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**ARIZONA SUPREME COURT**

In the matter of: )  
 )  
PETITION TO AMEND VARIOUS ) Supreme Court No. 24-\_\_\_\_\_  
RULES OF PROCEDURE RELATED )  
TO E-FILING ) (Expedited Consideration and  
 ) Emergency Adoption  
 ) Requested Pursuant to Rule 28)  
 )  
\_\_\_\_\_ )

Pursuant to Rule 28 of the Rules of the Supreme Court, David K. Byers, Administrative Director, Administrative Office of the Courts, respectfully petitions this Court to amend various rules related to e-filing as proposed in the Appendix.

The proposed amendments are prompted by the recent adoption of the [Arizona Code of Judicial Administration \(ACJA\) § 1-901: Electronic Filing \(“E-Filing”\)](#) on April 17, 2024 by [Administrative Order 2024-63](#). Accordingly, Petitioner seeks expedited consideration and emergency adoption of the proposed rule amendments as set forth in the Appendix at this Court’s August 2024 Rules Agenda, with a comment period to follow, and consideration for permanent adoption at this Court’s December 2024 Rules Agenda.

## **I. Background and Purpose of the Proposed Rule Amendments**

The statewide e-filing project has been rolled out in phases over several years, with procedures for trial courts promulgated through approximately 18 administrative orders. Some of the provisions have been incorporated into the Rules of Court, but in many instances, the verbiage used in the rules somewhat differs from the verbiage used in the administrative orders. Additionally, the restyling of rule sets and incorporation of e-filing provisions into the individual rule sets over time has resulted in verbiage variations between the rules sets.

To create consistency among the procedures governing e-filing, the provisions of the e-filing administrative orders were compiled and relocated to ACJA § 1-901, which now governs e-filing authorization and the procedural requirements related to e-filing. The purpose of the proposed rule amendments is to update court rules that currently provide e-filing procedures to replace verbiage in the rules that detail procedures or requirements related to e-filing with verbiage providing that ACJA § 1-901 governs the respective procedure or requirement.

Although the justice court civil rule set contains some provisions related to e-filing, which Petitioner proposes amending to provide that ACJA § 1-901 governs the respective procedure or requirement, it does not contain as many provisions as the civil, criminal, family, and juvenile rule sets. Therefore, Petitioner is also proposing verbiage be added to Justice Court Rule 108(b) that documents may be

filed electronically “as provided by the Arizona Code of Judicial Administration (ACJA) § 1-901.”

The small claims and eviction rule sets do not currently contain any rules related to e-filing, so Petitioner is proposing adding “catch-all” verbiage to the beginning of the rule set to indicate that ACJA § 1-901 governs e-filed documents.

Petitioner’s proposed amendments are set forth in the Appendix and summarized below.

## **II. Content of Proposed Rule Amendments**

### **A. Subsequent Service Using an Electronic Filing Service Provider**

ACJA § 1-901(X) provides the circumstances under which a document can be served through an electronic filing service provider (EFSP). Specifically, ACJA § 1-901(X) provides the following:

**Subsequent Service.** Except for documents that must be served according to Rules 4, 4.1, or 4.2, Rules of Civil Procedure, Rules 40(f)(1) or 41, Rules of Family Law Procedure, or Rule 113, Justice Court Rules of Civil Procedure, transmitting documents through an EFSP is a permissible method of service if the recipient is an attorney of record in the action, in which event service is complete upon transmission.

Petitioner therefore proposes amending Civil Rule 5(c)(2)(E), Criminal Rule 1.7(c)(2)(E), Family Rule 43(b)(2)(E), and Juvenile Rule 106(b)(2)(D), to remove verbiage that currently provides a document may be served using an EFSP “if the recipient is an attorney of record in the action--in which event service is complete

upon transmission” and instead provide that a document is served under the respective rule by transmitting it through an EFSP “as provided by ACJA § 1-901.”

Petitioner also proposes adding this provision to Justice Court Rule 120(b) as a new subsection 6 and amending Justice Court Rule 120(b)(5) to account for this addition and to align it more closely with its counterparts in the other rules sets.

Petitioner also proposes adding this provision to Small Claims Rule 6(a)(3) and to Eviction Rule 6(c).

Lastly, Petitioner proposes an amendment to Small Claims Rule 7 (“defendant’s answer”) and bullet 4 of the Notice to Plaintiff and Defendant in the appendix of the small claims rules to account for subsequent service through an EFSP, by providing that a written answer must be “provided,” instead of “mailed,” to the plaintiff and in Rule 7, specifying “as provided by Rule 6.”

To account for electronic distribution of judgments under ACJA § 1-901(V), Petitioner proposes a similar amendment to Small Claims Rule 15(b) (“judgment”) to change “mail” to “provide.”

## **B. Effective Date of Filing**

ACJA § 1-901(R) governs the effective date of filing, and ACJA § 1-901(Q) governs how clerks are required to handle rejected submissions due to deficiencies in the submission. Specifically, ACJA § 1-901(R) provides:

A submission is deemed filed on the date and time it is received by the EFSP unless the clerk later rejects the document based on a deficiency.

ACJA § 1-901(Q) provides:

If an electronically submitted document is determined to be deficient pursuant to this section, court rule, or other governing authority, the clerk may reject the submission. If a submission is rejected because of a deficiency, the clerk must promptly provide the filer with an explanation for the rejection.

