

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

In the Matter of:

IMPLEMENTATION SCHEDULE AND
PROCEDURES FOR USE OF CASE
CENTER IN CIVIL DEPARTMENT
MATTERS

ADMINISTRATIVE ORDER
No. 2024-080

WHEREAS Arizona Supreme Court Administrative Order 2021-142 has authorized the utilization of a statewide web-based digital evidence portal for the submission and management of evidence, and

WHEREAS the Arizona Supreme Court has identified Case Center as the Court's statewide web-based digital evidence portal,

IT IS ORDERED that the Civil Department in the Superior Court in Maricopa County shall use Case Center for the submission and management of evidence in evidentiary hearings (including trials) as set forth in **Exhibit A**. The Civil Department Administrator shall post Exhibit A (and any updates thereto) on the Civil Department page of the Superior Court website.

IT IS FURTHER ORDERED adopting the Procedures for Use of Case Center in Civil Department Matters set forth in **Exhibit B**. The Civil Department Administrator shall post Exhibit B (and any updates thereto) on the Civil Department page of the Superior Court website.

Dated this 22nd day of July, 2024.

/s/ Danielle J. Viola

Hon. Danielle J. Viola

Civil Department Presiding Judge

Original: Clerk of the Superior Court
Copies: Hon. Joseph Welty, Presiding Judge
All Civil Department Judges
All Civil Department Commissioners
Raymond Billotte, Judicial Branch Administrator
Cheri Clark, Deputy Court Administrator
Luke Emerson, Civil Department Administrator

EXHIBIT A:

CIVIL DEPARTMENT CASE CENTER IMPLEMENTATION SCHEDULE

December 2021	Civil Department began pilot testing use of Case Center in 4 divisions.
08/01/2024	Any order or minute entry issued <u>after</u> 08/01/2024 setting a future evidentiary hearing/trial date with a Civil Department <u>Judge</u> (but not a Commissioner or the Lower Court Appeals Judge) shall reflect that Case Center will be used for the submission and management of evidence for the evidentiary hearing/trial. Additionally, any order or minute entry setting an evidentiary hearing/trial involving a challenge to a statewide initiative petition shall reflect that Case Center will be used for the submission and management of evidence for any evidentiary hearing/trial to be held following the entry of AO No. 2024-080.
01/01/2025	All evidentiary hearings/trials held with a Civil Department <u>Judge</u> (but not a Commissioner or the Lower Court Appeals Judge) on or after 01/01/2025 shall use Case Center for the submission and management of evidence as set forth herein. To the extent that an order or minute entry has issued providing a different means for submitting evidence, the division must issue a supplemental minute entry informing the parties of the need to use Case Center.

Notwithstanding the implementation schedule above, a Civil Department judicial officer may, at their discretion, direct the use of Case Center for evidentiary hearings/trials in any evidentiary hearing prior to the above referenced dates.

EXHIBIT B

PROCEDURES FOR USE OF CASE CENTER IN CIVIL DEPARTMENT MATTERS

1. Definitions

- a. **"Bundle"** means, in Case Center, a collection of evidence for a hearing. A bundle is broken into sections for each of the parties. Each party can view the documents in their section, and attorneys can grant others access to their section. All parties' documents can be viewed in the "Shared Bundle." As exhibits are offered during a hearing: if admitted, they are added to the "Admitted" bundle; if not admitted, they are added to the "Offered" bundle.
- b. **"Confidential"** means any information that is not open to the public pursuant to law and Arizona Supreme Court Rule 123.
- c. **"Digital Evidence"** means any exhibit (e.g., document, photo, audio file, video file) that is submitted through Case Center for consideration in an evidentiary hearing/trial.
- d. **"Digital Evidence Portal"** means the web-based application and cloud storage service authorized by the AOC that provides for the submission of digital evidence to a court, storage of digital evidence after submission to a court, and access to digital evidence by a court and litigants. As of the date of these procedures, Case Center is the AOC-authorized digital evidence portal.
- e. **"Evidentiary Hearing"** means a hearing at which the court receives evidence through the questioning and cross-examination of witnesses and the presentation of exhibits. Trials are evidentiary hearings.
- f. **"Offeror"** means an individual who submits any digital evidence to a court through Case Center.
- g. **"Physical Exhibits"** means exhibits that cannot be converted to digital evidence, or paper exhibits submitted with permission of the court.
- h. **"Prohibited Digital Evidence"** means the following exhibits: (1) exhibits containing alleged visual depiction of a minor engaged in exploitive exhibition or other sexual conduct as described in Chapter 35.1, Title 13, Arizona Revised Statutes; (2) any exhibits containing a virus, malicious code, or corrupted data; and (3) any digital evidence prohibited by order of an individual judicial officer.

