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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:)	
)	
PETITION TO ADOPT RULE 124)	Supreme Court No. 22-0009
OF THE RULES OF THE)	
SUPREME COURT OF ARIZONA)	Amended Petition
)	
_____)	

Pursuant to this Court’s October 19, 2022 Order, David K. Byers, Administrative Director, Administrative Office of the Courts (AOC), and Petitioner in this matter, hereby files this Amended Petition.

I. Background

On January 10, 2022, Petitioner filed petition R-22-0009, proposing a new Supreme Court Rule 124 to implement the changes to A.R.S. § 12-109 made by Senate Bill (SB) 1265 during the 2021 First Regular Session of the Fifty-fifth Legislature. Senate Bill 1265 provided a new subsection B¹ that states, “[t]he court may allow documents that require a sworn written declaration, verification,

¹ Renumbered to subsection C after blending the changes made by Laws 2021 (1st Reg. Sess.) Ch. 403, House Bill (HB) 2893.

certificate, statement, oath or affidavit to be signed with an electronic signature.” A copy of A.R.S. § 12-109 is attached as Appendix B.

Proposed Supreme Court Rule 124 was intended to create uniform provisions for the acceptance of electronic signatures in place of manually applied, “wet” signatures on electronically filed (“e-filed”) documents as the e-filing project expands to additional case types to assure that the necessary signatures could be affixed electronically, and the document would not need to be printed, signed, scanned, and then filed.

Two comments to the petition raised concerns about the proposed rule’s definition of “electronic signature” and the placement of the proposed rule, i.e., whether it should be placed in the Supreme Court Rules or in the specific rules sets (e.g., civil, criminal, family, juvenile, etc.). The comments requested that a workgroup comprised of stakeholders and practitioners be formed to examine the language of the proposed rule and to make recommendations to the AOC on how best to implement SB 1265 through the Rules of Court.

Accordingly, Petitioner requested that this Court delay ruling on this petition until a workgroup could be formed to examine the proposed rule and make recommendations regarding the same. This Court granted Petitioner’s request and allowed Petitioner until April 1, 2023 to file an amended petition. This amended petition reflects the recommendations of the workgroup.

II. Workgroup Members

Prior to filing this amended petition, a workgroup comprised of a number of stakeholders and practitioners was formed. The workgroup included the following members:

- Honorable Jay Polk, Presiding Judge of the Probate and Mental Health Department for the Superior Court of Arizona in Maricopa County
- Ms. Christina Spurlock, Clerk of Court for the Superior Court of Arizona in Mohave County
- Ms. Valerie Wyant, Clerk of Court for the Superior Court of Arizona in Yavapai County
- Ms. Shelly Bacon, Deputy Court Administrator for the Superior Court of Arizona in Coconino County and overseeing the limited jurisdiction courts in Coconino County
- Mr. Brian Bledsoe, Director of the Law Library for the Superior Court of Arizona in Maricopa County and member of the Family Court Improvement Committee
- Mr. Benjamin Deguire, Family Law Attorney
- Ms. Jessica Fotinos, General Counsel and Public Information Officer for the Clerk's Office for the Superior Court of Arizona in Maricopa County

- Mr. James Giacomino, Associate Clerk for the Superior Court of Arizona in Pima County
- Mr. George King, Civil Attorney and member of the State Bar of Arizona's Civil Practice and Procedure Committee
- Ms. Tina Mattison, Deputy Court Administrator for the Pima County Consolidated Justice Court
- Ms. Ginger Rodas, Court Administration Operations Manager for the Maricopa County Justice Courts
- Ms. Janet W. Sell, Office of the Attorney General (ret.) and member of the Family Court Improvement Committee
- Mr. Anthony Young, Executive Director of Southern Arizona Legal Aid
- AOC Staff

III. Workgroup Approach and Contents of Proposed Rule Amendments

The workgroup first discussed the placement of any proposed rule amendments and agreed that SB 1265 is better implemented by amending individual rule sets to address electronically signed documents rather than having one Supreme Court rule govern all electronically signed documents. This will allow practitioners, pro se litigants, and other court users to consult the particular rule set applicable to the case type at hand, rather than expecting and requiring these users to know of

additional requirements in the Supreme Court Rules regarding signatures. The workgroup's proposed rule amendments are set forth below.