Petitioner therefore proposes amending Civil Rule 5.1(b)(1), Criminal Rule 1.7(b)(2), Family Rule 43.1(b)(1), Juvenile Rule 105(b)(3), and Justice Court Rule 108(e) which currently contain verbiage related to the effective date of filing for e-filed documents and/or procedures for rejecting submissions due to deficiencies, to provide that ACJA § 1-901 governs the effective date of e-filed documents.

However, Petitioner recommends striking the verbiage in Civil Rule 5.1(b)(1), Criminal Rule 1.7(b)(2), Family Rule 43.1(b)(1), and Juvenile Rule 105(b)(3) related to handling rejections due to deficiencies (Justice Court Rule 108(e) contains no such language) instead of adding a reference to ACJA § 1-901 since these rules' subheadings deal only with the "effective date of filing," and ACJA § 1-901(Q) will apply to handling rejections due to deficiencies in these case types without the need to explicitly state it in rule.

Civil Rule 5.1(b)(1), Family Rule 43.1(b)(1), and Juvenile Rule 105(b)(1) provide a carve out related to the effective date of filing for documents submitted

directly to a judge. Petitioner is proposing adding e-filed documents to this exception since the effective date of filing may differ from the date that the clerk receives and accepts the document. Petitioner proposes a similar amendment to Justice Court Rule 108(e) for the same reason, which currently provides that documents are filed with the court when they are delivered to and accepted by the court.

### **C. Late Filings Because of an Interruption in Service**

ACJA § 1-901(S)(1) provides procedures for when a filer fails to meet a deadline for filing due to an interruption in service as follows:

If a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, and the matter cannot be resolved to the satisfaction of the filer and the clerk, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically. When an interruption of service is caused solely by a technical malfunction of the court's or EFSP's automation system, the court may, sua sponte, enter an order documenting the interruption and allowing an alternative manner of filing or extension of filing deadlines.

Petitioner therefore proposes amending Civil Rule 5.1(b)(3), Criminal Rule 1.7(b)(3), Family Rule 43.1(b)(3), and Juvenile Rule 105(b)(4) which currently contain verbiage related to procedures for when a filer fails to meet a deadline for filing due to an interruption in service to provide that ACJA § 1-901 governs this

process. The Justice Court Rules, Small Claims Rules, and Eviction Rules contain no similar provision, and Petitioner is not proposing that verbiage to that effect be added into these rule sets, since ACJA § 1-901(S) operates to govern the process in these case types even in the absence of such verbiage in the rules.

#### **D. Proposed Judgments and Orders**

Petitioner proposes amending Civil Rule 5.1(d)(2), Family Rule 43.1(e)(2), and Juvenile Rule(g)(2) to add that electronically submitted proposed orders and judgments must be accepted by the clerk “as provided in ACJA § 1-901,” as Petitioner anticipates that additional requirements reflecting the provisions of Supreme Court Administrative Order No. [2016-49](#) will be incorporated into ACJA § 1-901.

Petitioner also proposes amending Justice Court Rule 139 to exempt electronically submitted proposed judgments from the requirement that the preparer provide the court with stamped envelopes since the court is permitted by ACJA § 1-901(V) to electronically distribute the judgment to any party who has e-filed in the case.

#### **E. Form of Documents**

ACJA § 1-901(I) through (L) and (O) provide the requirements for the form of e-filed documents regarding format, file type and size, format of exhibits and attachments, the use of hyperlinks and bookmarks, and originals as follows:

**I. Format of Documents.** All e-filed documents must be formatted in accordance with applicable court rules governing formatting of paper documents and must conform to such other format requirements as the Supreme Court may require.

**J. File Type and Size.**

1. File Type. An e-filed document that contains text, other than a scanned document image, must be in a text-searchable .pdf, .odt, or .docx format. A text-searchable .pdf format is preferred. A proposed order must be in a form that permits it to be modified, such as .odt or .docx format or other format permitted by the court, and cannot be password protected.

2. File Size. A document exceeding the file size limits allowed by the EFSP may be broken up into multiple files to accommodate such a limit. K. Format of Exhibits and Attachments. 1. Generally. An exhibit or an attachment to an e-filed document may be e-filed if it is attached to the same submission as either a scanned image or an electronic copy using an approved file type and format. 2. Official Records. A scanned copy of an official record may be e-filed if it contains an official seal of authority or its equivalent.

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

4. Certified Mail, Return Receipt. When establishing proof of service by a form of mail that requires a signed and returned receipt, the return receipt or a scanned copy of the return receipt may be e-filed. If the return receipt is a card, it may be e-filed if both sides of the return receipt card are scanned and filed.

5. National Courier Service. When establishing proof of service by a national courier service, the receipt or a scanned copy of the receipt for such service may be e-filed.

**L. Bookmarks and Hyperlinks.**

1. Bookmarks. A bookmark is a linked reference to another page within the same document. An e-filed document may include bookmarks. A document that is incapable of bookmarking may be made accessible by a hyperlink. Bookmarks are encouraged.

2. Hyperlinks. A hyperlink is an electronic link in a document to another document or to a website. An e-filed document may include hyperlinks. Material that is not in the official court record does not become part of the official record merely because it is made accessible by a hyperlink. Hyperlinks are encouraged.

**O. Originals.**

1. An e-filed document or a scanned copy of a document constitutes an “original” under Rule 1002, Arizona Rules of Evidence.

2. Any court rule requiring that a document be an original, be on paper or another tangible medium, or be in writing, is satisfied by the electronic image defined as the original document in (O)(1) and (P).

