

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

### **Electronic Initiatives are Still the News**

In addition to the eFiling activity in the Superior Court, the Clerk's Office was busy this summer with two projects to improve efficiency by transitioning from paper processes to electronic. The Clerk's Office filed its first record on appeal in an election case to both the Supreme Court and Court of Appeals, Division One in August and launched eFiling in Tax Court in September.

### **Electronic Record on Appeal**

While AZTurboCourt is ramping up its ability to accept electronic filings directly into the Courts of Appeal and the Arizona Supreme Court, the Clerk of Superior Court and the Administrative Office of the Courts worked together to include elections cases in the record on appeal now going electronically to the appellate courts.

In August of 2009 the Clerk's Office started a pilot with Division One of the Arizona Court of Appeals by providing the record on appeal electronically in one probate case, followed by appeals in all family and probate court cases. General civil cases on appeal were added to the electronic appeals program in September of 2010, followed by all non-criminal appeals as of June 1, 2011. Criminal case type appeals were added July 1, 2011. The record on appeal in death penalty cases automatically appealed to the Arizona Supreme Court have been transmitted electronically beginning June 27, 2011.

In a recent high profile case, the Petitioner appealed to the Supreme Court and the Clerk's Office electronically submitted the record on appeal. The Supreme Court electronically rejected the records and issued an order related to the Petitioner's filing, citing a court rule specific to recall actions that requires initial filing with the Court of Appeals. The electronic application allowed the Clerk's Office to then submit the record on appeal to the Court of Appeals, Division One for further proceedings, thus allowing the Clerk's Office to confirm in one case that the record on appeal was successfully submitted to both courts electronically.

### **eFiling in Tax Court**

The Clerk's Office began accepting post-initiation electronic filings in the tax case type on September 29, 2011. The Superior Court in Maricopa County serves as the principle office of the Tax Court in Arizona, which receives approximately 2,600 cases each year.

There are two types of tax cases heard in tax court: residential properties valued under \$1 million, which are assigned an "ST" case number designation and residential properties

valued over \$1 million, commercial property and all other tax appeals (employment tax, sales tax, etc.) which are assigned a “TX” case number designation. eFiling is available only in the TX cases at this time; all documents in ST cases must be filed on paper.

eFiling through the Clerk’s eFiling Online system is available statewide for parties and attorneys filing county- and state-level challenges and appeals in the Tax Court. Those registered with the Clerk’s eFiling Online system for criminal or family court filings or for civil court filings before AZTurboCourt became mandatory for attorneys can use their existing eFiling Online username and password to eFile in Tax Court on TX cases.

To register with the Clerk’s eFiling Online system to create a new account, go to the Clerk’s website at <http://clerkofcourt.maricopa.gov/efiling/default.asp>, select the link from “Maricopa County eFiling Online” and follow the instructions at the link titled “Not Registered Yet?”. Training materials, eFiling Guidelines and technical support information are available online.

Tax Court cases must be initiated using the traditional paper filing method. Once the case has been initiated and assigned a TX case number, subsequent filings can be submitted electronically through the Clerk’s eFiling Online website. The Tax Court judge has discretion to make eFiling mandatory in cases with the TX designation or to entertain a motion to make eFiling mandatory in individual TX cases. eFiling will be available to participating government agencies as well, including the Attorney General, County Attorneys, County Treasurers, Assessors and Boards of Supervisors.

Attorneys practicing in Tax Court can add and view TX cases in the Electronic Court Record Online (ECR Online) in cases where they are the attorney of record or the party in a case. Documents are available to view in ECR Online whether scanned from paper or filed-in electronically as their original format. Visit the ECR Online at <https://ecr.clerkofcourt.maricopa.gov/login.aspx>.

Note that attorneys must eFile post-initiation documents in general civil cases through AZTurboCourt. The registration information (account) in AZTurboCourt is not linked in any way to the Clerk’s eFiling Online system. To eFile in case types other than general civil (e.g. criminal, family, TX tax cases) a separate registration must be established with the Clerk’s eFiling Online system; any account changes (address, email, law firm association) must be updated separately in both AZTurboCourt and eFiling Online.

In addition to updating eFiling accounts, attorneys must continue to update their contact information directly with the Clerk’s Office pursuant to Civil Rule 5.1(b) and Supreme Court Administrative Order 2009-43. Contact information can be submitted online at [http://www.clerkofcourt.maricopa.gov/address\\_change\\_form.asp](http://www.clerkofcourt.maricopa.gov/address_change_form.asp). Updating the attorney’s email address in this way is required for the electronic delivery of minute entries.