

MAY 28, 2020

CLERK US DISTRICT COURT
DISTRICT OF ARIZONA

BY s/ M. Everette DEPUTY

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

In the matter of

CONTINUING COURT OPERATIONS
UNDER THE EXIGENT
CIRCUMSTANCES CREATED BY
CORONAVIRUS DISEASE (COVID-19)

GENERAL ORDER 20-26

WHEREAS, the COVID-19 (Coronavirus Disease) outbreak remains a national public health emergency; and the Judges of the United States District Court for the District of Arizona continue to balance the various interests implicated by the COVID-19 public health emergency, and find that the current guidance of public health officials allows for a modification in court operations to permit the resumption of limited in-court proceedings;

NOW THEREFORE, the United States District Court for the District of Arizona, orders the following effective immediately:

Flagstaff Courthouse

1. The COVID-19 virus being very prevalent in Apache, Navajo and Coconino Counties which are all served by the Flagstaff Courthouse, the partial closure of that courthouse set forth in GO 20-16 and extended through GO 20-19 and GO 20-25 is extended through and including Tuesday, June 30.
2. Given the limited space available for jury selection in the Flagstaff Courthouse, all jury trials in Flagstaff are postponed through July 31, 2020.
3. VTC and telephonic proceedings are authorized to occur in the Flagstaff Courthouse to the full extent authorized by the CARES Act upon the required findings of the

1 designated district judge or the Chief Judge or his designee.

- 2 4. Civil Violations Bureau cases in Flagstaff, Kingman, Page, and the Grand Canyon
3 may proceed if the number of persons involved in such matters is reduced to comply
4 with CDC guidelines.

5 **Yuma Courthouse**

- 6 1. The Yuma Courthouse having recently dealt with exposure to COVID-19, and the
7 number of new cases of COVID-19 having recently spiked in Yuma County, the
8 limited authorization to conduct proceedings set forth in GO 20-15 is extended
9 through and including Tuesday, June 30.
- 10 2. VTC and telephonic proceedings are authorized to occur in the Yuma Courthouse
11 to the full extent authorized by the CARES Act upon the required findings of the
12 designated district judge or the Chief Judge or his designee.
- 13 3. Multi-defendant proceedings such as operation streamline remain canceled until
14 further notice.
- 15 4. Civil Violations Bureau cases may proceed if the number of persons involved in
16 such matters is reduced to comply with CDC guidelines.

17 **Tucson and Phoenix Courthouses**

- 18 1. As of June 1, 2020, the moratorium on hearings and on jury and other trials in the
19 Tucson and Phoenix Courthouses is partially lifted. Nevertheless, only those jury
20 trials, whether criminal or civil, set forth as Exhibits A and B in the accompanying
21 Administrative Order of the Court shall occur in June and July in the Tucson and
22 Phoenix Courthouses. All jury trials shall proceed according to the requirements
23 set forth later in this order.
- 24 2. Initial Appearances, preliminary hearings, detention hearings, changes of plea and
25 sentencings and all other matters involving detained persons shall continue to occur
26 from CoreCivic by video-teleconference or teleconference, to the extent possible,
27 as authorized by the CARES Act.
- 28 3. VTC proceedings in criminal cases will be given priority over requests for VTC

1 access in civil cases should capacity limits be approached.

- 2 4. Multi-defendant proceedings such as operation streamline and the Court's flip-flop
3 calendar remain canceled until further notice.
- 4 5. Grand Jury proceedings in the Phoenix and Tucson Courthouses shall not resume
5 prior to June 16 in Phoenix and June 17 in Tucson subject to further postponement
6 depending upon public health developments. Further, prior to the resumption of
7 grand jury operations within the courthouse, the United States Attorney shall review
8 with and receive the approval of the Court on how to conduct such operations
9 pursuant to adequate social distancing standards and other CDC protocols.
- 10 6. Civil Violations Bureau cases may proceed if the number of persons involved in
11 such matters is reduced to come into compliance with CDC guidelines.
- 12 7. Evidentiary hearings and change of plea hearings for out-of-custody defendants may
13 proceed if the hearings can be held in compliance with CDC guidelines. Such
14 hearings should be scheduled, if possible, within the time scheduled for each judges'
15 VTC block. If not possible, scheduling for the in-person hearing should be
16 coordinated with the Clerk of Court so as to facilitate efficient use of space and
17 resources.