Petitioner therefore proposes amending Civil Rule 5.2(c)(1)-(4), Criminal Rule 1.6(c)(1)-(4), Family Rule 20(c)(1)-(3), and Juvenile Rule 105(e)(1)-(4) to strike the verbiage detailing the requirements for the form of e-filed documents regarding format, file type and size, format of exhibits and attachments, the use of hyperlinks and bookmarks, and originals, and replace it with verbiage to provide that ACJA § 1-901 governs the form of e-filed documents regarding format, file type and

size, format of exhibits and attachments, the use of hyperlinks and bookmarks, and originals. Petitioner also proposes adding this verbiage to Justice Court Rule 108 as a new subsection f (“electronically filed documents”) to mirror the other rule sets that contain provisions regarding the form of filed documents.

Petitioner also proposes amending the second sentence of Justice Court Rule 108(b) (“format”) so that it reads “Electronic filings must be in a format allowed by the court ‘and as provided by ACJA § 1-901’” to clarify that the format must also conform to the requirements of ACJA § 1-901.

The Small Claims Rules and Eviction Rules do not contain provisions regarding the form of paper or e-filed documents, so Petitioner is not proposing that these rule sets be amended to that effect, since ACJA § 1-901(I) through (L) and (O) will apply to these case types even in the absence of such verbiage in the rules.

#### **F. Cover Sheets**

ACJA § 1-901 provides that “[a] new case submission for a civil action or family law matter is not required to have a cover sheet as otherwise required by Rule 8(g), Rules of Civil Procedure, Rule 25(e), Rules of Family Court Procedure, or local rule.” Petitioner therefore proposes amending Civil Rule 8(g)(1)(A) and Family Rule 25(e) that otherwise require that a cover sheet be filed for new case submission for a civil action or family law matter, to add “Except as provided by ACJA § 1-901” at the beginning of each rule to exclude e-filed cases as provided by ACJA § 1-901.

## **G. Electronic Signatures and Electronic Notarizations**

In 2023, through Rule Petition R-22-0009, based on the recommendations of an AOC-formed workgroup comprised of a number of stakeholders and practitioners, Petitioner proposed, and this Court adopted, amendments to Civil Rule 5.1, Criminal Rule 1.7, Family Rule 43.1, and Juvenile Rule 105 to create uniform provisions for the acceptance of electronic signatures in place of manually applied, “wet” signatures on e-filed documents, to assure that the necessary signatures could be affixed electronically, and the document would not need to be printed, signed, scanned, and then filed. Specifically, the following language was added as a new subsection to each of the aforementioned rules:

### **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.

At that time, Petitioner did not propose adding electronic signature and electronic notarization provisions to the Justice Court Rules, Small Claims Rules, or Eviction Rules because e-filing had not yet been rolled out to these case types. Now that e-filing has expanded to these case types, Petitioner proposes adding the same verbiage to Justice Court Rule 108 as a new subsection g, to Small Claims Rule 1 as a new subsection e, and the Eviction Rules as a new rule 6.1.

## **H. Signing E-filed Documents**

When the 2023 AOC-formed workgroup developed language for electronic signatures and electronic notarizations, it also examined and recommended language related to how an e-filed document can be signed. Petitioner proposed the recommended verbiage through Rule Petition R-22-0009 and this Court adopted it as proposed, amending Civil Rule 11(a)(2), Criminal Rule 1.6(c)(5), Family Rule 26(a)(2), Juvenile Rule 105(f), Civil Appellate Rule 4.2(f), and Justice Court Rule 109(a) to state:

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/."

This verbiage was adopted in ACJA § 1-901 as subsection (H). Therefore, Petitioner proposes amending Civil Rule 11(a)(2), Criminal Rule 1.6(c)(5), Family Rule 26(a)(2), Juvenile Rule 105(f), and Justice Court Rule 109(a) to instead provide that ACJA § 1-901 governs how a person may sign a document filed through the person's electronic filing service provider account.

The small claims and eviction rule sets do not currently contain provisions governing how a person can sign an e-filed document, and Petitioner is not proposing that verbiage be added to these rules sets to that effect, as the signature provisions of ACJA § 1-901 apply to small claims and eviction cases without the need to add a new rule.

Petitioner also proposes adding a sentence to Civil Rule 11(a)(2), Criminal Rule 1.6(c)(5) (renumbered as provided herein as 1.6(c)(2)), Family Rule 26(a)(2), Juvenile Rule 105(f), and Justice Court Rule 109(a) to clarify that “electronic filing service provider” has the same meaning as it is defined in ACJA § 1-901. Petitioner therefore proposes striking the phrase “court-authorized” in the aforementioned rules, since an “electronic filing service provider” by definition in ACJA § 1-901 and therefore as used in these rules, will have been authorized:

“Electronic Filing Service Provider” or “EFSP” means a private or public entity authorized by the administrative director to provide e-filing services. ACJA § 1-901(A)

### **I. Filing Originals**

Civil Rule 5.2(b)(1)(I), Criminal Rule 1.6(b)(I), and Family Rule 20(b)(7) require that “unless filed electronically,” only originals may be filed. Petitioner proposes adding this same verbiage to Juvenile Rule 105(d)(9) and Justice Court Rule 108(e) since the same rationale for including this verbiage in the Civil Rules, Criminal Rules, and Family Rules applies to documents e-filed under the Juvenile Rules and Justice Court Rules.

