

**E-Filing Policy Issue - # 15**  
(Charging Certain Types of Filers a Fee)

**Issue:** (State the issue and whether it is specific to a certain level of court or case type.)

Should certain types of filers, who are performing a service for the judicial system on a particular case at low or no pay and are generally reimbursed for their expenses, be charged a User Fee to e-file a document through AZTurboCourt? If the fee is waived, how should this policy be memorialized?

**Discussion:** (Provide the factual setting or context for the issue.)

Certain types of filers perform services for the judicial system, sometimes at low or no pay, including Court Appointed Special Advocates (CASA's), Arbitrators, Guardian Ad Litem's (GAL's), Special Masters, government-employed court reporters, and court appointed attorneys. Should these individuals be charged a User Fee when e-filing in a case to which they have been appointed? It is contemplated that if the user fee is charged in these situations, the filer may request reimbursement from the court. If this supposition is true, then we would be adding administrative work to the process (expenditure/reimbursement) which may not be necessary.

The federal judiciary does not charge an added fee to anyone (just the filing fee) for using their Case Management/Electronic Case Files (CM/ECF) system.

If the User Fee is waived for these filers, can this position be effectuated by an AZTurboCourt, Supreme Court Administrative Order?

**Authorities:** (Provide references to specific statutes, rules, codes or administrative orders you believe are pertinent to the issue.)

There does not appear to be any direct authority on this issue, however, by way of comparison:

Rule 123, Rules of the Supreme Court of Arizona allows similar groups to receive *remote electronic access* to case records free of charge to make it easier for the identified groups of persons to provide their services.

**Rules of the Supreme Court of Arizona**

**XII. Miscellaneous Provisions**

**Rule 123. Public Access to the Judicial Records of the State of Arizona**

**(g) Remote Electronic Access to Case Records.**

(1) A court may provide remote electronic access to case records as follows:

\* \* \* \* \*

(B) *Governmental Entities and Public Purpose Organizations.* Any federal, state, tribal, or local governmental entity or public purpose organization may be provided remote electronic access to any case records necessary to carry out a particular governmental or public purpose responsibility. The terms of such access shall be set forth in a memorandum of understanding between the entity or organization and the custodian that includes provisions for safeguarding the confidentiality of any closed records.

\* \* \* \* \*

(2) . . . Remote access provided pursuant to paragraph (g)(1)(B) shall not require registration or payment of any fees.

\* \* \* \* \*

**(b) Definitions.**

(15) *Public Purpose Organization.* "Public Purpose Organization" means a private organization that serves a public purpose, such as criminal justice, child welfare, licensing, mental health treatment, or that engages in research for scholarly, journalistic, or governmental purpose.

There are no added fees for filing documents over the Internet using the federal judiciary's Case Management/Electronic Case Files (CM/ECF) system. Therefore, the only fee assessed for e-filing in the federal system is the underlying court filing fee.

A.R.S. § 12-304. Exemption of state, county, city, town or political subdivision of a county from court fees

No court fees shall be charged:

1. The state, a county, a city, a town or a political subdivision of a county.
2. A commission, board or department of the state, a county, a city, a town or a political subdivision of a county.
3. An official of the state, county, city, town or political subdivision of a county, who is a party to an action in his official capacity.

Additionally, the current contract with Intresys provides:

INTRESYS will not be entitled to receive any payment associated with the following types of Transactions (collectively "No-Fee Transactions"):

- a. Criminal (including Criminal Traffic)
- b. Juvenile
- c. Mental Health
- d. Domestic Violence (Orders of Protection, Injunctions Against Harassment, and Injunctions Against Workplace Harassment)
- e. Civil Traffic (except for subsequent filings by non-indigent parties)
- f. Indigent party filings (the parties shall cooperate in identifying how fee deferrals and waivers will be handled)
- g. Any other type of filing submitted by a government entity as required by law.

**Alternative Solutions:** (List all identified alternative solutions for the issue.)

- Charge all of these groups a User Fee
- Do not charge any of these groups a User Fee
- Charge some groups but not others

**Position/Recommendation:** (Does the AOC E-filing team have a recommendation on this issue?)

If there is additional administrative work related to the reimbursement of this cost, the AOC E-Filing team recommends not charging the user fee. If this position is adopted, the Intresys contract may need to be modified to specifically include the additional, identified groups that are not to be charged a user fee.

**Decision:**

Agents of the court will be exempted by administrative order. In the statewide implementation of AZTurboCourt, no usage fees will be charged to those exempted on applicable filings.