

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
IMPLEMENTING AZTURBOCOURT)	Administrative Order
MANDATORY E-FILING OF)	<u>No. 2010 - 117</u>
CIVIL SUBSEQUENT DOCUMENTS)	(Replacing Administrative
IN THE SUPERIOR COURT)	Order No. 2010-58 and
IN MARICOPA COUNTY)	Affecting Administrative
)	Order No. 2009-74)

In May 2010, this court entered Administrative Order No. 2010-58 implementing Phase II of AZTurboCourt as a pilot in the Superior Court in Maricopa County (Court), enabling users to electronically file (e-file) certain court documents through AZTurboCourt. The pilot has proven to be operationally feasible, and it is time to move to the next phase of the project. Effective February 1, 2011, following the phased implementation schedule included in this Order, all attorneys are required to e-file post-initiation civil case documents through AZTurboCourt when filing into the Superior Court in Maricopa County.

Between now and February 1, 2011, attorneys and self-represented litigants may e-file post-initiation civil case documents in the Superior Court in Maricopa County through AZTurboCourt.

A User Fee, referred to as an Application Fee in AZTurboCourt, shall be assessed to support the electronic filing and document access services offered by AZTurboCourt.

All documents in the electronic document management system (EDMS) of the Clerk of the Superior Court in Maricopa County (Clerk) that are not e-filed through AZTurboCourt remain subject to the provisions of Administrative Order Nos. 2007-77 and 2006-96, as well as the provisions of Arizona Code of Judicial Administration §§ 1-504 and 1-506.

This Administrative Order adopts procedures for e-filing certain post-initiation civil case documents in the Superior Court in Maricopa County and suspends Arizona Rules of Court inconsistent with the e-filing procedures adopted by this Order. This Order also incorporates the User Fee Schedule previously issued under Administrative Order No. 2010-58, which is set forth again in Appendix A.

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

IT IS ORDERED that the specific fees applicable to e-filing in the Superior Court in Maricopa County are set forth in the User Fee Schedule attached as Appendix A and are adopted.

The User Fee shall be nonrefundable. Filings submitted on behalf of a city, county, or the state shall be exempt from the User Fee whenever, by rule or law, a filing fee cannot be charged to the city, county, or the state for filing the accompanying document.

IT IS FURTHER ORDERED as follows:

1) *Applicability.*

The requirements of this Order shall apply exclusively to post-initiation civil case documents filed into the Superior Court in Maricopa County by attorneys filing on behalf of a client.

2) *Effective Dates and Phase-in Schedule, Compliance, Waivers, and Training.*

a. Commencing February 1, 2011, the following attorneys shall e-file all documents through AZTurboCourt in a civil case, post-initiation:

- Attorneys employed by governmental entities, courts, and non-profit organizations.
- Attorneys employed by a law firm, partnership, or similar business entity whose firm name begins with the letters A – E.

b. Commencing March 1, 2011, the following attorneys shall e-file all documents through AZTurboCourt in a civil case, post-initiation:

- Attorneys employed as corporate counsel or as an employee of another form of outside business entity.
- Attorneys employed by a law firm, partnership, or similar business entity whose firm name begins with the letters F – K.

c. Commencing April 1, 2011, the following attorneys shall e-file all documents through AZTurboCourt in a civil case, post-initiation:

- Attorneys employed by a law firm, partnership, or similar business entity whose firm name begins with the letters L – R.

d. Commencing May 1, 2011, the following attorneys shall e-file all documents through AZTurboCourt in a civil case, post-initiation:

- Attorneys employed by a law firm, partnership, or similar business entity whose firm name begins with S – Z.
- Attorneys practicing as solo practitioners and all other attorneys not listed in items a. – c. of this section.

e. The Court may impose sanctions against counsel or the parties to ensure compliance with this requirement after May 1, 2011.

f. The Court may grant a party a waiver from compliance with the requirement to e-file through AZTurboCourt for good cause shown, thereby allowing the party's attorney to file documents on paper.

3) *Case Types and Other Documents Excluded.*

E-filing of the following documents and case types shall not be permitted:

- Case initiation documents, including a civil complaint or petition or any other document that may initiate a new case with the Court as well as any accompanying documents for issuance or service.
- Any document that requires issuance by the Clerk.
- Default judgment packets.
- Injunctions against harassment and injunctions against workplace harassment.
- Documents filed under seal or a motion to file documents under seal.
- An application for waiver or deferral of a filing fee, User Fee, or any other fee or cost.
- Garnishment and other execution documents.
- 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, lower court appeals, and the Gila River General Stream Adjudication case

4) *Fees and Costs.*

- a. All applicable filing fees, local Court fees, and User Fees shall be paid through AZTurboCourt at the time of filing.
- b. The User Fee shall be nonrefundable.

5) *Official Record.*

- a. All electronically filed documents shall be considered original documents of record in and for the Superior Court in Maricopa County.
- b. 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 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 herein.

