

By Michael K. Jeanes, Clerk of the Superior Court

A lot happens in a year. Here's what you might have missed

Court rule changes dominated what took place in the Clerk's office in 2015. This year's Clerk's Corners and the office's monthly electronic newsletter, *The Brief*, updated the legal community on access to records, office operations and the impact of mandates in both rule and legislation. This article summarizes those changes. You can review the Clerk's monthly newsletters anytime at http://www.clerkofcourt.maricopa.gov/atty_news.asp.

Rule changes

This has been an active year for civil practitioners. A pilot project began in the Superior Court in Maricopa County to expedite commercial cases. An experimental rule and caption requirements were added for any case that meets the criteria. A Supreme Court Task Force has been active all year preparing an overhaul of the civil rules of procedure. The group's work will be submitted as a rule change petition in January, followed by a comment period and potential adoption effective January 2017. An earlier rule change ended the practice of posting a cost bond in civil appeals. While a bond may still be agreed to or ordered in limited situations, it is no longer required. The Clerk's office is working to identify those cases where a cost bond was posted but never ordered released.

Mandates

The Clerk's office reminded filers that, when the court orders a bond or other funds deposited into an interest bearing account, the Clerk's office requires the recipient to complete and sign a W-9 tax form before accumulated interest can be released. This allows the Clerk and the depository bank to coordinate federally-required forms and processes related to the accumulated interest. All interest must be reported on a federal 1099 form. Providing the W-9 to the Clerk's office reduces or eliminates delays in accepting, posting, and distributing funds.

For criminal law practitioners, the Clerk's office communicated the importance of detailing restitution agreements in the court's orders. Some terms appear in plea agreements or are informal understandings but do not get reduced to writing in the court's orders. This causes confusion and posting errors when the Clerk can only distribute funds based on what appears in the court order. Solving this is possible through communication between parties, victims, counsel, the probation department, the court, and the Clerk's office.

Filing documents

Practitioners were reminded to check their PDF documents before uploading them for e-filing. With the exception of proposed orders that need to be uploaded in MS Word

format, it is a good practice to convert all documents to PDF before e-filing. Newer versions of word processing applications have a “convert to PDF” option on the ribbon at the top of the page or as an option when saving the document. However, not all fonts are supported during the conversion process and it is helpful to open the converted PDF before e-filing it to ensure it appears the way it should.

The Clerk’s office provided helpful reminders on presenting documents to the court for sealing. Some otherwise public case types have documents that must be filed under seal, some entire cases are filed and maintained under seal, and some documents are submitted to the court for review and determination on sealing. These scenarios were covered in the March 2015 edition of *The Brief* and the April 2015 edition of the *Maricopa Lawyer*.

Viewing documents

Readers were reminded that the Clerk’s ECR Online website is helpful for viewing the images of court records remotely, but has some limitations. Most notably, the ECR Online does not support Apple products, making it difficult to view documents on an iPad or Mac. Likewise, when customers receive large files such as entire cases on CD, the CD comes with built-in software that has to be viewed on a PC and is not compatible with Apple products. Arizona’s Administrative Office of the Courts is still planning a statewide electronic repository of records, but no dates have been released for implementation.

Getting information

Following changes that impact your practice is easy. The Clerk’s office regularly submits articles to the *Maricopa Lawyer* and the office’s monthly newsletter, *The Brief*, is distributed by email. The Clerk’s website has a section for news and announcements and the office has a social media presence. The Clerk is on Twitter at @MaricopaClerk and on Facebook under “Clerk of Superior Court in Maricopa County.” There are unofficial sources online with similar names; one way to get to the Clerk’s official pages is by clicking on the icons at www.clerkofcourt.maricopa.gov.

The Clerk’s office will continue communicating things to look for and practice tips throughout 2016. It is our hope that your practice, profession, and interests thrived in 2015 and that your goals and ours will succeed next year. We look forward to your suggestions that propel our continual improvement and customer service.