2. Procedures

- a. **Email Addresses; Hearing Invitations.** Parties and their representatives are required to provide the court with up-to-date email addresses. The

courtroom clerk emails case specific Case Center invitations using the email addresses on file with the Clerk of the Court. When a party is represented, the Case Center invitation will be sent **only** to the attorney. A self-represented litigant's Case Center invitation will be sent to the litigant's email address. If a self-represented litigant hires an attorney, after filing a notice of appearance the attorney should contact the Clerk of Court to request a Case Center invitation. If a self-represented litigant uses a third-party service to assist with uploading exhibits (e.g., legal document preparer), the self-represented litigant should email the Clerk of Court to request that the Case Center invitation be sent to the third party. **For assistance with Case Center invitations only**, email the Clerk of Court at COCExhibitQuestions@maricopa.gov. The email subject line should include the case number. The body of the email should include the parties' names, the assigned judge's name, and explain that the sender is requesting help with a Case Center invitation.

For attorneys: Many law firms provide a centralized email address to receive email from the Clerk of Court (e.g., minute entries, electronically distributed filings, etc.). The Case Center invitation will be sent to the law firm's centralized email address, not the individual attorney(s) email addresses. As a best practice, law firms should register the centralized email address with Case Center, and then from that centralized account "invite" the appropriate individual users (e.g., attorneys, paralegals, clients) to grant them access to the case. Prior to withdrawing from a case, an attorney should "invite" successor for counsel so that they have access to the Case Center. If an attorney joins a case after the courtroom clerk sends the Case Center invitations, the attorney should contact the Clerk of Court to request a Case Center invitation.

- b. **Registration; Training; Customer Support.** Litigants and their representatives should access the Digital Evidence Portal at digitalevidence.azcourts.gov to register for Case Center. The Digital Evidence Portal also has access to training resources prepared by the Administrative Office of the Courts (including videos, How-To References, and Quick References). Additional training materials are available on the Thomson Reuters Case Center Home Page at <https://answers.legalprof.thomsonreuters.com/casecenter-us/search>. **For technical issues with Case Center**, parties may contact AOC Support Services Monday – Friday from 7:00 AM – 6:00 PM, excluding State holidays, at (602) 452-3519, 1-800-720-7743 (toll free), or pasupport@courts.az.gov.
- c. **Clerk of Court.** The Clerk of Court shall manage all exhibits, including digital evidence submitted through Case Center, throughout the lifecycle of a case. The courtroom clerk's responsibilities include but are not limited to the following: (a) opening a case in Case Center and sending an email invitation to attorneys; and/or parties (b) receiving and marking physical exhibits from self-represented litigants who opt out of Case Center or from any party who

provides a physical exhibit that cannot be converted to digital evidence; (c) updating access permissions to prevent adding, modifying, or deleting submitted digital evidence at the start of the proceeding; (d) providing the parties and judicial officer a printed copy of the index of exhibits at the beginning of the proceeding; (e) maintaining the record of offered and admitted exhibits throughout the case; and (f) transmitting designated exhibits on appeal. The Clerk of Court will open a case in Case Center and send an email invitation at the conclusion of any Final Trial Management Conference or when an evidentiary hearing/trial is set via minute entry or order when no related Final Trial Management Conference is set. To contact the Clerk of Court for assistance with Case Center invitations, email COCExhibitQuestions@maricopa.gov.

- d. **Required Use of Case Center.** Attorneys **must** use Case Center to submit exhibits for an evidentiary hearing. Self-represented litigants must use Case Center to submit all exhibits for an evidentiary hearing **unless** they opt out of using Case Center following the procedure outlined below.

