

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

### **A Sea of Change**

While change is inevitable, "change" as a political theme was worn thin during the national elections. The Clerk's Office and the Superior Court in Maricopa County saw many changes in 2008 and many more will occur in 2009. Change brings some new innovations and can also reduce previous expectations.

In 2008, eFiling expanded to more civil, criminal and family court cases and the Clerk's Office demonstrated its eFiling system to over 200 local attorneys, legal support staff, government agencies and interested individuals. The Clerk's Office reached a milestone by receiving the highest number of civil eFilings in one month in October 2008 at 3,330 civil eFilings. While the number of eFilings continues to grow, they still represent approximately 5% of the total number of filings in superior court.

Budget cuts at all levels of government in 2008 forced change to planning, service levels, and projects in the Clerk's Office. Because of budget cuts and changing priorities, expanding electronic processes and improving on the old paper processes is necessary for continuing operations in the Clerk's Office. In 2009 the Clerk's Office expects to increase the number of attorneys receiving minute entries electronically and to reduce or eliminate paper processes and procedures that can be done more efficiently.

Employees in the Clerk's Office know that the biggest room in the world is room for improvement. With shrinking budgets, hiring restraints and unending demand for services, the Clerk's Office is committed to adapting to change while maintaining the highest levels of quality. When financial times improve, the office expects to return to a staffing level of employees who can perform the court's business at the service levels its customers have come to expect. In the meantime, the office will continue to improve everywhere possible and will continue to provide expert assistance from its knowledgeable staff of dedicated employees.

### **Supreme Court Moves eFiling Forward**

Chief Justice Ruth McGregor signed Administrative Order 2008-89, thus adding to existing eFiling pilot programs and allowing attorneys and self-represented parties to electronically file certain documents in civil court cases in the Superior Court in Maricopa County, effective December 1, 2008. It was previously thought that family court would be involved in the first phase of the permissive eFiling pilot; however, the Supreme Court has decided to expand permissive eFiling to civil court cases only in this phase of the pilot program.

Documents that may not be electronically filed and must still be filed in paper are listed in the Electronic Filing Guidelines (eFiling Guidelines), maintained by the Clerk's Office

at <https://efiling.clerkofcourt.maricopa.gov/efilingguidelines/>. The new pilot expanding electronic filing is a “permissive” eFiling initiative as, according to the Administrative Order and the eFiling Guidelines, attorneys and self-represented parties may choose to electronically file, but may also choose to file in paper or use a combination of electronic and paper filing methods. Documents filed in the courtroom will continue being filed on paper and the Clerk’s Office will scan the image of those documents, making them available in the electronic court record. Civil court judges are prepared to accept electronic filings from attorneys and parties who choose to eFile in cases under the terms of the permissive eFiling pilot.

In the permissive eFiling pilot program, authorized documents may be filed electronically with the Clerk’s eFiling Online website or through the third-party vendor, Wiznet. Some law firms have made the administrative decision to electronically file exclusively through one provider, but both are available. More information on eFiling providers is available online at <http://clerkofcourt.maricopa.gov/efiling/default.asp>.

Permissive eFiling under Administrative Order 2008-89 and the eFiling Guidelines will not be available in the following case types: family, probate, mental health, tax, juvenile matters, special actions, transfers of jurisdiction or lower court appeals cases. In addition, mandatory eFiling continues in limited civil case type divisions where general and complex civil cases are designated for eFiling by individual minute entries. To verify a judicial division’s participation in eFiling, contact the division directly.