

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
CRIMINAL E-FILING IN SUPERIOR)	Administrative Order
COURT LOCATIONS OTHER THAN)	No. 2020 - <u>77</u>
MARICOPA COUNTY)	
)	
)	

In an effort to assist the superior courts in Arizona to conduct business in a manner that reduces the risk associated with the current public health emergency, the Arizona Supreme Court has recently accelerated the availability of the electronic filing of non-case-initiating documents in criminal cases using the eFileAZ eFiling application.

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

IT IS ORDERED adopting the following updated definitions and procedures for e-filing documents in criminal cases in all counties, other than Maricopa County, through the eFileAZ electronic filing application. Provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

1. Definitions

- a. “Attached Document” means a document prepared outside of eFileAZ and then filed with a court through eFileAZ.
- b. “Clerk” means the Clerk of the Superior Court.
- c. “Court” means the Superior Court.
- d. “Criminal Case” means a case filed in the Superior Court wherein a defendant is charged with a criminal offense.
- e. “Document” means any pleading, motion, exhibit (other than a courtroom exhibit), declaration, affidavit, memorandum, paper, order, notice and any other filing submitted by a Filer or by the court.
- f. “Electronic Document Management System” (“EDMS”) means a collection of computer software application programs and hardware devices that provide a means of storing, organizing and controlling the creation, management, and retrieval of electronic documents through their life cycle.

- g. “Judicial Officer” means any person who is authorized to perform judicial functions within the court.
- h. “Filer” means the individual who electronically submits criminal case documents and information to the Superior Court.
- i. “Subsequent Submission” means any filing into a criminal case that has previously been initiated in the court, either electronically or on paper.

2. Exclusions

- a. E-filing of the following shall not be permitted:
 - i. Any document(s) that requires the signature and seal of the Clerk such as subpoenas, writs or warrants that are not generated by eFileAZ.
 - ii. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal.
 - iii. Documents identified in Supreme Court Rule 123 (d)(2)(A).
 - iv. A complaint, indictment or information.
 - v. Any document for which there is a fee associated with filing.
 - vi. Documents regarding bonds (e.g.: Surety Bonds).
 - vii. Documents that are intended to be used specifically as hearing or trial exhibits.

3. 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, alternatively a certified document can be obtained via the eAccess web portal pursuant to Administrative Order 2019-48.
- 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 sections 3(a) and (b) above.
- d. All criminal case documents in the EDMS of the Clerk that are not e-filed through eFileAZ remain subject to §§ 1-504 and 1-506 of the Arizona Code of Judicial Administration.

4. Signature Standards

- a. Document displaying symbol /s/. Any document displaying the symbol “/s/” with 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.

- 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 e-file documents using services provided by an EFSP.
 - c. **Signature of Judicial Officer or Clerk.** Documents filed electronically under the registered login ID or password of a Judicial Officer or Clerk shall be deemed to have been filed by that Judicial Officer or Clerk.
 - d. **Signature of Self-Represented Defendant.** Criminal case documents filed through eFileAZ by a self-represented defendant shall be filed under the defendant's registered login ID and password and shall be deemed signed by that person for purposes of the rules and statutes governing practice and procedure in the courts of this state.
5. *Date and Time of Electronic Filing.* The submission shall be deemed filed on the date and time it is received by eFileAZ. If the Clerk determines that 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.
6. *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.
7. *Format of Documents.* All e-filed documents shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 1.6, Rules of Criminal Procedure, and shall conform to such other format requirements as the Supreme Court may require.
8. *Electronic Format and Size.* All text-based documents shall be in .pdf, .odt, or .docx format, except that a proposed order or judgment shall only 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.
9. *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.
10. *National Courier Service, Return Receipt.* When establishing proof of service by a national courier service, the Filer may scan and e-file the required documentation.
11. *Notary Requirement.* A notarization requirement may be satisfied by electronic notarization as allowed by law or by scanning and e-filing the document that contains the notary's original signature and seal.

12. Copy for Court. Except as provided by local rule, a Judicial Officer shall not require a Filer to provide a paper copy of any document submitted through eFileAZ. If required by the receiving Court, a Filer must identify individual documents necessary for a judicial ruling.
13. Responsibility for Filing and Service. A person who e-files a document shall be responsible 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 to the same extent as a person who files a document on paper.
14. Distribution of Notices, Orders, and Other Documents by the Court. The Clerk or court may electronically distribute notices, orders, and other documents to a party or attorney in any case in which the attorney has entered an appearance and in which a document has been e- filed. The electronic delivery of documents by the court is complete upon transmission.
15. 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.
16. 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 automation 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 e-filed documents.

17. Additional e-Filing Policies. The Presiding Judge of the court and the Clerk, in consultation with the Administrative Director, may establish additional policies to implement e-filing in criminal cases. Any such policies shall be posted online at <http://www.azcourts.gov/efilinginformation> and on the websites of the Superior 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.

IT IS FURTHER ORDERED that the Superior Court in all counties governed by this Order is authorized to implement criminal case e-filing through the eFileAZ e-filing application.

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

IT IS FURTHER ORDERED that the Presiding Judge and the Clerk, in consultation with the Administrative Director, may make modifications to these procedures not inconsistent with rules or orders of this Court.

IT IS FURTHER ORDERED that attorneys filing within all counties governed by this Order will be mandated to e-file non-initiating criminal case documents on a schedule to be determined by the Administrative Director.

Dated this 13th day of May, 2020.

ROBERT BRUTINEL
Chief Justice