A. Signing E-Filed Documents

The workgroup began with the Rules of Civil Procedure and agreed that Rule 11 "Signing Pleadings, Motions, and Other Documents; Representations to the Court; Sanctions; Assisting Filing by Self-Represented Person" should be amended to clarify paragraph (a)(2) regarding how documents filed through an approved electronic service provider can be signed.

The workgroup's proposed amendments provide explicit inclusion of a person's scanned signature as an acceptable means of signing an e-filed document and striking sentence two in light of the proposed rule amendments set forth in section III.B of this petition regarding the acceptance of electronic signatures and electronic notarizations.

The workgroup also recommends striking the last sentence of current Civil Rule 11(a)(2), as there is a presumption that a document filed through someone's e-filing account was authorized by that person. Striking this sentence would not prohibit a court from treating a document that was filed using a person's electronic filing registration information as a filing that was made or authorized by that person where it determines it is appropriate to do so, but it avoids an implication that someone whose e-filing account has been misused or hacked would necessarily be

responsible for that filing. If that scenario arose, the court could make a determination on a case-by-case basis. Moreover, the Criminal Rule analogue of Civil Rule 11(a)(2) (Criminal Rule 1.6(c)(5)) is identical to Civil Rule 11(a)(2) except that it lacks the last sentence contained in Civil Rule 11(a)(2). This aligns with the workgroup's recommendation that this sentence should also be eliminated from Civil Rule 11(a)(2).

Accordingly, the workgroup recommends that Civil Rule 11(a)(2) be amended as follows and as set forth in Appendix A:

~~A person may sign an electronically filed document filed through the person's court-authorized electronic filing service provider account by placing the symbol "/s/" on the signature line the person's scanned signature or the person's typed name preceded by "/s/." above the person's name. An electronic signature has the same force and effect as a signature on a document that is not filed electronically. The court may treat a document that was filed using a person's electronic filing registration information as a filing that was made or authorized by that person.~~

Family Law Rule 26(a)(2), and Juvenile Rule 105(f)(2) have identical provisions, so for consistency purposes, the workgroup recommends making the same changes to these rules, as set forth in Appendix A.

Criminal Rule 1.6(c)(5), Civil Appellate Procedure Rule 4.2(f)(1), and Justice Court Rule of Civil Procedure 109(a) have analogous provisions, so for consistency purposes, the workgroup also recommends that these rules be similarly amended, as

set forth in Appendix A, to reflect the same language being proposed for Civil Rule 11(a)(2), Family Law Rule 26(a)(2), and Juvenile Rule 105(f)(2).

B. Accepting Electronic Signatures and Electronic Notarizations

The workgroup next developed language regarding the acceptance of electronically signed documents, including documents that have been electronically notarized. Although Petitioner's initial petition proposed an electronic signatures rule that would apply only to e-filed documents, the workgroup's proposed language would apply to all documents, regardless of how they are filed. The proposed language is set forth in Appendix A and is as follows:

Electronic Signatures and Electronic Notarizations.

The clerk must accept for filing any document that purports to have a signature, including documents that appear to be electronically signed or electronically notarized in accordance with applicable law. If the authenticity or sufficiency of an electronic signature or electronic notarization is disputed, a judicial officer will make a determination under applicable substantive law.

To be sure, this rule would not require clerks to determine whether an electronically signed or electronically notarized document is electronically signed or electronically notarized "in accordance with applicable law" before accepting the document for filing. Instead, clerks are to accept for filing any document that purports to have a signature, whether it is a wet ink signature or an electronic signature. If there is a dispute regarding the sufficiency or authenticity of an electronic signature, the matter will be determined by a judicial officer.

The workgroup discussed where this provision would be best placed and although Civil Rule 11 contains a “signature” section, this signature section addresses the *purpose* of the signature, i.e., the representations that are being made to the court by the signor regarding the contents of the filing. *See* Rule 11(b), Arizona Rules of Civil Procedure:

Representations to the Court. By signing a pleading, motion, or other document, the attorney or party certifies that to the best of the person's knowledge, information, and belief formed after reasonable inquiry:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law.
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

Civil Rule 11 does not address how a document may be signed *before the clerk can accept the document for filing*. The *filing* of documents is covered under Civil Rule 5.1. Therefore, the workgroup proposes placing the electronic signatures and electronic notarizations language in Civil Rule 5.1 by creating a new subsection (b) as set forth in Appendix A.

