

Paul McMurdie, Chair
Family Court Improvement Committee
1501 W. Washington St., Ste. 410
Phoenix, AZ 85007
(602) 452-3252
SPickard@courts.az.gov

IN THE SUPREME COURT

STATE OF ARIZONA

In the Matter of:)	
)	Supreme Court No.
PETITION TO AMEND RULE 26)	
RULES OF FAMILY LAW PROCEDURE)	
)	

During the COVID-19 health emergency, the Chief Justice, through Administration Order (AO) 2020-44, authorized the presiding judges of all counties to adopt or suspend any local rules and or and to take any action concerning court operations that the circumstances required to enable the assigned judges to perform the duties required. Among the other actions, the AO authorized the provision of alternate signing and delivery of filings, orders and other documents (e.g., electronic signatures).

Further the Post-Pandemic Recommendations of the COVID-19 Continuity of Court Operations During a Public Health Emergency Workgroup recommended the following:

“The e-filing expansion provides the superior court with a means to continue accepting filings without requiring litigants to appear in person, thus reducing in-person contact while supporting clerk review and docketing functions. These

services also provide flexibility for attorneys, litigants, and clerk staff, and provide judicial staff the ability to work remotely. Enabling this type of interaction between the stakeholders was largely made possible through the authorizing AO's, particularly the permission to accept electronic signatures.”

The proposed amendment to Rule 26, ARFLP would continue and enumerate the practice of accepting electronic signature.

The Family Court Improvement Committee respectfully requests expedited consideration of this petition to conform court rule to Chapter 138, SB1265, effective September 29, 2021.

Rule 26. Signing Pleadings, Motions, and Other Documents; Representations to the Court; Sanctions

(a) Signature.

(1) *Generally.* Every pleading, written motion, and other document filed with the court or served must be signed by at least one attorney of record in the attorney's name, or by a party personally if the party is self-represented. The signature may be executed electronically. The court must strike an unsigned document unless the omission is promptly corrected after being called to the filer's attention.

(a)(2) – (c) No change.