

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
IMPLEMENTING AZTURBOCOURT)	Administrative Order
PHASE II IN THE SUPERIOR COURT)	<u>No. 2010 - 58</u>
IN MARICOPA COUNTY)	(Affecting Administrative
)	Order Nos. 2009-74 and 2008-89)
)	

In July 2009, this Court entered Administrative Order No. 2009-74 implementing Phase I of AZTurboCourt, enabling users to complete court documents online and then print the completed documents for filing with the court. The Judicial Branch is prepared to implement Phase II of AZTurboCourt as a pilot in the Superior Court in Maricopa County (Court), allowing users to electronically file (e-file) court documents.

Users who prepare and file their own pleadings will be able to do so by completing an electronic case information form and e-filing this case information with their own pleadings through AZTurboCourt. E-filing will promote court efficiency by reducing staff time spent on scanning, data entry, and document processing. Users will be able to file documents from any location with internet access.

A User Fee, referred to as an Application Fee in AZTurboCourt, shall be assessed to support the enhanced services offered by AZTurboCourt.

All documents in the electronic document management system (EDMS) of the Clerk of the Superior Court in Maricopa County (Clerk), that are not e-filed through AZTurboCourt are subject to the provisions of Administrative Order No. 2008-89, Administrative Order No. 2007-77, and Administrative Order No. 2006-96, as well as the provisions of Arizona Code of Judicial Administration (ACJA) §§ 1-504 and 1-506, and shall be accessible to filers through AZTurboCourt.

This Administrative Order adopts procedures for e-filing certain pleadings in the Superior Court in Maricopa County and suspends Arizona Rules of Court inconsistent with the e-filing procedures adopted by this Order. This Order also supplements the User Fee Schedule issued under Administrative Order No. 2009-74.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED that the specific fees applicable to this e-filing pilot are set forth in the User Fee Schedule attached as Appendix A and are adopted. The User Fee shall be nonrefundable. A judge shall not waive or suspend the User Fee.

IT IS FURTHER ORDERED as follows:

- (1) Until such time as an AZTurboCourt payment portal is established by the Administrative Office of the Courts (AOC) and is fully operational as set forth in paragraph 2 herein, all filing fees, local court fees, and User Fees collected for e-filing through AZTurboCourt shall be received into an account established by INTRESYS, the vendor with whom the AOC has contracted with to provide e-filing services.
- (2) Once an AZTurboCourt payment portal has been established and is fully operational, all filing fees, local court fees, and User Fees collected for e-filing through AZTurboCourt shall be deposited directly into the AOC e-filing settlement account established with the State Treasurer's Office and shall be disbursed pursuant to state law and the terms of any agreement with INTRESYS and the Clerk.
- (3) Official Record
 - a) All electronically filed documents shall be considered original documents of record in and for the Superior Court in Maricopa County.
 - b) An electronic submission or print-out from the Clerk's EDMS that shows the Clerk's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.
 - c) Any court rule requiring that a document be an original, be on paper or another tangible medium, or be in writing is satisfied by the electronic image defined as the original document herein.
- (4) Signatures. Any court rule requiring that a document be signed by the filer is satisfied by inserting "/s/" on the document's signature line and then inserting the signatory's name under that line.
- (5) Date and Time of Electronic Filing. An electronically filed document shall be deemed filed on the date and time that it is received by the electronic filing system, unless payment is not made and/or the court later rejects the document for filing.
- (6) Required Exhibits, Attachments to Pleadings, and Proposed Orders. Any court rule that requires a copy of a document to be attached as an exhibit to a pleading is satisfied by the filer's electronically attaching either a scanned image of the document or a copy of the document in an approved format.
- (7) Multiple-Party Signatures. Any electronically filed pleading with multiple parties is not required to be signed by all of the parties; however, the rights, responsibilities, and standing of all parties are subject to judicial determination during the proceedings.
- (8) All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17, Superior

Court of Maricopa County Local Rules and Rule 10(d), Rules of Civil Procedure, and shall conform to such other format requirement as the Court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute. The provisions of Rule 124(f), Rules of the Supreme Court, regarding paragraph numbering are suspended as to documents submitted through AZTurboCourt.

IT IS FURTHER ORDERED that the procedural requirements described in the attached Appendix B shall be applicable to all documents e-filed using AZTurboCourt in the Superior Court in Maricopa County, any document that meets these requirements shall be accepted for processing, and any court rule in conflict with these provisions is suspended in regard to such filings. The Administrative Director, in consultation with the Clerk of the Superior Court in Maricopa County, may make modifications to these procedures not inconsistent with rules or orders of this Court.

