

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
IMPLEMENTING MANDATORY	)	Administrative Order
E-FILING IN THE ARIZONA SUPREME	)	<u>No. 2011 - 142</u>
COURT AND COURT OF APPEALS,	)	(Replacing Administrative
DIVISION ONE	)	Order No. 2010-107)
	)	

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In October 2010, this Court entered Administrative Order No. 2010-107 implementing AZTurboCourt as a pilot in the Arizona Supreme Court and the Court of Appeals, Division One, allowing users to electronically file (e-file) court documents. The pilot has been a success and it is now time to move to the next phase of the project. Therefore, following the implementation schedule set forth below, as of March 1, 2012, all attorneys are required to e-file documents through AZTurboCourt when filing into the Arizona Supreme Court and the Court of Appeals, Division One.

This Administrative Order sets forth the procedures for e-filing in the Arizona Supreme Court and the Court of Appeals, Division One. It replaces Administrative Order No. 2010-107 and supersedes any provisions of the Arizona rules of court or Code of Judicial Administration that are inconsistent with this Order.

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

IT IS ORDERED that the following definitions, fees, and procedures for e-filing in the Arizona Supreme Court and the Court of Appeals, Division One are adopted. Provisions of this Order that are inconsistent with Arizona rules of court shall supersede the procedural requirements of the rules.

1.) Definitions

- a. "Application Fee" means the fee assessed when a filer performs various functions using AZTurboCourt.
- b. "AZTurboCourt" means the supreme court-approved, Internet-based system for filing of documents in the trial and appellate courts of Arizona.
- c. "Attached Document" means a document prepared outside of AZTurboCourt and then filed in AZTurboCourt.
- d. "Clerk" means the Clerk of the Arizona Supreme Court and the Clerk of the Court of Appeals, Division One.

- e. “Court” means the Arizona Supreme Court and the Court of Appeals, Division One.
- f. “Document” means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the Court.
- g. “Electronic Document Management System” (“EDMS”) means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management and retrieval of documents through their life cycle.

2.) Implementation Schedule

- a. Commencing February 1, 2012, any attorney employed by and representing an entity that is exempt from paying a filing fee under the provisions of A.R.S. § 12-304, is required to e-file all documents through AZTurboCourt.
- b. Commencing April 2, 2012, all attorneys are required to e-file all documents through AZTurboCourt, except as set forth in section 3 below.

3.) Applicability and Exceptions to Mandatory E-Filing

- a. This Order applies to all documents in all case types filed in the Arizona Supreme Court and the Court of Appeals, Division One except the following documents that shall be filed on paper until the capability exists to accept these documents through AZTurboCourt:
  - i. Documents filed in a rule petition proceeding pursuant to Rule 28, Rules of the Supreme Court of Arizona, including petitions and comments.
  - ii. Documents, any portion of a document, and exhibits filed under seal or in a sealed case.
  - iii. Documents filed in a proceeding requesting to terminate a juvenile’s pregnancy pursuant to A.R.S. § 36-2152.
  - iv. An application or supplemental application for waiver or deferral of a filing fee, application fee, or any other fee or cost and all documents accompanying the application or supplemental application.
- b. Self-represented litigants may, but are not required to, file documents through AZTurboCourt. A self-represented litigant who chooses to file documents using AZTurboCourt shall pay all applicable fees and follow the requirements set forth in this Order.

- c. Filings on behalf of a litigant whom the Court has determined eligible for a deferral or waiver of court fees and costs pursuant to the requirements of A.R.S. § 12-302, are exempt from mandatory e-filing but may be e-filed if the filer chooses to pay the application fee set forth in section 4 below. A copy of the order granting the deferral or waiver of court fees and costs must be provided to the Clerk at the time of filing the paper documents if a fee is required.
  - d. Any attorney, when working as an employee of an approved legal services organization and representing litigants who are unable to pay the application fee for filing a document in a civil case using AZTurboCourt, is exempt from mandatory e-filing but may e-file using AZTurboCourt if the attorney chooses to pay the application fee set forth in section 4 below. The Administrative Office of the Courts (AOC) shall provide the Chief Justice or Presiding Judge of the Court and the Clerk a list of legal services organizations that have been approved pursuant to the provisions of Rule 38, Rules of the Supreme Court and shall provide an updated list as organizations are added or removed from the list.
  - e. Documents not excepted from e-filing as set forth in this section must be filed through AZTurboCourt unless an exception is granted by the Court for good cause shown.
- 4.) Application Fee and Filing Fees. An application fee of \$6.00 to e-file an attached document shall be assessed to support the electronic filing and document access services offered by AZTurboCourt.
- a. 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.
  - b. All filing fees and application fees shall be paid through AZTurboCourt at the time of filing.
  - c. The application fee shall be nonrefundable.

