

IN THE DUNCAN JUSTICE COURT PRECINT II OF THE STATE OF ARIZONA

In the Matter of:

PRESUMPTIVE STANDARDS FOR
REMOTE AND IN-PERSON HEARINGS

Administrative Order
No. 2022-001

It is in the interest of the efficient administration of justice and good public service that this Duncan Justice court continue to use and expand technology to conduct remote court proceedings. Presumptive standards have been put in place which have been approved and adopted by the Arizona Judicial Council. (Appendix 1: Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Type) The 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.

This order applies to all civil, traffic and criminal court proceedings and follows in accordance with Arizona Supreme Court Order No. 2022-46. Per Administrative order, the order will be effective October 1, 2022; and remain until further noted from the Arizona Supreme Court. The order shall be posted on the Duncan Justice Court website.

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

IT IS ORDERED that the Duncan Justice Court provided by administrative order continue to use and expand technology to conduct remote court proceedings while following the suggested presumptive standards. The court shall notify all parties if the judge orders a remote hearing to be held.


Hearings that may be held in person or remote: Initial Appearance, Arraignment, Preliminary Hearing – Non-Witness, Bond Hearing (provided poster provides proof of person) and Pre-Trial Conference. Sentencing Hearings and Bench Trials will be held in person unless noted by judge.

Regarding Change of Plea Sentencing, In-Person presumptive does not apply to Telephonic Pleas and Pleas by mail pertaining to Rule 17.1, Arizona Rules of Criminal Procedure.

IT IS ORDERED that for any hearing scheduled to be conducted remotely, the individual charged with an offense may elect to attend the hearing in person.

IT IS FINALLY ORDERED that, notwithstanding the presumptive manner for holding hearings and the adaptations to the presumptive manner outlined in this Order, any hearing type, with the exception of criminal trials, may be conducted remotely upon the request of a party, good cause appearing, and consistent with the requirements of applicable rules.

Dated this 10th day of October 2022.



Karen Smith, Justice of the Peace

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing	X	
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	
<i>Proceedings Under the Arizona Rules of Procedure for Eviction Actions</i>			
	Initial Appearance	X ²	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Writ of Restitution	X	
	Post-Judgment	X	
<i>Proceedings Under the Arizona Rules of Small Claims Procedure</i>			
	Hearing	X	
	Alternative Dispute Resolution	X	
<i>Proceedings Under the Arizona Justice Court Rules of Civil Procedure</i>			
	Pre-trial/Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Mediation Conference	X	
	Settlement Conference	X	
	Jury Selection		X
	Jury Trial		X
	Bench Trial	X	
	Other	X	

² By statute:

Notwithstanding any other law, in a special detainer or forcible detainer proceeding before the court, any party, including an attorney or witness upon written notice to the court, shall be permitted to participate at the initial appearance remotely by using a telephone or video conference connection. If the court continues a contested matter to a later date, at the discretion of the court, the court may require all parties, attorneys and witnesses to participate in person.

Appendix 1

Recommended Remote and In-Person Hearings in the Post-Pandemic World by Case Type and Hearing Types

Case Type	Hearing Type	Remote	In-Person
<i>Limited Jurisdiction Proceedings Involving Criminal Misdemeanor Charges; under the Rules of Court Procedure for Civil Traffic, Boating, Marijuana and Parking and Standing Violations (CTBMPSV) and Juvenile Hearing Officer Proceedings</i>			
<i>Criminal Misdemeanor</i>			
	Appearance/Arrestment/Initial	X	
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea/Sentencing	X	
	Pre-trial Conference	X	
	Order to Show Cause		X
	Case Management Conference/Trial Preparedness Conference	X	
	Settlement Conference	X	
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arrestment	X	
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness	X	
	Other – Witness		X
	Bond Forfeiture	X	
<i>CTBMPSV</i>			
	Arrestment	X	
	Trial/Contested Hearing		X
	Photo Enforcement Hearing	X	
	Other (including ID Hearings, Local Ordinance, Parking)	X	
<i>Juvenile Hearing Officer Proceedings</i>		X	