

Maricopa Lawyer
Clerk's Corner
October 2008 (November Issue)

By Michael K. Jeanes, Clerk of the Superior Court

Electronic Filing FAQs

In anticipation of the Arizona Supreme Court issuing an Administrative Order authorizing a permissive eFiling pilot program in the Superior Court in Maricopa County, the following questions and answers are offered to help navigate this latest phase of the electronic business model in Arizona's courts.

What's the difference between mandatory and permissive eFiling?

In a mandatory eFiling pilot, attorneys or parties must file certain documents electronically; participation is mandated by court order, usually in a minute entry. In permissive eFiling, attorneys or parties can choose to file certain documents electronically, but are not required to do so. If an attorney or party chooses to eFile in participating case types, the Clerk's Office will process the eFiling and the judicial officer will review it.

How are mandatory and permissive eFiling the same?

eFilings in the Superior Court in Maricopa County can be filed with the Clerk's Office through the Clerk's eFiling Online website or through Wiznet, a third-party vendor. The requirements of the Electronic Filing Guidelines posted on the Clerk's website apply to all eFiling.

What case types will be in the permissive eFiling pilot?

Attorneys and parties will be able to eFile in many civil and family court cases in the Superior Court in Maricopa County. eFiling would not be mandatory in those cases, but if an attorney or party chooses to eFile, the assigned judicial officer will have the ability to review and process the eFiling.

When can I start eFiling in these cases?

Judges in civil and family case types have received training and are able to accept electronic filings in anticipation of a permissive eFiling pilot program. The Supreme Court's Administrative Order will specify the start date, expected to be mid-November, 2008. The Supreme Court posts its Administrative Orders online at <http://www.supreme.state.az.us/orders/admorder/>.

Are there specific procedures or a list of documents related to eFiling?

Yes. eFiling must conform to the Electronic Filing Guidelines, posted on the Clerk's website at <https://efiling.clerkofcourt.maricopa.gov/efilingguidelines/>. The guidelines must change periodically to stay current with local requirements and technology, making it important to bookmark and return to the guidelines regularly.

Can I file everything electronically now?

No. Permissive eFiling is limited to general civil and family case types and does not include probate, mental health, tax, juvenile matters, special actions, transfers of jurisdiction or lower court appeals cases. Certain documents may not be electronically filed, including sealed documents, case initiating pleadings and other documents defined in the Electronic Filing Guidelines.

Can I stop eFiling in complex and mandatory civil litigation cases now?

No. Attorneys and parties court-ordered to file electronically must continue to eFile.

Do I have to eFile now?

Not necessarily. If the court has ordered you to eFile in a case, you must eFile in that case. You can choose to eFile in certain civil and family cases under the permissive eFiling pilot and you can choose to eFile in criminal and DUI cases in superior court, but you are not required to eFile unless the court has ordered you to.

Will I have to eFile in the future?

Yes. The Supreme Court has indicated eFiling will be mandatory for attorneys practicing in the Superior Court in Maricopa County sooner or later. Eventually eFiling will reach most, if not all case types, but there is no court-wide blanket requirement to eFile at this time.

What if I have eFiling-related questions?

Comprehensive eFile training is available in numerous ways, including bar-sponsored CLEs and a 90 minute training and Q&A that is offered at the Clerk's Office in downtown Phoenix every month. A help page and additional FAQs are posted on the Clerk's website at <https://efiling.clerkofcourt.maricopa.gov/help.asp>. For help while filing on the Clerk's website, contact 602-506-2565 or email efilesupport@cosc.maricopa.gov. Third-party vendor Wiznet offers eFiling training on its eFiling system; contact Wiznet directly at www.wiznet.com/maricopaaz.

Passport Update

The Clerk's Office is one of thousands of agencies and facilities that accept applications to the U.S. Department of State for passport books and passport cards. Today, U.S. citizens travelling by air from Canada, Mexico, the Caribbean and Bermuda must present a U.S. passport book when entering the United States. Passport books can be used for all international travel by air, land and sea.

Effective June 1, 2009, U.S. citizens must present a valid U.S. passport book or the new passport card or other travel document approved by the department of Homeland Security when entering the United States from Canada, Mexico, the Caribbean and Bermuda at land border crossings or sea ports-of-entry. Travel by air will still require a U.S. passport book. The new passport card is wallet-sized and less expensive than a passport book, but cannot be used for air travel. In anticipation of the June 1, 2009 deadline, the Department of State recommends applying for a passport book or the new passport card early, as regular processing time is approximately 4 weeks. The fees to apply for this travel documentation through the Clerk's Office are located online at:

<http://www.clerkofcourt.maricopa.gov/fees.asp#passport> . More information from the Department of State is available online at www.travel.state.gov or by calling 1-877-487-2778.