

Maricopa Lawyer

Clerk's Corner

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By Michael K. Jeanes, Clerk of the Superior Court

Subpoenas Online

The State Bar of Arizona and the Supreme Court have discussed a process that would allow the State Bar to issue subpoenas to attorneys online in addition to the existing process of having subpoenas issued through the Clerk's Office. The State Bar, clerks and the courts have been working together to modify the necessary court rules and the State Bar has recently completed the program. The Supreme Court recently reaffirmed the project and the subpoena online program will begin on December 31, 2008.

By the first of the year, attorneys will be able to electronically issue and print civil subpoenas for the Superior Court in Maricopa County. The Supreme Court's authorization and civil procedure rule 45 will now allow the State Bar to issue the subpoenas on behalf of the Clerks of the Superior Court. A convenience fee, designed to help recover the administrative and development costs incurred by the State Bar of Arizona, will be assessed in addition to the current subpoena issuance fee. Attorneys licensed to practice in Arizona who are in good standing will be able to access the secured website 24 hours a day, seven days a week. Subpoenas will be issued from the State Bar's member's website, www.myazbar.org. The online subpoena program is an optional process – the Clerks of the Superior Court will continue to issue subpoenas as before.

The online program offers a subpoena wizard, a tool that will prompt users through the subpoena issuance process. A subpoena history feature will allow users to view or reprint, but not modify, previously issued subpoenas. The subpoena online program allows the user to begin a subpoena and save their work for completion later if needed and allows the user to revoke and regenerate a completed subpoena that was created incorrectly.

Once a subpoena is completed on the system, the user will be prompted to pay via credit card through a secure payment gateway. After their credit card has been successfully charged, the user will be taken to a new screen to download and print the subpoena. A screen transaction receipt will be displayed at that time, and another copy will be sent to the user via email. A unique control number will be issued for each subpoena and the seal of the Superior Court will be applied electronically. The user will need to print and serve the subpoena. Traditional and electronic subpoenas are not served on behalf of attorneys.

The online subpoena program was initiated as a convenience to the membership and requires a convenience fee to sustain its operation. As a result, exempt attorneys who represent the indigent and currently do not pay for subpoenas will be required to either pay for electronically issued subpoenas and the applicable convenience fee or may continue to have subpoenas issued directly from the clerk without cost. Public defenders

and county attorneys must continue to obtain their subpoenas directly from the Clerks of the Superior Court. Following a successful pilot program in Maricopa County, the State Bar anticipates making the online subpoena program available statewide. The exact date for expanding the program will depend on the success of the test phase in Maricopa County and will be further advertised by the State Bar. To learn more about the savings and benefits of the online subpoena program, contact the State Bar's Resource Center at 602-340-7239.