The small claims and eviction rule sets contain no similar provision that would warrant an amendment.

### **J. Small Claims and Evictions “Catch-all” Verbiage**

Although ACJA § 1-901 explicitly governs e-filed documents in small claims and eviction cases, Petitioner proposes adding the following “catch-all” verbiage to Small Claims Rule 1(b) as a new subsection 2 and to Eviction Rule 1 so that litigants are aware that requirements other than those contained in rule and statute apply to their case if they are e-filing documents:

The Arizona Code of Judicial Administration (ACJA) § 1-901 applies to documents filed through an electronic filing service provider. “Electronic filing service provider” as used in these rules has the same meaning as provided by ACJA § 1-901.

#### **K. Technical Amendments**

Petitioner proposes a technical amendment to Civil Rule 5.1(c)(4) and Eviction Rule 9(j) to add a period to the end of each rule. Petitioner also proposes a technical amendment to Eviction Rule 6(b) to correct a cross-reference that should reflect “5(e)” instead of “5(f).”

#### **III. Preliminary Comments**

This petition has not been sent to the court community for pre-filing comments because of its technical nature and due to the short period of time since the adoption of ACJA § 1-901. However, the concept of this petition was included in the presentation to the superior court presiding judges and the Arizona Judicial Council when the request for a recommendation to adopt ACJA § 1-901 was made during their April 2024 meetings.

#### **IV. Request for Expedited Consideration and Emergency Adoption**

ACJA § 1-901 became effective on April 17, 2024. Therefore, as permitted by Supreme Court Rule 28(h), Petitioner requests expedited consideration of the proposed rule amendments as set forth in the Appendix at this Court's August 2024 Rules Agenda with a comment period to follow, emergency adoption of the proposed rule amendments as set forth in the Appendix, and consideration for permanent adoption at this Court's December 2024 Rules Agenda.

Respectfully submitted this 18<sup>th</sup> day of June, 2024.

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## APPENDIX

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

### Arizona Rules of Civil Procedure

#### Rule 5. Serving Pleadings and Other Documents

(a) and (b) [No change]

(c) **Service After Appearance; Service After Judgment; How Made.**

(1) [No change]

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

(A) through (D) [No change]

(E) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided by ACJA § 1-901, ~~if the recipient is an attorney of record in the action—in which event service is complete upon transmission.~~

(3) and (4) [No change]

(d) [No change]

#### Rule 5.1. Filing Pleadings and Other Documents

(a) [No change]

(b) **Effective Date of Filing.**

(1) *Generally.* Except for documents submitted directly to a judge under Rule 5.1(a) and electronically filed documents, a document is deemed filed on the date the clerk receives and accepts it. If a document is filed electronically, the effective date of filing is as provided by ACJA § 1-901. ~~it is deemed filed on the date and time the clerk receives it as is shown on the email notification from the court's electronic filing portal or as is displayed within the portal, unless a required filing fee is not paid or the clerk later rejects the document based on a deficiency in the filing. If a filing is rejected because of a deficiency, the clerk must promptly provide the filing party with an explanation for the rejection.~~

(2) [No change]

(3) *Late Filing Because of an Interruption in Service.* ACJA §1-901 governs the procedures ~~If a person fails to meet a deadline for filing a document because of a failure in the document's electronic transmission or receipt, the person may file a motion asking the court to accept the document as timely filed. On a showing of good cause, the court may enter an order permitting the document to be deemed filed on the date that the person originally attempted to transmit the document electronically.~~

(4) [No change]

**(c) Service with Filing and Documents to Be Filed.**

(1) through (3) [No change]

(4) *Sanctions*. If this rule is violated, the court may order removal of the offending document from the record and charge the offending party or counsel such costs or fees as may be necessary to cover the clerk's costs of filing, preservation, or storage. It may also impose any additional sanctions provided in Rule 16(h).

**(d) Proposed Orders; Proposed Judgments.**

(1) [No change]

(2) *Service and Filing*. Any proposed order or proposed judgment must be served on all parties at the same time it is submitted to the court. The clerk may not file a proposed order or proposed judgment. The clerk must accept electronically-submitted proposed orders and proposed judgments as provided in ACJA § 1-901; however, these electronically-submitted documents must not be included in the publicly-displayed court record. A party may file an unsigned proposed order or proposed judgment as an attachment or exhibit to a notice of lodging or other filing if directed by the court, required by rule, or done to preserve the record on appeal.

(3) [No change]

**(e) and (f) [No change]**

**Rule 5.2 Form of Documents**

**(a) and (b) [No Change]**

**(c) Electronically Filed Documents.** The form of electronically filed documents, including the format, file type and size, format of exhibits and attachments, use of hyperlinks and bookmarks, and originals, is governed by ACJA § 1-901.

