

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**  
**IN AND FOR THE COUNTY OF APACHE**  
**HON. MICHAEL LATHAM, PRESIDING JUDGE**

<b>In re the matter of:</b>  <b>ARIZONA SUPERIOR COURT IN APACHE COUNTY COVID-19 MITIGATION MEASURES</b>	<b>ADMINISTRATIVE ORDER</b>  <b><u>NO. 2022-002</u></b>
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**PREAMBLE**

Several administrative orders have been issued in response to the COVID-19 public health threat that modified court operations to ensure justice in Arizona was administered safely. The orders directed Arizona's courts to continue to conduct business in a manner that reduced the risks associated with COVID-19, while transitioning to more normal operations.

Arizona courts remained open to serve the public during the past two years. Although the courts were able to resolve many cases, others have been delayed. Fewer jury trials were held due to the need for social distancing to protect the public, judicial officers, and employees of the judiciary from the risks associated with COVID-19.

The Superior Court in Apache County has one courtroom with sufficient space to allow for jury voir dire of 35 people or more. There is an additional courtroom with no jury box, and another courtroom with a jury box that is used by the St. Johns Justice Court and St. Johns Municipal Court. The Superior Court in Apache County has one full-time superior court judge, one full-time superior court pro-tem judge, and one part-time superior court pro-tem judge. Further, the Superior Court in Apache County has a small number of defense attorneys that practice exclusively in Apache County (3). The majority of defense attorneys maintain law practices in Navajo, Coconino and Maricopa Counties. Therefore, when scheduling trials the Court must coordinate trial calendars and defense counsel availability with other courts in other counties as courts across Arizona work through COVID-19 trial backlogs.

Despite these challenges, the Superior Court in Apache County has worked diligently with court stakeholders to conduct and schedule jury trials. The Court completed a three-week murder trial and has jury trials scheduled through the month of October 2022. The Court is working with court stakeholders and the Arizona Supreme Court's Administrative Office of the Courts to increase Apache County's ability to hold more than one jury trial per week, which will further reduce jury trial backlog.

Although normal operations have been restored and jury trials are being scheduled, the Superior Court in Apache County still suffers from trial calendar congestion.

## **ADMINISTRATIVE ORDER**

Therefore, pursuant to the Arizona Supreme Court's Administrative Order No. 2022-034, issued April 1, 2022 ("**AO 034**")<sup>i</sup>, Rule 8 time during the period from March 31, 2021 through December 31, 2022 is excluded, notwithstanding Rules 8.1(e) and 8.4(a)(4), due to trial calendar congestion. The Court will continue to diligently schedule and conduct jury trials during this time in an effort to reduce the trial calendar congestion.

**Dated this 19<sup>th</sup> day of April, 2022.**



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**Hon. Michael Latham**  
**Presiding Judge**  
**Superior Court, Apache County**

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<sup>i</sup> "During the period from March 31, 2021 through December 31, 2022, and notwithstanding Rules 8.1(e) and 8.4(a)(4), the presiding superior court judge may exclude additional time from individual cases or groups of cases due to trial calendar congestion or, at the request of the trial judge, due to extraordinary circumstances caused by COVID-19 public health emergency."