

THE

BRIEF

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An electronic update for the legal community providing a brief look at news in the Clerk of the Superior Court's Office



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Emergency Filings

With the advent of eFiling and its mandatory status for civil documents in the Superior Court in Maricopa County, cases are moving more quickly and efficiently. Direct communication with the court is still important, especially in emergency or unique situations. Remember that, although electronic processes are faster than paper, they are not immediate. It can take a full business day for an eFiled civil document to get through AZTurboCourt and the Clerk's Office's reviews before the document is available to your judicial officer. This is critical to keep in mind for temporary restraining orders requested after the case is initiated, when documents get filed just hours before a scheduled hearing, and when a case is removed to federal court or appealed just prior to a hearing or event scheduled in the Superior Court. If it appears likely that action will occur before the document gets processed and before the judge has a chance to review it, call the judge's division to make them aware of the situation and inquire if the judge wants a copy of the filing emailed or faxed directly to the division. This additional step should be rare, but helpful. Also remember that documents are only part of the official court record after they have been accepted and filed into the case by the Clerk.

Individual Subpoenas

Attorneys and legal support staff periodically ask the Clerk's Office if individual civil subpoenas (particularly "blank" subpoenas) can be copied and used for multiple witnesses. The Clerk's position, based on an informal opinion from the Attorney General's office, is that original subpoenas are intended for one recipient per subpoena pursuant to the statutes and civil rules. An original subpoena issued by the Clerk is not intended to be copied and reissued to multiple witnesses or to list multiple witnesses on one subpoena. In Arizona, only the Clerk or the State Bar on the Clerk's behalf may issue an original subpoena. To make copies of an original blank subpoena and serve them on different parties would circumvent the rules and statutes that specify the Clerk as the entity authorized to issue subpoenas. The Arizona Rules do not have a provision for attorneys to issue their own subpoenas. If your case requires 20 witnesses to be subpoenaed, this protocol requires the Clerk to issue 20 subpoenas – one for each witness. Civil Rule 45(a)(1)(D) requires that all subpoenas must substantially comply with the format approved by the Arizona Supreme Court in Rule 84, Form 9, Form of Subpoena.

Centennial Marriage Event

The Clerks of the Superior Court and the Arizona Supreme Court are sponsoring a Centennial Marriage Event on February 14, 2012 as part of Arizona's official Centennial events. All 15 elected Clerks are participating by letting marriage license applicants know they can be married on the steps of the State Courts Building in downtown Phoenix. The ceremony will be presided over by Rebecca White Berch, Chief Justice of the Arizona Supreme Court. Couples who would like to take part should have their marriage license issued by any Clerk between now and February 6, 2012. The cost is the statutory fee of \$72 for a marriage license, with no additional fees. For more details, including information on parking, media access and disability accommodations, visit the Clerk's website at www.clerkofcourt.maricopa.gov.