

Maricopa Lawyer  
Clerk's Corner  
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### **E-filing: Exceptions to the Rules**

AZTurboCourt is being phased-in for attorneys who file pleadings in civil cases in the Superior Court in Maricopa County. By May 1, 2011, all attorneys who file in civil cases will have to electronically file through AZTurboCourt, unless an exception applies. Arizona Supreme Court Administrative Order 2010-117 explains the details of the implementation of AZTurboCourt, including the attorneys and filings that are exempt from e-filing.

#### **Applicability**

Although electronic case-initiation is being tested, it is not yet available. Cases must still be initiated on paper at a Clerk's facility. Clerk staff will cashier the filing fee and apply the file stamp and case number before scanning the paper into the Clerk's Electronic Court Record (ECR). Mandatory e-filing through AZTurboCourt applies exclusively to post-initiation civil case documents filed into the Superior Court in Maricopa County by attorneys filing on behalf of a client. Any attorney for whom e-filing through AZTurboCourt is not-yet mandatory may choose to e-file through AZTurboCourt. Attorneys must e-file through AZTurboCourt in civil cases according to the schedule defined in the Administrative Order.

#### **Exceptions for Case Types**

In this early stage of implementation, AZTurboCourt is limited to general civil cases in the adult court. The following case types must still be filed with the Clerk on paper: most family court cases, probate, mental health and related case types, tax, juvenile, special actions, transcript of judgment, lower court appeals and the Gila River General Stream Adjudication case. Cases in adult criminal court can be e-filed through the Clerk of the Superior Court's eFiling Online website, as well as Family Court documents in a limited number of judicial divisions.

#### **Exceptions for Documents**

For various reasons, the following documents cannot be e-filed and must be filed on paper, even under mandatory e-filing: case initiation documents and their accompanying issuance or service documents, default judgment packets, garnishment and other execution documents, any document the Clerk has to issue, injunctions against harassment and workplace harassment, motions to file documents under seal and documents filed under seal and applications for waiver or deferral of any fee or cost.

#### **Exceptions for People**

Administrative Order 2010-117 allows a party to seek a waiver from the Court from compliance with the e-filing mandate, which would allow the party's attorney to file

documents in the case on paper. Administrative Order 2011-10 subsequently exempted attorneys working as an employee of an approved legal service organization representing a litigant who is unable to pay the AZTurboCourt user fee. The attorney has the choice of filing on paper or paying the applicable user fees to file electronically through AZTurboCourt.

### **Why?**

The Arizona Supreme Court supports the transition from the expensive and cumbersome filing of paper to the faster, more secure method of electronic filing. The Office of the Clerk of the Superior Court in Maricopa County has long advocated for this transition and over the years has moved staff from the file room to scanners and now to processing electronic filings as an effective means of improving service and reducing costs.

### **What if I don't?**

The courts can likely avoid imposing the sanctions authorized for the failure to use AZTurboCourt because of the inherent advantages of e-filing for attorneys and their clients. Attorneys are positioned to realize cost savings by reducing paper, postage and ink costs as well as reducing travel time to the courthouse. Runner services and other professions that support the legal community will be able to reduce their trips to the courthouse and focus on service of process and other time-sensitive matters, rather than standing in line at the file counters. Early adopters of e-filing can demonstrate to their clients a familiarity and command of how today's courts operate. As always, the biggest concern for attorneys who fall behind the times is their ability to continue serving their clients in a changing environment.

### **What's Next?**

AZTurboCourt will continue to expand with the intention of reaching as many case types and types of documents as possible, as well as being available in all courts. As this newer form of business has changed over time, exceptions have been needed. Certain types of documents will likely need to be filed and maintained on paper. Original wills, courtroom exhibits and some sensitive or sealed information may have to remain on paper. Some court processes that require a physical presence at a court facility may be more efficient as a paper process than as an electronic alternative. Specific processes and formats will change with the needs of the courts and the ability of technology. Stay tuned for updates from the Clerk's Office, the Administrative Office of the Courts, specialty groups and bar associations.