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MICHAEL K. JEANES, Clerk
By L. Samson
Deputy

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE MATTER OF ELECTRONICALLY FILING SUBSEQUENT DOCUMENTS FOR CRIMINAL CASES FILED IN THE SUPERIOR COURT IN MARICOPA COUNTY	AMINISTRATIVE ORDER No. 2005-066

As permitted by Section 1-506, Filing and Management of Electronic Court Documents, of the Code of Judicial Administration and Rule 124, Rules of the Supreme Court of Arizona, which permits the Presiding Judge of the Superior Court in each county to implement electronic filing, electronic filing of subsequent documents shall be permitted as follows in designated criminal e-filing pilot divisions beginning on April 25th, 2005, and shall be governed by this Administrative Order.

IT IS THEREFORE ORDERED:

1. Application of Administrative Order

Commencing April 25th, 2005, the Clerk of the Superior Court of Maricopa County shall establish and maintain an electronic filing system. The Clerk shall make the system available to all parties who prosecute and defend individuals or entities, or serve the court in these matters. Where documents are not filed in an electronic format, the Clerk of the Court shall scan or otherwise convert these paper documents to an electronic format rendering them capable of being microfilmed.

2. Definition of Terms

The following terms are defined as follows with regard to this Administrative Order:

- E-File: electronic transmission of an original document to the Court, and from the Court, for the purposes of filing.
- E-Service: electronic transmission of a copy of the document to case participants as required by statute and court rule and as designated by the filing party. E-filing does not include service of process or summons to gain jurisdiction over persons or property.
- Participant: Any party, including the prosecutor, defense attorney or other entity who has been approved to participate in the prosecution, defense and sentencing in criminal matters electronically filed within the purview of this Administrative Order.
- Document management system: the electronic document storage and imaging system maintained by the Clerk of the Superior Court to store electronic court documents.

- Case management system: the system in use by the Clerk and the Court to docket, calendar, assign and track cases.
- PDF: Portable Document Format - a file format that preserves all fonts, formatting, colors and graphics of any source document, regardless of the application platform used.
- TIFF: Tag Image File Format - a standardized file format used to store imaged documents.
- Scanned document: an electronic image created by scanning a paper document.
- Electronic document: an original document filed with the Clerk's Office in electronic format.
- Filing: documents, either electronic or paper, submitted to the Clerk for filing.
- Hyperlink: an electronic connection or reference to another place in the document, such that when selected the user is taken to the portion of the document to which the hyperlink refers.
- Conventionally filed: filing or service of paper documents.
- Source Document: that document as originally submitted to the Clerk for filing

3. Electronic Filing of Pleadings and Other Documents

On and after April 25th, 2005 all pleadings, motions, memoranda of law, orders and other documents electronically filed in a criminal matter currently assigned to a criminal e-filing pilot division shall be maintained in electronic format by the Clerk of the Superior Court and will be maintained as the original and official record of the Court. Documents may be filed electronically and will be accepted by the Clerk of the Court in all criminal cases assigned to a designated criminal e-filing pilot division regardless of the date of the initial filing.

4. Format of Electronic Documents

All electronically filed documents shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 35, Rules of Criminal Procedure; Rule 2.17, Superior Court of Maricopa County Local Rules; and Rule 10(d), Rules of Civil Procedure, and in conformance with such other formats as the Court may require from time to time. as long as those formats do not cause participants to invest significant resources in making changes. The Clerk of the Court will not reject documents that do not comply with formats not required in a specific rule of procedure or statute. The provisions of Arizona Supreme Court Rule 124(f), Paragraph Numbering, will not be applied to electronic documents filed pursuant to this administrative order.

5. User ID and Password

The Clerk of the Court shall develop and maintain an electronic filing system via the use of software applications and programs that will provide for the transmission of documents and other court information to the court through an electronic medium rather

than on paper. The Clerk shall register participants in a case and provide each with a personally selected user name (ID) and password. The use of the user name and password shall constitute an original signature, where required, on electronically filed documents.

