

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHING A PILOT PROGRAM) Administrative Order
AND POLICIES FOR E-FILING IN) No. 2023 - 163
JUSTICE COURTS)
)
)
_____)

The Arizona Supreme Court has expanded electronic filing (“e-filing”) services to support e-filing in justice court civil cases, small claims cases, and eviction action cases in Arizona’s justice courts using an approved e-filing service provider (EFSP). It is necessary to establish a process for implementation as well as policies and requirements for e-filing in these additional case types.

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

IT IS ORDERED that e-filing in justice court civil cases, small claims cases, and eviction action cases shall commence by way of a pilot program in a limited number of courts as determined by the Administrative Director of the Administrative Office of the Courts (“Administrative Director”). The pilot program shall be followed by statewide implementation on a schedule and in a manner determined by the Administrative Director.

IT IS FURTHER ORDERED adopting the following definitions, fees, procedures, and requirements for e-filing documents in justice court civil cases, small claims cases, and eviction action cases in all justice courts, through any approved EFSP. Provisions of this order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules. Self-represented litigants may, but are not required to, file documents through an EFSP. A self-represented litigant who chooses to e-file documents through an EFSP shall pay all applicable fees and follow the requirements set forth in this order.

1. Definitions

- a. “Application Fee” means the fee assessed when a filer performs various functions using any EFSP.
- b. “Attached Document” means a document prepared outside of an EFSP and then filed with a court through an EFSP.
- c. “Clerk” means a justice court clerk.
- d. “Court” means an Arizona justice court.

- e. “Justice Court Civil Case” means a civil case filed in a justice court and processed under the Justice Court Rules of Civil Procedure.
- f. “Document” means any pleading, motion, exhibit (other than a courtroom exhibit), declaration, affidavit, memorandum, paper, order, notice, or any other filing submitted by a filer or by the court.
- g. “Electronic Document Management System” or “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.
- h. “Electronic Filing Service Provider” or “EFSP” means a private or public entity authorized by the Administrative Director to provide e-filing services.
- i. “Judicial Officer” means any person within the court who is authorized to perform judicial functions in justice court civil cases, small claims cases, and eviction action cases.
- j. “Electronic Service” means the method of formally notifying opposing parties using a computerized web-based method such as email or an EFSP rather than by paper.
- k. “Eviction Action Case” means an action for forcible and/or special detainer filed in a justice court.
- l. “Filer” means the individual who electronically submits case documents and information to the court through an EFSP.
- m. “Small Claims Case” means a case filed in the small claims division of the justice court under A.R.S. Title 22, Chapter 5.
- n. “Subsequent Submission” means any filing into a case that has previously been initiated in the court, either electronically or in paper.
- o. “Statewide E-Filing Portal” means a system that facilitates the exchange of case information between an EFSP and a court’s case management system.

2. General Exclusions

E-filing is not permitted for:

- a. Any documents that require issuance by the court such as writs, including supporting documentation (e.g., application for writ of garnishment), summonses, and subpoenas that are not generated by the EFSP.
- b. Any document in a restricted or sealed case.
- c. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal.
- d. Petitions for an order to show cause.

- e. Requests for a judgment debtor's exam.
- f. Any document triggering an appeal (e.g., Notice of Appeal).
- g. Documents that are intended to be used specifically as hearing or trial exhibits.

3. Exclusions for Certain Case Types

E-filing is not permitted for any document used to initiate any of the following cases in a justice court:

- a. Abatement
- b. Animal Seizure
- c. Property Disposition, including weapons
- d. Impoundment Hearings
- e. Vicious Animal
- f. Livestock Liens
- g. Replevins
- h. Eviction action for material or irreparable breach.

4. Application Fee and Filing Fees

- a. An application fee shall be assessed to support the e-filing and document access services offered by an EFSP as follows:
 - \$6.50 to initiate a case
 - \$6.50 to e-file an attached document
 - \$3.80 if the filer elects to use optional electronic service
- b. The application fee shall not be assessed to e-file a document submitted on behalf of a public entity or official identified in A.R.S. § 12-304.
- c. All filing fees, local court fees, and application fees shall be paid through the EFSP at the time of filing.
- d. The application fee shall be non-refundable.
- e. A judicial officer shall not waive or suspend the application fee.
- f. No application fee shall be charged to a filer for whom a fee waiver or deferral has been granted.
- g. The court shall not prohibit e-filing of documents by a filer for whom a waiver or deferral has been granted.

5. Official Record

- a. An electronic document that resides within the court'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 court's EDMS that shows the seal of the court 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 sections 5(a) and (b) above.
 - d. All documents in the EDMS of the court that are not e-filed through services provided by an authorized EFSP remain subject to §§ 1-504 and 1-506 of the Arizona Code of Judicial Administration.
6. Signature Standards
- a. *Document Displaying Symbol “/s/.”* Any document displaying the symbol “/s/” with the printed name of the filer 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 and 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 Litigant.* Documents filed through an EFSP 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 109 of the Justice Court Rules of Civil Procedure.
7. Date and Time of Electronic Filing. The submission shall be deemed filed on the date and time it is received by the EFSP. If the court determines that the electronically submitted document is deficient pursuant to local rule or order, the court may reject the submission and shall provide the filer an explanation of the reason for the rejection.
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 e-filed documents shall be formatted in accordance with the applicable rules governing formatting of paper documents and shall conform to such other format requirements as the supreme court may require.
10. 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 and cannot be

password protected. A proposed order or judgment shall be modifiable by a judicial officer. Documents shall not exceed the size limitation permitted by the Arizona Supreme Court.

11. Certified Mail, Return Receipt Card. When establishing proof of service by U.S. Postal Service certified by mail, the filer may scan and file both sides of the signed return receipt card.
12. 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.
13. Notarization Requirement. A notarized document, or scanned copy of a notarized document, may be filed electronically if it contains the notarial officer's signature, a certificate as required by A.R.S. § 41-264, and a stamp or seal if applicable.
14. Responsibility for Filing and Service. A person who e-files a document 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.
15. Distribution of Notices, Orders, and Other Documents by the Court. The court may electronically distribute notices, orders, and other documents to a party or attorney if the party or attorney has e-filed documents into the case. The electronic delivery of documents by the court is complete upon transmission.
16. 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.
17. 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 or EFSP'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 shall not be liable for malfunction or errors occurring in electronic transmission or receipt of e-filed documents.
18. Additional e-Filing Policies. The presiding judge 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 <http://www.azcourts.gov/efilinginformation> and on the court's website.

19. *Destruction of Paper Records*. All documents in the court's EDMS are subject to § 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 by the court, and any court rule in conflict with these provisions is superseded with regard to such filings.

Dated this 5th day of October, 2023.

ROBERT BRUTINEL
Chief Justice