6) *Signature Standards.*

- a. Signature of Filer. Any court rule requiring that a document be signed by the filer is satisfied by inserting "/s/" and the signatory's typed or printed name.
- b. Signature of Judicial Officer. A judicial officer may sign a document utilizing a facsimile signature or "/s/" and then inserting the judge's typed or printed name.

- c. **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.

7) *Date and Time of Electronic Filing.*

An electronically filed document shall be deemed filed on the date and time it is received by the electronic filing system, unless payment is not made and/or the Court later rejects the document for filing.

8) *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.

9) *Format of Documents.*

All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17, Superior Court of Maricopa County Local Rules, and 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. The provisions of Rule 124(f), Rules of the Supreme Court, regarding paragraph numbering are suspended as to documents submitted through AZTurboCourt.

IT IS FURTHER ORDERED that the procedural requirements described in the attached Appendix B shall be applicable to all documents e-filed using AZTurboCourt in the Superior Court in Maricopa County, any document that meets these requirements shall be accepted for processing, and any court rule in conflict with these provisions is suspended in regard to such filings. The Administrative Director, in consultation with the Clerk of the Superior Court in Maricopa County, may make modifications to these procedures not inconsistent with rules or orders of this court.

Dated this 17th day of November, 2010.

FOR THE COURT:

REBECCA WHITE BERCH
Chief Justice

APPENDIX A

AZTurboCourt In the Superior Court in Maricopa County User Fee Schedule

Definitions:

Electronic Case Information Form: A form provided through AZTurboCourt that collects information related to the case. The information is then transmitted with the e-filed document.

Attached Document: A document prepared separate from and without the assistance of AZTurboCourt and which is attached to the electronic case information form.

General Civil Action

- \$ 6.00 to e-file an attached document with a completed electronic case information form
- \$ 2.00 to e-file a stand-alone proposed order for signature

APPENDIX B
Procedures for e-Filing
In the Superior Court in Maricopa County
AZTurboCourt Phase III

1.0 Definition of Terms

The following definitions shall apply:

Bookmark: An electronic connection or reference to another place in a document that, when selected, takes the user to the portion of the document to which the hyperlink refers.

Case Management System (CMS): The system in use by the Clerk and the Court to docket, calendar, assign, and track cases.

Clerk: Clerk of the Superior Court in Maricopa County.

Conventional Filing: A document submitted to the Clerk on paper.

Court: The Superior Court in Maricopa County.

Electronic Document Management System (EDMS): The electronic document storage and imaging system maintained by the Clerk of the Superior Court.

E-File: Electronic transmission of a document to the Court for the purposes of filing.

Electronic Document: A document filed with the Clerk's Office in electronic format.

Filing: Documents, either electronic or paper, submitted to the Clerk for filing.

Hyperlink: An electronic connection or reference in a document to a web page outside the document.

Portable Document Format (PDF): A file format that preserves all fonts, formatting, colors, and graphics of any source document, regardless of the application platform used.

Post-Initiation/Civil Subsequent Filing: A document, either electronic or paper, submitted to the Clerk for filing in a civil case after the initial filing.

2.0 General E-Filing Implementation

All civil subsequent filings properly e-filed through AZTurboCourt shall be accepted for processing by the Clerk.

2.1 Electronic Document Policy

All pleadings, motions, memoranda of law, orders, and other documents electronically filed in a matter shall be maintained in electronic format by the Clerk and will be maintained as the original and official record of the Court.

2.2 Official Record or Certified Copy

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 or certified copy of the original.

2.3 Format of E-Filed Documents

All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17, Superior Court of Maricopa County Local Rules, and Rule 10(d), Rules of Civil Procedure, and shall conform to such other formats 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. The provisions of Rule 124(f), Rules of the Supreme Court regarding paragraph numbering are suspended as to documents submitted through AZTurboCourt.

(a) Document Format and Size

Any document submitted through AZTurboCourt shall be in Portable Document Format (.pdf), except that a proposed order shall be submitted in Microsoft Word 2003 (.doc) or a prior version thereof. A document shall not be password protected and shall not exceed the size limitation of AZTurboCourt.

(b) Original Document

All electronically filed documents shall be considered the original document of record in and for the Superior Court in Maricopa County. 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 herein.

(c) Certified Mail, Return Receipt Card

When establishing proof of service by U. S. Postal Service certified mail, a filer shall, in lieu of filing the original signed return receipt card, scan and file both sides of the signed return receipt electronically, in addition to complying with all other requirements of rule or law.

(d) National Courier Service, Return Receipt

When establishing proof of service by a national courier service pursuant to rule or statute, the filer shall scan and file the documentation required by rule or statute electronically, in addition to complying with all other requirements of rule or law.

(e) Notary Requirement

A notary requirement shall be satisfied by scanning and filing electronically the document that contains the notary's original signature and seal.