Since Criminal Rule 1.7, Family Law Rule 43.1, and Juvenile Rule 105 have provisions analogous to Civil Rule 5.1, the workgroup proposes amending these rules to add the same language by creating a new subsection (b) in these rules as set forth in Appendix A.

1. Cross-Reference Changes Due to Renumbering in Civil Rule 5.1

The proposed change to Civil Rule 5.1 will require renumbering the subsequent subsections in that rule, prompting a need to make corresponding changes to cross-references in the following rules:

- Civil Rule currently numbered 5.1(c)(3)
- Civil Rules 45(d)(5) and 58(a)(1)
- Supreme Court Rules 48(b) and 57(a)(2)(E)
- Probate Rule 26(b)
- Eviction Rule 9(j)
- Pima County Local Rule 2.2
- Pinal County Local Rule 2.1(e)

2. Cross-Reference Changes Due to Renumbering in Criminal Rule 1.7

The proposed change to Criminal Rule 1.7 will require renumbering the subsequent subsections in that rule, prompting a need to make corresponding changes to cross-references in the following Criminal Rules:

- Currently numbered Rule 1.7(c)(2)(D)
- Rule 1.10(a)(5) (currently numbered as Rule 1.3, but renumbered as Rule 1.10, effective July 1, 2023 by this Court’s Order dated 12/8/2022 regarding Rule Petition R-22-0035)
- Rule 31.6(a) and (c)
- Rule 31.13(d)(1) and (d)(2)(A)
- Rule 32.16(e)
- Rule 33.16(e)

3. Cross-Reference Changes Due to Renumbering in Family Law Rule 43.1

The proposed change to Family Law Rule 43.1 will also require renumbering the subsequent subsections in that rule, prompting a need to make corresponding changes to cross-references in the following:

- Part IV of the Prefatory Comment to the 2019 Amendments to the Family Law Rules
- Family Law Rule 14(b)
- Family Law Rule currently numbered 43.1(d)(3) and (f)(2)(C)
- Juvenile Rule 419(d)(5)
- Pima County Local Rule 3.2(C)

C. Clarifying that the Original of a Notarized Document Can Be Electronically Filed

Since the language developed by the workgroup regarding the acceptance of electronic signatures includes electronic notarizations, the workgroup agreed that Civil Rule 5.2(c)(2)(C), Criminal Rule 1.6(c)(2)(C), Family Law Rule 20(c)(2)(C), and Juvenile Rule 105(e)(2)(C) should be amended to account for the electronic filing of electronically notarized documents.

Although these rules allow a “scanned copy of a notarized document” to be electronically filed, the proposed amendments would change the language to read that a “notarized document or a scanned copy of a notarized document may be electronically filed” to account for notarized documents that may not be a “scanned copy.” Specifically, when documents are electronically notarized, the electronic version of the record is the record that is notarized, meaning that that record may remain in electronic format and never become a “scanned copy” unless it is printed and scanned.

This proposed amendment is intended to eliminate any confusion that an electronically notarized document would need to be printed, scanned, and then uploaded as a scanned copy in order to be electronically filed.

IV. Pre-filing Vetting

The proposed rule amendments were presented to the Family Court Improvement Committee at its March 2, 2023 meeting. Committee members

expressed no immediate concerns. Some workgroup members also circulated the proposed amendments to their colleagues for review.

V. Conclusion

Petitioner supports the workgroup's proposed rule amendments as set forth in Appendix A. Therefore, Petitioner respectfully requests that this Court open this amended petition for public comment, set a comment period and reply due date, and adopt the changes as set forth in Appendix A after considering any comments and reply.

The proposed amendments in the attached Appendix A are intended to replace the proposed amendments in the Appendix of the January 10, 2022 petition.

RESPECTFULLY SUBMITTED this 23rd day of March 2023.