~~(1) *Format*.~~

~~(A) File Type. A document filed electronically that contains text, other than a scanned document image that is submitted under this rule, must be in a text-searchable .pdf, .odt, or .doex format or other format permitted by Administrative Order. A text-searchable .pdf format is preferred. A proposed order must be in a format that permits it to be modified, such as .odt or .doex or other format permitted by Administrative Order, and must not be password protected.~~

~~(B) File Size. A document may not exceed the file size limits allowed by the court's electronic filing portal, but it may be broken up into multiple files to accommodate such a limit.~~

~~(2) *Formats of Attachments*.~~

~~(A) Generally. An exhibit and other attachment to an electronically filed document also may be filed electronically if it is attached to the same submission as either a scanned image or an electronic copy using an approved file type and format.~~

~~(B) Official Records. A scanned copy of an official record of a court or government body may be filed electronically if it contains the court's or body's official seal of authority or its equivalent.~~

~~(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) Certified Mail, Return Receipt Card. When establishing proof of service by a form of mail that requires a signed and returned receipt, the return receipt may be filed electronically if both sides of the return receipt card are scanned and filed.~~

~~(E) National Courier Service. When establishing proof of service by a national courier service, the receipt for such service may be filed electronically by scanning and filing the receipt.~~

~~(3) *Bookmarks and Hyperlinks.*~~

~~(A) Bookmarks. A bookmark is a linked reference to another page within the same document. An electronically filed document may include bookmarks. A document that is incapable of bookmarking may be made accessible by a hyperlink. The use of bookmarks is encouraged.~~

~~(B) Hyperlinks. A hyperlink is an electronic link in a document to another document or to a website. An electronically filed document may include hyperlinks. Material that is not in the official court record does not become part of the official record merely because it is made accessible by a hyperlink. The use of hyperlinks is encouraged.~~

~~(4) *Originals.* An electronically filed document (or a scanned copy of a document filed in hard copy) constitutes an “original” under Arizona Rule of Evidence 1002.~~

## **Rule 8. General Rules of Pleading**

**(a) through (f) [No change]**

**(g) Civil Cover Sheets.**

*(1) Generally.*

~~(A) Except as provided by ACJA §1-901, When filing a civil action, a plaintiff must complete and submit a Civil Cover Sheet in a form~~

approved by the Supreme Court. The public may obtain this form from the website of the Administrative Office of the Courts.

(B) and (C) [No change]

(2) [No change]

**(h) and (i) [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.* ACJA § 1-901 governs how 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/." "Electronic filing service provider" has the same meaning as provided by ACJA § 1-901.

(3) [No change]

**(b) through (d) [No change]**

## **Arizona 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) *Format.* The form of electronically filed documents, including the format, file type and size, format of exhibits and attachments, use of hyperlinks and bookmarks, and originals, is governed by the Arizona Code of Judicial Administration (ACJA) § 1-901.

~~(A) File Type. A document filed electronically that contains text, other than a scanned document image that is submitted under this rule, must be in a text-searchable .pdf, .odt, or .docx format or other format permitted by Administrative Order. A text-searchable .pdf format is preferred. A proposed order must be in a form that permits it to be modified, such as .odt or .docx format or other format permitted by Administrative Order, and must not be password protected.~~

~~(B) File Size. A document exceeding the file size limits allowed by the court's electronic filing portal may be broken up into multiple files to accommodate such a limit.~~

~~(2) *Formats of Attachments.*~~

~~(A) Generally. An exhibit and other attachment to an electronically filed document may be filed electronically if it is attached to the same submission as either a scanned image or an electronic copy using an approved file type and format.~~

~~(B) Official Records. A scanned copy of an official record may be filed electronically if it contains an official seal of authority or its equivalent.~~

~~(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) Certified Mail, Return Receipt Card. When establishing proof of service by a form of mail that requires a signed and returned receipt, the return receipt may be filed electronically if both sides of the return receipt card are scanned and filed.~~

~~(E) National Courier Service. When establishing proof of service by a national courier service, the receipt for such service may be filed electronically by scanning and filing the receipt.~~

~~(3) *Bookmarks and Hyperlinks.*~~

~~(A) Bookmarks. A bookmark is a linked reference to another page within the same document. An electronically filed document may include bookmarks. A document that is incapable of bookmarking may be made accessible by a hyperlink. Bookmarks are encouraged.~~

~~(B) Hyperlinks. A hyperlink is an electronic link in a document to another document or to a website. An electronically filed document may include hyperlinks. Material that is not in the official court record does not become part of the official record merely because it is made accessible by a hyperlink. Hyperlinks are encouraged.~~

~~(4) *Originals.* An electronically filed document (or a scanned copy of a document filed in hard copy) constitutes an “original” under Arizona Rule of Evidence 1002.~~

~~(5-2) *Signature.* All electronic filings must be signed. ACJA § 1-901 governs how 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/.” “Electronic filing service provider” has the same meaning as provided in ACJA § 1-901.~~

## **Rule 1.7. Filing and Service of Documents**

**(a) [No change]**

**(b) Effective Date of Filing.**

(1) [No change]

(2) *Electronically Filed Documents.* The effective date of filing of an electronically filed document is as provided by ACJA § 1-901. ~~filed on the date and time the clerk receives it. Unless the clerk later rejects the document based on a deficiency, the date and time shown on the email notification from the court's electronic filing portal or as displayed within the portal is the effective date of filing. If a filing is rejected, the clerk must promptly provide the filing party with an explanation for the rejection.~~

(3) *Late Filing Because of an Interruption in Service.* ACJA §1-901 governs the procedures ~~if a person fails to meet a deadline for filing a document because of a failure in the document's electronic transmission or receipt, the person may file a motion asking the court to accept the document as timely filed. On a showing of good cause, the court may enter an order permitting the document to be deemed filed on the date that the person originally attempted to transmit the document.~~

(4) [No change]

**(c) 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 (D) [No change]

(E) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided by ACJA § 1-901, ~~if the recipient is an attorney of record in the action—in which event service is complete upon transmission.~~

(3) [No change]

**(d) and (v) [No change]**

## Rules of Family Law Procedure

### Rule 20. Form of Documents

**(a) and (b) [No change]**

**(c) Electronically Filed Documents.** The form of electronically filed documents, including the format, file type and size, format of exhibits and attachments, use of hyperlinks and bookmarks, and originals, is governed by the Arizona Code of Judicial Administration (ACJA) § 1-901.

