

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
ADMINISTRATIVE ORDER	)	Administrative Order
GOVERNING E-FILING IN THE	)	No. 2014 - <u>99</u>
SUPERIOR COURT IN MARICOPA	)	(Replacing Administrative Order
COUNTY	)	No. 2011-140)
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In 2011, this Court combined several Administrative Orders into one order to increase usability. A number of features have become available since that time. This Court now expands electronic filing to include Tax (TX) cases as well as updating the Order commensurate with the services available.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED that the following definitions, fees, and procedures for e-filing non-initiating TX case and civil case documents through AZTurboCourt in the Superior Court in Maricopa County are adopted. Provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

1. Definitions

- a. “Application Fee” means the fee assessed when a filer performs various functions using AZTurboCourt.
- b. “AZTurboCourt” means a supreme court-approved Internet-based system for filing of documents in the trial and appellate courts of Arizona. AZTurboCourt is supported by the application fees associated with its use.
- c. “Attached Document” means a document prepared outside of AZTurboCourt and then filed in AZTurboCourt.
- d. “Clerk” means the Clerk of the Superior Court in Maricopa County.
- e. “Court” means the Superior Court in Maricopa County.
- f. “Document” means any pleading, motion, exhibit (other than a courtroom exhibit), declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the Court.

- g. “Electronic Document Management System” (“EDMS”) means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management, and retrieval of electronic documents through their life cycle.
- h. “Judicial Officer” means any person who is authorized to perform judicial functions within the Court, including a judge, court commissioner, referee, or pro tempore judge.
- i. “Small Tax (ST)” cases are superior court cases filed pursuant to A.R.S. §12-172.
- j. “Regular Tax (TX)” cases are superior court cases filed under A.R.S. §12-161, et. seq., except cases filed as Small Tax cases.
- k. “Electronic Service” means the method of formally notifying opposing parties using a computerized web-based method such as email or an electronic filing service provider rather than by paper.
- l. “Secondary Service” means the notification sent to opposing parties of filings which are subsequent to the original complaint.

## 2. Applicability

- a. Commencing November 3, 2014, attorneys shall file post-initiation civil case documents and post-initiation regular tax case (TX) documents electronically through AZTurboCourt in accordance with this Order.
- b. Self-represented litigants may, but are not required to, file civil and TX documents through AZTurboCourt. A self-represented litigant who chooses to file civil and TX documents using AZTurboCourt shall pay all applicable fees and follow the requirements set forth in this Order.
- c. This Order does not apply to documents filed in any of the following case types: criminal, family law, probate, juvenile, mental health and related case types, small tax, special actions, transcript of judgment, lower court appeals, and the Gila River General Stream Adjudication case.

## 3. Exceptions

- a. The Clerk shall not accept civil and regular tax case documents from attorneys on paper unless the document qualifies for one of the following exceptions:
  - i. Case initiation documents, including a civil or regular tax complaint or petition or any other document that may initiate a new case as well as any accompanying document intended for issuance or personal service. Attorneys and process servers may electronically file a proof of service document upon completion of service.

- ii. Any document that requires issuance by the Clerk as well as any accompanying document that requests the issuance. Attorneys and process servers may electronically file the issued document as well as any proof of service document upon completion of service.
  - iii. Petitions for injunctions against harassment and injunctions against workplace harassment. Attorneys may electronically file a subsequent document in an injunction against harassment and injunction against workplace harassment case.
  - iv. Documents, any portion of a document, and exhibits filed under seal or a motion to file documents under seal.
  - v. An application or supplemental application for waiver or deferral of a filing fee, application fee, or any other fee or cost.
  - vi. Any document requiring a filing fee for a litigant in which a waiver or deferral has been granted. The clerk shall require a copy of the order granting the deferral or waiver of court fees and costs at the time of filing the paper documents.
  - vii. Any documents in a civil case assigned to a probate division.
- b. Any written motion requesting an exception from compliance with e-filing through AZTurboCourt may be filed on paper by the attorney requesting the exception using a form approved by the Court and provided by the Clerk. The provisions of Rule 5(j) of the Rules of Civil Procedure and Rule 3.2(i) of the Local Rules of Practice for the Superior Court in Maricopa County that require a proposed order be a separate document from a motion or other document shall not apply to these motions.
  - c. Rules 5(a), 5(g), and 7.1 of the Rules of Civil Procedure, which require that a written motion be served upon all opposing parties and that opposing parties be granted an opportunity to file and serve a response to the motion, shall not apply to motions filed requesting an exception to the mandatory e-filing requirements.
  - d. A judicial officer may initiate, permit, or consider ex parte communications with the attorney requesting an exception for the limited purpose of determining why an exception is necessary, and shall not involve the substance of the impending matter. Such ex parte communication shall be considered an exception to the prohibition against ex parte communication pursuant to Rule 81 of the Rules of the Supreme Court, Canon 2, Rule 2.9 (A)(5).
  - e. A copy of the order granting the electronic filing exception must be provided to the Clerk at the time of filing the paper document(s).
  - f. Any attorney, when working as an employee of an approved legal service organization and representing litigants who are unable to pay the application fee for filing a

document in a civil case using AZTurboCourt, may file documents either on paper or, at the option of the attorney, except as provided in (4)(b) below, using AZTurboCourt.

