

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
RESUMPTION OF) Administrative Order
NORMAL OPERATIONS) No. 2022 - 34
) (Replacing Administrative Order
) No. 2021-187, Modifying No.
) 2020-59, and Terminating Nos.
) 2020-44, 2020-50, 2020-67, 2020-83,
) and 2020-157)
_____)

Several administrative orders have been issued in response to the COVID-19 public health threat that modified court operations to ensure justice in Arizona was administered safely. The most recent such order, Administrative Order No. 2021-187, issued on December 14, 2021, directed Arizona’s courts to continue to conduct business in a manner that reduced the risks associated with COVID-19, while transitioning to more normal operations. This administrative order now returns the courts to normal operations by replacing Administrative Order No. 2021-187 and by terminating other orders related to the public health emergency.

Arizona courts remained open to serve the public during the past two years. Although the courts were able to resolve many cases, others have been delayed. Fewer jury trials were held due to the need for social distancing to protect the public, judicial officers, and employees of the judiciary from the risks associated with COVID-19. Moving forward, courts are encouraged to capitalize on the technological and resource innovations used during the pandemic to promote participation in, and minimize costs of, court proceedings. This order provides direction to address the remaining backlog of cases.

Therefore, pursuant to Article VI, Sections 3 and 5, of the Arizona Constitution,

IT IS ORDERED that all Arizona courts, probation departments and juvenile detention centers, and the office of the presiding disciplinary judge shall resume normal operations.

IT IS FURTHER ORDERED lifting the remaining suspension of rules concerning change of judge as to cases filed or remanded on or after the date of this order and directing the resumption of Rule 10.2, Rules of Criminal Procedure; Rule 42.1, Rules of Civil Procedure; Rule 2(B), Rules of Procedure for Juvenile Court; Rule 6, Rules of Family Law Procedure; Rule 133(d), Justice Court Rules of Civil Procedure; Rule 9(c), Rules of Procedure for Eviction Actions; and any interrelated local rule.

IT IS FURTHER ORDERED that:

1. The period of March 18, 2020 through March 31, 2021 is excluded from calculation of time under rule provisions and statutory procedures that require court proceedings to be held within a specific period of time, including Rule 8, Rules of Criminal Procedure; Rules 17, 25, 79 and 100, Rules of Procedure for the Juvenile Court; and Rules 2, 3, 11(c) and 15, Rules of Procedure for Eviction Actions.
2. During the period from March 31, 2021 through December 31, 2022, and notwithstanding Rules 8.1(e) and 8.4(a)(4), the presiding superior court judge may exclude additional time from individual cases or groups of cases due to trial calendar congestion or, at the request of the trial judge, due to extraordinary circumstances caused by COVID-19 public health emergency.
3. The following are not excluded from calculations of time:
 - a. For persons held in-custody: initial appearances, arraignments, preliminary hearings, in-custody probation violation, and conditions of release;
 - b. Domestic violence protective proceedings and injunctions;
 - c. Child protection temporary custody proceedings;
 - d. Court-ordered evaluation and treatment proceedings under Title 36, A.R.S.;
 - e. Appointment of a temporary guardian or temporary conservator;
 - f. Habeas corpus proceedings;
 - g. COVID-19 public health emergency proceedings;
 - h. Juvenile detention hearings;
 - i. Election cases; and
 - j. Any other proceeding that is necessary to determine whether to grant emergency relief.

IT IS FURTHER ORDERED limiting the previous modification of Rule 14(a), Rules of Family Law Procedure, as provided in Administrative Order No. 2020-59 to documents filed on or before December 31, 2022, and terminating the remaining provisions of that Administrative Order effective April 9, 2022.

IT IS FURTHER ORDERED terminating Administrative Order Nos. 2020-44, 2020-50, 2020-67, 2020-83, and 2020-157 effective April 9, 2022.

IT IS FURTHER ORDERED that the presiding judge of each county and other judicial leadership shall assess whether any action taken under the authority granted them during the public health emergency should be similarly terminated by April 30, 2022.

IT IS FURTHER ORDERED that judicial leadership should expand case disposition capacity to address any remaining backlog of cases, including calling back retired judges, using judges pro tempore, and temporarily reassigning judges from other assignments.

IT IS FURTHER ORDERED that this order replaces Administrative Order No. 2021-187.

Dated this 1st day of April, 2022.

ROBERT BRUTINEL
Chief Justice