To opt out of Case Center: A self-represented litigant may opt out of Case Center no less than 10 calendar days before the trial/evidentiary hearing (or within 24 hours of being served with notice if the party is served less than 10 days before the evidentiary hearing). The self-represented litigant must email the opposing party and the assigned judicial division to notify the court that they are opting out and to request instructions for submitting exhibits. Unless instructed otherwise by division staff, self-represented litigants who are submitting paper exhibits must follow the instructions for “Physical Exhibits” below. The self-represented litigant must comply with the Exhibit Submission Deadline.

- e. **Uploading Digital Evidence.** All exhibits that are in digital format or that can be converted to digital format must be uploaded into Case Center (except for Prohibited Digital Evidence). Physical exhibits must be submitted following the instructions in the “Physical Exhibits” section below. Case Center accepts almost all digital formats (including photographs, PDFs, Word files, Excel files, audio files, and video files). To review a complete list, refer to the document titled “Accepted File Formats” at <https://www.azcourts.gov/digitalevidence/Training/Attorney-and-Self-Represented-Litigants>. An offeror may **not** submit as digital evidence a hyperlink to a third-party digital evidence storage repository or portal. The Law Library Resource Center at each region has installed scanners and computers with instructions for litigants to scan and upload their exhibits.
- f. **Exhibit Numbers.** Case Center assigns each individual exhibit a unique exhibit number. Offerors must ensure that the Case Center exhibit numbers match the exhibit numbers used on any exhibit list, pretrial statement, or filed briefing. Offerors must use the Case Center exhibit number when referring to the exhibit during an evidentiary hearing (e.g., “Petitioner’s Exhibit 1,”

“Plaintiff’s Exhibit 1,” or “Exhibit A1”). Offerors have the option of reordering exhibits in Case Center after uploading, but the order of exhibit in Case Center should not be changed after the Exhibit Submission Deadline. If the court allows a party to submit exhibits after the Exhibit Submission Deadline, they should be added after the last-uploaded exhibit.

- g. **Exhibit Submission Deadline.** *Unless indicated otherwise in any hearing-specific court minute entry or order*, an offeror shall submit all evidence (including digital evidence through Case Center and physical exhibits hand-delivered to the division) no later than 5 business days before the evidentiary hearing date.
- h. **Exchanging Exhibits with Other Parties.** Parties to a case are required to exchange exhibits with all other parties before the evidentiary hearing/trial. Parties using Case Center are still obligated to exchange exhibits unless the parties agree otherwise in writing or the court orders otherwise.
- i. **Physical Exhibits.** Attorneys who submit physical exhibits must create a placeholder in case Center and include “Physical Exhibit” in the name of the exhibit prior to submitting the physical exhibit(s) to the judge’s division. (The courtroom clerk will complete this step for self-represented litigants who opt out of Case Center.)

The offeror must hand-deliver any physical exhibits to the judge’s division no later than 5 business days before the evidentiary hearing for marking by the courtroom clerk. The collection of physical exhibits must have a Physical Exhibit Case Coversheet that includes the following: (1) the name of the party submitting the exhibit(s); (2) the case number; (3) the date of hearing; and (4) the exhibit number(s) and description(s). In addition, each individual exhibit must have an Exhibit Coversheet printed on color paper indicating the physical exhibit’s exhibit number in Case Center. If any individual exhibit is a document that is longer than ten (10) pages, each page of the exhibit should be numbered. Division staff will provide the exhibits to the courtroom clerk for marking. The courtroom clerk will mark physical exhibit(s) with the same exhibit number used in Case Center.

- j. **Corrupted Exhibits.** Case Center scans all digital evidence for the presence of viruses or malicious code. The court and Clerk of Court reserve the right to prevent the submission of, or to delete, any digital evidence that Case Center, the Clerk of Court, or the Court’s anti-virus software has determined to include a virus, malicious code, or otherwise corrupted data. The offeror must verify that all exhibits successfully upload. If any digital evidence is deleted or fails to upload because it is determined it may include a virus, malicious code, or corrupted data, the Clerk of Court shall notify the offeror and provide the offeror an option to reupload a clean version.
- k. **Case Center Malfunction.** In the event of a malfunction or error occurring in

Case Center that prevents the offeror from meeting the Exhibit Submission deadline, the offeror must *immediately* email notice to the judicial officer's division and the opposing party. With court permission, the offeror may upload digital evidence after the Exhibit Submission deadline or submit the exhibits as physical exhibits.

