

Maricopa Lawyer

Clerk's Corner

By Michael K. Jeanes, Clerk of the Superior Court

The Court Record: Paper or Electronic?

Doing business in the Superior Court in Maricopa County looked the same for almost 100 years. An attorney would print the information they wanted presented to the court onto a piece of paper and file it with the Clerk. Over the years, the paper process changed from handwritten ink to carbon paper and typewriters, and then to word processors and computers.

The shift to an electronic court record arguably took place when drafting pleadings made the leap from typewriters to word processors. Typewriters imprinted ink onto paper, creating the paper original, similar to decades of prior practice. Copy machines generated duplicates of the paper original. Word processors were capable of making corrections and saving the pleading in an electronic format, where the machine could print multiple copies of the pleading to paper from its memory, where the "original" resided. Today's computers are more advanced than first-generation word processors and a draft pleading can see numerous changes as a result of back-and-forth email attachments without a hint of correction fluid or strikeouts before the final version becomes the original that is filed with the Clerk.

To view documents at the Clerk's Office in Maricopa County today, there are at least four mediums one might encounter, depending on the case type and case year. A fifth option, remote viewing of scanned images from a law office, will be available by the end of this summer. All records mentioned in this article refer to filings in adult case types. Juvenile records have specific confidentiality requirements and public access is limited by court rule and statute. Clerk's staff can provide more information on accessing juvenile records.

To view documents in cases filed between 2002 and 2006 (1997-2006 in Probate cases), the Clerk's Office maintains a dual system of paper case files and scanned images. For cases initiated on and after January 1, 2002, the Clerk's Office scanned the filed papers, resulting in images of public documents (not sealed or confidential), which are now available at Public Access Terminals (PATs) located at Clerk's Offices throughout the Valley. PATs are computer terminals which allow customers to enter a case number or party's name and view the public documents electronically on individual cases without having to fill out a request form for the physical case file. Additionally, the scanned images of papers filed with the Clerk on and after January 1, 2005 are available regardless of the year the case was initiated. For example, a civil case that began in 2001 will have paper records for documents filed between 2001 and 2004. Documents filed in that case in 2005 and after are available in both paper and scanned images.

Documents filed in cases that were initiated on and after January 1, 2007 are available electronically at the PATs. Whether filed initially with the Clerk in paper or electronically, the electronic image is the official court record in Maricopa County.

Papers filed in cases initiated on and after January 1, 2007 are scanned, and after a series of rigorous audits, the papers are destroyed in accordance with the records retention policies of court rule and as authorized by the Arizona Supreme Court. From the electronic original, the Clerk's Office can print paper copies and certify their authenticity as the official record in the Superior Court for Maricopa County.

In general, the Clerk's Office maintains paper files at the Customer Service Center in downtown Phoenix for documents filed before 2001. Customers may request that a paper file be transported for viewing from the downtown Phoenix facility to the regional court center most convenient for the customer. The court record for numerous older and inactive cases are maintained on microfilm. Records on microfilm are also available at the Clerk's Customer Service Center. A Clerk's employee will retrieve the appropriate film and direct the customer to a machine designed to display the images on the film. Clerk's staff can inform the customer if the requested court record is available in paper, film, electronically, or in a combination of formats.

A last consideration is that paper records may still exist in all case types, including electronically filed cases. There are several exceptions where documents must be processed and maintained in paper. For example, documents filed under seal and sentencing minute entries that contain a thumbprint are both processed in paper, as well as original wills lodged with the Clerk upon order of the court. For specific questions on the most efficient way to obtain information from the Superior Court record in Maricopa County, contact the Clerk's Office at 602-506-3360, or visit the Clerk's website at www.clerkofcourt.maricopa.gov.