/s/ David K. Byers

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Appendix A

(deletions are shown with ~~strikethrough~~, new language is underlined)

Rules of Civil Procedure

Rule 5.1. Filing Pleadings and Other Documents

(a) [No change]

(b) Electronic Signatures and Electronic Notarizations. The clerk must accept for filing any document that purports to have a signature, including documents that appear to be electronically signed or electronically notarized in accordance with applicable law. If the authenticity or sufficiency of an electronic signature or electronic notarization is disputed, a judicial officer will make a determination under applicable substantive law.

~~(b)~~**(c)** [No change in text]

~~(e)~~**(d) Service with Filing and Documents to Be Filed.**

(1) and (2) [No change]

(3) *Attachments to Judge.* Except for proposed orders and proposed judgments, a party may attach copies of documents described in Rule 5.1(e d)(2) to a copy of a motion, response, or reply delivered to the judge to whom the action has been assigned. Any such documents provided to the judge must also be provided to all other parties.

(4) [No change]

~~(d)~~**(e)** [No change in text]

~~(e)~~**(f)** [No change in text]

Rule 5.2. Form of Documents

(a) and (b) [No change]

(c) Electronically Filed Documents.

(1) [No change]

(2) *Formats of Attachments.*

(A) and (B) [No change]

(C) Notarized Documents. A notarized document or a scanned copy of a notarized document may be filed electronically if it contains the notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No change]

(3) and (4) [No change]

Rule 11. Signing Pleadings, Motions, and Other Documents; Representations to the Court; Sanctions; Assisting Filing by Self-Represented Person

(a) Signature.

(1) [No change]

(2) *Electronic Filings.* A person may sign an ~~electronically filed~~ document filed through the person's court-authorized electronic filing service provider account by placing ~~the symbol "/s/"~~ on the signature line the person's scanned signature or the person's typed name preceded by "/s/." ~~above the person's name. An electronic signature has the same force and effect as a signature on a document that is not filed electronically. The court may treat a document that was filed using a person's electronic filing registration information as a filing that was made or authorized by that person.~~

(3) [No change]

(b) through (d) [No change]

Rule 45. Subpoena

(a) through (c) [No change]

(d) Service.

(1) through (4) [No change]

(5) *Proof of Service.* Proof of service may not be filed except as allowed by Rule 5.1(~~e-d~~)(2)(A). Any such filing must be with the court clerk for the county where the action is pending and must include the server's certificate stating the date and manner of service and the names of the persons served.

(e) and (f) [No change]

Rule 58. Entering Judgment

(a) Form of Judgment; Objections to Form.

(1) *Proposed Forms of Judgment.* Proposed forms of judgment must be served on all parties and must comply with Rules 5.1(~~d-e~~) and 54(h).

(2) [No change]

(b) through (d) [No change]

Rules of Criminal Procedure

Rule 1.6. Form of Documents

(a) and (b) [No change]

(c) **Electronically Filed Documents.** If a court has an electronic filing portal, a document may be filed electronically.

(1) [No change]

(2) *Formats of Attachments.*

(A) and (B) [No change]

(C) Notarized Documents. A notarized document or a scanned copy of a notarized document may be filed electronically if it contains the notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No change]

(3) and (4) [No change]

(5) *Signature.* All electronic filings must be signed. A person may sign an electronic document filed through the person's court-authorized electronic filing service provider account by placing ~~the symbol “/s/”~~ on the signature line the person's scanned signature or the person's typed name preceded by “/s/.” above the person's name. ~~An electronic signature is equivalent to an ink signature on paper.~~

Rule 1.7. Filing and Service of Documents

(a) [No change]

(b) Electronic Signatures and Electronic Notarizations. The clerk must accept for filing any document that purports to have a signature, including documents that appear to be electronically signed or electronically notarized in accordance with applicable law. If the authenticity or sufficiency of an electronic signature or electronic notarization is disputed, a judicial officer will make a determination under applicable substantive law.

