.

Dated, Signed, and Filed this 22 day of July 2021



Honorable Joseph R. Georgini,
Presiding Judge

A handwritten signature in black ink, appearing to be "J. Georgini", written over the printed name.



Honorable Robert Carter Olson
Presiding Criminal Judge

A handwritten signature in black ink, appearing to be "R. Olson", written over the printed name.