

By Michael K. Jeanes, Clerk of the Superior Court

Improvements for 2013

The Clerk's Office appreciates your partnership and suggestions that helped the office make improvements and efficiencies throughout 2012 and more are in store for next year. Advancements in processing eFilings and scanning have allowed the Clerk's Office to maintain service levels during years of stagnant or reduced budgets and staff shortages. Remodeling is currently underway at the downtown filing counters and office space. The project will be completed in May 2013 and promises to provide further improvements in the office's services. Read on for more about advances starting now.

Local Rule Changes

The Superior Court in Maricopa County requested extensive changes to the local rules of procedure. As of the date of printing, the updated rules are expected to have a January 1, 2013 effective date and will reflect the emergence of eFiling, the Electronic Court Record, case management and other process changes. Local rules will be added, deleted, and modified and will change how documents are filed, processed, and reviewed by the Clerk and Court across all case types. The new local court rules will be published in the Rules of Court book and will be available at the rules online website under "Local Rules of Practice Superior Court" at <http://government.westlaw.com/linkedslice/default.asp?SP=AZR-1000>. Changes approved by the Supreme Court will also be posted to the Court Rules Forum online at <http://azdnn.dnnmax.com/Default.aspx?tabid=91>.

Subpoenas, Summonses, Orders to Appear

One local rule change in Maricopa County would require that language regarding disability accommodations and interpreter services appear on every subpoena and summons before the Clerk can issue the document. Before bringing a subpoena or summons to the Clerk, documents would have to state:

"Requests for reasonable accommodation for persons with disabilities must be made to the division assigned to the case by the party needing accommodation or his/her counsel at least three (3) judicial days in advance of a scheduled proceeding. Requests for an interpreter for persons with limited English proficiency must be made to the division assigned to the case by the party needing the interpreter and/or translator or his/her counsel at least ten (10) judicial days in advance of a scheduled court proceeding."

Adding this language to your forms now will prepare your practice for this change. If the local rule is approved as expected, the Clerk's Office will work with the State Bar to add the language to subpoenas issued through the Bar's Subpoena Online service.

eFiling in Family Court

Permissive eFiling will be expanded in family court, effective December 1. Attorneys and self-represented parties will be able to electronically file post-initiation family court documents in any family court case in the Superior Court in Maricopa County. The expansion allows parties or their attorneys to choose which documents to eFile after the case is initiated on paper. To allow this expansion now, eFiling in family court cases will be through the Clerk's eFiling Online website, not AZTurboCourt. See the Clerk's website for more information about eFiling: <http://clerkofcourt.maricopa.gov/efiling/default.asp>.

Filing Changes in Probate Cases

On January 2, 2013 the Clerk's Office will change to a drop-filing system for informal probate filings, which will match the process currently in place in 13 of Arizona's counties. Informal probate documents can be filed at the probate filing counters and at the Clerk's satellite facilities around the Valley, including the Central Court Building. This expanded access will allow runner services and couriers to include probate filings in their daily rounds and reduce their trips to multiple locations.

The drop-filing process is similar to depository box filings. Documents will be acknowledged at the time of presentation, scanned at the dropped location, and reviewed by the probate registrar or a deputy registrar within three business days. The probate registrar will accept or decline the documents for filing.

For accepted filings, the notifications, paperwork and letters will be processed at the filing site by a probate specialist. A case number will be assigned, any fees processed and the case will be filed-in. Documents will be available for pick-up at the location where they were dropped for filing. For declined documents, a notification will be completed explaining the filing deficiency.

Conformed Copies

The Clerk's Office has seen a dramatic rise in multiple copies of proposed forms of judgment to be conformed and mailed to parties in default. This has included dozens of addresses where the defaulted party might receive mail. Pursuant to Rule 58(e) of the Arizona Rules of Civil Procedure, a copy of a default judgment or notice of the Court's approval of same, shall only be sent to parties that have entered an appearance in the matter. The Clerk's Office is not required to distribute notice of the entry of judgment to parties in default for failure to appear and, effective December 1, stopped conforming and mailing copies to parties in default. Attorneys are encouraged to provide only enough proposed forms of judgment and envelopes as provided for in the Rule. Runner slips are accepted in lieu of copies and envelopes when the Plaintiff is the only appearing party in a civil case.

Tax Filings

The Superior Court in Maricopa County serves as the principle office of the Tax Court in Arizona for filing county and state-level challenges and appeals in the Tax Court. Effective January 2013, Small Tax (case numbers beginning with ST) and regular tax

(case numbers beginning with TX) cases may also be filed at the civil file counters in the Central Court Building in downtown Phoenix. For several years tax filings were filed primarily at the Probate file counter in the Old Courthouse.

Post-initiation filings in the "TX" case type can also be electronically filed through the Clerk's eFiling Online system. All documents in "ST" cases must be filed on paper. eFiling in tax cases is unavailable through AZTurboCourt at this time. eFiling in tax cases is available to participating government agencies as well, including the Attorney General, County Attorneys, County Treasurers, Assessors and Boards of Supervisors.

Disposal of Non-Standard Items

Filing parties are reminded that non-standard items submitted with paper filings will be disposed of if they cannot be scanned by the Clerk's Office. Documents are processed through black-and-white scanners designed to image 8 ½ x 11 non-colored paper. Those images become the official record and the Clerk's Office disposes of the originals. Parties and their attorneys are encouraged not to file items such as CDs, DVDs, VHS, cassette tapes, photographs not copied to 8 ½ x 11 paper, paperback books, or other items that cannot be scanned, are non-compliant with court rules, or that should be submitted as courtroom exhibits. If left with the Clerk's Office, we are unable to scan these items and they will not be part of the official record. Documents, photographs, maps, charts, select pages from books and other items that are not standard sizes should be formatted to an 8 ½ x 11 size on white paper before filing with the Clerk. Original, non-standard items should be retained by the filing party as needed for use at hearing or trial.

Thank You!

Happy Holidays and thank you on behalf of the dedicated employees of the Clerk of the Superior Court in Maricopa County. We look forward to serving you in 2013!