

IN THE FLAGSTAFF MUNICIPAL COURT
IN THE COUNTY OF COCONINO, IN AND FOR THE STATE OF ARIZONA

In the Matter of:)	
)	
ADOPTION AND IMPLEMENTATION)	Administrative Order
OF PRESUMPTIVE STANDARDS FOR)	No. 2022 - 02
REMOTE AND IN-PERSON HEARINGS)	
FOR THE FLAGSTAFF MUNICIPAL)	
COURT)	
_____)	

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 August 3, 2022, the Supreme Court issued Administrative Order No. 2022-88 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. 2022-88 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 Coconino County, pursuant to Supreme Court Administrative Order No. 2022-88,

IT IS ORDERED adopting the Chart attached hereto as the presumptive manner for holding hearings set on or after October 1, 2022, in the Flagstaff Municipal Court.

IT IS FURTHER 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 hearings in the Flagstaff Municipal Court must be held in the presumptive manner, but with the exception of criminal trials, 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.

Dated this 29 day of Sept., 2022.

A large black rectangular redaction box covering the signature of the Presiding Magistrate.

Thomas L. Chotena
Presiding Magistrate, City of Flagstaff, Coconino County

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>			
	Initial Appearance / In-Custody Arraignment	X	
	Arraignment		X
	Pre-trial Motion – Non-witness	X	
	Pre-trial/Motion – Witness		X
	Change of Plea / Sentencing (Exception pre-signed plea agreements)	X	X
	Pre-trial Conference	X	
	Order to Show Cause		X
	Case Management Conference / Trial Preparedness Conference	X	
	Settlement Conference	X	
	Jury Selection		X
	Jury Trial		X
	Bench Trial		X
	Probation Revocation Arraignment		X
	Probation Violation Hearing		X
	Probation Disposition Hearing		X
	Bond Forfeiture / Exoneration	X	X
	Contempt – Non-witness	X	
	Contempt – Witness		X
	Post-Judgment Proceedings – Non-Witness	X	
	Post-Judgment Proceedings – Witness		X
	Pre-Rule 11 (Competency) – Non-witness	X	
	Pre-Rule 11 (Competency) – Witness		X
	Specialty Court (Veteran’s Court & Mental Health Court)		X
	Submitting Case on Record	X	
	Restitution		X
	Setting Aside a Conviction	X	
	Expungement	X	
	Post-Conviction Relief– Non-witness	X	
	Post-Conviction Relief – Witness		X
	Other – Non-witness	X	

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

	Other – Witness		X
<i>Proceedings Under Arizona Rules of Protective Order Procedure</i>			
	Ex Parte Hearing <i>(Remote ex parte protective order hearing, where the Plaintiff is in a shelter, hospital, or other remote location)</i>	X	X
	Contested Protective Order [Evidentiary] Hearing		X
	Other	X	X