

## Maricopa Lawyer

### Clerk's Corner

*By Michael K. Jeanes, Clerk of the Superior Court*

### **Big Changes in Superior Court Practice - Mandatory eFiling**

The Arizona Supreme Court is considering a requirement that all attorneys practicing in the Superior Court in Maricopa County electronically file their documents. While eFiling will remain a pilot program in Maricopa County under the proposed system, attorneys practicing in a case type where eFiling is available would be required by Administrative Order to electronically file.

Under the proposal, eFiling would be permissive for self-represented litigants, but mandatory for lawyers. eFiling has seen marked successes above and beyond the limitations of paper processes, and the Supreme Court anticipates a time when all courts in all counties will have the ability to electronically file pleadings in limited and general jurisdiction courts. Mandatory eFiling for attorneys in the Superior Court in Maricopa County would be one step toward developing the technology and workflow to ensure its viability statewide. See this issue of the Maricopa Lawyer for an article from the County Bar on this proposal and opportunities to provide your suggestions and feedback on implementation, including a survey and Town Hall-style forums. Decisions have not been made and the Court is soliciting feedback for its consideration.

### **Court Authorizes Shredding**

Months ago, Arizona Supreme Court Administrative Order 2006-96 authorized a pilot in the Superior Court in Maricopa County recognizing the electronic image of filings as the original court record. With some defined exceptions, this authority allowed the Clerk's Office to destroy paper filings in cases initiated on and after January 1, 2007. As a result of Administrative Order 2006-96, the Clerk's Office has destroyed over one million documents during the first three quarters of 2007. The ability to destroy paper after verifying the electronic image means much-needed relief to the court system in Maricopa County.

To expand this initiative, on October 16, 2007, Chief Justice Ruth McGregor signed Administrative Order 2007-77, authorizing the Clerk's Office to destroy paper documents under the guidelines and exceptions of the prior Administrative Order 2006-96. For the five year period of 2002 through 2006, the Clerk's Office used a dual process to scan the image of paper filings while also maintaining the paper original. The new Administrative Order gives the scanned images the status of original documents, authorizing the Clerk to destroy the paper. The new Administrative Order begins the process to reduce the strain on the records centers that exceed the capacity of existing storage shelving. The Clerk intends to implement the authority to shred 2002-2006 documents in the summer of 2008. This timeline allows parties and practitioners the opportunity to motion the court to designate case(s) as historically significant, thus putting the papers in authorized cases on a different track of records retention, maintenance, and archiving.

### **Historically Significant Documents**

There comes a point where the filings in all courts reach critical mass and it is simply impractical to keep housing paper. Working with the Arizona State Library, Archives and Records (ASLAPR) and the Administrative Office of the Courts, the Superior Court Clerks have developed a system to identify certain documents as historically significant. Once designated as historically significant, the paper records will be maintained by ASLAPR on those cases.

Requests to designate a case as historically significant can be motioned by anyone. A case could be historically significant because of a legal issue involved, a well-known party, an issue with far-reaching social or cultural implications, or another issue that makes the case high-profile, controversial, or newsworthy.

The process for having a case designated as historically significant is part of the records retention schedule located in the Arizona Code of Judicial Administration, section 3-402(F). The Code requires that the Motion for Designation set forth the factual basis for the recommendation and that the motion be filed with a state court presiding judge. The Clerk's Office recommends motioning for historically significant designation before the summer of 2008, when the Office intends to begin shredding documents as authorized in Supreme Court Administrative Order 2007-77. A proposed motion form is available on the Supreme Court's website at [www.supreme.state.az.us/selfserv/Historically\\_Significant/MotionDesignHistSignif.pdf](http://www.supreme.state.az.us/selfserv/Historically_Significant/MotionDesignHistSignif.pdf)

### **eFiling Changes Include Family Court**

Barbara Rodriguez-Mundell, Presiding Judge of the Superior Court in Maricopa County, issued Administrative Order 2007-140, rescinding the prior Administrative Orders related to criminal and general civil eFiling. In its place, the Court ordered the creation of a dynamic "eFiling Guidelines" web-based document that will reflect the status, timeframes, and requirements of eFiling in the Superior Court in Maricopa County. The document, located at <https://efiling.clerkofcourt.maricopa.gov/eFilingGuidelines/> contains all guidelines related to electronic filing. The eFiling Guidelines will be updated regularly, making it important to verify the date of the last revision and any summary of changes to ensure your practice complies with the eFiling requirements.

In addition to the new format of the eFiling Guidelines, eFiling will begin in Family Court on December 5, 2007 in three divisions of Superior Court. Judges Flores, Padilla and Rea will allow eFiling on a permissive basis, meaning any party may file subsequent pleadings electronically after the case in the designated division has been established. Initial Complaints, Summonses, and Responses will continue being filed in paper. The parties may choose to file subsequent documents electronically. See the eFiling Guidelines for details.