

**GILA VALLEY CONSOLIDATED MUNICIPAL COURT
{SAFFORD~THATCHER~PIMA}
GRAHAM COUNTY, STATE OF ARIZONA**

In the Matter of:)	
)	
PRESUMPTIVE STANDARDS)	Administrative Order
FOR REMOTE AND IN-PERSON)	No. 2022-001
HEARINGS)	
_____)	

It is in the interest of the efficient administration of justice and good public service that the Gila Valley Consolidated Municipal Court, comprising Safford Municipal Court, Thatcher Municipal Court and Pima Municipal Court, continue to use and expand technology to conduct remote court proceedings. Presumptive Standards have been set forth and adopted by the Arizona Judicial Council regarding which hearing types should be held remotely and which should be held in-person in Arizona courts (See attached: *Appendix 1: Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Type*). Adaptation of these Presumptive Standards may be necessary due to limitations in local court resources, bandwidth, technology, hardware, software and staffing; or, for good cause to meet unique needs in the court’s jurisdiction.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Gila Valley Consolidated Municipal Court shall implement the Presumptive Standards as outlined and in accordance with Arizona Supreme Court Order No. 2022-088 regarding which types of hearings should be held remotely and which should be held in-person in this Court. This shall apply to all criminal, traffic and civil proceedings held in this Court.

IT IS FURTHER ORDERED that any Presumptive Standard inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

IT IS FURTHER ORDERED that the Gila Valley Consolidated Municipal Court shall continue to use and expand technology to conduct remote court proceedings while following the suggested Presumptive Standards.

IT IS FURTHER ORDERED authorizing the judge assigned to the case to make a hearing-specific deviation from the presumptive manner in which a hearing must be held if holding the hearing in the presumptive manner is not practical or otherwise not in the interest of justice. Notice shall be made to the parties when such a deviation is made.

IT IS FURTHER ORDERED that these Presumptive Standards as adopted to this Order shall be implemented no later than October 1, 2022.

IT IS FURTHER ORDERED that this Administrative Order shall be posted to the municipal court section of each website for the City of Safford, Town of Thatcher, and Town of Pima, respectively.

Limited Jurisdiction Proceedings that may be held remotely per the Presumptive Standards--Appendix 1 include:

Criminal Misdemeanor: Initial Appearance, Arraignment, Pre-trial/Motion-Non-witness, Change of Plea/Sentencing, Pre-trial Conference, Case Management Conference/Trial Preparedness Conference, Settlement Conference, Probation Violation Arraignment, Other-Non-witness, Bond Forfeiture (contingent on bond poster identification)

Civil Traffic, Boating, Marijuana and Parking and Standing Violations: Arraignment, Photo Enforcement Hearing, Other (including ID Hearing, Local Ordinance, Parking)

Protective Order Procedure: Ex Parte Hearing, Other

Dated this 25th day of August, 2022.



MERRI ADEN

Magistrate

GILA VALLEY CONSOLIDATED MUNICIPAL COURT
{SAFFORD~THATCHER~PIMA}
GRAHAM COUNTY, STATE OF ARIZONA

Regarding Arizona Supreme Court Order No. 2022-088—Presumptive Standards for Remote and In-person Hearings, the Gila Valley Consolidated Municipal Court has identified the following types of hearings that should be held remotely:

Criminal Misdemeanor: Initial Appearance, Arraignment, Pre-trial/Motion-Non-witness, Change of Plea/Sentencing, Pre-trial Conference, Case Management Conference/Trial Preparedness Conference, Settlement Conference, Probation Violation Arraignment, Other-Non-witness, Bond Forfeiture (contingent on bond poster identification)
Civil Traffic, Boating, Marijuana and Parking and Standing Violations: Arraignment, Photo Enforcement Hearing, Other (including ID Hearing, Local Ordinance, Parking)
Protective Order Procedure: Ex Parte Hearing, Other

The Gila Valley Consolidated Municipal Court (GVCMC) plans to fully adopt these Presumptive Standards but finds that there may be a need for exceptions due to the unique needs of the court and the city/towns that we serve.

GVCMC has one Magistrate/Court Administrator, three clerks, and one part-time Security Officer/Bailiff. Hearings such as Arraignments, Pre-trial Conferences, Change of Plea hearings, and Sentencings are typically held on Tuesdays and Wednesdays. The Court has full calendar schedules for these two days, with Arraignments of 10-25 cases from 9 to 11:00 a.m. and then Pre-trial hearings, Change of Pleas, Sentencings, etc. of 9-12 cases beginning at 11:00 a.m. until 5:00 p.m. In between these times the Court is routinely busy with other types of hearings such as Order to Show Cause, Protective Order Ex Parte hearings, Civil Traffic appearances, and more. The Court only holds these hearings on these specific days as that is the only two days that we have our Security Officer available.

With having a small court and limited staff, holding all of these hearings remotely would cause excessive difficulties to both the court and the parties to the cases. Essentially, I believe there would not be enough time in the day to complete all of these hearings remotely. In addition, the likelihood that the defendant would have access to technology needed to participate in a remote hearing is slim. This court does deal with homeless people on a daily basis.

The Court will make remote hearings available for all types listed in the Presumptive Standards as required; however, holding all of the required hearings remotely is not practical for this Court and certainly not in the best interest of justice for all parties.