~~(b)-(c)~~ [No change in text]

(e)-(d) Service of All Documents Required; Manner of Service. Every person filing a document with any court must serve a copy of the document on all other parties as follows:

(1) [No change]

(2) *Service Generally.* A document is served under this rule by any of the following:

(A) through (C) [No change]

(D) delivering it by any other means, including electronic means other than that described in (e-d)(2)(E), if the recipient consents in writing to that method of service or if the court orders service in that manner--in which event service is complete upon transmission; or

(E) [No change]

(3) [No change]

(v) [No change]

Rule 1.10 Computation of Time

(a) General Time Computation. When computing any time period more than 24 hours prescribed by these rules, by court order, or by an applicable statute, the following rules apply:

(1) through (4) [No change]

(5) *Additional Time After Service.* If a party may or must act within a specified time after service and service is made under a method authorized by Rule 1.7(e-d)(2)(C), (D), or (E), 5 calendar days are added after the specified time period would otherwise expire under (a)(1)-(4), except as provided in Rule 31.3(d). This provision does not apply to the clerk's distribution of notices, minute entries, or other court-generated documents.

(b), (c), and (v) [No change]

Rule 31.6. Filing Documents with an Appellate Court; Document Format; Service and Proof of Service; Motions

(a) Filing. Documents filed in an appellate court must be filed with the appellate clerk. Rule 1.7(b-c) defines when a document is deemed filed.

(b) [No change]

(c) Service and Proof of Service. If a party files a document other than a brief with the appellate clerk, the party must serve a copy of the document on the same day on all other parties as provided in Rule 1.7(e-d) unless the filing party shows a need for confidentiality. Rule 31.13(d) governs service of briefs. The appellate clerk may permit a document to be filed without a proof of service, but the filing party must file one no later than 5 days after filing the document.

(d) and (e) [No change]

Rule 31.13. Due Dates; Filing and Service of Briefs

(a) through (c) [No change]

(d) Service of Briefs and Appendices.

(1) *Service.* A party must serve a brief and any separate appendix on all other parties to the appeal, as provided in Rule 1.7(e-d). A party that files a paper brief or separate paper appendix must serve two copies of the brief and appendix on every separately represented party. If a party files an electronic brief or appendix that includes bookmarks or hyperlinks, the party must serve on all other parties to the appeal an electronic copy of the brief or appendix that contains the same functioning bookmarks or hyperlinks.

(2) *Certificate of Service.*

(A) Generally. The party serving the brief and any separate appendix must file a certificate of service with the appellate clerk, as provided in Rule 1.7(e-d)(3). The filing party also must serve this certificate on all other parties.

(B) through (D) [No change]

(e) [No change]

Rule 32.16. Petition and Cross-Petition for Review

(a) through (d) [No change]

(e) Service of a Petition for Review, Cross-Petition for Review, Reply, or Related Filing. A party filing a petition, cross-petition, appendix, response, or reply, or another filing, must serve a copy of the filing on all other parties. The serving party must file a certificate of service complying with Rule 1.7(e-d)(3), identifying who was served and the date and manner of service.

(f) through (n) [No change]

Rule 33.16. Petition and Cross-Petition for Review

(a) through (d) [No change]

(e) Service of a Petition for Review, Cross-Petition for Review, Reply, or Related Filing. A party filing a petition, cross-petition, appendix, response, or reply, or another filing, must serve a copy of the filing on all other parties. The serving party must file a certificate of service complying with Rule 1.7(e-d)(3), identifying who was served and the date and manner of service.

(f) through (n) [No change]

Rules of Family Law Procedure

Prefatory Comment to the 2019 Amendments

The 2019 amendments make extensive changes to the Arizona Rules of Family Law Procedure (“FLR”).

These amendments restyle the FLR in a manner similar to the 2017 restyling of the Arizona Rules of Civil Procedure and the 2018 restyling of the Arizona Rules of Criminal Procedure. The 2019 version of the FLR adds informative titles and subheadings, which should make rules and sections easier to locate. To enhance clarity and reflect current usage, some provisions have been abrogated, relocated, consolidated, bifurcated, or presented in a different sequence. The restyled rules attempt to use clearer language, uniform formatting, and consistent terminology.

The amended rules also include some substantive changes, including but not limited to the following.

