

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

IN THE MATTER OF THE MASTER)	ADMINISTRATIVE ORDER
CALENDAR CASE MANAGEMENT)	NO. 2016-078
SYSTEM)	(Replaces No. 2010-089)
_____)	

On July 6, 2009, the Superior Court implemented the Master Calendar case management system for designated criminal cases in the downtown criminal divisions. That same year, Administrative Order 2009-107 was promulgated to establish the processes and procedures by which the Master Calendar operated. After a year of operation, the Superior Court promulgated Administrative Order 2010-089 to modifying the Master Calendar case management system to continue the commitment to the timely, fair and impartial administration of justice. Recognizing that further changes are needed to increase the efficiency of the Master Calendar system,

IT IS HEREBY ORDERED:

1. Vacating Administrative Order 2010-089 as of September 1, 2016.
2. Criminal cases as designated in the Master Calendar Operations Protocol shall be assigned to the Master Calendar and managed in accordance with the Master Calendar Operations Protocol.
3. Pursuant to Rule 8.5 of the Rules of Criminal Procedure, any motion to continue must include the specific reasons for the requested continuance. To assist the Court, the parties may also want to include the following information immediately below the caption:
 - ✓ Arraignment date:
 - ✓ Original last day:
 - ✓ Current trial date:
 - ✓ Requested new trial date:
 - ✓ Length of continuance requested:
 - ✓ Number of continuances granted before this continuance:
 - ✓ If the motion is filed less than 5 days before trial, the reason(s) for its untimeliness,

and shall be handled as follows:

- a. Cases assigned to the Master Calendar: Motions to continue the trial date shall be decided by:
 1. The assigned Master Calendar Commissioner if the motion is filed after Arraignment but before the last event with that Commissioner. If a motion is filed during that period for continuing a case's last day to

coincide with a new case involving the same defendant, the Master Calendar Commissioner may extend the last day of the older case to the last day of the newer case. The Master Calendar Commissioner may also extend or recalculate the last day in situations where the defendant has been returned from Rule 11 Court, from a Bench Warrant, when either side has been permitted to withdraw from a plea, or when reinstatement of prosecution from TASC occurs.

2. The Master Calendar Case Management Judge who is managing the case if the motion is filed after the last event heard by the assigned Master Calendar Commissioner. If granting the motion results in a trial date past the original last day, the Master Calendar Case Management Judge who granted the motion should issue the standard "Trial Continuance Past Original Last Day Minute Entry" and endorse the Criminal Department Presiding Judge or his/her designee.
- b. Capital cases: The motion shall be ruled on by the Criminal Department Presiding Judge or his/her designee.
 - c. Cases assigned to an individual criminal judge: A motion to continue the trial date shall be ruled on by the assigned judge. If granting the motion results in a trial date past the original last day, the judge who granted the motion should issue the standard "Trial Continuance Past Original Last Day Minute Entry" and endorse the Criminal Department Presiding Judge or his/her designee.

Dated this 31ST day of August, 2016.

