

LOCAL RULES FOR

PIMA COUNTY JUSTICE OF THE PEACE COURTS

Rule

- 1.1. Pretrial conference.
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Rule 1.1. Pretrial conference.

There is hereby established a procedure for conducting pretrial conferences in criminal matters brought in these courts. Individual conferences shall be held as appropriate upon notice given by the court.

Rule 1.2. [Purpose.]

A. The purpose of the pretrial conference is to promote the following: Fair, orderly and just disposition of causes without trial.

B. To permit the parties, without prejudice to their right to trial, to engage in disclosure and conduct negotiations for disposition without trial.

C. To provide discovery as hereafter set forth.

D. To eliminate the need for setting matters for trial which are intended to be disposed of without trial, thereby avoiding loss of time of judges and court personnel, and to enable the court to administer its trial docket in a more just and efficient manner.

E. In those causes which cannot be fairly disposed of without trial, to enable the court and the parties to have a trial set on a date and time certain.

Rule 1.3. Cases affected.

At arraignments the court may set for pretrial conference the following causes:

A. Those in which the defendant is entitled to a trial by jury;

B. Any of those in which, in the court's opinion, the ends of justice will be better served.

Rule 1.4. Attendance.

A. Attendance is mandatory upon the defendant, his counsel, if any, and the prosecutor at the pretrial conference. The defendant need not attend the pretrial conference in those instances where his counsel avows that he has been in contact with the defendant regarding the action, and that, as a result of such contact, he is reasonably certain that his client will be in attendance at any further proceedings.

B. The sanctions set forth in Rule 33 of the Arizona Rules of Criminal Procedure may be implemented by the court for failure to appear as required by subsection A hereof.

C. Failure of the defendant to appear may result in any or all of the following:

1. Vacating any previous trial setting;
2. Forfeiture of bond;
3. Issuance of a warrant for defendant's arrest and appearance before the court for further proceedings, including the giving of appropriate bail to secure attendance when required;
4. Such other actions as the court finds necessary in the interests of justice.

D. The defendant need not appear if prior to the pretrial conference he has executed a plea agreement pursuant to the provisions of Rule 17.4(b) of the Arizona Rules of Criminal Procedure, and the same is presented to the court at the pretrial conference.

Rule 1.5. Discovery.

A. Nothing in the rule shall be construed in any manner as altering the procedure pursuant to Rule 15.1 and 15.2 of the Arizona Rules of Criminal Procedure relating to disclosure.

B. The court may, in its discretion, issue orders relating to disclosure including the following:

1. Orders requiring additional disclosure by either party;

2. Orders sanctioning either party where the court deems necessary in the interests of justice for failure to make good faith disclosures;

3. Such other orders as the court deems necessary to promote the interests of justice.

Rule 1.6. Orders for disposition.

A. The judge presiding at the pretrial conference shall make such orders for disposition of cases brought before him or her as fulfill the purposes of this rule and as justice may require.

B. When apparent to the court by advice from the parties or otherwise that no disposition without trial can reasonably be expected, the court shall set the matter for trial. In the absence of good cause for departure therefrom, the following rules shall apply:

1. In the event more trials are set on a given day than facilities and personnel of the court can accommodate, the matter shall be continued only from hour-to-hour or from day-to-day, until finally disposed of. Such continued case shall take precedence for trial over any case set the following day;

2. In the event of a conflict of trial date with other professional responsibilities of counsel, or other matters of serious import to a client or to any material witness, the parties shall advise the court thereof at the earliest practical date to secure a resetting in accordance with the law, or to arrange for representation by other counsel.

C. The judge presiding at the pretrial conference may advise the parties of the matters set forth in B hereinabove, at the time the case is set for trial.

Rule 1.7. Administrative provisions.

A. This rule shall be prospective in its application effective after approval by the Supreme Court of Arizona. The implementation date is to be established by the Presiding Justice of the Peace, and no case filed on or before such date shall in any way be effected by the provisions hereof.

B. A docket shall be prepared for the scheduling of pretrial conferences in accordance with the custom and practice of the court.

C. The Presiding Justice of the Peace may from time to time, issue orders to facilitate the administration of this rule.