

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
PILOT PROJECT ALLOWING ELECTRONIC)
COPY OF ORIGINAL PAPER PLEADINGS) Administrative Order
TO BE FILED IN THE SUPREME COURT) No. 2007-15
IN LIEU OF REQUIRED NUMBER OF)
PAPER COPIES)
_____)

Pursuant to Rule 28, Rules of the Supreme Court, this Court, *sua sponte*, considered a proposal to amend Rules 4 and 23, Ariz. R. Civ. App. P., Rules 31.12, 31.19, 31.21, and 32.9, Ariz. R. Crim. P., and Rule 59, Rules of the Supreme Court. The rules currently require an original and specified numbers of hard copies of pleadings to be filed in the Supreme Court. As amended, the rules would allow, in lieu of filing the required number of hard copies, a single electronic copy in text-searchable PDF format on a read-only CD-ROM conforming to the specifications set forth in the Code of Judicial Administration, § 1-506(D). The public comment period closed as of November 15, 2006. No comments were filed.

To test the efficacy of using electronic copies, the Court has decided to authorize a pilot project with a limited group of litigants as a preliminary step towards electronic filing. To that end, the Office of the Arizona Attorney General, the Maricopa County Attorney's Office, the Maricopa County Public Defender's Office, and the Maricopa County Legal Advocate's Office have agreed to participate in the pilot project. Counsel from these agencies representing defendants in criminal cases may, at their option, choose to comply with copy requirements for pleadings filed in the Arizona Supreme Court by filing an electronic copy in accordance with the attachment hereto. Therefore,

IT IS ORDERED that proposed Rules 31.12, 31.19, 31.21, and 32.9, Ariz. R. Crim. P., as set forth in the attachment hereto, shall apply to cases submitted as part of the Electronic Copy Pilot Project.

Dated this 6th day of February, 2007.

RUTH V. McGREGOR
Chief Justice

Attachment to Administrative Order No. 2007-

TEXT OF RULES APPLICABLE IN ELECTRONIC COPY PILOT PROJECT *

ARIZONA RULES OF CRIMINAL PROCEDURE

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Rule 31.12. Form of Motions

a. General Requirements. All papers relating to motions may be produced by any process that results in a clear black image on white paper, including typing, printing, or photocopying. The paper must be white, opaque and unglazed, and only one side of the paper may be used. Motion papers shall be on paper 8 1/2 by 11 inches and shall contain a caption setting forth the name of the court, the title of the case, the case number, and a brief descriptive title. Text shall be double-spaced; headings, quotations and footnotes may be indented and single-spaced. Either a proportionately spaced typeface of 14 points or more, or a monospaced typeface of no more than 10 1/2 characters per inch, shall be used for text, quotations, and footnotes. A proportionately spaced typeface has characters with different widths (e.g., an acceptable proportionately spaced typeface is Times New Roman, 14 point). A monospaced typeface has characters with the same advanced width (e.g., an acceptable monospaced typeface is Courier New, 12 point). All margins must be at least 1 inch. Page numbers shall be placed in the bottom margin, but no text or footnotes may appear there. Text shall be in roman, non-script text, although italics, underline, or bold may be used for emphasis. Case names and signals shall be underlined or in italics. Headings shall be underlined, in italics, or in bold.

b. Requirements in Court of Appeals. All parties must file the original and four copies of all motions filed in the Court of Appeals ~~and the original and seven copies of all motions filed in the Supreme Court.~~

c. Requirements in Supreme Court. In all cases, the original motion shall be filed in hard copy. Along with the original motion in hard copy, the parties shall file either seven copies of the motion in hard copy, or, in lieu thereof, a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D).

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Rule 31.19. Petition for Review

a.-b. [No change in text.]

c. Form and Contents. The petition and cross-petition for review shall be bound or fastened and shall comply with Rule 31.12. An original and seven copies of the petition or cross-petition

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

and an original and two copies of any separately bound or fastened appendices shall be filed. The original petition, cross-petition, and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the petition/cross-petition or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). The parties shall be designated as in the Court of Appeals. A copy of the Court of Appeals' decision shall be attached to the petition. Where the Court of Appeals' decision is simply an order declining to accept jurisdiction of a special action, a copy of the Superior Court's decision from which the petition for special action was taken shall also be attached to the petition. The petition shall not exceed 12 pages whether done in proportionately spaced or monospaced typeface, exclusive of the appendix and attached decisions, and shall contain concise statements of the following:

* * *

d.-k. [No change in text.]

