

The Honorable Jeff Fine  
Clerk of the Superior Court of Arizona in Maricopa County  
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IN THE SUPREME COURT STATE OF ARIZONA

In the Matter of:

	)	Supreme Court No. R-23-0033
PETITION TO AMEND RULE 5.1	)	
OF THE RULES OF CIVIL	)	<b>REPLY TO STATE BAR OF ARIZONA</b>
PROCEDURE AND RULE 43.1 OF	)	<b>COMMENT</b>
THE RULES OF FAMILY LAW	)	
PROCEDURE	)	
_____	)	

Pursuant to Rule 28(e) of the Arizona Rules of Supreme Court, Jeff Fine, Clerk of the Superior Court of Arizona in Maricopa County, has considered the Comment filed by the State Bar of Arizona on May 1, 2023, and submits this Reply.

On behalf of the staff of the Clerk’s Office for the Superior Court of Arizona in Maricopa County, the undersigned appreciates the State Bar of Arizona taking the time to review the Petition and submit a thoughtful Comment, providing additional reasons as to why the changes as proposed in the Petition are warranted.

The State Bar of Arizona is correct in that in having the ability to not only issue subpoenas electronically, but to be able to file in and docket these electronically issued subpoenas, will promote access to justice by eliminating the need for parties, including self-represented litigants, to physically travel to a court or clerk facility to obtain a subpoena. The ability to issue, file in and docket subpoenas electronically will also create a more efficient and streamlined process for

Clerk's Office staff.

As noted by the State Bar of Arizona, parties represented by attorneys may obtain subpoenas electronically from the State Bar of Arizona, and by no means does the Clerk's Office intend to preempt or preclude attorneys from obtaining electronic subpoenas from the State Bar of Arizona. Unrepresented litigants may not obtain an electronically issued subpoena from the State Bar of Arizona. The proposed amendments to the Civil and Family Rules would allow the Clerk's Office to offer an electronic subpoena issuance process to unrepresented litigants, who are a large demographic of customers of Clerk's Office services.

And because of technological constraints within the eFile platforms, the Superior Court's case management system (iCIS), and the Clerk's Office document repository (OnBase), it would likely require significant reprogramming to allow for electronic issuance of subpoenas, absent the ability to file in and docket the issued subpoena.

Further, as noted by the State Bar of Arizona, promoting the filing in of electronically issued subpoenas may further assist parties' compliance with Rule 45(d)(3), Arizona Rules of Civil Procedure, which requires a party to provide a copy of issued subpoenas to every other party to a case, and Rule 52(d)(3), Arizona Rules of Family Law Procedure, which requires that a copy of every subpoena must be served on every other party in accordance with the provisions set forth in Rule 43.

Lastly, the proposed changes would not impose any additional requirements on the parties or the court, in that the filing in of issued subpoenas would not be mandatory, just no longer prohibited. The permissive aspect takes into consideration the fact that what may work best for establishing a process to issue subpoenas electronically by the Clerk's Office in Maricopa County, may not be what works best in other counties.

The undersigned respectfully requests that the Court consider this Reply and adopt the proposed amendments to Civil Rule 5.1 (c)(2)(A) and Family Law Rule 43.1(d)(2)(A) as set forth in the Appendix to the Petition.<sup>1</sup>

DATED this 31st day of May, 2023.

/s/ Jeff Fine  
Hon. Jeff Fine  
Clerk of the Superior Court of Arizona in Maricopa  
County

This Reply has been filed via electronic filing of in accordance with deadlines set forth in the Supreme Court's January 17, 2023 Order.

A copy of this Reply has been sent via e-mail to the Petitioner at the following:

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Administrative Director  
Administrative Office of the Courts  
1501 W. Washington St., Suite 411  
Phoenix, AZ 85007  
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<sup>1</sup> The undersigned notes that on page 3 of its Petition, it should have referred to Civil Rule 5.1(c)(2)(A), and not Rule 5.1(c)(2)(a), as no such provision exists.