In Part I. and In Part II. [No change]

In Part IV. Service: A new Rule 39 (“meaning of service”) differentiates service of a summons and petition from serving documents during a case. Rule 40 permits acceptance of service but abrogates provisions concerning waiver of service. Rule 41 consolidates provisions for service of process within and outside Arizona. Rule 41(m) requires court approval before service by publication. The comment to Rule 41 has been changed to state that the rule now follows the holding in *Master Financial, Inc. v. Woodburn*, 208 Ariz. 70 (App. 2004). However, service by publication is subject to subsequent challenge if it does not satisfy due process standards of being reasonably calculated to give notice to the party being served and providing the best practicable notice under the circumstances. Former Rule 42 is reserved.

New Rule 43.1(~~g~~-h) permits the clerk to treat as confidential any Affidavit of Financial Information or health record.

In Part V. through In Part XII. [No change]

Rule 14. Written Verifications and Unsworn Declarations Under Penalty of Perjury

(a) [No change]

(b) **Alternative Verification.** For those documents that require a verification under Rule 14(a), courts may accept for filing any of the documents without notarization if they are accompanied by a photocopy of the filer's driver license or other government-issued identification document. The applicant must redact a protected address and any sensitive data as defined by Rule 43.1(~~f~~-g)(1) from a driver license or other government-issued identification document. The clerk may maintain the photocopy of the license or other government-issued identification document as a confidential record and limit its availability as provided in Rule 43.1(~~f~~-g)(2)(B)(ii). If the alternative verification is attached to the document containing the signature, the Clerk must not maintain the document as a confidential record and must not limit its availability. A party filing a document with alternative verification attached must redact all sensitive data before filing, consistent with Rule 43.1(~~f~~-g)(2)(A).

(c) [No change]

Rule 20. Form of Documents

(a) and (b) [No change]

(c) **Electronically Filed Documents.**

(1) [No change]

(2) *Format of Attachments.*

(A) and (B) [No change]

(C) Notarized Documents. A notarized document or a scanned copy of a notarized document may be filed electronically if it contains the notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.

(D) and (E) [No change]

(3) [No change]

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

(a) Signature.

(1) [No change]

(2) *Electronic Filings.* A person may sign ~~an electronically filed document filed through that person's court-authorized electronic filing service provider account by placing the symbol "/s/" on the signature line the person's scanned signature or the person's typed name preceded by "/s/."~~ above the person's name. An electronic signature has the same force and effect as a signature on a document that is not filed electronically. The court may treat a document that was filed using a person's electronic filing registration information as a filing that was made or authorized by that person.

(3) [No change]

(b) and (c) [No change]

Rule 43.1. Filings, Pleadings, and Other Documents

(a) [No change]

(b) Electronic Signatures and Electronic Notarizations. The clerk must accept for filing any document that purports to have a signature, including documents that appear to be electronically signed or electronically notarized in accordance with applicable law. If the authenticity or sufficiency of an electronic signature or electronic notarization is disputed, a judicial officer will make a determination under applicable substantive law.

~~(b)-(c)~~ [No change in text]

~~(e)-(d)~~ [No change in text]

~~(d)-(e)~~ **Service with Filing and Documents Not to Be Filed.**

(1) and (2) [No Change]

(3) *Attachments to the Assigned Judge.* Except for proposed orders and proposed judgments, a party may attach copies of documents described in Rule 43.1(~~d-e~~)(2) to a copy of a motion, response, or reply delivered to the judge to whom the action has been assigned. Any such documents provided to the judge also must be provided to all other parties.

- (4) [No change]
- ~~(e)-(f)~~ [No change in text]
- ~~(f)-(g)~~ **Sensitive Data.**
 - (1) [No change]
 - (2) *Filing Sensitive Data.*
 - (A) and (B) [No change]
 - (C) Exception. The provisions of Rule 43.1(~~f-g~~)(2)(A) and (B) do not pertain to orders or decrees, or to petitions and accompanying documents filed under the Uniform Interstate Family Support Act (UIFSA) as adopted by the State of Arizona.
 - (3) through (6) [No change]
- ~~(g)-(h)~~ [No change in text]
- ~~(h)-(i)~~ [No change in text]

