

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
POLICIES FOR ELECTRONIC FILING) Administrative Order
OF CIVIL CASES IN SUPERIOR) No. 2016 - 20
COURT LOCATIONS OTHER THAN)
MARICOPA AND PIMA COUNTIES)
_____)

Over the past five years, this Court has entered administrative orders authorizing electronic filing (e-filing) of civil case documents in the Superior Court of Arizona in Maricopa and Pima Counties through AZTurboCourt. The Judicial Branch is now expanding civil case e-filing to the superior court in the remaining counties in Arizona using a new e-filing option, eFile.AZCourts.gov, and AZTurboCourt.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution,

IT IS ORDERED that the Superior Court in all counties, other than Maricopa and Pima Counties, is authorized to implement civil case e-filing pursuant to a plan and schedule to be established by the Administrative Director. This Court will issue an administrative order requiring mandatory e-filing as each county is ready to accept all civil case filings electronically.

IT IS FURTHER ORDERED that the following definitions, fees, and procedures are adopted for the implementation of civil case e-filings in the Superior Court of Arizona, other than in Maricopa and Pima Counties. Provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

1) *Definitions.*

“Civil Case” – an Arizona case filed in the Superior Court involving a disputes between individuals or businesses. Exclusions from civil case electronic filing are described in Section 2 of this Order.

“Electronic Document Management System” (“EDMS”) – computer software application programs and hardware devices used to create, manage, and retrieve electronic documents.

“Electronic Filing Service Provider” – a private or public entity authorized by the Administrative Director to provide e-filing services to Arizona court Filers.

“Filer” – the individual who electronically submits case documents and information to the Superior Court.

“Statewide E-Filing Portal” - a system that facilitates the exchange of case information between an Electronic Filing Service Provider and a court’s case management system.

2) *Exclusions.*

- a. E-Filing of the following shall not be permitted:
 - i. Any document that requires the signature and seal of the Clerk such as writs, summonses, and subpoenas that are not generated by the e-filing system.
 - ii. Petitions for injunctions against harassment and injunctions against workplace harassment. Filers may electronically file subsequent documents in these cases
 - iii. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal
 - iv. Applications or supplemental applications for waiver or deferral of a filing fee, application fee, or any other fee or cost
 - v. Any document used to initiate a forfeiture case
 - vi. Amicus briefs
 - vii. All documents in the following case types:
 - o Family law
 - o Juvenile
 - o Probate
 - o Mental health or mental health-related case types
 - o Eviction actions
 - o Special actions
 - o Transcripts of judgment
 - o Foreign judgments
 - o Minor abortion
 - o Lower court appeals
 - o Habeas corpus
 - o Corporate power of attorney
 - o Delayed birth certificates (A.R.S. § 33-333.03)
 - o Restoration of civil rights
- 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 services offered by any Electronic Filing Service Provider, as follows:
 - i. 4.5% of the statutory and local filing fees, if any, for a case initiation filing
 - ii. \$ 6.00 to e-file an attached document
 - iii. \$ 6.00 to e-serve
 - iv. \$ 2.00 to e-file a Notice of Filing of a proposed order, judgment, or notice of hearing.
- b. The application fee shall not be assessed to e-file a document submitted on behalf of an exempt entity as identified in A.R.S. § 12-304, whenever a filing fee is not charged.
- c. The Administrative Director is authorized to waive application fees during the pilot phase.

- d. All filing fees, local court fees, and application fees shall be paid through any Electronic Filing Service Provider at the time of filing.
- e. The application fee shall be nonrefundable, unless waived by the Administrative Director in the pilot phase.
- f. A judicial officer shall not reduce, waive, or suspend the application fee.
- g. No application fee shall be charged in any case in which a fee waiver or deferral has been granted.

4) *Official Record.*

- a. An electronic document that resides within the Clerk's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
- b. An electronic transmission or print-out from the Clerk'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.
- 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 in section 4(a)(b) above.
- d. All documents in the electronic document management system (EDMS) of the Clerk of the Superior Court that are not e-filed through services provided by an authorized Electronic Service Provider remain subject to the provisions of Arizona Code of Judicial Administration §§ 1-504 and 1-506.