(f) Hyperlinks and Bookmarks

A hyperlink or bookmark may be included in a document solely for the convenience of judicial officers, attorneys, and litigants. A bookmark may be used only to direct the reader to another page within the same document. Hyperlinks are not part of the official Court record and will not be preserved in electronically filed documents submitted through AZTurboCourt or stored on the Clerk's electronic document management system.

2.4 Registration and Electronic Signatures

All users of AZTurboCourt must register with the system.

(a) Signature of Filer

Any court rule requiring that a document be signed by the filer is satisfied by inserting "/s/" and the signatory's typed or printed name.

(b) Stipulations

A stipulation shall be satisfied by scanning and filing the document that contains all appropriate signatures.

(c) 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.

2.5 Transmission, Confirmation, and Acceptance

When a document is transmitted through AZTurboCourt, an acknowledgement of receipt of the document shall be immediately returned to the filing party via AZTurboCourt. The document shall then be reviewed by the Clerk and, if accepted, shall be deemed filed as of the date and time it was received by the electronic filing system. Once the Clerk completes the electronic filing review process, AZTurboCourt will send an acknowledgment receipt to the filer indicating the filing status and, if accepted, the official date and time of the filing. It shall be the responsibility of the filing party to resubmit any rejected document with appropriate corrections.

The Clerk shall electronically file-stamp each document accepted for filing with the time and date of filing, the name of the Clerk of Court and the deputy clerk accepting the filing, and the words "ELECTRONICALLY FILED." This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. A document filed through AZTurboCourt is not complete without the electronic file stamp. A document file-stamped in this manner shall have the same force and effect as a document filed in the conventional manner.

(a) Responsibility for Filing

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.

(b) Documents Not Permitted To Be Filed through AZTurboCourt

Notwithstanding the foregoing, the following documents and case types shall be filed conventionally, unless expressly required to be filed electronically by the Court:

- Case initiation documents, including a civil complaint or petition or any other document that may initiate a new case with the Court as well as any accompanying documents for issuance or service.
- Any document that requires issuance by the Clerk.
- Default judgment packets.
- Injunctions against harassment and injunctions against workplace harassment.
- Documents filed under seal or a motion to file documents under seal.
- An application for waiver or deferral of a filing fee, User Fee, or any other fee or cost.
- Garnishment and other execution documents.
- 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, lower court appeals, and the Gila River General Stream Adjudication case

Any plaintiff or petitioner shall file a complaint or petition and serve a summons on each defendant or respondent in the conventional manner. The Clerk shall issue the summons and any subpoenas in the conventional manner, and the original paper summons or subpoena must be returned for filing in the conventional manner when applicable.

Courtroom exhibits are governed by the Court's Exhibit policy (Maricopa Superior Court Administrative Order No. 2004-013) and shall be handled in the conventional manner. Courtroom exhibits shall not be filed with the Court through AZTurboCourt.

(c) Payment of Filing Fees

All applicable filing fees, local Court fees, and User Fees shall be paid through AZTurboCourt. A filing will not be processed through AZTurboCourt without payment of all fees.

The User Fees are set forth in the User Fee Schedule established by the Arizona Supreme Court in its Administrative Order Implementing AZTurboCourt Phase III, Mandatory E-Filing of Civil Subsequent Documents in the Superior Court in Maricopa County.

The User Fee shall be nonrefundable.

(d) Electronic Service To Other Parties

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 conventionally.

(e) Courtesy Copy for Court

Notwithstanding any other rules of court, a filer who submits any document through AZTurboCourt shall not submit a courtesy paper copy of the document to the Court.

(f) Public Access

The Clerk shall make electronically filed and scanned documents available to case participants, the Court, and the public pursuant to Rule 123, Rules of the Supreme Court of Arizona. The public may access electronically filed and scanned documents of public record through Public Access Terminals located in the Superior Court Clerk's Office. For the purpose of retrieving electronically maintained documents, access by the public shall be to the Clerk's electronic document management system where official electronic documents are maintained. The Clerk shall make available paper copies of any publicly filed electronic or scanned documents at the same rate charged for copies of paper documents.

AZTurboCourt filers shall have access to electronically filed and scanned documents in their own case through the AZTurboCourt application once a filing has been accepted into that case.

(g) Proposed Forms of Order

Proposed forms of order or judgment shall be filed through AZTurboCourt.

(h) Court Orders and Judgments

The Court may issue and file and serve notices, orders, and other documents to an attorney electronically in any case in which the attorney has entered an appearance and in which a document has been filed through AZTurboCourt.

(i) Interruption in Service

The Court and Clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

If a filer fails to meet a filing deadline imposed by rule or law because of a failure in the transmission of a document, and the matter cannot be resolved to the satisfaction of the filer and the Clerk, the filer may file the document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. If appropriate, 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.