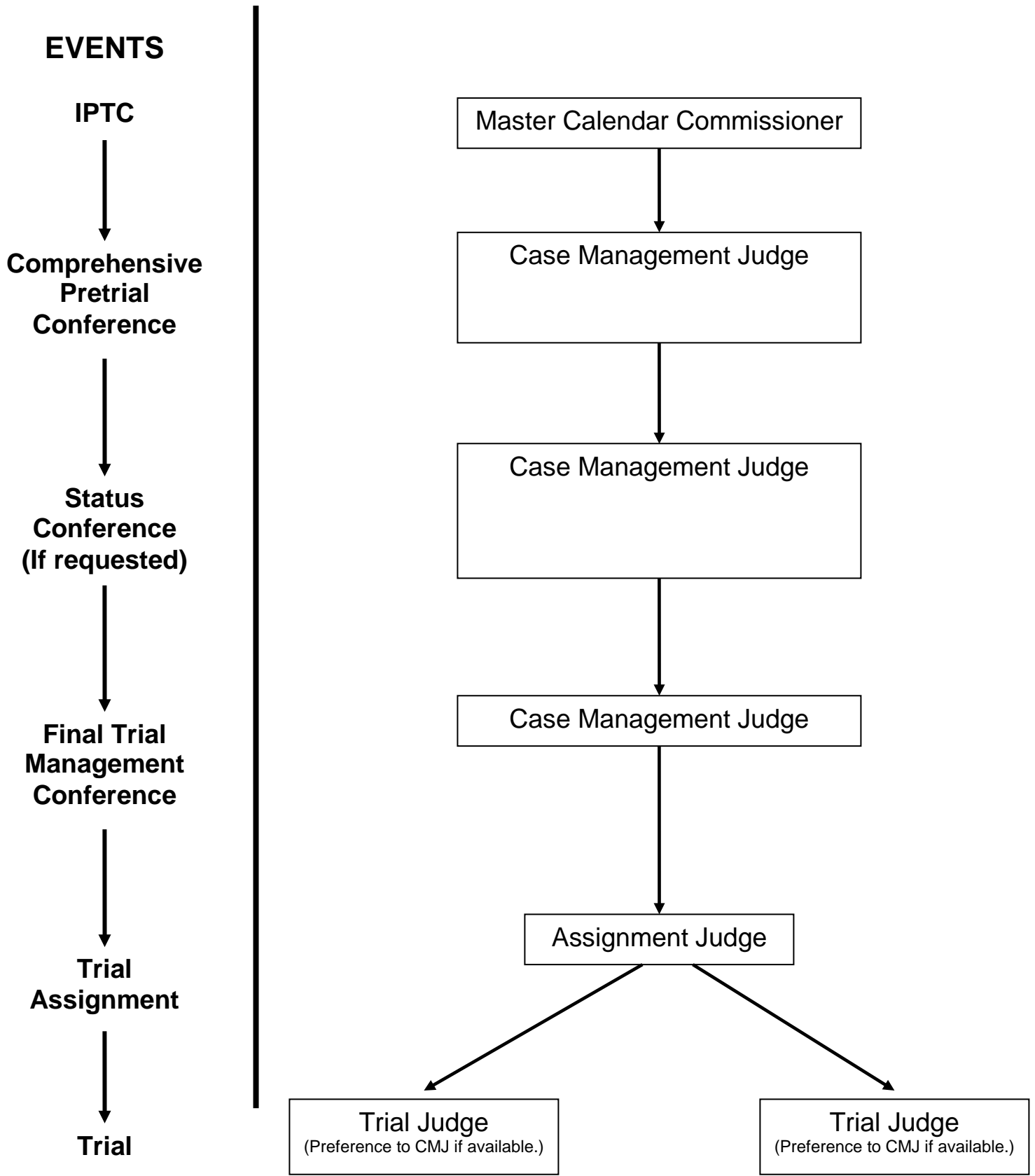
/s/ Janet E. Barton

Janet E. Barton
Presiding Judge

Original: Clerk of the Court

Copies: Hon. Sam J. Myers, Criminal Department Presiding Judge
Hon. Pamela Gates, Criminal Department Associate Presiding Judge
All Criminal Court Judges and Commissioners
Raymond Billotte, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Chris Bleuenstein, Criminal Court Administrator
Carlos Rivera, Master Calendar Unit Supervisor
Maricopa County Sheriff's Office
Maricopa County Attorney's Office
Office of Public Defense Services
Office of the Public Defender
Office of the Legal Advocate
Office of the Legal Defender

MASTER CALENDAR OPERATIONS PROTOCOL



I. Case Assignment

- A. All criminal cases filed in this Court will be scheduled according to the Master Calendar Scheduling Protocol (MCSP), except for the following:
 - 1. Cases designated as Capital: Criminal Court Administration will notify the Criminal Department Presiding Judge for reassignment to a Capital Case Management Judge upon the filing by the prosecution of a notice of intent to seek the death penalty.
 - 2. Cases assigned to the DUI Center: Criminal Court Administration will assign these cases based on already established operational rules.
- B. Cases involving the same defendant will be scheduled together based on the assignment for the active case with the lowest CR number (e.g., CR2008-10415-001 and CR2009-00397-001 will both be scheduled before CMC01 and the same Case Management Judge) unless one of the cases is a complex case. If one of the cases is a complex case, the matters will be scheduled using the complex case number. If cases involving the same defendant each have different co-defendants, they cannot be scheduled together unless requested by the defendant and agreed to by all of the parties. An “active” case does not include a probation violation case.
- C. Cases involving three (3) or more co-defendants will be scheduled according to the Master Calendar Scheduling Protocol (MCSP). Criminal Court Administration will notify the Criminal Department Presiding Judge or his/her designee when this type of case is initiated in iCIS. The Criminal Department Presiding Judge or his/her designee will assign the Case Management Judge.
- D. The Criminal Department Presiding Judge or his/her designee may assign a Case Management Judge to a specific case.

