

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
IMPLEMENTING AZTURBOCOURT) Administrative Order
E- FILING OF CIVIL CASE) No. 2011 - 122
DOCUMENTS AS A PILOT IN THE)
SUPERIOR COURT IN PIMA COUNTY)
_____)

In 2010, this Court implemented electronic filing (e-filing) of post-initiation civil case documents through AZTurboCourt in the Superior Court in Maricopa County. The Judicial Branch is now prepared to expand e-filing as a pilot program into the Superior Court in Pima County and offer the additional enhancement of allowing users to initiate a case through AZTurboCourt in that Court.

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

IT IS ORDERED that the following definitions, fees, and procedures for e-filing documents through AZTurboCourt in the Superior Court in Pima County are adopted. Provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

1. Definitions

- a. “Application Fee” means the fee assessed when a filer performs various functions using AZTurboCourt.
- b. “AZTurboCourt” means the supreme court-approved Internet-based system for electronic filing of documents in the trial and appellate courts of Arizona.
- c. “Attached Document” means a document not prepared using AZTurboCourt and then filed in AZTurboCourt.
- d. “Clerk” means the Clerk of the Superior Court in Pima County.
- e. “Court” means the Superior Court in Pima County.
- f. “Document” means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the Court.

- g. “Electronic Document Management System” (“EDMS”) means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management, and retrieval of electronic documents through their life cycle.
- h. “Judicial Officer” means any person who is authorized to perform judicial functions within the court, including a judge, court commissioner, referee, or pro tempore judge.

2. Documents not Permitted to be Filed through AZTurboCourt

- a. The following documents and case types shall be filed on paper:
 - i. Default judgment packets. Filers may electronically file the documents to request a default judgment, such as the Application for Entry of Default, but shall submit the subsequent default judgment packet required by the court, including the proposed order, on paper.
 - ii. Petitions for injunctions against harassment and injunctions against workplace harassment. Filers may electronically file a subsequent document in an injunction against harassment and injunction against workplace harassment case.
 - iii. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal.
 - iv. Applications for garnishment and other execution documents. Attorneys may electronically file a proof of service document upon completion of service.
 - v. An application or supplemental application for waiver or deferral of a filing fee, application fee, or any other fee or cost.
 - vi. All documents filed by or with an arbitrator pursuant to Rules 72-76, Arizona Rules of Civil Procedure, from the time the notice of appointment of an arbitrator is filed through final disposition in arbitration.
 - vii. Documents filed in any of the following case types: criminal, family law, probate, mental health and related case types, tax, juvenile, special actions, transcript of judgment, and lower court appeals.
- b. A plaintiff or petitioner shall serve a summons on each defendant or respondent on paper, as required by rule or statute.

3. Application Fee and Filing Fees

- a. An application fee shall be assessed to support the electronic filing and document access services offered by AZTurboCourt, as follows:
 - \$ 6.00 to e-file an attached document
 - \$ 2.00 to e-file a stand-alone proposed order or judgment for signature
- b. The application fee shall not be assessed to e-file a document submitted on behalf of a person or entity identified in A.R.S. § 12-304, whenever a filing fee is not charged.
- c. The following persons shall not be asked to e-file documents when acting in the stated capacity: judge pro tempore; special master; arbitrator; court-appointed attorney; or a conservator, guardian, or fiduciary only when appointed by the court on behalf of an indigent person.
- d. All filing fees, local Court fees, and application fees shall be paid through AZTurboCourt at the time of filing.
- e. The application fee shall be nonrefundable.
- f. A judicial officer shall not waive or suspend the application fee.

4. General Policy

- a. Signatures.
 - i. Signature of Attorney. An attorney is responsible for all documents filed under the attorney's registered login ID and password and under the registered login ID and password of any person the attorney has authorized to file in AZTurboCourt. Any document displaying the symbol "/s/" with the attorney's printed name shall be deemed signed by that attorney for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to Rule 11 of the Rules of Civil Procedure.
 - ii. Signature of Judicial Officer. Documents filed electronically under a judicial officer's or clerk's registered login ID and password shall be deemed filed by that judicial officer or clerk. Any judgment or order displaying the symbol "/s/" or a facsimile signature with the judicial officer's printed name shall be deemed signed by that judicial officer for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to Rule 58(a) of the Rules of Civil Procedure.