6. Signature

The user name when used in conjunction with the personally selected password shall constitute a signature of the registered participant on documents submitted to the Court or by the Court. In order to ensure the intent of the filing participant, the signature line on an electronically filed document will bear the printed name of the filing participant preceded by the symbol "/s/". Electronic documents may be signed by Judicial Officers via the use of a printed signature preceded by the /s/ symbol or via the use of the e-filing application judicial signature stamp. The e-filing application judicial signature stamp will be merged with the electronic document and shall be visible when the document is printed and viewed electronically. Documents requiring the signature of the defendant or other identifying indicators, such as thumbprints on sentencing orders, shall be filed with the court in paper format, scanned, and maintained consistent with applicable record retention schedules and archival rules.

7. Hyperlinks, Bookmarks and Other Electronic Navigational Aids

Electronically filed documents may include hyperlinks, bookmarks and other electronic navigational aids for the convenience of the judge assigned to the case. A hyperlink is not itself a part of the filed document. Each hyperlink must contain a text reference to the target of the link. As an example, the electronically filed document may contain a reference like "A.R.S. 13-605" and hyperlink that text to the URL http://www.azleg.state.az.us/FormatDocument.asp?inDoc=/ars/13/00605.htm&Title=13&DocType=ARS. The foregoing notwithstanding, hyperlinks are not part of the official court record and will not be preserved in electronically filed documents submitted and stored on the Clerk's electronic document management system.

8. Printing of Electronically Filed Documents

Any electronically filed document must be printable with the same contents and formats as if printed from its authoring program.

9. Documents Not Permitted to be Filed Electronically

Notwithstanding the foregoing, the following types of documents shall be filed conventionally, unless expressly required to be filed electronically by the Court:

- Charging documents, including Direct Complaints, Indictments, and Informations and any accompanying service documents (i.e. Summons, Subpoenas, and Warrants).

- Documents filed under seal (a motion to file documents under seal; however, shall be filed electronically).
- Audio recordings not expressly authorized by the Court in writing for filing electronically.
- Affidavits of service for conventionally served or filed documents.
- Applications and orders for deferral or waiver of court fees and/or costs.

The State/plaintiff shall file a complaint and serve a summons on each defendant in the conventional manner. The Clerk shall issue the summons in the conventional manner and the original paper summons must be returned for filing.

Exhibits and appendices to pleadings may be filed and served electronically. However, courtroom exhibits are governed by the Court's e-exhibit policy (2004-013) and shall be handled in the conventional manner. Courtroom exhibits shall not be filed with the Court through the E-Filing system.

10. Method of Filing

Each document accepted for filing by the Clerk of the Court shall be electronically file stamped with the time and date of filing, the names of the Clerk of Court and the deputy clerk accepting the filing and the words "ELECTRONICALLY FILED". This file stamp shall be merged with the electronic document and shall be visible when the document is printed and viewed on-line. Electronically filed documents are not complete without the electronic filing stamp. Filings so endorsed shall have the same force and effect as documents filed in the conventional manner.

11. File Formats Accepted

A participant may electronically transmit a document in Microsoft Word (.doc), Microsoft Excel (.xls), Rich Text Format (.rtf), WordPerfect (.wpd), Portable Document Format (.pdf) and the standard non-proprietary graphic formats (.gif, .tiff, .tif, .bmp, .jpg). Upon acceptance by the Clerk's Office and filing-in, all documents electronically filed will be converted to Portable Document Format (.pdf) in compliance with standards set forth in sections 1-504 and 1-506 of the Arizona Code of Judicial Administration. The Court may require a participant to produce the original of a scanned exhibit that has been filed electronically by the participant.

12. Confirmation of Receipt and Filing or Rejection of Documents Submitted for Filing

Upon completion of the transmission of a document for filing to the Clerk of Court, the Clerk of Court shall immediately scan the document for viruses. If the document is free from infection, the document shall be deemed received and an acknowledgement of receipt of the document shall be immediately returned to the filing participant. The document shall then be reviewed for compliance with all standard filing practices and, if accepted, shall be deemed filed as of the date and time it was received. If the

document is infected, the document will be discarded and a notice sent to the e-filing participant that the document was infected and has not been filed with the Clerk. The Clerk shall immediately notify the e-filing participant and the third-party facilitating entity (ICJIS) if any document is rejected and the notice shall set forth the grounds for rejection. It shall be the responsibility of the filing party to resubmit any rejected document with appropriate corrections.

