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MARCH 8, 2021

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

THE EXTENSION OF
THE CARES ACT AUTHORIZATION AND
MISCELLANEOUS COURT OPERATIONS
IN THE DISTRICT OF ARIZONA UNDER
THE EXIGENT CIRCUMSTANCES
CREATED BY CORONAVIRUS DISEASE
(COVID-19)

**SUPERSEDES GENERAL ORDERS 21-02,
20-44, 20-36, 20-35, 20-26, 20-25, 20-19, 20-
17, 20-16, 20-12;
Designates GO 20-15 and 20-20 as Obsolete**

GENERAL ORDER 21-05

WHEREAS (1) The Chief Judge of this Court is required by the CARES Act to “review the authorization [to conduct various proceedings by video and audio conferencing] and determine whether to extend the authorization,” CARES Act § 15002(b)(3)(A); (2) This Court has promulgated and followed certain procedures, including but not limited to mandatory masking, social distancing, limiting the number of procedures on any given day, and promoting air circulation and renewal, so as to permit a variety of court functions to proceed during the pandemic; and (3) Nevertheless, the COVID-19 (novel coronavirus) outbreak remains both a global and a national public health emergency.

In light of the above, the U.S. District Court for the District of Arizona has concluded the following temporary steps to continue protecting the health and the safety of the public are necessary to maintain and enable the resumption of all Court operations.

1 NOW THEREFORE it is ordered extending the authorization to conduct various
2 proceedings by video and audio conferencing authorized by the CARES Act through June
3 18, 2021. It is further ordered as follows:

4 **Flagstaff Courthouse**

5 1. Given the need for continued social distancing and the limited space
6 available for jury selection in the Flagstaff Courthouse, all jury trials in Flagstaff remain
7 suspended until further notice.

8 2. VTC and telephonic proceedings are authorized to occur in the Flagstaff
9 Courthouse to the full extent authorized by the CARES Act upon the required findings of
10 the designated district judge or the Chief Judge or his designee.

11 3. The public admitted to the courtroom for such proceedings shall be limited
12 to no more than two persons in the public seating area at any time. Family members and
13 friends of those involved in necessary proceedings are encouraged to convey support by
14 sending e-mails to counsel which will be communicated to the Court.

15 4. Central Violations Bureau cases in Flagstaff, Kingman, Page, and the Grand
16 Canyon may proceed if the number of persons involved in such matters is reduced to
17 comply with CDC guidelines.

18 **Yuma Courthouse**

19 1. Operation Streamline remains canceled until further notice. Other Court
20 proceedings in Yuma involving fewer than ten total participants, including court staff and
21 deputy marshals, may resume if necessary.

22 2. VTC and telephonic proceedings are authorized to occur in the Yuma
23 Courthouse to the full extent authorized by the CARES Act upon the required findings of
24 the designated district judge or the Chief Judge or his designee.

25 3. Central Violations Bureau cases may proceed if the number of persons
26 involved in such matters is reduced to comply with CDC guidelines.

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1 **Tucson and Phoenix Courthouses**

2 1. Initial Appearances, preliminary hearings, detention hearings, changes of
3 plea and sentencings and all other matters involving detained persons shall continue to
4 occur from CoreCivic by video-teleconference or teleconference, to the extent possible, as
5 authorized by the CARES Act.

6 2. VTC proceedings in criminal cases will be given priority over requests for
7 VTC access in civil cases should capacity limits be approached.

8 3. Multi-defendant proceedings such as operation streamline and the Court’s
9 flip-flop calendar remain canceled until further notice.

10 4. Central Violations Bureau cases may proceed if the number of persons
11 involved in such matters is reduced to come into compliance with CDC guidelines.

12 5. Evidentiary hearings and change of plea hearings for out-of-custody
13 defendants may proceed if the hearings can be held in compliance with CDC guidelines.