18 **Public Access to Courthouses Within the District of Arizona**

19 The public may be admitted to the courthouses according to the following conditions
20 and under the following specified circumstances:

- 21 1. All non-case related activities remain canceled. This cancellation includes
22 naturalization ceremonies, mock trials, CLE events, school tours, and all other non-
23 case related gatherings. Small attorney-admission ceremonies for a number of
24 persons in compliance with CDC guidelines may be scheduled with the Court.
- 25 2. The customer service counters in the Clerk's Offices in Phoenix, Tucson, and Yuma
26 shall remain closed to the public through Friday, June 12, 2020, unless otherwise
27 ordered.
- 28 3. No person who is or should be subject to isolation or quarantine is authorized to

- 1 enter the courthouse.
- 2 4. No person who has a fever, cough, sore throat, shortness of breath, unusual muscle
- 3 pain, recent loss of taste or smell, nasal congestion or a runny nose (unless due to
- 4 known allergies) is authorized to enter the courthouse.
- 5 5. No person shall be admitted to the courthouse without a mask, which shall be worn
- 6 at all times while in the courthouse. Cloth masks are acceptable. Repeat visitors to
- 7 the Court, including attorneys, will be expected to provide their own masks. Masks
- 8 shall be provided to potential jurors and other one-time visitors to the Court who
- 9 have not brought their own masks. Other tenants of the courthouse or those coming
- 10 to interact with such tenants shall provide their own masks.
- 11 6. All persons shall maintain a distance of at least six feet between themselves and
- 12 other persons.
- 13 7. No more than four persons shall be on an elevator at any one time.
- 14 8. No more than two members of the public at any one time shall be admitted to the
- 15 Flagstaff Courtroom consistent with GO 20-16.

16 **Protocols for Hearings and Jury Trials**

- 17 1. All persons attending hearings or trials shall wear masks. During in-court
- 18 proceedings, a judge may authorize removal of masks or face coverings for purposes
- 19 of witness testimony, defendant identification, making an appropriate record or
- 20 other reasons as deemed necessary by the judge provided that appropriate social
- 21 distancing or other protective measures are followed.
- 22 2. Except in multi-defendant cases, no more than one attorney and one client or client
- 23 representative shall sit at counsel table at any one time. They shall be appropriately
- 24 socially distanced.
- 25 3. Public seating areas in courtrooms will be marked with an “X” on the bench to
- 26 designate places in which persons may sit. Persons may not sit closer than such
- 27 designations.
- 28 4. No more than ten persons can be seated in the public seating area of the courtroom

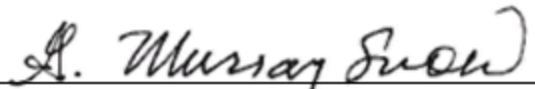
1 at any one time. This number may be diminished if the needs of the jury and/or the
2 parties require the use of part or all of the public seating area in the courtroom.

3 5. Stanchions will be set up within the courtroom to maintain adequate social
4 distancing between the bench, the jury box, and that section of the public seating
5 area that must be converted to a jury box to accommodate social distancing within
6 the jury.

7 6. During trial the jury shall use both jury rooms adjacent to the courtroom in
8 assembling and during breaks to promote social distancing. Each juror shall be
9 assigned to one of the two jury rooms. In Tucson, jury trials shall be held in the
10 Special Proceedings Courtroom and Courtroom 5B, with juror access to the jury
11 rooms associated with Courtrooms 5A and 5B. In Phoenix, jury trials shall be held
12 in courtrooms 505 or 604, with juror access to the jury rooms on the corridors of
13 those two courtrooms.

14 7. At the end of the trial, the Court shall close the courtroom and the jury shall conduct
15 its deliberation in the courtroom.

16 DATED this 28th Day of May, 2020.

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19 G. Murray Snow
20 Chief United States District Judge
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