

Maricopa Lawyer
Clerk's Corner
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Permissive eFiling Reminder

Supreme Court Administrative Order 2008-89 added to existing eFiling pilot programs by allowing attorneys and self-represented parties to electronically file certain documents in civil court cases in the Superior Court in Maricopa County, effective December 1, 2008.

Documents that may not be electronically filed and must still be filed in paper are listed in the Electronic Filing Guidelines (eFiling Guidelines), maintained by the Clerk's Office at <https://efiling.clerkofcourt.maricopa.gov/efilingguidelines/>. The pilot expanding electronic filing is a "permissive" eFiling initiative as, according to the Administrative Order and the eFiling Guidelines, attorneys and self-represented parties may choose to electronically file, but may also choose to file in paper or use a combination of electronic and paper filing methods. Documents filed in the courtroom will continue being filed on paper and the Clerk's Office will scan the image of those documents, making them available in the electronic court record. Civil court judges are prepared to accept electronic filings from attorneys and parties who choose to eFile in cases under the terms of the permissive eFiling pilot.

Permissive eFiling under Administrative Order 2008-89 and the eFiling Guidelines is not currently available in the following case types: family, probate, mental health, tax, juvenile matters, special actions, transfers of jurisdiction or lower court appeals cases. In addition, mandatory eFiling continues in limited civil case type divisions where general and complex civil cases are designated for eFiling by individual minute entries. To verify a judicial division's participation in eFiling, contact the division directly.

Subpoenas Online

In addition to the existing process of having subpoenas issued through the Clerk's Office, the State Bar, clerks and the courts worked together to modify the court rules to allow an online subpoena process that began on December 31, 2008. The Online Subpoena Program has since generated a number of subpoenas online for private practitioners.

Attorneys licensed to practice in Arizona who are in good standing can now access a secured website 24 hours a day, seven days a week that will issue subpoenas from the State Bar's member's website at www.myazbar.org/subpoenas. The online subpoena program is an optional process – the Clerks of the Superior Court will continue to issue subpoenas as before.

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, in addition to the current subpoena issuance fee. 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. The State Bar anticipates making the online subpoena program available statewide and will further advertise dates and locations for future expansion.