

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
AUTHORIZING A PILOT PROGRAM IN) Administrative Order
YAVAPAI COUNTY TO DESIGNATE) No. 2007 - 62
CERTAIN ELECTRONIC IMAGES OF)
TRANSFERRED CASE FILE RECORDS)
AS THE ORIGINAL RECORD)
_____)

The first enumerated goal of the 2005-2010 Strategic Agenda for Arizona's Courts is Providing Access to Swift and Fair Justice. The ability to provide an electronic court record will improve access and reduce court delay locally. In pursuing the goals of improving Arizona's court system, the electronic court record employs modern technology to process cases. Establishing an electronic court record pilot in Yavapai County will benefit the courts of Arizona in implementing a reliable, user-friendly system providing meaningful access to the courts.

As part of Yavapai County's criminal justice integration effort, images of the court record from justice courts can be transmitted directly to the Clerk of the Court's electronic document management system (EDMS). Using the transferred image as the official record with respect to these justice court documents enables "paper on demand," precluding the automatic generation of paper from an existing electronic image. The received images will be stored and protected in the same manner as all documents the Clerk's Office receives in paper format and scans. An electronic file stamp will also be affixed to these images upon receipt and they will be docketed in the register of actions with the image linked to the docket entry for ease of accessibility by the courts, court partners, and the public. Paper will be generated upon a judge's request.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that for the purposes of this pilot project, all electronically transmitted images of the justice court record shall be considered the original documents of record in the Superior Court in Yavapai County. Electronically transmitted images shall not be required to be printed solely for the purpose of inclusion in the official record.

IT IS FURTHER ORDERED that 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.

IT IS FURTHER ORDERED that any court rule requiring that a justice court transmittal of the record 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.

IT IS FURTHER ORDERED that the Clerk shall provide paper justice court records to other courts as needed, unless those courts have made arrangements with the Clerk to receive electronic records in lieu of paper.

IT IS FURTHER ORDERED that the Clerk shall continue to comply with the remainder of the provisions set forth in rules and statutes governing the preservation and destruction of and access to court records.

IT IS FURTHER ORDERED that the Clerk shall employ procedures that ensure the availability of at least one other copy of the electronically transmitted document at all times, perform system backups at least daily, maintain multiple backups, at least one of which will be off-site, use recording media for storing electronic records that comply with ANSI/AIIM standards, and use non-reusable media for archiving court records electronically.

Dated this 16th day of August, 2007.

RUTH V. MCGREGOR
Chief Justice