Dated this 20th day of May, 2010.

FOR THE COURT:

REBECCA WHITE BERCH
Chief Justice

APPENDIX A

AZTurboCourt Phase II Pilot In the Superior Court in Maricopa County User Fee Schedule

Definitions:

Electronic Case Information Form: A form provided through AZTurboCourt that collects information related to the case. The information is then transmitted with the e-filed pleading.

Free Form Pleading: A pleading prepared outside of AZTurboCourt.

General Civil Action

- \$ 6.00 to e-file a free form pleading with a completed electronic case information form
- \$ 2.00 to e-file a stand-alone proposed order for signature

APPENDIX B
Procedures for e-Filing
In the Superior Court in Maricopa County
AZTurboCourt Phase II Pilot

1.0 Definition of Terms

The following definitions shall apply:

Bookmark: An electronic connection or reference to another place in a document that, when selected, takes the user to the portion of the document to which the hyperlink refers.

Case Management System (CMS): The system in use by the Clerk and the Court to docket, calendar, assign, and track cases.

Civil Subsequent Filing: A document, either electronic or paper, submitted to the Clerk for filing in a civil case after the initial filing.

Clerk: Clerk of the Superior Court in Maricopa County.

Conventional Filing: A document submitted to the Clerk on paper.

Court: The Superior Court in Maricopa County.

Electronic Document Management System (EDMS): The electronic document storage and imaging system maintained by the Clerk of the Superior Court.

E-File: Electronic transmission of an original document to the Court for the purposes of filing.

Electronic Document: A document filed with the Clerk's Office in electronic format.

Filing: Documents, either electronic or paper, submitted to the Clerk for filing.

Hyperlink: An electronic connection or reference in a document to a web page outside the document.

Portable Document Format (PDF): A file format that preserves all fonts, formatting, colors, and graphics of any source document, regardless of the application platform used.

2.0 General E-Filing Implementation

All civil subsequent filings properly e-filed through AZTurboCourt shall be accepted for processing by the Clerk.

2.1 Present Electronic Document Policy

Pursuant to Administrative Order No. 2008-89, all pleadings, motions, memoranda of law, orders, and other documents electronically filed in a matter shall be maintained in electronic format by the Clerk and will be maintained as the original and official record of the Court.

2.2 Official Record or Certified Copy

An electronic submission or print-out from the Clerk's EDMS that shows the Clerk's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.

2.3 Format of E-Filed Documents

All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17, Superior Court of Maricopa County Local Rules, and Rule 10(d), Rules of Civil Procedure, and shall conform with such other formats as the Court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute. The provisions of Rule 124(f), Rules of the Supreme Court, regarding paragraph numbering are suspended as to documents submitted through AZTurboCourt.

(a) Document Format and Size

Any document submitted through AZTurboCourt shall be in Portable Document Format (.pdf), except that a proposed order shall be submitted in Microsoft Word 2003 (.doc) or a prior version thereof. A document shall not be password protected and shall not exceed 3 MB in size.

(b) Original Document

All electronically filed documents shall be considered the original documents of record in and for the Superior Court in Maricopa County. Any court rule requiring that a document be an original, be on paper or another tangible medium, or be in writing is satisfied by the electronic image defined as the original document herein.

(c) Certified Mail, Return Receipt Card

When establishing proof of service by U. S. Postal Service certified mail, a filer may, in lieu of filing the original signed return receipt card, scan and file both sides of the signed return receipt or file the signed return receipt card conventionally, in addition to complying with all other requirements of rule or law.

(d) National Courier Service, Return Receipt

When establishing proof of service by a national courier service pursuant to rule or statute, the filer may scan and file the documentation required by rule or statute or shall file the documentation conventionally, in addition to complying with all other requirements of rule or law.

(e) Notary Requirement

A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.

(f) Hyperlinks and Bookmarks

A hyperlink or bookmark may be included in a document solely for the convenience of judicial officers, attorneys, and litigants. A hyperlink may be used only with a case citation; however, a text reference to the citation must also be provided. A bookmark may be used only to direct the reader to another page within the same document. Hyperlinks are not part of the official court record and will not be preserved in electronically filed documents submitted through AZTurboCourt or stored on the Clerk's electronic document management system.

2.4 Registration and Electronic Signatures

All users of AZTurboCourt must register with the system.

(a) Signature of Filer

Any court rule requiring that a document be signed by the filer is satisfied for a document filed using AZTurboCourt by inserting "/s/" on the signature line and then inserting the signatory's name under that line.