5.) General Policy

- a. Signatures.
  - i. 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 file in AZTurboCourt. Any document displaying the symbol "/s/" with the attorney's printed name shall be deemed signed by that attorney for purposes of the rules and statutes governing practice and procedure in the courts of this state.
  - ii. Signature of Self-Represented Litigant. Documents filed in AZTurboCourt 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.

- iii. 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 agree with the contents of the document. The parties' actual participation in any filing is subject to judicial determination.
- b. Document Format. All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 6(c), Arizona Rules of Civil Appellate Procedure, and Rule 31.12, Rules of Criminal Procedure, and shall conform to such other format requirements as the court may from time to time require.
    - i. Technical Format and Size. All text-based documents shall be in .pdf, .odt, or .docx format. Documents shall not exceed the size limitation permitted by AZTurboCourt.
    - ii. Notary Requirement. A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.
    - iii. Required Documents and Attachments to Pleadings. 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 within the same submission.
  - c. Hyperlinks and Bookmarks.
    - i. A filer may include a hyperlink only to static textual information or documents.
    - ii. Materials accessed via hyperlinks are not part of the official court record.
    - iii. A filer may include a bookmark to another page within the same document.
    - iv. When multiple exhibits or attachments are contained in a document, the document shall contain a bookmarked index or table of contents to these exhibits or attachments.
  - d. Date and Effect of Electronic Filing.
    - i. 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 and/or the Court later rejects the document for filing.

- ii. The electronic delivery of documents by the court through AZTurboCourt is complete upon transmission.
  - e. Responsibility for Filing and Service. 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 has been properly served. It remains the responsibility of the filing party to serve other parties with the document as would be done when filing on paper.
  - f. Official Record.
    - i. An electronic document that resides within the Clerk's or Court's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
    - ii. An electronic transmission or print-out from the Clerk's or Court's EDMS that shows the Clerk's or Court's file stamp or seal attesting to the document's authenticity shall be considered an official record or certified copy of the original, respectively.
    - iii. 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 5(f)(i) above.
  - g. Current email address. All persons or firms filing documents through AZTurboCourt shall keep their registration information current and shall provide their current email and physical address on all documents submitted to the court, whether electronic or paper.
- 6.) Binding of Paper Documents. Rules 4(a), 22, and 23, Arizona Rules of Civil Appellate Procedure, Rule 31.19, Arizona Rules of Criminal Procedure, and any other Arizona rules of court that refer to binding of documents are modified so that if a document is submitted on paper or other tangible form, it shall be bound and fastened in the top margin by a two-pronged fastener. No adhesive bindings or bindings using numerous holes shall be used.
- 7.) 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.

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

#### 8.) Juvenile Cases

- a. Rule 107 of the Rules of Procedure for the Juvenile Court, which refers to petitions for review in juvenile cases, is suspended for petitions for review and motions to extend time to file a petition for review filed through AZTurboCourt and is replaced by Rule 23, Arizona Rules of Civil Appellate Procedure, with the exception of Rule 107(H), which refers to mandates.
- b. Motions for reconsideration in juvenile cases are not permitted.

#### 9.) Administrative Policies.

- a. The Chief Justice or Presiding Judge of the Court and the Clerk, in consultation with the Administrative Director of the AOC, may create additional e-filing administrative policies for implementing this Order. Any such e-filing administrative policies shall be posted online at AZTurboCourt.gov and on the websites of the Clerk and the Court.
- b. The AOC shall:
  - i. Employ procedures that ensure the ability of at least one other copy of the electronically transmitted document at all times;
  - ii. Perform systems backups at least daily;
  - iii. Maintain multiple backups, at least one of which will be off-site, and use recording media for storing electronic records in a manner that will ensure their continuing integrity and availability;
  - iv. Ensure that any electronic case file records that must be maintained permanently are maintained in a place and manner that will reasonably assure their permanent preservation, as required by Rule 29(B), Rules of the Supreme Court;
  - v. Provide EDMS support for the Clerks.
- c. The restrictions on destruction of case records imposed by Rule 28.1(d), Arizona Rules of Criminal Procedure and Rules 29(B) and (E), Rules of the Supreme

Court are suspended for the paper version of case records stored in the Clerks' EDMS supported by the AOC, thus allowing the Clerks to dispose of paper records that are converted to electronic records.

Dated this 30th day of December, 2011.

FOR THE COURT:

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REBECCA WHITE BERCH  
Chief Justice