~~(1) *Format.*~~

~~(A) File Type. A document filed electronically that contains text, other than a scanned document image that is submitted under this rule, must be in a text-searchable .pdf, .odt, or .docx format, or other format permitted by Administrative Order. A text-searchable .pdf format is preferred. A proposed order must be in a format that permits it to be modified, such as .odt or .docx or other format permitted by Administrative Order, and must not be password protected.~~

~~(B) File Size. A document may not exceed the file size limits allowed by the court's electronic filing portal, but it may be broken up into multiple files to accommodate such a limit.~~

~~(2) *Format of Attachments.*~~

~~(A) Generally. An attachment to an electronically filed document also may be filed electronically if it is attached to the same submission as either a scanned image or an electronic copy using an approved file type and format.~~

~~(B) Official Records. A scanned copy of an official record of a court or government body may be filed electronically if it contains the court's or body's official seal of authority or its equivalent.~~

~~(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) Certified Mail, Return Receipt Card. When establishing proof of service by a form of mail that requires a signed and returned receipt, the return receipt may be filed electronically if both sides of the return receipt card are scanned and filed.~~

~~(E) National Courier Service. When establishing proof of service by a national courier service, the receipt for such service may be filed electronically by scanning and filing the receipt.~~

~~(3) *Bookmarks and Hyperlinks.*~~

~~(A) Bookmarks. A bookmark is a linked reference to another page within the same document. An electronically filed document may include bookmarks. A document that is incapable of bookmarking may be made accessible by a hyperlink. The use of bookmarks is encouraged.~~

~~(B) Hyperlinks. A hyperlink is an electronic link in a document to another document or to a website. An electronically filed document may include hyperlinks. Material that is not in the official court record does not become part of the official record merely because it is made accessible by a hyperlink. The use of hyperlinks is encouraged.~~

~~(C) Originals. An electronically filed document (or a scanned copy of a document filed in hard copy) constitutes an “original” under Arizona Rule of Evidence 1002.~~

**Rule 25. Additional Filings**

**(a) through (d) [No change]**

**(e) Family Law Cover Sheet.** Except as provided by ACJA §1-901, a family law cover sheet must be presented as required by administrative order or local rule.

**(f) [No change]**

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

**(a) Signature.**

(1) [No change]

(2) *Electronic Filings.* ACJA § 1-901 governs how a person may sign a document filed through that 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/.” “Electronic filing service provider” has the same meaning as provided by ACJA § 1-901.

(3) [No change]

**(b) and (c) [No change]**

**Rule 43. Service of Other Documents After Service of the Summons, Petition, and Order to Appear**

**(a) [No change]**

**(b) Service After Service of the Summons, Petition, and Response.**

(1) [No change]

(2) *Methods of Service.* A document is served under this rule by:

(A) through (D) [No change]

(E) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided by ACJA § 1-901, if the recipient is an attorney of record in the action, in which event service is complete upon transmission.

(3) [No change]

**(c) [No change]**

**Rule 43.1. Filings, Pleadings, and Other Documents**

**(a) [No change]**

**(b) Effective Date of Filing.**

(1) *Generally*. Except for documents submitted directly to a judge under Rule 43.1(a) and electronically filed documents, a document is deemed filed on the date the clerk receives and accepts it. If a document is filed electronically, the effective date of filing is as provided by ACJA § 1-901. ~~it is deemed filed on the date and time the clerk receives it as is shown on the email notification from the court's electronic filing portal or as is displayed within the portal, unless a required filing fee is not paid, or the clerk later rejects the document based on a deficiency in the filing. If a filing is rejected because of a deficiency, the clerk must promptly provide the filing party with an explanation for the rejection.~~

(2) [No change]

(3) *Late Filing Because of an Interruption in Service*. ACJA §1-901 governs the procedures ~~if a person fails to meet a deadline for filing a document because of a failure in the document's electronic transmission or receipt, the person may file a motion asking the court to accept the document as timely filed. On a showing of good cause, the court may enter an order permitting the document to be deemed filed on the date that the person originally attempted to transmit the document electronically.~~

(4) [No change]

**(c) and (d) [No change]**

**(e) Proposed Orders; Proposed Judgments.**

(1) [No change]

(2) *Filing*. The clerk may not file a proposed order or proposed judgment. The clerk must accept electronically submitted proposed orders and proposed judgments as provided in ACJA § 1-901; however, these electronically submitted documents must not be included in the publicly displayed court record.

(3) through (5) [No change]

**(f) through (j) [No change]**

## Rules of Procedure for the Juvenile Court

### Rule 105. Form of Filed Documents

**(a) [No change]**

**(b) Effective Date of Filing.**

(1) Except for documents submitted directly to a judge under Rule 105(a) and electronically filed documents, a document is deemed filed on the date the clerk receives and accepts it.

