

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
IMPLEMENTING AZTURBOCOURT)	Administrative Order
E-FILING OF SMALL CLAIMS CASE)	<u>No. 2012 - 20</u>
DOCUMENTS IN THE MARICOPA)	(Affecting Administrative
COUNTY JUSTICE COURTS)	Order No. 2009-74)
)	

In July 2009, this Court entered Administrative Order No. 2009-74 implementing AZTurboCourt as a pilot program in the Maricopa County justice courts. The Order enabled users to complete court documents through AZTurboCourt and then print and file the documents on paper with the court. The Judicial Branch is now prepared to enable users to continue to complete and then electronically file (e-file) small claims case documents through AZTurboCourt.

This Administrative Order supplements Administrative Order No. 2009-74, adopts fees and procedures for e-filing small claims case documents in the courts, and supersedes any provisions of the Arizona Rules of Court that are inconsistent with this Order.

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

IT IS ORDERED that the following fees and procedures for e-filing small claims case documents in the Maricopa County justice courts are adopted. Provisions of this Order that are inconsistent with Arizona Rules of Court shall supersede procedural requirements of the Rules.

1) Application Fee and Filing Fee

- a. An application fee, previously referred to as a user fee, of \$15.00 to complete and e-file a web-based, intelligent form in the courts shall be assessed to support the electronic filing and document access services offered by AZTurboCourt.
- b. The application fee shall not be assessed to e-file a document submitted by a person or entity identified in A.R.S. § 12-304.
- c. All filing fees, local court fees, and application fees shall be paid through AZTurboCourt at the time of filing.

- d. A judge shall not waive or suspend the application fee.
 - e. The application fee shall be nonrefundable.
- 2) Multiple Self-Represented Parties' Signatures Not Required. A document being filed for 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, and who are on the same side of the dispute as the filer, agree with the contents of the document. The parties' actual participation in any filing is subject to judicial determination.
- 3) Required Documents, Attachments to Pleadings, and Proof of Service
- a. Any court rule or statute that requires a copy of a document to 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.
 - b. When establishing proof of service by U. S. Postal Service certified mail, the filer may file the proof of service on paper or scan and file both sides of the signed return receipt card.
- 4) Date and Effect of Electronic Filing
- a. 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 submitted document cannot be accepted because the names of the parties do not match existing records.
 - b. A person who files a document electronically shall have the same responsibility as a person who files a document on paper for ensuring that the document is properly filed and is complete and readable, and that a copy has been provided to other parties in the case as required by rule or statute.
- 5) Official Record
- a. An electronic document that resides within the court's electronic document management system (EDMS) is the original document and satisfies the requirements of Rule 1002 of the Arizona Rules of Evidence.
 - b. An electronic transmission or print-out from the court's EDMS that shows the 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 2(a) above.

6) Extensions 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 court, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a request 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 shall not be liable for malfunctions or errors occurring in electronic transmission or receipt of electronically-filed documents.

Dated this 24th day of February, 2012.

FOR THE COURT:

REBECCA WHITE BERCH
Chief Justice