

IN THE MUNICIPAL COURT OF TEMPE
COUNTY OF MARICOPA, STATE OF ARIZONA

In the Matter of Adoption and
Implementation of Presumptive
Standards for Remote and In-Person
Hearings for the Tempe Municipal Court

ADMINISTRATIVE ORDER NO. 24-10
(Replacing Administrative Order 22-10)

In June 2021, the Arizona Supreme Court’s COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup (Plan B Workgroup) recommended best practices that should be retained or adapted post-pandemic, which included a recommendation that courts continue to use and expand technology to conduct remote court proceedings. In January 2022 the workgroup reconvened and issued a report, *Recommended Remote and In-Person Hearings in Arizona State Courts in the Post-Pandemic World* (“Report”) which includes as Appendix 1 recommendations regarding which hearing types should be held remotely and which should be held in person (“Presumptive Standards”).

On April 27, 2022, the Supreme Court issued Administrative Order No. 2022-46 adopting the Presumptive Standards as set forth in Appendix 1 of the Report and requires the presiding judge of each municipal court to issue an administrative order adopting standards regarding which hearing types will be held remotely and which hearing types will be held in person. Administrative Order No. 2022-46 allows the presiding judge of the municipal court, after consultation and approval from the presiding judge of the superior court in the county, to adapt the Presumptive Standards as necessary due to limitations in local court resources, bandwidth, technology hardware, software, and staffing or, for good cause, to meet unique needs in their respective cities.

Upon consultation with and approval from the presiding judge of the superior court in Maricopa County, pursuant to Supreme Court Administrative Order No. 2022-46,

IT IS ORDERED adopting Appendix 1, attached hereto, as the presumptive manner for holding hearings set on or after December 1, 2024, in the Tempe Municipal Court.

IT IS FURTHER ORDERED that hearing types listed below are deviations from the Plan B Workgroup recommendations adopted by the Supreme Court for those identified hearing types. Deviation is due to technology hardware/software concerns for the pro per community served in Tempe, to meet unique

needs and resources offered, which allow the court to resolve cases more efficiently in one in-person appearance, wherein the public meets with prosecutors and/or court appointed attorneys and receive information and access to diversion programs and on-site human services resources, and to accommodate expeditious completion of required documentation and fingerprinting requirements, ensures effective resolution of discovery matters, and adds additional access to remote appearances which are less intrusive to work schedules.

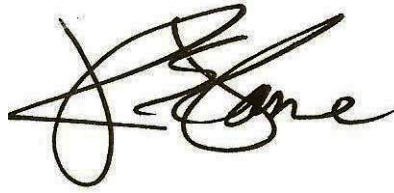
- Appearance/Arrestment/Initial
- Change of Plea/Sentencing
- Pre-trial Conference
- Case Management Conference/Trial Preparedness Conference
- Probation Violation Arrestment
- Other – Non-witness
- Bond Forfeiture
- Photo Enforcement Hearing
- Other (including ID Hearing, Local Ordinance, Parking)

IT IS FURTHER ORDERED that hearings in the Tempe Municipal Court must be held in the presumptive manner, but a judge assigned to a case may 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. The court must provide notice to the parties when such an alternative is utilized.

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.

Nothing in this order would ever preclude a Defendant from appearing at a court date in-person, regardless of the presumptive standard set out by this order. All Defendants have a constitutional due process right to appear at their court proceeding in-person.

Dated: November 12, 2024

A handwritten signature in black ink, appearing to read "Kevin Kane". The signature is stylized with large, overlapping loops and a long horizontal stroke at the end.

Kevin Kane
Presiding Judge
Tempe Municipal Court

Appendix 1

Tempe Municipal Court Presumptive Standards for 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>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/Arrest/Initial		X
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea/Sentencing: In-Person presumptive does not apply to Telephonic Pleas and Pleas by Mail pursuant to Rule 17.1, Arizona Rules of Criminal Procedure.		X
	Pre-trial Conference All divisions have available virtual sessions for remote appearances when needed		X
	Order to Show Cause		X
	Case Management Conference/Trial Preparedness Conference		X
	Settlement Conference	X	
	Jury Trial		X
	Bench Trial		X
	Probation Violation Arrest		X
	Probation Violation Hearing		X
	Probation Violation Disposition		X
	Other – Non-witness		X
	Other – Witness		X
	Bond Forfeiture		X
<i>CTBMPSV</i>			
	Arrest	X	
	Trial/Contested Hearing		X
	Photo Enforcement Hearing		X
	Other (including ID Hearings, Local Ordinance, Parking)		X
<i>Juvenile Hearing Officer Proceedings</i>			