

E-Filing Policy Issue - # 18
Direct Filing of Supreme Court Petitions for Review

Issue:

Should the procedure for petitions for review be changed from mandating initial filing in the Court of Appeals to mandating initial filing in the Arizona Supreme Court?

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

Per Ariz. R. Crim. Proc 31.19 and ARCAP 23, petitions for review are to be filed in the Court of Appeals. The petition is then transmitted to the Supreme Court and filed as a new case in that court. Filing fees are paid to the Court of Appeals.

The vast majority of petition for review case activity occurs in the Supreme Court; the Court of Appeals only needs notification that the petition has been filed so that it will not mandate its case. Although technology is being used to transmit the petition, the transmission and filing in the Supreme Court is still labor-intensive and time-consuming. AZTurboCourt does not have the ability to transfer documents from one CMS to another CMS after a document has been filed.

The process will be simplified and workload reduced if the petitions are filed directly in the Supreme Court. The Court of Appeals Clerk's Office must be notified when a petition has been filed. Filing fees would be paid to the Supreme Court through AZTurboCourt, which processes payments regardless of court level.

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

Ariz. R. Crim. Proc. 31.19, ARCAP 23

Questions: 1. Are there statutory impediments to direct filing in the Supreme Court? 2. Are there impediments to the Supreme Court retaining the portion of the filing fee that now goes to the Court of Appeals?

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

- Option #1: Require petitions to be filed in the Supreme Court. Please see above for reasons and process. This is less work for the courts but will be a change for filers.

- Option #2: Require petitions be sent to Court of Appeals via AZTurboCourt. Court of Appeals then transfers document to the Supreme Court via AZTurboCourt. The petition would not be filed in Court of Appeals. Filing fees would be paid to the Supreme Court. This is more cumbersome for Court of Appeals than Option #1 but would keep the process the same for filers.
- Option #3: Do not amend rules or change business process.

Position/Recommendation: The Clerks for all three appellate courts recommend Option #1.

Decision:

Absent a statutory mandate, Petitions for Review are required to be filed directly with and applicable fees collected by the Supreme Court. Motions for extensions of time are also required to be filed in the Supreme Court. Whenever a petition is received, the Supreme Court shall provide notice to the applicable division of the court of appeals to ensure the business process related to mandates operates correctly. Other business process issues, such as motions for reconsideration, will be resolved by the appellate clerks.

Applicable changes in court rules will be made.