

Maricopa Lawyer  
Clerk's Corner  
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By Michael K. Jeanes, Clerk of the Superior Court

### **New Email Requirements**

New requirements regarding email addresses take effect this month. In response to recent inquiries, the following questions and answers are offered to assist with the transition:

Q: Do I have to include an email address on every pleading I file in Superior Court?

A: Yes, effective July 1, 2009. Specific requirements are in Arizona Supreme Court Administrative Order 2009-43.

Q: By including an email address on my pleadings, am I agreeing to electronic service from opposing counsel?

A: No. However, you may agree to electronic service via Civil Rule 5(c) and you may be ordered by the court to serve and be served electronically in some situations.

Q: By putting my email address on pleadings, will I automatically get my minute entries electronically?

A: No. Minute entries that are sent electronically are delivered to one email address per law firm. Each solo practitioner or firm must follow the Clerk's process to provide the Clerk's Office with the designated email address for receiving minute entries electronically. The minute entry distribution agreement is available online at <http://clerkofcourt.maricopa.gov/forms.asp>.

Q: If I am using one email address for my minute entries now and I use a different email address on my pleadings, will my electronic minute entries stop?

A: No. Solo practitioners or firms that have already designated an email address to receive their minute entries electronically will continue to receive them from the Clerk's Office at the designated email address on file with the Clerk.

Q: What if I don't want to receive minute entries electronically?

A: The Clerk is authorized to charge \$1.00 per paper minute entry mailed to an attorney. Attorneys who are not registered to receive electronic minute entries by July 1, 2009 may be charged for paper minute entries until they register with the Clerk for electronic distribution.

Q: What organization do I have to give my email address to and how do I do it?

A: Administrative Order 2009-43 requires that an email address be maintained for accepting documents from the court, supplementing the requirements of Arizona Rule of Civil Procedure 5.1(b). Any change of information (email, business address, name change, phone, etc.) should be updated with the Clerk's Office. Contact information can be updated on paper at any Clerk's filing counter or online with the Clerk's Office at [http://www.clerkofcourt.maricopa.gov/address\\_change\\_form.asp](http://www.clerkofcourt.maricopa.gov/address_change_form.asp). In the Superior Court

in Maricopa County, updating your information with the Clerk satisfies the Rule 5.1(b) requirement to notify the court administrator of changes.

Q: Is updating a change to my email address on a pleading the same as notifying the Clerk that my email address has changed?

A: No. Although you are required to notate a changed email address on your pleadings, Clerk staff are unable to update your records at the time of filing, given the volume of filings processed each day in the Clerk's Office. You must notify the Clerk's Office directly of any changes, per Administrative Order 2009-43 and Arizona Rule of Civil Procedure 5.1(b). See the answer above for ways to notify the Clerk's Office.

Q: Can I avoid electronic documents altogether?

A: No. Clerk's Offices are required to distribute documents electronically as soon as the technology allows. This technology is available now in Maricopa County. Regardless of individual preference, it is highly likely that all practitioners will receive at least some official court documents electronically after July 1, 2009.

Q: Do the rules relating to additional time after delivery by regular mail apply to electronically transmitted documents?

A: Yes. See Administrative Order 2009-43, subsection (6).

Q: What else should I know?

A: To be effective, an email account must have enough memory available to receive emails from the courts. This requires organization and maintenance to ensure the in-box is available. It is important to ensure the designated email address accepts emails from the Clerk and courts and that messages are not inadvertently blocked by the email service provider's spam filters.

See Supreme Court Administrative Order 2009-43, "Electronic Distribution of Court Documents" for more details:

<http://www.supreme.state.az.us/orders/admorder/Orders09/2009-43.pdf>