II. Document Flow

- A. Pursuant to Local Rule 4.7(A), parties filing documents related to Master Calendar cases shall submit a copy to the Judicial Officer’s division before whom the next case event is scheduled. Documents electronically filed and received by Criminal Court Administration, will be delivered by Criminal Court Administration to the Judicial Officer’s division before whom the next case event is scheduled.
- B. Not Guilty Arraignment (NGA) calendar support staff shall notify Criminal Court Administration regarding interpreter issues at the time of the NGA and shall update iCIS to reflect that need.

III. Settlement Conferences

- A. Any judicial officer may preside over settlement conferences for any cases. If the settlement conference results in a change of plea, the case may proceed as provided below.

IV. Waiver of Initial Pretrial Conference (IPTC)

- A. The parties may waive the IPTC by filing a Joint Notice of IPTC Waiver no later than two (2) business days prior to the scheduled date of the IPTC; a copy shall be emailed or hand-delivered to the IPTC division's judicial assistant. Said Notice shall contain the following avowals by the parties:
 - 1. Both parties agree to the waiver of the IPTC.
 - 2. The prosecutor has complied with Rule 15.1, Ariz. R. Crim. P.
 - 3. The defendant has complied with Rule 15.2, Ariz. R. Crim. P.
 - 4. The prosecutor has communicated a written plea offer to the defendant.
 - 5. The defendant has been advised of the Comprehensive Pretrial Conference (CPTC) date.
 - 6. There are no pending motions (including a Notice of Change of Judge) before the Court.

V. Change of Plea and Sentencing

- A. Direct parties to the MCC to handle the change of plea. If a change of plea is completed, the case may:
 - 1. Continue with the judicial officer who handled the change of plea if that judicial officer agrees to conduct the sentencing;
 - 2. Be transferred to a judicial officer to whom the parties have stipulated if the requested judicial officer has agreed to the transfer and has previously presided over any proceeding in the case; or
 - 3. Proceed with the judicial officer who is indicated on iCIS as the "Case Management Judge." The Case Management Judge is determined by a randomized process that distributes the cases equitably among the criminal judges.

Master Calendar Commissioner (MCC)

- B. When a Rule 10.2 Notice of Change of Judge is filed to change the Master Calendar Commissioner (MCC), the case will be assigned to another MCC by a randomized process that distributes the cases equitably among the MCCs.
- C. In cases where an IPTC occurs, the MCC will receive input at IPTC from the parties for a realistic Firm Trial Date (FTD). The MCC will utilize the Master Calendar Scheduling Protocol to calculate the FTD. However, the MCC may deviate from that schedule to set an earlier FTD if the parties agree. If the parties request a trial date later than the normal calculation but earlier than the last day, the MCC may grant that request. The minute entry should reflect that counsel agreed to the trial date and that a continuance will not be granted because of trial conflicts. The MCC is also permitted to extend or recalculate the last day in situations in which the defendant has been returned from Rule 11 Court, the defendant has been arrested pursuant to a Bench Warrant, either side has been permitted to withdraw from a plea agreement, or prosecution has been reinstated from TASC. The MCC will set the Final Trial Management Conference (FTMC). The MCC staff will set the FTD at 8:00 a.m. on the Assignment Judge's calendar. The scheduling will be evenly balanced across four days, Monday through Thursday.
- D. Interpreter services are available for each MCC division at least three days each week. This may be modified with the approval of the Criminal Department Presiding Judge or his/her designee.
- E. Coverage Protocol for MCCs – If the MCC is unavailable for three (3) or less consecutive court business days, MCC staff must block the dates and notify Criminal Court Administration at least 60 days in advance to avoid matters being scheduled on those dates. If the MCC will be unavailable for more than three (3) consecutive court business days, MCC staff must block the first three (3) days. The subsequent days that the MCC will be unavailable may be covered based on the calendar needs and coverage availability, at the discretion of Criminal Court Administration. This can be modified with the approval of the Criminal Department Presiding Judge or his/her designee. If the Court is in a court-wide critical calendar period, this plan is replaced by the court-wide matrix approved by the office of the Presiding Judge.