13. When Filing Complete

Any documented electronically filed shall be considered filed with the Clerk as of the date and time it was successfully received by the Clerk's e-filing system, pending review and acceptance by the Clerk, provided that the receipt of the electronically filed document occurs by 11:59 p.m. Phoenix time. Once the clerk completes the electronic filing review process, the filing participant shall receive an acknowledgment receipt indicating that the filing's status and if accepted, the official file date and time of the filing.

14. Electronic Service to Other Parties

Electronic service shall comply with all applicable state and local court rules including Arizona Supreme Court Rule 124(e). The electronic filing system will provide electronic service to other county justice agencies; however, it is the responsibility of the filing party to confirm those parties have received a copy of the filing. The electronic service of a pleading or other document through the electronic filing system shall be considered as a valid and effective means of service.

15. Responsibility for Filing

A participant who files a document electronically shall have the same responsibility as a person filing a document in paper format for ensuring that the document is properly filed, that it is complete and readable, and that a copy has been provided to other parties in the case.

16. Interruption in Service

The Court and Clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents. Notwithstanding any other provisions of this Administrative Order, if the electronic filing is not filed with the Clerk because of an error in the transmission of the document that was unknown to the sending participant or a failure to process an electronic filing after receipt, the Court may enter an order permitting the document to be filed nunc pro tunc to the date it was sent electronically.

17. Availability of E-filed Documents

The Clerk of the Court shall make electronically filed and scanned documents available to case participants, the Court and the public. The public may access electronically filed and scanned documents of public record through Public Access Terminals located in the Superior Court Clerk's office. For the purpose of retrieving electronically maintained documents, access by the public shall be to the Clerk's electronic document management system, where official electronic documents are maintained. The Clerk shall make available paper copies of any publicly filed electronic or scanned documents at the same rate charged for copies of paper documents.

Case participants and the Court may access electronically filed documents through the Court's Case Management System available via the Maricopa County Intranet or at any of the Clerk's public access terminals. Private defense attorneys may access electronically filed documents via the clerk's public access terminals.

18. Court Orders and Judgments

The Court may issue, file and serve notices, orders and other documents electronically in an e-file case subject to the provisions of this Administrative Order. Where a Clerk is required to endorse a document, the typed name of the Clerk shall be deemed to be the Clerk's signature on an electronic document.

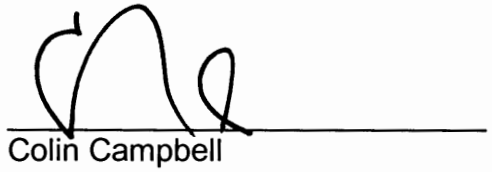
19. Judicial Transfers Outside an E-Filing Pilot Division

If a case previously assigned to a division participating in the criminal electronic filing pilot is transferred to a division that is not participating, filing parties will no longer be permitted to electronically file. Exceptions to this rule will be considered by the new division upon written request by participating parties.

20. Amendments to Administrative Order, Code of Judicial Administration and Rules of the Arizona Supreme Court

The Superior Court in Maricopa County may amend this Administrative Order and the Arizona Supreme Court may amend the Code of Judicial Administration and Court Rules from time to time. All parties in cases subject to this Order must comply with current and future provisions of this Administrative Order, the Arizona Code of Judicial Administration and the Rules of the Arizona Supreme Court.

DATED: April 20, 2005.



Colin Campbell
Presiding Judge

Original: Clerk of Superior Court

Copies: Hon. Barbara Mundell, Presiding Judge Designate
Hon. Eddward Ballinger, Criminal Presiding Judge
Hon. Thomas O'Toole, Associate Criminal Presiding Judge
Hon. James Keppel, Criminal Presiding Judge Designate
Hon. David Talamante, Associate Criminal Presiding Judge Designate
Hon. Michael K. Jeanes, Clerk of Superior Court
Marcus Reinkensmeyer, Trial Courts Administrator
Phil Knox, Deputy Court Administrator
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