

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
E-FILING IN THE SUPERIOR) Administrative Order
COURT IN PIMA COUNTY) No. 2019 - 82
) (Replacing Administrative Order
) No. 2015-32)
)
_____)

Since 2011, this Court has entered several administrative orders authorizing and expanding electronic filing in the Superior Court in Pima County using AZTurboCourt as the authorized e-filing service provider (EFSP). The Administrative Office of the Courts (AOC) recently deployed a second EFSP, eFileAZ, for use in the Superior Court statewide. Information on approved e-filing service providers can be found at azcourts.gov/efilinginformation.

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

IT IS ORDERED that the procedural requirements described herein shall apply to all documents e-filed using any authorized EFSP in the Superior Court in Pima County.

IT IS FURTHER ORDERED that the following provisions related to e-filing are adopted, and any provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

1. Applicability

The requirements of this Order shall apply exclusively to civil case documents filed into the Superior Court in Pima County (Court).

2. Mandatory E-Filing for Attorneys

- a. Attorneys shall file civil case documents electronically through any authorized EFSP in accordance with this order.
- b. The Court may impose sanctions against counsel to ensure compliance with this requirement.
- c. The Court may grant a waiver from compliance with the requirements to e-file through an authorized EFSP for good cause, thereby allowing the attorney to file documents on paper.

3. Case Types and Other Documents Excluded from E-Filing

- a. E-filing shall not be permitted for the following case and document types:
 - i. Petitions for injunctions against harassment and injunctions against workplace harassment. Filers may electronically file subsequent documents in these cases;
 - ii. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal;
 - iii. Applications or supplemental applications for waiver or deferral of a filing fee, application fee, or any other fee or cost;
 - iv. Any document used to initiate a forfeiture case.
 - v. Amicus briefs; and,
 - vi. All documents in the following case types:
 - criminal,
 - family law,
 - juvenile,
 - probate,
 - mental health or mental health-related case types,
 - special actions,
 - transcripts of judgment,
 - name changes,
 - eviction actions,
 - foreign judgments,
 - minor abortion,
 - lower court appeals,
 - habeas corpus,
 - corporate power of attorney,
 - delayed birth certificates, and
 - restoration of civil rights.

4. Summons

A plaintiff or petitioner shall serve a summons on each defendant or respondent on paper, as required by rule or statute. The plaintiff or petitioner may either use the issued summons through the e-filing system or may present paper summonses for issuance in the office of the Clerk of Court.

5. Application Fee and Filing Fees

- a. An application fee shall be assessed to support the electronic filing and document access services offered by an authorized EFSP, as follows:
 - \$6.50 to initiate a case
 - \$6.50 to e-file an attached document, and
 - \$3.80 if the filer elects to use optional electronic service

- b. The application fee shall not be assessed to e-file a document submitted on behalf of a person or entity identified in A.R.S. § 12-304, whenever a filing fee is not charged.
- c. The following persons may e-file beginning May 26, 2015, and the application fee shall not be assessed when acting in the stated capacity: judge pro tempore; special master; arbitrator; court-appointed attorney; or a conservator, guardian, or fiduciary only when appointed by the court on behalf of an indigent person.
- d. All filing fees, local court fees, and application fees shall be paid through the EFSP at the time of filing.
- e. The application fee shall be non-refundable.
- f. A judicial officer shall not waive or suspend the application fee for a party unless said party has an Order for Waiver or Deferral from the court waiving or deferring filing fees for a case or specific document.

6. Official Record

- a. An electronic document that resides within the EDMS of the Clerk or Court is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
- b. An electronic transmission or print-out from the EDMS of the Clerk or Court that shows the seal of the Clerk or Court attesting to the document's authenticity shall be considered an official record or certified copy of the original.
- c. 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 (6)(a) above.

7. Signature Standards

- a. 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 an authorized EFSP. 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, including, but not limited to Rule 11 of the Rules of Civil Procedure.
- b. Signature of Judicial Officer. Documents filed electronically under a judicial officer's or clerk's registered login ID and password shall be deemed filed by that judicial officer or clerk. Any judgment or order displaying the symbol "/s/" or a facsimile signature with the judicial officer's printed name shall be deemed signed

by that judicial officer for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 58(a) of the Rules of Civil Procedure.

- c. **Signature of Self-Represented Litigant.** Documents filed in an authorized EFSP 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, including, but not limited to, Rule 11 of the Rules of Civil Procedure.
- d. **Multiple-Party Signatures Not Required.** A document being filed by 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 standing of all parties is subject to judicial determination during the proceedings.

8. Date and Time of Electronic Filing

An electronically-submitted document shall be deemed filed on the date and time it is received by an EFSP as reflected on the subsequent email notification or the filing details displayed within the EFSP, unless payment is not made or the Clerk determines the document is deficient. The Clerk shall provide the filer an explanation of any deficiency identified.

9. Required Exhibits, Attachments to Pleadings, and Proposed Orders

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.

10. Format of Documents

All document filed through an authorized EFSP shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 10(d), Rules of Civil Procedure, and shall conform to such other format requirements as the Court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute.

- a. **Format and Size.** All text-based documents shall be in .pdf, .odt, or .docx format, except that a proposed order shall be in .odt or .docx format. A proposed order 5 shall not be password protected and shall be modifiable by a judicial officer. Documents shall not exceed the size limitation permitted by the EFSP.

- b. Certified Mail, Return Receipt Card. When establishing proof of service by U.S. Postal Service certified mail, the filer may scan and file both sides of the signed return receipt card or file the signed return receipt itself.
- c. National Courier Service, Return Receipt. When establishing proof of service by a national courier service, the filer may scan and file the required documentation or file it on paper.
- d. Notary Requirement. A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.

11. Civil Cover Sheet

The Civil Cover Sheet generated through an authorized EFSP is adopted for use for e-filing an initial complaint or petition in a civil action. The Civil Cover Sheet adopted by Administrative Directive No. 2010-28 is limited to paper filings.

12. Copy for Court

- a. Except as provided by local rule, a judicial officer shall not require a filer to provide a paper copy of any document submitted through an authorized EFSP.
- b. At the time of electronic submission of a document through an authorized EFSP, an electronic copy of all motions or other documents necessary for a judicial ruling shall be delivered to the judicial officer through an EFSP using the system feature that indicates judge review is necessary.

13. 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 that a copy has been provided or has been electronically served on the other parties in the case.

14. Distribution of Notices, Orders, and Other Documents by the Court

The Clerk or Court may electronically distribute notices, orders, and other documents to an attorney in any case in which the attorney has entered an appearance and in which a document has been filed through an authorized EFSP. The electronic delivery of documents by the court is complete upon transmission.

15. 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 6 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.
- c. In the event of a technical malfunction that prevents the filer from timely filing a case or document, the filer, after consultation with the court, may file hard copies over the counter.

16. Additional e-Filing Local Court Policies

The Presiding Judge of the Court and the Clerk, in consultation with the Administrative Director of the Administrative Office of the Courts, may create additional administrative e-filing policies for implementing this order. Any such e-filing administrative policies and e-filing guidelines shall be available online at azcourts.gov/efilinginformation and on the websites of the Clerk of Court and the Superior Court.

IT IS FURTHER ORDERED that this Order replaces Administrative Order No. 2015-32.

Dated this 10th day of July, 2019.

ROBERT M. BRUTINEL
Chief Justice