5) *Signature Standards.*

- a. Document displaying symbol /s/. Any document displaying the symbol "/s/" followed by the printed name of a self-represented litigant, attorney, or judge shall be deemed signed by the named person 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.
- b. 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 using services provided by an Electronic Filing Service Provider.
- c. Signature of Judicial Officer. Documents filed electronically under the registered login ID or password of a Judicial Officer or Clerk shall be deemed filed by that Judicial Officer or Clerk.
- d. Signature of Self-Represented Litigant. Documents filed through services provided by an Electronic Filing Service Provider 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.

- e. **Multiple-Party Signatures Not Required.** A document being filed by more than one self-represented litigant need only be signed by one of the self-represented litigants. The signer of the document shall ensure that all parties named in the document agree with the contents of the document. The standing of all parties is subject to judicial determination during the proceedings.
- 6) *Date and Time of Electronic Filing.* The submission shall be deemed filed on the date and time it is received by the Statewide E-Filing Portal. If the Clerk determines the electronically submitted document is deficient pursuant to local rule or order, the Clerk may reject the submission and shall provide the filer an explanation of the reason for the rejection.
 - 7) *Required Exhibits, Attachments to Pleadings, and Proposed Orders.* Any court rule that requires 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.
 - 8) *Format of Documents.* All documents filed through services provided by an Electronic Filing Service Provider 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.
 - 9) *Electronic 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 or judgment shall not be password protected and shall be modifiable by a Judicial Officer. Documents shall not exceed the size limitation permitted by the Arizona Supreme Court.
 - 10) *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.
 - 11) *National Courier Service, Return Receipt.* When establishing proof of service by a national courier service, the Filer may scan and file the required documentation.
 - 12) *Notary Requirement.* A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.
 - 13) *Civil Cover Sheet.* Initiating a case through services provided by an Electronic Filing Service Provider meets the requirement to file a civil cover sheet.
 - 14) *Copy for Court.*
 - a. Except as provided by local rule, a Judicial Officer shall not require a Filer to provide a paper copy of any document submitted through services provided by an Electronic Filing Service Provider.

- b. If required by the receiving Court, a Filer must identify individual documents necessary for a judicial ruling.
- 15) *Responsibility for Filing and Service.* A person who files a document electronically shall have the same responsibility as a person who files a paper document for ensuring that the document is properly filed, that it is complete and readable, and that a copy has been provided to the other parties in the case.
- 16) *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 services provided by an Electronic Filing Service Provider. The electronic delivery of documents by the court is complete upon transmission.
- 17) *Hyperlinks and Bookmarks.* 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.
- 18) *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. When an interruption of service is caused solely by a technical malfunction of the court's system, the court may, *sua sponte*, enter an order documenting the interruption and allowing an alternative manner of filing or extension of filing deadlines.
 - b. The Court and Clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.
- 19) *Additional e-Filing Policies.* The Presiding Judge of the Court and the Clerk of the Court, in consultation with the Administrative Director, may establish additional policies to implement e-filing. Any such policies shall be posted online at AZCourts.gov/eFile and on the websites of the court and the Clerk. The Presiding Judge and the Clerk may adopt policies to implement the provisions of this Order in consultation with each other and without further consultation with the Administrative Director.
- 20) *Destruction of Paper Records.* All documents in the 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.

IT IS FURTHER ORDERED that any e-filed document that meets the requirements described herein shall be accepted for processing by a Clerk of Court, and any court rule in conflict with these provisions is suspended in regard to such filings. The Administrative Director, in

consultation with the Clerks of the Superior Court and the Presiding Judges of the Superior Court, may make modifications to these procedures not inconsistent with rules or orders of this Court.

Dated this 28th day of March, 2016.

FOR THE COURT:

SCOTT BALES
Chief Justice