14 **Requirements for Occupants of Courthouses Within the District of Arizona**

15 1. Persons may be admitted to the courthouses according to the following
16 conditions and under the following specified circumstances:

17 2. The customer service counters in the Clerk’s Offices in Phoenix, Tucson, and
18 Yuma shall reopen to the public on Monday, May 3, 2021.

19 3. The District Court is authorized to conduct limited naturalization ceremonies
20 to the extent required for those candidates seeking name changes or for other necessary
21 reasons. Naturalization ceremonies that are conducted in a courthouse must be conducted
22 using appropriate social distancing and in accord with CDC guidelines and the other
23 requirements for courthouse entry set forth in this General Order. Aside from necessary
24 court staff and USCIS officers which shall be limited to the greatest extent possible, the
25 candidates for citizenship, and interpreters if required, shall be the only persons attending
26 such ceremonies. The numbers of such participants per ceremony shall be limited to
27 comply with the above guidelines.

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1 4. Small attorney admission ceremonies held in compliance with CDC
2 guidelines may be scheduled with the Court.

3 5. All non-case related activities scheduled in the Sandra Day O'Connor U.S.
4 Courthouse in Phoenix, Evo A. DeConcini Courthouse in Tucson, and the John M. Roll
5 Courthouse in Yuma, remain canceled until further notice. This includes mock trials, CLE
6 events, school tours, and all other non-case related gatherings.

7 6. No person who is subject to isolation or quarantine is authorized to enter the
8 courthouse.

9 7. No person who has a fever, cough, sore throat, shortness of breath, unusual
10 muscle pain, recent loss of taste or smell, nasal congestion or a runny nose (unless due to
11 known allergies) is authorized to enter the courthouse.

12 8. No person shall be admitted to or remain within the courthouse without a
13 mask, which shall entirely cover the mouth and nose, and be worn at all times while in the
14 courthouse. Cloth masks are acceptable. Repeat visitors to the Court, including attorneys,
15 will be expected to provide their own masks. Masks shall be provided to potential jurors
16 and other one-time visitors to the Court who have not brought their own masks. Other
17 tenants of the courthouse or those coming to interact with such tenants shall provide their
18 own masks. Employees within the courthouse may remove the masks only in those
19 occasions when they will not be within six feet of another employee.

20 9. All persons shall maintain a distance of at least six feet between themselves
21 and other persons.

22 10. No more than four persons shall be on an elevator at any one time.

23 **Protocols for Hearings and Jury Trials**

24 The following protocols apply to all hearings and trials unless otherwise addressed
25 in this General Order.

26 1. All persons attending hearings or trials shall wear masks. During in-court
27 proceedings, a judge may authorize removal of masks or face coverings for purposes of
28 witness testimony, defendant identification, making an appropriate record or other reasons

1 as deemed necessary by the judge provided that appropriate social distancing or other
2 protective measures are followed.

3 2. Except in multi-defendant cases, no more than one attorney and one client or
4 client representative shall sit at counsel table at any one time. They shall be appropriately
5 socially distanced.

6 3. Public seating areas in courtrooms will be marked with a blue dot on the
7 bench to designate places in which persons may sit. Persons may not sit closer than such
8 designations.

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

12 5. Criminal and civil jury trials in Phoenix and Tucson may be scheduled and
13 resume as of March 1, 2021.

14 6. During trial the jury shall use both jury rooms adjacent to the courtroom in
15 assembling and during breaks to promote social distancing. Each juror shall be assigned to
16 one of the two jury rooms.

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

19 8. The United States Attorney's Office has implemented the necessary
20 measures to ensure grand jurors are able to maintain adequate social distancing and follow
21 all other CDC safety protocols. Therefore, all Grand Jury proceedings in Phoenix and
22 Tucson will resume the week of March 22, 2021.

23 In light of this General Order, the provisions set forth in General Order 20-15 and
24 20-20 are now obsolete. The Court reserves the right to amend or rescind this General
25 Order at any time due to changing public health statistics and circumstances.

26 Dated this 8th day of March, 2021.

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G. Murray Snow
Chief United States District Judge