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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 THE MATTER OF ELECTRONIC FILING IN DESIGNATED CIVIL MATTERS	))))	ADMINISTRATIVE ORDER No. 2005-091

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 civil e-filing pilot divisions beginning on June 20th, 2005, and shall be governed by this Administrative Order.

Supplemental administrative orders shall be issued regarding the implementation of this order.

IT IS THEREFORE ORDERED:

1. <u>Application of Administrative Order</u>

Commencing June 20th, 2005, the Clerk of the Superior Court in and for the County of Maricopa shall establish and maintain an electronic filing system in the civil department. The Clerk of the Superior Court shall make the system available to those parties involved with cases that have been designated for mandatory e-filing. 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. <u>Definition of Terms</u>

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

- Case management system: the system in use by the Clerk and the Court to docket, calendar, assign and track cases.
- Conventionally filed: filing or service of paper documents.
- Document management system: the electronic document storage and imaging system maintained by the Clerk of the Superior Court to store electronic court documents.
- E-File: electronic transmission of an original document to the Court, and from the Court, for the purposes of filing.
- Electronic document: an original document filed with the Clerk's Office in electronic format.

- 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.
- 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.
- Participant: Any party who has been approved to participate in civil matters electronically filed within the purview of this Administrative Order.
- 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.
- Scanned document: an electronic image created by scanning a paper document.
- Source Document: that document as originally submitted to the Clerk for filing.
- TIFF: Tag Image File Format - a standardized file format used to store imaged documents.

3. Electronic Filing of Pleadings and Other Documents

On and after June 20th, 2005 all pleadings, motions, memoranda of law, orders and other documents electronically filed in a civil matter designated for e-filing 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 shall be filed electronically and will be accepted by the Clerk of the Court in those cases designated for mandatory e-filing by the participating civil e-filing division.

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; Rules 2.17 and 10(d), Rules of Civil Procedure; and in conformance with such other formats as the Court may require from time to time. The Clerk shall not reject electronic documents filed pursuant to this administrative order for failure to comply with Arizona Supreme Court Rule 124(f), Paragraph Numbering.

5. User ID and Password

The Clerk of the Court shall 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.

6. Signature

The use of the user name and password of an attorney or party shall constitute an original signature pursuant to Ariz. R. Civ. P. 11, where required, on electronically filed documents. The user name when used in conjunction with the personally selected password shall constitute a signature of the registered user on documents submitted to the Court or by the Court. 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.

Documents containing signatures of third-parties (i.e. unopposed motions, affidavits, stipulations, etc.) may also be filed electronically by indicating the original signatures are maintained by the filing party in paper format.

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. By way of example, and not limitation, 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. Lodging Documents

Documents to be lodged with the Court and proposed orders will be transmitted electronically to the Court and other parties via the provided electronic filing system.

10. 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:

- Initial complaints, summons, and answers.
- 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 plaintiff shall file an initial 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 shall 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.

11. Certified Copies

Certified copies of electronically filed documents may not be obtained electronically. Certified copies will be issued in the conventional manner by the Clerk of the Court.

12. 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.

13. 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), text documents (.txt), and the standard non-proprietary graphic formats (.gif, .tiff, .tif, .bmp, .jpg). Upon acceptance and filing by the Clerk's Office, 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.

14. 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 any third-party facilitating entities 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.

15. When Filing Complete

Any document 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 the filing's status and, if accepted, the official file date and time of the filing.

16. Payment of Filing Fees

If an E-Filing requires a filing fee, the Clerk of the Court, upon accepting an E-Filed document, will assess the fee and bill the filing party by mail.

17. Electronic Service to Other Parties

If electronic service is available through the provided electronic filing system, electronic service shall comply with all applicable state and local court rules including Arizona Supreme Court Rule 124(e). It will remain, however, the responsibility of the filing party to confirm other 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. Computation of time is determined as set forth in Arizona Supreme Court Rule 124(g).

If the electronic filing system does not provide a means for electronic service, it remains the responsibility of the filing party to serve other parties with the filing as would be done when filing a document conventionally.

18. 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.

19. Original Documents to be Maintained

Notwithstanding any other rules of court, a party who files any document electronically with the Clerk shall not submit a courtesy paper copy of the document to the Court, unless ordered by the Court to do so due to exceptional circumstances. If the statute requires a pleading or affidavit to be sworn to, then the original signed affidavit or pleading must be maintained by the attorney or self-represented litigant and produced in its original form within five (5) days at the demand of another party or the Court.

20. 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 on the date it was sent electronically.

21. 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. 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.

22. Court Orders and Judgments

The Court may issue, and file 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.

23. Judicial Noticing on E-Filing Cases

If counsel files a notice of change of judge with respect to the assigned judicial officer on a case that has been designated for e-filing in an e-filing division, the case will be transferred to a judicial officer in another division designated for e-filing.

24. 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 this 1st day of June, 2005.

Colin Campbell
Presiding Judge

Barbara R. Mundell
Presiding Judge Designate

Original: Clerk of Superior Court

Copies: Hon. Michael K. Jeanes, Clerk of Superior Court
Hon. Margaret Downie, Civil Presiding Judge
Marcus Reinkensmeyer, Judicial Branch Administrator
Phil Knox, Deputy Court Administrator
Karen Westover, Deputy Court Administrator
Mitch Michkowski, Civil Department Administrator
John Barrett, Court Technology Services