

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ENFORCEMENT OF MANDATORY	)	Administrative Order
E-FILING PREVIOUSLY ORDERED	)	<u>No. 2011 - 87</u>
BY THIS COURT IN THE SUPERIOR	)	(Affecting Administrative Order
COURT IN MARICOPA COUNTY	)	Nos. 2010-117 and 2011-10)
	)	

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On November 17, 2010, this Court entered Administrative Order No. 2010-117 requiring all attorneys to e-file post-initiation civil case documents through AZTurboCourt when filing into the Superior Court in Maricopa County. A phased implementation schedule for attorney compliance was included in that Order and allowed the Superior Court in Maricopa County to impose sanctions against counsel or parties to ensure compliance after May 1, 2011.

Additionally, on January 13, 2011, this Court entered Administrative Order No. 2011-10 exempting from mandatory e-filing, any attorney, employed by an approved legal service organization and representing a litigant who is unable to pay the user fee for filing documents in a civil case using AZTurboCourt.

This Court has determined further direction and clarification is needed to assure the requirements of its previous Administrative Orders are met. This Administrative Order directs the Clerk of the Superior Court in Maricopa County regarding the filing of paper documents not exempt from mandatory e-filing requirements and authorizes the presiding judge of the Superior Court in Maricopa County to establish a procedure for lawyers to request a good-cause exception to e-filing requirements.

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

IT IS ORDERED that effective September 1, 2011,

1. The Office of the Clerk of the Superior Court in Maricopa County shall not accept civil case documents from attorneys on paper unless the document qualifies for one of the following exceptions:
  - a. 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. Attorneys may electronically file a proof of service document upon completion of service.

- b. Any document that requires issuance by the Clerk. Attorneys may electronically file the issued document as well as any proof of service document upon completion of service.
  - c. Default judgment packets, except attorneys shall electronically file the documents that make up a default judgment, such as the Application for Entry of Default.
  - d. Petitions for injunctions against harassment and injunctions against workplace harassment. Attorneys may electronically file a subsequent document in an injunction against harassment and injunction against workplace harassment case.
  - e. Documents, any portion of a document, and exhibits filed under seal or a motion to file documents under seal.
  - f. An application or supplemental application for waiver or deferral of a filing fee, User Fee, or any other fee or cost.
  - g. Applications for garnishment and other execution documents. Attorneys may electronically file a proof of service document upon completion of service.
  - h. Documents filed in any of the following case types: criminal, family law, probate, juvenile, mental health and related case types, tax, special actions, transcript of judgment, lower court appeals, and the Gila River General Stream Adjudication case.
  - i. Any civil case assigned to a probate division.
2. Documents not excepted from e-filing must be filed through AZTurboCourt as previously ordered by this Court unless an exception is granted, as set forth in section 1 above, or for good cause shown, by a judicial officer of the Superior Court in Maricopa County designated by the presiding judge. A copy of the order granting the electronic filing exception must be provided to the clerk at the time of filing the paper documents with the Clerk of the Superior Court in Maricopa County.
  3. Any written motion requesting an exception from compliance with e-filing through AZTurboCourt may be filed on paper by the attorney requesting the exception using a form provided by the Clerk of Superior Court in Maricopa County. The provisions of Rule 5(j), Rules of Civil Procedure and Rule 3.2(i), Local Rules of Practice for the Superior Court in Maricopa County that require a proposed order be a separate document from a motion or other document shall not apply to these motions.
  4. Rules 5(a), (g) and 7.1, Rules of Civil Procedure that require a written motion be served upon all opposing parties and that such opposing parties be granted an

opportunity to file and serve a response to the motion shall not apply to motions filed requesting an exception to the mandatory e-filing requirements.

5. A judge or commissioner may initiate, permit, or consider ex parte communication with the attorney requesting an exception. Such communication between the attorney and the judicial officer shall be limited to the reasons why an exception is necessary, and shall not involve the substance of the impending matter. Such ex parte communication shall be considered an exception to the prohibition against ex parte communication pursuant to Rule 81, Rules of the Supreme Court, Canon 2, Rule 2.9 (A)(5).

IT IS FURTHER ORDERED that filings on behalf of a litigant who a judge 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 requirements. A copy of the order granting the electronic filing exception must be provided to the clerk at the time of filing the paper documents with the Clerk of the Superior Court in Maricopa County.

Dated this 11th day of August, 2011.

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REBECCA WHITE BERCH  
Chief Justice