4. Application Fee and Filing Fees

a. An application fee shall be assessed to support the electronic filing and document access services offered by AZTurboCourt, as follows:

    \$ 6.00     to e-file an attached document

    \$ 2.00     to e-file a stand-alone proposed order for signature

    \$ 6.00     if filer elects to use optional electronic service

b. The application fee shall not be assessed to e-file a document submitted on behalf of a person or entity identified in A.R.S. § 12-304, whenever a filing fee is not charged.

c. All filing fees, local court fees, and application fees shall be paid through AZTurboCourt at the time of filing.

d. The application fee shall be nonrefundable.

5. General Policy

a. Signatures.

i. Signature of Attorney. An attorney is responsible for all documents filed under the attorney's registered login ID and password and under the registered login ID and password of any person the attorney has authorized to file in AZTurboCourt. Any document displaying the symbol "/s/" with the attorney's printed name shall be deemed signed by that attorney for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 11 of the Rules of Civil Procedure.

ii. Signature of Judicial Officer. Documents filed in AZTurboCourt under a judicial officer's or clerk's registered login ID and password shall be deemed filed by that judicial officer or clerk. Any judgment or order displaying the symbol "/s/" or a facsimile signature with the judicial officer's printed name, shall be deemed signed by that judicial officer for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 58(a) of the Rules of Civil Procedure.

iii. Signature of Self-Represented Litigant. Documents filed in AZTurboCourt by a self-represented litigant shall be filed under the self-represented litigant's registered login ID and password and shall be deemed signed by that self-represented litigant for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 11 of the Rules of Civil Procedure.

- iv. Multiple Self-Represented Parties' Signatures not Required. A document being filed for more than one self-represented litigant need only be signed by one of the self-represented litigants. The signer of the document shall ensure that all parties named in the document agree with the contents of the document. The parties' actual participation in any filing is subject to judicial determination.
- b. Document Format. All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17 of the Superior Court of Maricopa County Local Rules and Rule 10(d) of the Rules of Civil Procedure, and shall conform to such other format requirements as the Court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute.
  - i. Technical Format and Size. Any document submitted through AZTurboCourt shall be in Portable Document Format (.pdf), except that a proposed order shall be submitted using a word processing software that produces a .doc or .docx format. A document shall not be password protected and shall not exceed the size limitation of AZTurboCourt.
  - ii. Certified Mail, Return Receipt Card. When establishing proof of service by U.S. Postal Service certified mail, the filer may file the proof of service on paper or electronically. Scanned images must include both sides of the return receipt.
  - iii. National Courier Service, Return Receipt. When establishing proof of service by a national courier service, the filer may scan and file the required documentation or file it on paper.
  - iv. Notary Requirement. A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.
- c. Required Exhibits and Attachments to Pleadings. Any court rule that requires a copy of a document be attached as an exhibit to a document is satisfied by electronically attaching either a scanned image of the exhibit or a copy of the exhibit in an approved format.
- d. Hyperlinks. A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official Court record. A filer may include a bookmark to another page within the same document.
- e. Date and Effect of Electronic Filing.
  - i. An electronically submitted document shall be deemed filed on the date and time it is received by AZTurboCourt as reflected on the subsequent email

notification or the filing details displayed within AZTurboCourt, unless payment is not made and/or the Court later rejects the document for filing. The Clerk shall provide the filer an explanation of any deficiency identified.

- ii. The electronic delivery of documents by the Court through AZTurboCourt is complete upon transmission.
- f. Responsibility for Filing and Service. A person who files a document electronically shall have the same responsibility as a person who files a document conventionally for ensuring that the document is properly filed and is complete and readable, and that a copy has been provided to other parties in the case. Secondary service is available electronically through AZTurboCourt.
- g. Paper Copy for Court. Except as provided by local rule, a judicial officer shall not require a filer to provide a paper copy of any document submitted through AZTurboCourt.
- h. Official Record.
  - i. An electronic document that resides within the Clerk's or Court's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
  - ii. An electronic transmission or print-out from the Clerk's or Court's EDMS that shows the Clerk's or Court's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.
  - iii. Any Court rule requiring that a document be an original, be on paper or another tangible medium, or be in writing, is satisfied by the electronic image defined as the original document in section 5(h)(i) above.

6. Extension of Time Due to Interruption in Service

- a. If a filer fails to meet a filing deadline imposed by Court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, and the matter cannot be resolved to the satisfaction of the filer and the Clerk, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the Court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically.
- b. The Court and Clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

7. Additional E-Filing Policies. The Presiding Judge of the Court and the Clerk, in consultation with the Administrative Director of the Administrative Office of the Courts, may create additional e-filing administrative policies for implementing this Order. Any such e-filing administrative policies shall be posted online at AZTurboCourt.gov and on the websites of the Clerk of the Court and the Superior Court.

IT IS FURTHER ORDERED that this Order replaces Administrative Order No. 2011-140.

Dated this 8th day of October, 2014.

FOR THE COURT:

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SCOTT BALES  
Chief Justice