IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:	)	
	)	
UPDATED POLICIES FOR E-FILING	)	Administrative Order
IN SUPERIOR COURT LOCATIONS	)	No. 2018 – 80
OTHER THAN MARICOPA AND	)	(Replacing Administrative Order
PIMA COUNTIES	)	No. 2016-20)
	)	

System enhancements have been made to civil case electronic filing (e-filing) to support the e-filing of subsequent submissions in the following additional civil case sub-types: lower court appeals, foreign judgments, special actions, eviction actions, transcript of judgments, eminent domain, and forfeiture cases.

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

IT IS ORDERED adopting the following updated definitions, fees, and procedures for e-filing documents in civil cases in all counties, other than Maricopa and Pima, through any electronic filing service provider (EFSP) authorized by the Administrative Director. Provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules. Self-represented litigants may, but are not required to, file civil documents through an EFSP. A self-represented litigant who chooses to e-file civil documents shall pay all applicable fees and follow the requirements set forth in this Order.

1. Definitions

a. "Application Fee" means the fee assessed when a filer performs various functions using any EFSP.

b. "Attached Document" means a document prepared outside of an EFSP and then filed with a court through an EFSP.

c. "Clerk" means the Clerk of the Superior Court in all counties other than Maricopa and Pima.

d. "Court" means the Superior Court in all counties other than Maricopa and Pima Counties.

e. "Civil Case" means a case filed in the Superior Court involving disputes between individuals or businesses. Exclusions from civil case e-filing are described in Section 2, Exclusions, of this Order.

f. "Document" means any pleading, motion, exhibit (other than a courtroom exhibit), declaration, affidavit, memorandum, paper, order, notice and any other filing submitted by a filer or by the court.

g. "Electronic Document Management System" ("EDMS") means a collection of computer software application programs and hardware devices that provide a means of storing, organizing and controlling the creation, management, and retrieval of electronic documents through their life cycle.

h. "Electronic Filing Service Provider" ("EFSP") means a private or public entity authorized by the Administrative Director to provide e-filing services to Arizona court filers.

i. "Judicial Officer" means any person who is authorized to perform judicial functions within the court, including a judge, court commissioner, referee, or pro tempore judge.

j. "Electronic Service" means the method of formally notifying opposing parties using a computerized web-based method such as email or an EFSP rather than by paper.

k. "Filer" means the individual who electronically submits case documents and information to the Superior Court.

l. "Subsequent Submission" means any filing into a case that has previously been initiated in the court, either electronically or in paper.

m. "Statewide E-Filing Portal" means a system that facilitates the exchange of case information between an EFSP and a court's case management system.

2. *Exclusions*

a. E-filing of the following shall not be permitted:

i. Any document(s) that requires the signature and seal of the Clerk such as writs, including supporting documentation (e.g. application for writ of garnishment), summonses, and subpoenas that are not generated by the EFSP.

ii. Petitions for injunctions against harassment and injunctions against workplace harassment. Filers may e-file subsequent documents in these cases.

iii. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal.

iv. Applications or supplemental applications for waiver or deferral of a filing fee, application fee, or any other fee or cost.

v. Any document used to initiate one of the following case types:

- Forfeiture
- Eviction Action
- Transcript of Judgment
- Special Action
- Foreign Judgment
- Lower Court Appeals
- Eminent Domain

However, filers may e-file subsequent documents in these case types.

vi. Amicus briefs

vii. All documents in the following case types:

- Family Law
- Juvenile
- Probate
- Mental Health or Mental Health-Related Case Types
- Minor Abortion
- Habeas Corpus
- Corporate Power of Attorney
- Delayed Birth Certificates (A.R.S. § 33-333.03)
- Restoration of Civil Rights

b. The Clerk of a court in which e-filing is mandatory shall accept a paper filing if it requests an injunction, a restraining order, or other order of the court requiring immediate judicial review, and if e-filing the document would cause a delay in presenting the request to a judicial officer.

3. *Application Fee and Filing Fees*

a. An application fee shall be assessed to support the e-filing and document access services offered by an EFSP, as follows:

- $6.50 to initiate a case
- $6.50 to e-file an attached document
- $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 public entity or official identified in A.R.S. § 12-304.

c. All filing fees, local court fees, and application fees shall be paid through the EFSP at the time of filing.

d. The application fee shall be nonrefundable.

e. A judicial officer shall not waive or suspend the application fee.

f. No application fee shall be charged in any case in which a fee waiver or deferral has been granted.

g. The Clerk shall not prohibit e-filing of documents in which a waiver or deferral has been granted.