Rules of Procedure for the Juvenile Court

Rule 105. Form of Filed Documents

- (a) [No change]
- (b) Electronic Signatures and Electronic Notarizations.**

The clerk must accept for filing any document that purports to have a signature, including documents that appear to be electronically signed or electronically notarized in accordance with applicable law. If the authenticity or sufficiency of an electronic signature or electronic notarization is disputed, a judicial officer will make a determination under applicable substantive law.
- ~~(b)-(c)~~ [No change in text]
- ~~(c)-(d)~~ [No change in text]
- ~~(d)-(e)~~ [No change in text]
- (e)-(f) Electronically Filed Documents.**
 - (1) [No change]
 - (2) *Format of Attachments.*
 - (A) and (B) [No change]
 - (C) Notarized Documents. A notarized document or a scanned copy of a notarized document may be filed electronically if it contains the notarial officer's signature, a certificate as required by A.R.S. § 41-264, and stamp or seal, if applicable.
 - (D) and (E) [No change]
 - (3) and (4) [No change]
- (f)-(g) Signature.**
 - (1) [No change]

(2) *Electronic Filings.* A person may sign an ~~electronically filed~~ document filed through the person's court-authorized electronic filing service provider account by placing the symbol “/s/” on the signature line the person's scanned signature or the person's typed name preceded by "/s/." ~~above the person's name.~~ An electronic signature has the same force and effect as a signature on a document that is not filed electronically. The court may treat a document that was filed using a person's electronic filing registration information as a filing that was made or authorized by that person.

(3) [No change]

~~(g)-(h)~~ [No change in text]

~~(h)-(i)~~ [No change in text]

Rule 419. Notice of Completed Adoption

(a) through (c) [No change]

(d) Search Results; Notice of Completed Adoption (Form 8). If the clerk's search confirms the existence of a child support order, the clerk must take the following action, as applicable, no later than 30 days after entry of the adoption order.

(1) through (4) [No change]

(5) After completing the responsibilities specified above, the clerk must file Form 8 in the Arizona family law case, if an Arizona case has been identified, as a confidential record under Rule 43.1~~(h-i)~~ of the Rules of Family Law Procedure.

Rules of Civil Appellate Procedure

Rule 4. Filing Documents with an Appellate Court; Format; Service

(a) and (b) [No change]

(c) Document Signatures. The party filing a document must sign it, but if a party is represented by an attorney, the attorney must sign the document on behalf of that party. Rule 4.2(f) contains requirements for ~~electronic signatures~~ on electronic filings.

(d) through (i) [No change]

Rule 4.2. Electronic Filing

(a) through (e) [No change]

(f) Signature and Authorization.

(1) *Signature.* All electronic filings must be signed. A person may sign an ~~electronically filed~~ document filed through the person's court-authorized electronic filing service provider account by placing the symbol “/s/” on the

signature line the person's scanned signature or the person's typed name preceded by "/s/." above the person's name. ~~An electronic signature has the same force and effect as an ink signature on paper.~~

(2) and (3) [No change]

(g) and (h) [No change]

Justice Court Rules of Civil Procedure

Rule 109. Signatures on Documents Filed with the Court

a. Signature. Every document that is filed with the court, except for exhibits, must be dated and signed by the party's attorney or by the party if the party has no attorney. ~~An electronic document may be signed with an electronic signature.~~ A person may sign a document filed through the person's court-authorized electronic filing service provider account by placing on the signature line the person's scanned signature or the person's typed name preceded by "/s/." When two or more parties jointly file a document, each of these parties must sign it. However, if the document is filed through an electronic medium where only one electronic signature is allowed, all parties who submit the document are responsible for the document under Rule 109(b). Any document filed without being signed and dated may be stricken by the court. [ARCP 11(a)]

b. through d. [No change]

Rules of the Supreme Court of Arizona

Rule 48. Rules of Construction

(a) [No change]

(b) Rules of Civil Procedure. Only the following Arizona Rules of Civil Procedure are applicable to discipline and disability proceedings before the presiding disciplinary judge or the hearing panel, as specifically set forth in these rules: Rules 4, 4.1, 4.2, 5, 5.1(e-f), 5.2(b), 5.3, 6(a), 6(c), 7.1(a), 7.1(b), 7.1(h), 8(c)-(f), 10(b)-(c), 11(a)-(c), 12(b), 12(c), 12(d), 12(e), 12(f), 16(a), 16(f)(2)(A-F), (H-I) and, (K), 16(g-h), 16(j), 26(a), (b)(1-4), (d), and (f)-(i), 29-36, 38.1(b), 42(a), 43-44, 56, 60(b)-(d), 80(a), 80(c), and 80(d).

