



MARICOPA COUNTY SUPERIOR COURT: PROBATE DEPARTMENT

Modified Probate Department Operations during COVID-19 Pandemic

On March 17, 2020, Arizona Chief Justice Robert Brutinel issued Administrative Order No. 2020-48 (the "AO"). Among other things, the AO requires that, to help reduce the risk associated with the COVID-19 public health emergency, all in-person court proceedings be avoided to the greatest extent possible consistent with core constitutional rights. Consistent with the AO, the Probate Department of the Superior Court of Arizona for Maricopa County (the "Department") is taking the following actions:

1. **No new juries will be empaneled through April 17, 2020.**
2. **Probate Cases:**
 - a. **In-person appearances and testimony** will be limited to those instances that are absolutely necessary. For uncontested proceedings, parties, lawyers, and witnesses are asked to participate telephonically rather than in-person. For contested proceedings, lawyers and self-represented parties are encouraged to limit in-person testimony to only those witnesses whose credibility is crucial to the court's determination of a disputed issue. Questions about a specific case should be addressed to the Division to which that case is assigned.
 - b. **If you have a settlement conference** scheduled before one of the Department's Judicial Officers, please contact that Judicial Officer's Division well before the conference to ascertain whether that Judicial Officer will allow telephonic participation of the parties as long as counsel is present and, in a case involving more than two parties, whether and to what extent one party may give to counsel and another party the first party's proxy to bind the first party to the settlement by consent.
 - c. **The Compliance Calendar is being suspended.** Lawyers and parties should not appear for any Compliance Calendar hearings. If a party has not complied with a court order, the Court automatically will grant an extension of time for the compliance (and will notify the fiduciary in writing of the new deadline). If by the new deadline the fiduciary still has not complied, the matter will be referred to the Judicial Officer assigned to the case to take whatever action that Judicial Officer deems to be appropriate under the circumstances (e.g., setting a telephonic status conference or a telephonic hearing, suspending the fiduciary's authority, etc.).
 - d. **Attendance of persons** who are neither lawyers involved in the case, parties, and witnesses (e.g., family members, significant others, friends, etc.) is strongly discouraged.
 - e. **Requests for continuances and extensions** of deadlines, as well as requests for special accommodations for persons who are at a high risk of illness from COVID19 will be liberally granted.

2 Settlement conferences:

- a. **We are seeking to limit the number of people** participating in the settlement conference at any one time. If only one lawyer in your firm instead of two or more can meaningfully participate, that is strongly encouraged. Spouses who aren't parties and family members or friends attending for moral support are strongly encouraged not to attend. We are operating under an Administrative Order from the Arizona Chief Justice limiting in person proceedings wherever and however feasible.
 - b. **If one side has multiple parties**, they are strongly encouraged to give one of those parties their proxy to bind all of them to the settlement by their consent as long as they can be reached telephonically.
 - c. **Telephonic participation** of parties is permitted, if not encouraged, as long as their lawyer is present in person.
 - d. **Appropriate distances** between all persons participating will be maintained at all times.
 - e. **The Court is vacating all orders** compelling in person attendance at all future settlement conferences.
 - f. **Liberal continuances** will be granted and scheduling orders will be amended if any party declines to participate because of COVID-19 concerns. In the event a continuance is sought, counsel are required to contact the judicial officer who is conducting the conference to explore alternate dates and remedies.
 - g. **All participants and counsel** shall notify the Court in advance of any COVID-19 symptoms or suspected exposure. Those participants shall refrain from coming to the courthouse.
 - h. **If an Executive Order is entered** limiting Court operations to only essential hearings, the settlement conference will be vacated and re-scheduled to an alternative date if it can be found.
- * Lawyers and parties are reminded that many of the people our Department serves fall within the high risk group. Thus, you are strongly encouraged to ensure that persons who are the subject of a guardianship and/or conservatorship proceeding are properly served with notice of any hearing so their personal attendance at the hearing for the sole purpose of waiving service can be avoided. If service has not been properly and timely effectuated, please consider asking that the hearing be continued.
 - * In addition, each Division has only two incoming/outgoing telephone lines, which means we are able to handle only two calls at a time. For this reason, we ask for your patience and understanding as our staff handle our high volume calendars telephonically with limited telephone service.

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