

Maricopa Lawyer
Clerk's Corner
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Mandatory eFiling Update

The Clerk's Office presented three town hall-style meetings in conjunction with the County Bar during the last week of January. Over 30 lawyers and legal support staff attended the meetings to ask questions and learn more about the potential for a mandatory electronic filing system in Maricopa County. Nearly 250 lawyers and legal support staff completed the online survey related to the same topic.

The Chief Justice of the Arizona Supreme Court requested feedback from the bar regarding the potential for mandatory eFiling in Superior Court cases in Maricopa County. The pilot program envisions an eFiling system that would be mandatory for attorneys and optional for pro se litigants. The scope of the initial pilot could range from mandatory eFiling in a single case type to mandatory eFiling in all adult case types, or implementation on a tiered basis, expanding to all case types over time. The Court's concern before implementing this pilot project is that the bar be given the opportunity to voice its concerns or make recommendations. A recurring theme in the comments received at the forums was that practitioners saw an advantage to changing to mandatory eFiling sooner than later. Having to file some cases in paper and others electronically was seen as a disadvantage of a phased-in pilot scenario.

From the online survey and the forums, it is evident that the bar is most interested in an electronic filing system that is easy to use, reliable, has training or support available, and is secure. A minority of participants prefer that eFiling not be required at all. However, most respondents anticipate mandatory eFiling as a reality of the times and were interested in tips for how to be prepared and what to expect. The eFiling system in the Superior Court in Maricopa County has been in service since 2005 and has proven easy to use, reliable and secure. Most who have filed through the Clerk's Office have not required technical support, but the majority of those who called the support line found it effective. Though the Clerk's support hours are currently limited from 7 a.m. to 6 p.m., eFiling providers are expected to have expanded service hours. Regarding security, the advantages to an electronic court record with multiple offsite backups was proven recently in Hurricane Katrina, where the original paper records in numerous courthouses and police departments were destroyed by flooding. The user name and password protocols, internal tracking and encryption of the eFiling system further bolster the system's security.

The solo and small firm practitioners were active in their responses to the survey and in attending the forums. Many of the larger firms have technology departments and managing partners who will make these decisions and implement policies for their firms. Solo and small firm practitioners are often directly in charge of all aspects of their

practice, including learning the eFiling systems available nationwide and preparing their offices for the filing requirements. The various eFile systems across the country can be compared to the numerous airline websites online. Each website looks a little different, but they function similarly. Just as you can intuitively figure out how to purchase an airline ticket from any of the numerous carriers, you can electronically file a document on any of the eFiling systems. The standard format is a registration process followed by selecting a case type, entering data specific to each transaction and attaching the documents for filing.

The Clerk's Office will provide a report to the Supreme Court summarizing the results of the online survey and the feedback received at the forums. The State Bar has filed a report with the Court on this issue and the solo and small firm section of the bar provided the Court with its concerns and requests earlier in 2007. The Court will review the feedback and discuss the issue with the Arizona Judicial Council, which is the policy making body of the Court. If the Court moves forward with a mandatory eFiling system in the Superior Court in Maricopa County, notice will be posted in the Clerk's monthly update, *The Brief*, in the Clerk's Corner article, and by email, in addition to any notification the Court issues.

Monthly demonstrations of the eFiling system will continue at the Clerk's Office in downtown Phoenix and related CLE's are scheduled throughout the year. The Clerk's website has training tutorials available online and a practice website for testing eFiling before submitting actual documents to the live eFiling system. For more information, visit www.clerkofcourt.maricopa.gov.