* * *

Rule 31.21. Manner of Filing and Service; Copies

a. Filing; Number of Copies.

(1) General Requirements. All papers required or permitted to be filed in an appellate court shall be filed with the clerk and shall contain the state bar number of the counsel representing the party on whose behalf the paper is filed and the firm state bar number, if any. Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time fixed for filing, except in the case of briefs and appendices which shall be governed by Rule 31.13(a) of these Rules. The party filing such documents shall on the same day serve a copy of any item filed on all other parties, except that two copies of each brief shall be served on opposing counsel.

(2) Requirements in Court of Appeals. In the Court of Appeals, the parties shall file an original and four copies of any document, except briefs, petitions for review and appendices thereto, and special action papers. An original and six copies of briefs and special action papers shall be filed in the Court of Appeals.

(3) Requirements in Supreme Court. All filings in or for the Supreme Court, including petitions for review, cross-petitions for review, responses, motions, and petitions for transfer to the Supreme Court, shall consist of an original and seven copies, except that, if appendices are bound separately from a petition for review, an original plus two copies of the appendices shall be filed. The original document and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the document or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). Filing may be accomplished by mail addressed to the clerk, but filing shall not be timely unless the papers are received by the clerk within the time

~~fixed for filing, except in the case of briefs and appendices which shall be governed by Rule 31.13(a) of these Rules. The party filing such documents shall on the same day serve a copy of any item filed on all other parties, except that two copies of each brief shall be served on opposing counsel.~~

b. [No change in text.]

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Rule 32.9. Review

a.-b. [No change in text.]

c. Petition for Review. Within thirty days after the final decision of the trial court on the petition for post-conviction relief or the motion for rehearing, any party aggrieved may petition the appropriate appellate court for review of the actions of the trial court. A cross-petition for review may be filed within 15 days after service of a petition for review. The petition for review, cross-petition and all responsive pleadings filed pursuant to this rule shall be filed in the appellate court. Within 3 days after filing a petition or cross-petition for review, the petitioner and cross-petitioner, if any, shall file a notice of such filing with the trial court. The notice of filing may include a designation of record adding to the record defined in Rule 32.9(e) any additional transcripts of trial court proceedings that were prepared pursuant to Rule 32.4(d) or that were otherwise available to the trial court and the parties and that are material to the issues raised in the petition for review. Motions for extensions of time to file petitions or cross-petitions shall be filed in and ruled upon by the trial court. All other motions shall be filed in the court in which the petition is to be filed.

1. *Form and contents.* The petition or cross-petition for review shall comply with the form requirements of Rule 31.12 of the rules of criminal appellate procedure and contain a caption setting forth the name of the appellate court, the title of the case, a space for the appellate court case number, the trial court case number and a brief descriptive title. An original and seven copies of the petition and an original and one copy of the appendix, if any, shall be filed if review is being sought in the Supreme Court. The original petition or cross-petition and one copy of any appendices shall be filed in hard copy. In lieu of filing the required copies of the petition/cross-petition or the appendices, or both, in hard copy, a party may submit a single electronic copy in text-searchable PDF format on a read-only CD-ROM. Documents submitted on a CD-ROM shall conform to the specifications set forth in the Code of Judicial Administration, § 1-506(D). An original and four copies of the petition and an original and one copy of the appendix, if any, shall be filed if review is being sought in the Court of Appeals. An original and one copy shall be filed if review is being sought in the superior court. The parties shall be designated as in the trial court proceedings. The petition or cross-petition shall not exceed 20 pages, exclusive of the appendix, shall not have a cover or be bound, but shall be fastened with a single staple in the upper left corner, and shall contain the following:

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2. *Service; Response; Reply.* [No change in text.]

d.-h. [No change in text.]

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