- l. **Chain of Custody.** The custodian of digital evidence is the same person as the custodian of any other type of evidence received by the court pursuant to statute or rule. To ensure a chain of custody, the clerk of court shall secure all submitted digital evidence in conformance with policies and protocols that are applicable to physical evidence. At the time a court proceeding begins, the clerk of court shall update the bundle sections to prevent further editing (e.g., remove the "upload" and "delete" permissions for the bundle sections).
- m. **Record Retention.** All digital evidence submitted through Case Center is subject to the provisions of record retention orders, rules, and statutes pertaining to exhibits. Notwithstanding Arizona Code of Judicial Administration §§ 3-402 and 4-302, the Clerk of Court records manager shall remove and dispose of digital evidence, without notice, at the end of applicable records retention periods upon notice. Digital evidence will not be returned to the offeror.
- n. **Confidential/Restricted Exhibits.** Offerors are responsible for identifying any digital evidence submitted through Case Center that may need to be treated as "Confidential" by indicating the security of the exhibit as "Restricted" upon submission. Orders to restrict/un-restrict exhibits will be reflected in the hearing minute entry. The clerk of court is not responsible for reviewing digital evidence to determine whether it contains content that is considered to be confidential. However, the clerk of court has discretion to change the security of the exhibit consistent with Supreme Court Rule 123. "Confidential" or "Restricted" exhibits are identified in Case Center with a black lock icon next to the exhibit number.
- o. **Sealed Exhibits.** Rule 5.4 of the Arizona Rules of Civil Procedure sets forth the process by which a person may request that the court seal or allow the filing of a redacted court record in a case. The court may, on its own motion, seal a record in a case. The courtroom clerk will only seal an exhibit after being directed to do so by a judicial officer. Orders to seal and unseal exhibits will be reflected in the hearing/trial minute entry. A "Sealed" exhibit is identified in Case Center with a red shield icon next to the exhibit number. The content of a sealed exhibit will not be visible to the offeror, other parties, or their respective representatives.
- p. **Presentation of Evidence During Proceedings.** *Unless indicated otherwise in any hearing-specific court minute entry or order*, offerors may, but are not required to, use Case Center to present evidence during a hearing. Options for presentation of evidence include but are not limited to the following: (1)

use of paper copies of the exhibits that have been uploaded to Case Center; (2) use of evidence presentation software and/or PDF viewers to display PDFs of exhibits that have been uploaded to Case Center; (3) screen sharing of Case Center through Court Connect (Teams); and (4) use of Case Center “Presentation” mode to share exhibits. Parties are strongly encouraged to download PDFs of their Case Center exhibits and/or have paper copies available in the event there are technological difficulties in the courtroom.

The equipment configurations vary across the Civil Department courtrooms. Public Wi-Fi is available. The current Wi-Fi configuration requires any user to log in every 90 minutes. An offeror without access to a Wi-Fi enabled device (e.g., laptop or tablet) for displaying Case Center exhibits may request access to a Court-provided device for use during the evidentiary hearing/trial. All requests for access to a Court-provided device must be submitted to the assigned division via email 5 calendar days in advance of any evidentiary hearing/trial.

Judicial officers may include in their orders to appear and minute entries specific instructions regarding how they prefer that the presentation of evidence be handled given the unique equipment configurations in their courtrooms.

- q. **Remote Witnesses.** Any party who calls a witness who is appearing remotely (*i.e.*, by telephone or videoconference) should either (1) provide the witness with a copy of all exhibits or (2) ensure that the remote witness has an electronic device available that allows them to view exhibits displayed on a screen through either Case Center or Teams.
- r. **Jury Trials.** At the conclusion of a jury trial, the Court will provide the jury with a device to view all Case Center exhibits. Any physical exhibits admitted during trial will be provided to the jury along with the Case Center exhibits.