

SUPREME COURT OF ARIZONA

In the Matter of)	Arizona Supreme Court
)	No. R-11-0012
Rule 124, RULES OF THE SUPREME)	
COURT)	
)	
)	
)	FILED 09/01/2011
_____)	

**ORDER
AMENDING RULE 124, RULES OF THE SUPREME COURT**

A petition having been filed proposing to amend Rule 124, Rules of the Supreme Court, and comments having been received, upon consideration,

IT IS ORDERED that Rule 124, Rules of the Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2012.

DATED this _____ day of September, 2011.

REBECCA WHITE BERCH
Chief Justice

TO:
Rule 28 Distribution

mwa

ATTACHMENT¹

RULES OF THE SUPREME COURT

RULE 124. ELECTRONIC FILING, DELIVERY AND SERVICE OF DOCUMENTS

~~(a) **Electronic Filing Authorized.** In accordance with this rule and the corresponding Administrative Requirements for Electronic Filing and Management of Court Documents adopted concurrently herewith, the chief justice and the chief judge of each division of the court of appeals may permit by appropriate court rule or administrative order the electronic filing of documents in their respective courts. The presiding judge of the superior court in each county may permit by appropriate court rule the electronic filing of documents in the superior court and justice courts in each county. After consultation with the governing body of the city or town in which a municipal court is located, the presiding judge of the superior court may permit by appropriate court rule the electronic filing of documents in municipal court.~~

~~(b) **Implementation of Electronic Filing.** Before implementing an electronic filing system, an implementing court must:~~

~~(1) develop an electronic filing plan that conforms with the Administrative Requirements for Electronic Filing and Management of Court Documents; and~~

~~(2) adopt procedures that ensure document availability, security and integrity, and authentication of the document and its sender.~~

~~(c) **Date and Effect of Electronic Filing.**~~

~~(1) An electronically filed document shall be deemed filed on the date and time that it is received by the court (or by its designee), unless the court later rejects the document for filing. Promptly upon receipt, the court (or its designee) shall transmit to the filing party an acknowledgment indicating the date and time of receipt. If the court later does not accept the document for filing, it shall promptly notify the filing party electronically and set forth the grounds for rejection.~~

~~(2) An electronically filed document constitutes the filing of the original written and signed paper under the rules governing practice and procedure in the courts of this state. The court may require the party to produce the original of an exhibit that has been filed electronically. An electronically filed document as it resides on the court's computer shall be considered the original document satisfying the best evidence rule set forth in Rule 1002, Arizona Rules of Evidence.~~

~~(d) **Electronic Delivery of Documents by the Court.** A court may deliver judgments, minute entries, orders requiring the signature of a judge or a clerk to be effective, and notices electronically, instead of by mail, to any party or any party's attorney who files either traditionally or electronically a consent.~~

¹ Changes or additions in rule text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

Such consent is effective in all subsequent litigation in that court involving the consenting party. A party or that party's attorney may withdraw such consent at any time upon notice to the clerk of the court filed either traditionally or electronically. An implementing court may adopt, by appropriate court rule, additional procedures relating to the e-delivery of documents, to the extent such additional procedures are not inconsistent with this Rule 124.

~~(e) [Reserved.]~~

~~(f) **Paragraph Numbering.** Paragraph numbering based on the system adopted by the Supreme Court for numbering appellate opinions shall be used in all electronic documents. Until such time as a uniform citation system with paragraph numbering standards may be adopted, electronically filed documents shall include numbers assigned to each paragraph in accordance with the following procedures:~~

~~(1) Each paragraph of text shall be numbered consecutively.~~

~~(2) The following portions of an electronic document do not constitute a new paragraph and therefore shall not be numbered:~~

~~(A) headings introducing sections of text;~~

~~(B) indented (blocked) text, including text quoted from opinions, transcripts, exhibits, pleadings, or similar sources;~~

~~(C) lists of cases, statutes, or issues;~~

~~(D) text immediately following indented text, unless such text begins a new paragraph;~~

~~(E) footnotes;~~

~~(F) appendices or other attachments.~~

~~(3) If indented text is from a source that uses numbered paragraphs, the numbers from the original source shall not be included in the indented portion but in the citation only.~~

~~(4) Each paragraph number shall be shown as, e.g., "¶ 1" and placed at the left margin. The number shall be followed by a tab at the tenth character.~~

~~(5) If additional text is inserted into a document after it is first filed and/or distributed, the new paragraph or paragraphs shall be numbered using the number of the paragraph immediately preceding the insertions and letters, e.g., "¶ 1a."~~

~~(6) If one or more paragraphs are deleted from a document after it is first filed and/or distributed, the text shall be replaced with the statement "paragraph deleted" following the appropriate paragraph number.~~

~~(7) If a supplemental document is filed, the paragraph numbering in the original document shall be continued.~~

~~(8) If referring to specific portions or passages in electronic documents which contain paragraph numbers, references shall employ the paragraph numbers in those documents.~~

~~(g) **Computation of Time.** The electronic delivery of documents by the court pursuant to paragraph (d) of this Rule is complete upon transmission.~~

Abrogated and Reserved

Comment to 2012 Amendment

The current language of Rule 124 has been deleted because it has become obsolete. Pending the adoption of a new Rule 124, electronic filing, delivery and service of documents shall be governed by Supreme Court administrative order(s), which may be found at the Supreme Court's website: <http://www.azcourts.gov/>.