(2) [No change]

~~(3) If a document is filed electronically, the effective date of filing is as provided by the Arizona Code of Judicial Administration (ACJA) § 1-901. It is deemed filed on the date and time the clerk receives it as is shown on the notification from the court's electronic filing portal or as is displayed within the portal, unless the clerk later rejects the document based on a deficiency in the filing. If a filing is rejected because of a deficiency, the clerk must promptly provide the filing party with an explanation of the reasons for the rejection.~~

~~(4) ACJA § 1-901 governs the procedures. If a person fails to meet a deadline for filing a document because of a failure in the document's electronic transmission or receipt, the person may file a motion asking the court to accept the document as timely filed. On a showing of good cause, the court may enter an order permitting the document to be deemed filed on the date that the person originally attempted to transmit the document electronically.~~

~~(5) [No change]~~

**(c) [No change]**

**(d) Document Format.** Unless the court orders otherwise, all filed documents--other than a document submitted as an exhibit or attachment to a filing--must be prepared as follows:

~~(1) through (8) [No change]~~

~~(9) *Originals.* Unless filing electronically, parties must file original documents, except for attachments.~~

~~(10) [No change]~~

**(e) Electronically Filed Documents.** The form of electronically filed documents, including the format, file type and size, format of exhibits and attachments, use of hyperlinks and bookmarks, and originals, is governed by ACJA § 1-901.

~~(1) *Format.*~~

~~(A) File Type. A document filed electronically that contains text, other than a scanned document image that is submitted under this rule, must be in a text-searchable .pdf, .odt, .dox format, or other format permitted by Administrative Order. A text-searchable .pdf format is preferred. A proposed order must be in a format that permits it to be modified such as .odt, .dox, or other format permitted by Administrative Order, and must not be password protected.~~

~~(B) Size. A document may not exceed the file size limits allowed by the court's electronic filing portal, but it may be broken up into multiple files to accommodate such a limit.~~

~~(2) *Format of Attachments.*~~

~~(A) Generally. An exhibit or an attachment to an electronically filed document may be filed electronically if it is attached to the same~~

~~submission as either a scanned image or an electronic copy using an approved file type and format.~~

~~(B) Official Records. A scanned copy of an official record of a court or government body may be filed electronically if it contains the court's or body's official seal of authority or its equivalent.~~

~~(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) Certified Mail, Return Receipt Card. When establishing proof of service by a form of mail that requires a signed and returned receipt, the return receipt may be filed electronically if both sides of the return receipt card, or electronic return receipt, are scanned and filed.~~

~~(E) National Courier Service. When establishing proof of service by a national courier service, the receipt for such service may be filed electronically by scanning and filing the receipt.~~

~~(3) *Bookmarks and Hyperlinks.*~~

~~(A) Bookmarks. A bookmark is a linked reference to another page within the same document. An electronically filed document may include bookmarks. A document that is incapable of bookmarking may be made accessible by a hyperlink. The use of bookmarks is encouraged.~~

~~(B) Hyperlinks. A hyperlink is an electronic link in a document to another document or to a website. An electronically filed document may include hyperlinks. Materials accessed via hyperlinks are not a part of the official court record. The use of hyperlinks is encouraged.~~

~~(4) *Originals.* An electronically filed document or a scanned copy of a document filed in hard copy constitutes an "original" under Arizona Rule of Evidence 1002.~~

**(f) Signature.**

(1) [No change]

(2) *Electronic Filings.* ACJA § 1-901 governs how 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/." "Electronic filing service provider" has the same meaning as provided by ACJA § 1-901.

(3) [No change]

**(g) Proposed Orders.**

(1) [No change]

(2) *Service and Filing.* Any proposed order must be served on all parties at the same time it is submitted to the court. The clerk may not file a proposed order. The clerk must accept electronically submitted proposed orders as provided in ACJA § 1-901; however, these electronically submitted documents must not be included in the publicly displayed court record. A party may file an unsigned proposed order as an attachment or exhibit to a notice of lodging or other filing if directed by the court, required by rule, or done to preserve the record on appeal.

(3) [No change]

**(h) and (i) [No change]**

### **Rule 106. Serving Documents After Service of Case Initiating Documents**

**(a) [No change]**

**(b) Methods of Service.** [No change in text]

(1) [No change]

(2) *Methods of Service.* A document is served on a person under this rule by:

(A) through (C) [No change]

(D) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided by ACJA § 1-901, or by email; if the recipient is an attorney of record in the action, in which event service is complete upon transmission; or

(E) [No change]

**(c) and (d) [No change]**

## **Justice Court Rules of Civil Procedure**

### **Rule 108. Preparing a Document for Filing with the Court**

**a. [No change]**

**b. Format.** A party must file a document with the court on paper, except that a party may file a document electronically ~~if the court has electronic filing available~~ as provided by the Arizona Code of Judicial Administration (ACJA) § 1-901. These rules apply to both electronic and paper filings. Electronic filings must be in a format allowed by the court and as provided by ACJA § 1-901. Paper filings must be on only one side of white 8.5 x 11 inch paper, with one-inch margins on the top, bottom, and sides of the page. Documents filed on paper must be typed, printed, or legibly handwritten. Documents filed on forms provided by the court do not need to meet these requirements. The court may issue documents such as notices or orders in either paper or electronic formats. **[ARCP 10(d)]**

**c. and d. [No change]**

**e. Filing documents.** Unless filing electronically, The original of every document must be filed with the court, but attachments to documents that are filed with the court may be copies. Except for electronically filed documents, Documents are filed with the court when they are delivered to and accepted by the court. If a document is filed electronically, the effective date of filing is as provided by the ACJA § 1-901. [ARCP 5(h), 10(d)]

**f. Electronically filed documents.** The form of electronically filed documents, including the format, file type and size, format of exhibits and attachments, use of hyperlinks and bookmarks, and originals, is governed by ACJA § 1-901.