VI. Case Management Judge (CMJ)

- A. Each Case Management Judge (CMJ) will be assigned to a group, and each group will also include a Master Calendar Commissioner. The CMJs of the group will manage the cases that are heard by the MCC of that group. When possible, the divisions will be placed in groups that are located as close together as practicable.

- B. In cases where the IPTC has been waived, the CMJ will receive input at the CPTC from the parties for a realistic Firm Trial Date (FTD). The CMJ will utilize the Master Calendar Scheduling Protocol to calculate the FTD. However, the CMJ may deviate from that schedule to set an earlier FTD if the parties agree. If the parties request a trial date later than the normal calculation but earlier than the last day, the CMJ may grant that request. The minute entry should reflect that counsel agreed to the trial date and that a continuance will not be granted because of trial conflicts. The CMJ is also permitted to extend or recalculate the last day in situations in which the defendant has been returned from Rule 11 Court, the defendant has been arrested pursuant to a Bench Warrant, either side has been permitted to withdraw from a plea agreement, or prosecution has been reinstated from TASC. The CMJ will set the FTMC. The CMJ staff will set the FTD at 8:00 a.m. on the Assignment Judge's calendar. The scheduling will be evenly balanced across four days, Monday through Thursday.
- C. When a Rule 10.2 Notice of Change of Judge is filed to change the CMJ, the case will be assigned to another CMJ by the Criminal Department Presiding Judge or his/her designee.
- D. Coverage Protocol for CMJs – A CMJ who is unavailable is responsible for either blocking the affected dates or arranging coverage. The CMJ is responsible for informing Criminal Court Administration in advance of whether the division will be covered or the dates will be blocked to allow the MCC divisions to set FTMCs accordingly. In addition, if the decision is made to block dates, CMJ staff is responsible for blocking the calendar in iCIS.

VII. Assignment Judge (AJ)

- A. Any judicial officer who temporarily serves as Assignment Judge (AJ) will hear cases in the courtroom of the primary AJ.
- B. The AJ will route parties to the Trial Judge (TJ) directly from their appearance on the FTD in the AJ's courtroom. Criminal Court Administration staff in the AJ's courtroom on the FTD shall order the jury at the direction of the AJ when the parties are sent to their assigned TJ. As long as that order is placed with the Jury Office before 10:30 a.m., the TJ will begin jury selection at 1:30 p.m. that afternoon. If the AJ assigns a trial to a TJ but does not require the TJ to begin jury selection that day, the staff of the TJ must order the jury no later than 3:30 p.m. on the FTD to begin jury selection the next day. If trial does not begin on the day the case is assigned to the TJ, it must start the next day. If the trial will not start on the next day, the TJ must contact the AJ or the Criminal Department Presiding Judge for approval.

VIII. Trial Judge (TJ)

- A. When conducting a trial, the second day and every subsequent day should start no later than 10:30 a.m. for trial judges and 1:30 p.m. for MCCs.
- B. No trials shall begin on a Friday. Whether a trial continues on a Friday remains within the discretion of the TJ.

Master Calendar Scheduling Protocol (MCSP)

Event	Scheduling Interval	Event Location	Scheduling Responsibility
IPTC	Arrestment + 42 to 49 Days	MCC	NGA/RCC/EDC
CPTC	IPTC + 30 Days	MCC or CMJ (At the discretion of the CMJ)	NGA/RCC/EDC
Status Conference	As needed	MCC or CMJ (Unless directed otherwise by the CMJ)	MCC or CMJ (Unless directed otherwise by the CMJ)
FTMC	Minimum 5 court business days before FTD	CMJ	MCC or CMJ
FTD	<u>In custody:</u> Arrestment + 120 Days <u>Out of custody:</u> Arrestment + 150 Days	AJ	MCC or CMJ