4. *Official Record*

a. An electronic document that resides within the Clerk's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.

b. An electronic transmission or print-out from the Clerk's EDMS that shows the Clerk's or court's seal 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 sections 4(a) and (b) above.

d. All documents in the EDMS of the Clerk that are not e-filed through services provided by an authorized EFSP remain subject to §§ 1-504 and 1-506 of the Arizona Code of Judicial Administration.

5. Signature Standards
   a. *Document displaying symbol /s/.* Any document displaying the symbol "/s/" with the printed name of a self-represented litigant, attorney, or judge shall be deemed signed by the named person 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 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 e-file documents using services provided by an EFSP.
   c. *Signature of Judicial Officer or Clerk.* Documents filed electronically under the registered login ID or password of a Judicial Officer or Clerk shall be deemed to have been filed by that Judicial Officer or Clerk.
   d. *Signature of Self-Represented Litigant.* Documents filed through services provided by an 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.
   e. *Multiple-Party Signatures Not Required.* A document 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.

6. Date and Time of Electronic Filing. The submission shall be deemed filed on the date and time it is received by the EFSP. If the Clerk determines that the electronically submitted document is deficient pursuant to local rule or order, the Clerk may reject the submission and shall provide the filer an explanation of the reason for the rejection.

7. 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.

8. Format of Documents. All e-filed documents 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 Supreme Court may require.

9. *Electronic Format and Size.* All text-based documents shall be in .pdf, .odt, or .docx format, except that a proposed order or judgment shall only be in .odt or .docx format. A proposed order or judgment shall not be password protected and shall be modifiable by a Judicial Officer. Documents shall not exceed the size limitation permitted by the Arizona Supreme Court.

10. *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.

11. *National Courier Service, Return Receipt.* When establishing proof of service by a national courier service, the Filer may scan and e-file the required documentation.

12. *Notary Requirement.* A notarization requirement may be satisfied by scanning and e-filing the document that contains the notary's original signature and seal.

13. *Civil Cover Sheet.* Initiating a case through services provided by an EFSP meets the requirement to file a civil cover sheet.

14. *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 services provided by an EFSP.
    b. If required by the receiving Court, a Filer must identify individual documents necessary for a judicial ruling.

15. *Responsibility for Filing and Service.* A person who e-files a document shall have the same responsibility as a person who files a paper document for ensuring that the document is properly filed, that it is complete and readable, and that a copy has been provided to the other parties in the case.

16. *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 e- filed. The electronic delivery of documents by the court is complete upon transmission.

17. *Hyperlinks and Bookmarks.* A Filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official court record. A Filer may include a bookmark to another page within the same document.

18. *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 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. When an interruption of

service is caused solely by a technical malfunction of the court's or ESPS's automation system, the court may, sua sponte, enter an order documenting the interruption and allowing an alternative manner of filing or extension of filing deadlines.

b. The Court and Clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of e-filed documents.

19. *Additional e-Filing Policies*. The Presiding Judge of the Court and the Clerk, in consultation with the Administrative Director, may establish additional policies to implement e-filing. Any such policies shall be posted online at http://www.azcourts.gov/efilinginformation and on the websites of the Superior Court and the Clerk. The Presiding Judge and the Clerk may adopt policies to implement the provisions of this Order in consultation with each other and without further consultation with the Administrative Director.

20. *Destruction of Paper Records*. All documents in the EDMS are subject to the provisions of Rules 94 and 29(C), Rules of the Supreme Court, and § 1-507 of the Arizona Code of Judicial Administration with regard to destruction of paper records.

IT IS FURTHER ORDERED that any e-filed document that meets the requirements described herein shall be accepted by the Clerk, and any court rule in conflict with these provisions is suspended in regard to such filings.

IT IS FURTHER ORDERED that the Presiding Judge and the Clerk, in consultation with the Administrative Director, may make modifications to these procedures not inconsistent with rules or orders of this Court.

IT IS FURTHER ORDERED that the Superior Court in all counties, other than Maricopa and Pima Counties, is authorized to implement civil case e-filing pursuant to a plan and schedule established by the Administrative Director. This Court will issue an administrative order requiring mandatory e-filing as each county is ready to accept all civil case filings electronically.

Dated this 15th day of August, 2018.

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SCOTT BALES
Chief Justice