- iii. Signature of Self-Represented Litigant. Documents filed in AZTurboCourt by a self-represented litigant shall be filed under the self-represented litigant's registered login ID and password and shall be deemed signed by that self-represented litigant for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to Rule 11 of the Rules of Civil Procedure.
 - iv. Multiple Self-Represented Parties' Signatures not Required. A document being filed on behalf of more than one self-represented litigant need only be signed by one of the self-represented litigants. The signer shall identify in the document the parties who agree with the contents and shall affirm that those parties agree. The parties' actual participation and position in any filing is subject to judicial determination. A judicial officer may order self-represented litigants to file documents on paper and provide the signature of each filer.
- b. Document Format. All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 10(d), Rules of Civil Procedure, and shall conform to such other format requirements 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.
- i. Format and Size. All text-based documents shall be in .pdf, .odt, or .docx format, except that a proposed order shall be in .odt or .docx format. A proposed order shall not be password protected and shall be modifiable by a judicial officer. Documents shall not exceed the size limitation permitted by AZTurboCourt.
 - ii. Certified Mail, Return Receipt Card. When establishing proof of service by U.S. Postal Service certified mail, the filer may scan and file both sides of the signed return receipt card or file the signed return receipt itself.
 - iii. National Courier Service, Return Receipt. When establishing proof of service by a national courier service, the filer may scan and file the required documentation or file it on paper.
 - iv. Notary Requirement. A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.
- c. Civil Cover Sheet. The Civil Cover Sheet generated through AZTurboCourt is hereby adopted for use for e-filing an initial complaint or petition in a civil action. The Civil Cover Sheet adopted by Administrative Directive No. 2010-28 is limited to paper filings.
- d. Required Exhibits and Attachments to Pleadings. Any court rule requiring that a copy of a document be attached as an exhibit to a document is satisfied by

electronically attaching either a scanned image of the exhibit or a copy of the exhibit in an approved format.

- e. **Date and Effect of Electronic Filing.** An electronically submitted document shall be deemed filed on the date and time it is received by AZTurboCourt as reflected on the subsequent email notification or the filing details displayed within AZTurboCourt, unless payment is not made or the Clerk determines the document is deficient. The Clerk shall provide the filer an explanation of any deficiency identified.
- f. **Responsibility for Filing and Service.** 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. 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 on paper.

Distribution of Notices, Orders, and Other Documents by the Court. The Clerk or Court may electronically distribute notices, orders, and other documents to an attorney in any case in which the attorney has entered an appearance and in which a document has been filed through AZTurboCourt. The electronic delivery of documents by the court is complete upon transmission.

- g. **Paper Copy for Court.**
 - i. Except as provided by local rule, a judicial officer shall not require a filer to provide a paper copy of any document submitted through AZTurboCourt.
 - ii. At the time of electronic submission of a document through AZTurboCourt, an electronic copy of all motions or other documents necessary for a judicial ruling shall be delivered to the judicial officer to whom the case is assigned. Electronic delivery shall be through AZTurboCourt using the system feature that indicates judge review is necessary.
- h. **Hyperlinks.** A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official court record. A filer may include a bookmark to another page within the same document.
- i. **Official Record.**
 - i. An electronic document that resides within the Clerk's or Court's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
 - ii. An electronic transmission or print-out from the Clerk's or Court's EDMS that shows the Clerk's or Court's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.

- iii. 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 in section 4(j)(i) above.

5. Extension of Time Due to Interruption in Service

- a. If a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, and the matter cannot be resolved to the satisfaction of the filer and the clerk, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically.
- b. The court and clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

6. Additional e-Filing Policies. The Presiding Judge of the Court and the Clerk, in consultation with the Administrative Director of the Administrative Office of the Courts, may establish additional policies to implement e-filing through AZTurboCourt. Any such policies shall be posted online at AZTurboCourt.gov and on the websites of the Court and the Clerk. The Presiding Judge and the Clerk may implement the provisions of this Order in consultation with each other and without further consultation with the Administrative Director.

7. Destruction of Paper Records. All documents in the Clerk's EDMS are subject to the provisions of Rules 94 and 29(C), Rules of the Supreme Court, and Section 1-507 of the Arizona Code of Judicial Administration with regard to destruction of paper records.

Dated this 30th day of November, 2011.

FOR THE COURT:

REBECCA WHITE BERCH
Chief Justice