(c) through (m) [No Change]

Rule 57. Special Discipline Proceedings

(a) Discipline by Consent

1. [No Change]

2. *Form of Agreement.* An agreement for discipline by consent shall be signed by respondent, respondent's counsel, if any, and bar counsel. An agreement shall include the following:

A. through D. [No Change]

E. Legal Grounds. Each agreement shall include a discussion of the American Bar Association's Standards for Imposing Lawyer Sanctions and an analysis of the proposed sanction, including a discussion as to why a greater or lesser sanction would not be appropriate under the circumstances of the case. Exhibits, such as a record of criminal conviction, pre-sentence reports, medical records, public records, and any other records in support of the agreement or the sanction to be imposed may be filed with the agreement, as agreed upon by the parties, in addition to any statement of costs and expenses on admitted counts. The parties shall be responsible for redacting any sensitive data filed with the agreement, in accordance with Rule 5.1(e-f), Ariz. R. Civ. P.

F. [No Change]

3. through 5. [No Change]

(b) [No Change]

Arizona Rules of Probate Procedure

Rule 26. Proposed Orders, Decrees, and Judgments

(a) [No Change]

(b) Generally. This rule rather than Civil Rule 5.1(d-e) applies to the submission of proposed orders.

(c) through (g) [No Change]

Rules of Procedure for Eviction Actions

Rule 9. Motions

a. through i. [No Change]

j. All written motions shall be considered without oral argument unless ordered by the court upon request of a party or the court's own motion.

All motions requesting an order for relief filed with the superior court shall be copied to the assigned judge, accompanied by a proposed order, which shall comply with the formatting requirements of Rule 5.1(d-e) of the Arizona Rules of Civil Procedure.

Local Rules of Practice Superior Court

Pima County

Rule 2.2. Proposed Order

In accordance with Rule 5.1(~~d~~-e), Arizona Rules of Civil Procedure, a proposed form of order must accompany all civil motions (except Motions for Summary Judgment), oppositions and stipulations. The original proposed order must be lodged with the assigned division at the time of the filing, but, in any event, not fewer than 2 court days before any scheduled hearing. For motions or other requests for a ruling without a hearing, the original proposed order must be lodged with the assigned division at the time of filing the motion, opposition or stipulation.

Rule 3.2. General Rules Relating to Pleading and Practice

(A) and (B) [No change]

(C) **Filing of Documents.** All documents in family law cases must be filed with the Clerk of the Court, unless otherwise directed in these Rules. Copies must be provided to the opposing party, or if represented, to their attorney. The parties must not file with the Clerk of the Court documents containing sensitive data as proscribed by Rule 43.1(~~f~~-g), ARFLP.

Pinal County

2.1 Form of Pleadings

a. through d. [No change]

e. **Sanctions:** The clerk may discretionarily refuse to file any pleading, document, or paper which fails to conform to this rule, but must provide the filing party with an explanation consistent with Rule 5.1(~~b~~-c)(1), Arizona Rules of Civil Procedure.

Appendix B

12-109. Rules and administrative orders of pleading, practice and procedure; adoption; prohibitions; electronic signatures; distribution

A. The supreme court, by rules or administrative orders, shall regulate pleading, practice and procedure in judicial proceedings in all courts of this state to simplify pleading, practice and procedure and promote speedy determination of litigation on its merits.

B. The rules and administrative orders shall not do any of the following:

1. Abridge, enlarge or modify substantive rights of a litigant.
2. Abridge, enlarge or modify statutory, contractual or common law real property rights or questions of substantive law.

C. The court may allow documents that require a sworn written declaration, verification, certificate, statement, oath or affidavit to be signed with an electronic signature.

D. The supreme court shall print and distribute the rules and administrative orders to all members of the state bar and to all other persons who apply.

E. The rules shall not become effective until sixty days after distribution.