(b) Multiple-Party Signatures

Any electronically filed pleading with multiple parties need not be signed by all of the parties; however, the rights, responsibilities, and standing of all parties are subject to judicial determination during the proceedings.

(c) Stipulations

A stipulation filed through AZTurboCourt may contain "/s/" signatures.

2.5 Transmission, Confirmation, and Acceptance

When a document is transmitted through AZTurboCourt, an acknowledgement of receipt of the document shall immediately be returned to the filing party via AZTurboCourt. The document shall then be reviewed by the Clerk and, if accepted, shall be deemed filed as of the date and time it was received by the electronic filing system. Once the Clerk completes the electronic filing review process, AZTurboCourt will send an acknowledgment receipt to the filer indicating the filing status and, if accepted, the official date and time of the filing. It shall be the responsibility of the filing party to resubmit any rejected document with appropriate corrections.

The Clerk shall electronically file-stamp each document accepted for filing with the time and date of filing, the name of the Clerk of Court and the deputy clerk accepting the filing, and the words "ELECTRONICALLY FILED." This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. A document filed through AZTurboCourt is not complete without the electronic file stamp. A document file-stamped in this manner shall have the same force and effect as a document filed in the conventional manner.

(a) Responsibility for Filing

A person who files a document electronically shall have the same responsibility as a person who files a document conventionally for ensuring that the document is properly filed, that it is complete and readable, and that a copy has been provided to other parties in the case.

(b) Documents Not Permitted To Be Filed through AZTurboCourt

Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court:

- Case initiation documents, including civil complaints or petitions or any other document that may initiate a new case with the court, and any accompanying service documents (i.e., summons or subpoena)
- Any document that requires issuance by the Clerk
- Documents filed under seal or a motion to file documents under seal
- Audio or video recordings
- Applications and orders for deferral or waiver of court fees and/or costs
- Documents filed in any of the following case types: criminal, family law, probate, mental health, tax, juvenile, special actions, transfers of jurisdiction, lower court appeals, and documents filed in the Gila River General Stream Adjudication case

Any plaintiff or petitioner shall file a complaint or petition and serve a summons on each defendant or respondent in the conventional manner. The Clerk shall issue the summons and any subpoenas in the conventional manner, and the original paper summons or subpoena must be returned for filing when applicable.

Courtroom exhibits are governed by the Court's eExhibit policy (Maricopa Superior Court Administrative Order No. 2004-013) and shall be handled in the conventional manner. Courtroom exhibits shall not be filed with the Court through AZTurboCourt.

(c) Payment of Filing Fees

All filing fees, local court fees, and User Fees shall be collected through AZTurboCourt. A filing will not be processed through AZTurboCourt without prior payment of all fees.

The User Fees are set forth in the User Fee Schedule attached as Appendix A.

The User Fee shall be nonrefundable.

(d) Electronic Service To Other Parties

Electronic service is not available through AZTurboCourt. It remains the responsibility of the filing party to serve other parties with the filing as would be done when filing a document conventionally.

(e) Courtesy Copy for Court

Notwithstanding any other rules of court, a filer who submits any document through AZTurboCourt shall not submit a courtesy paper copy of the document to the Court unless specifically ordered by the Court.

(f) Public Access

The Clerk of the Court shall make electronically filed and scanned documents available to case participants, the Court, and the public. The public may access electronically filed and scanned documents of public record through Public Access Terminals located in the Superior Court Clerk's Office. For the purpose of retrieving electronically maintained documents, access by the public shall be to the Clerk's electronic document management system where official electronic documents are maintained. The Clerk shall make available paper copies of any publicly filed electronic or scanned documents at the same rate charged for copies of paper documents.

AZTurboCourt users shall have access to electronically filed and scanned documents for a case through the AZTurboCourt application once a filing has been accepted into that case.

(g) Lodging Documents

Documents to be lodged with the Court and proposed orders shall be filed through AZTurboCourt.

(h) Court Orders and Judgments

The Court may issue and file and serve notices, orders, and other documents electronically in any case in which a document has been filed through AZTurboCourt.

(i) Interruption in Service

The Court and Clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

If a filer fails to meet a filing deadline imposed by rule or law solely as the result of a failure in the technology of AZTurboCourt to process or transmit the document, the filer must file the document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. The motion shall set forth the reason the deadline was not met by describing the technology failure. The document and motion shall be conventionally filed no later than the first day on which the court is open for business following the deadline that was not met, unless the technology failure is alleviated and the motion and document are submitted using AZTurboCourt. If the motion is granted, the court may enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically, notwithstanding any rule or law to the contrary.