

**GILBERT MUNICIPAL COURT
COUNTY OF MARICOPA, STATE OF ARIZONA**

In the Matter of:)	
)	
ADOPTION AND IMPLEMENTATION)	Administrative Order
OF PRESUMPTIVE STANDARDS FOR)	No. 2022 - 01
REMOTE AND IN-PERSON HEARINGS)	
FOR THE GILBERT 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 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 October 1, 2022 in the Gilbert Municipal Court.

IT IS FURTHER ORDERED that pursuant to Rule 17.1 of the Arizona Rules of Criminal Procedure that the In-person presumption does not apply to Telephonic Pleas and Pleas by Mail for Change of Plea/Sentencing hearings.

IT IS FURTHER ORDERED that hearing types listed below are a deviation from the Plan B Workgroup recommendations adopted by the Supreme Court for those types of hearings.

Deviation is based on technology challenges for many of the pro se litigants and the services and resources which can be provided with in-person appearances. In-person appearance allows for meetings with prosecutors where many diversion offers are made, court-appointed attorneys, court staff, counselors from Gilbert Youth and Adult Resources, advocates and for signing and completion of many required documents and affidavits. Many cases are resolved in a single appearance at the courthouse as a result of these efficiencies.

- Change of Plea/Sentencing
- Probation Violation Arraignment

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 FURTHER 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.

IT IS FINALLY ORDERED that hearings in the Gilbert Municipal Court will 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 will 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 15th day of September 2022.

/s/ David M. Cutchen Jr.
Hon. David M Cutchen Jr.
Presiding Judge
Gilbert Municipal Court

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 Proceedings Under the Arizona Rules of Protective Order Procedure</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	
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	