**g. 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.

### **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. ACJA § 1-901 governs how 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/." "Electronic filing service provider" has the same meaning as provided by ACJA § 1-901. 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]**

### **Rule 120. Providing Documents to Other Parties ("Serving Documents") After the Summons and Complaint**

**a. [No change]**

**b. General rule.** A complete and exact copy of every document that is filed with the court must be provided to every other party in the lawsuit ("served") before or promptly after the document is filed, by one of the following methods:

(1) through (3) [No change]

(4) Mailing the document via first-class U.S. mail to the other party's last known address; or by using any type of professional delivery service that produces a written confirmation of delivery; ~~or~~

- (5) Delivering the document by any ~~method~~ other means, including electronically means other than that described in Rule 120(b)(6), if the party who is receiving the document consents in writing, electronically, or through a court's electronic filing system to that method of service, or if the court orders service by that method; or
- (6) Transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided by ACJA § 1-901.

Copies of documents to parties in default, as defined in Rule 140, must be provided as required by Rule 140. [ARCP 5(a), 5(c)(2)]

**c. through g. [No change]**

### **Rule 139. Judgment**

**a. and b. [No change]**

**c. Judgment prepared by a party.** A judgment may be prepared by the court or it may be prepared by a party and submitted to the court for signature. A copy of a proposed judgment prepared by a party must be served on the other parties as provided by Rule 120. Except for proposed judgments that are submitted electronically, ~~A~~ a party who prepares a judgment and submits it to the court must also provide the court with stamped envelopes addressed to each party who has appeared in the lawsuit. The court will not approve or sign a judgment prepared by a party until the expiration of five (5) days after the proposed judgment has been served upon the opposing parties. An opposing party may file a written objection to the proposed judgment within that time. The requirements of this paragraph do not apply to parties in default under Rule 140.

If a party who prepares a judgment also claims court costs under section (d), or attorneys' fees under section (e), those claims must be submitted to the court at the same time as the judgment that the party prepared. [ARCP 58(a), (d)]

**d. through h. [No change]**

## **Rules of Small Claims Procedure**

### **Rule 1. Small Claims Lawsuit**

**(a) [No change]**

**(b) ~~Rules and Statutes~~ Governing Authorities.**

(1) Rules and Statutes. These rules and the Arizona Revised Statutes ("A.R.S.") Title 22, Chapter 5, govern procedures for small claims lawsuits and provide a process for inexpensive, speedy, and informal resolutions.

Courts and parties should interpret these rules liberally and consistently with this purpose.

(2) Electronically Filed Documents. The Arizona Code of Judicial Administration (ACJA) § 1-901 applies to documents filed through an electronic filing service provider. “Electronic filing service provider” has the same meaning as provided by ACJA § 1-901.

**(c) and (d) [No change]**

**(e) 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.

## **Rule 5. Service**

**(a) and (b) [No change]**

**(c) Court's Notice to the Parties.** Upon receipt of the proof of service of process, the court will ~~mail~~send a notice to the plaintiff and to any defendant who has appeared in the lawsuit informing them that the court may dismiss the case 65 days after service of process was completed unless a hearing has been scheduled, or the plaintiff has applied for the entry of a default judgment as described in Rule 140 of the Justice Court Rules of Civil Procedure.

## **Rule 6. Providing Additional Documents to the Other Party**

**(a) Serving the Other Party with Filed Documents.** A complete and exact copy of every document that is filed with the court must be provided to every other party in the lawsuit before or promptly after the document is filed, by ~~either~~:

(1) and (2) [No change]

(3) transmitting the document through an electronic filing service provider as provided by ACJA § 1-901 or delivering the document by other electronically means.

**(b) [No change]**

## **Rule 7. Defendant's Answer**

A defendant must file a written answer within 20 days of service and ~~mail it~~provide a copy to the plaintiff as provided by Rule 6. The defendant must pay a fee to the court to file an answer, although the defendant may request a waiver or deferral of this fee as provided by A.R.S. § 12-302 and the Arizona Code of Judicial Administration § 5-206. If a defendant fails to file an answer or otherwise respond

within 20 days of service, the plaintiff must initiate default proceedings as described in Rule 140 of the Justice Court Rules of Civil Procedure.

### **Rule 15. Judgment**

**(a) [No change]**

**(b) Rendering and Mailing Providing a Judgment.** A justice of the peace or hearing officer may render a judgment at the end of the hearing or within 10 days after the hearing. The court must ~~mail~~ provide a copy of the judgment to all parties within 5 days. Payment of the judgment is due when the judgment is rendered.

**(c) [No change]**

## **Appendix**

### **Heading and Bullets 1 through 3 [No change]**

#### **Bullet 4:**

- **DEFENDANT:** You must file a written answer and ~~mail~~ provide a copy to the plaintiff. Otherwise, judgment may be entered against you. If you have a claim against the plaintiff, even if it is based on a different event than described in the complaint, you may file a counterclaim and must ~~mail~~ provide a copy to the plaintiff.

#### **Bullets 5 through 12 [No change]**

## **Rules of Procedure for Eviction Actions**

### **Rule 1. Title and Scope of Rules**

These rules shall be known and cited as the Rules of Procedure for Eviction Actions (“RPEA”). These rules shall govern the procedure in the superior courts and justice courts involving forcible and special detainer actions, which are jointly referred to in these rules as “eviction actions.” For purposes of these rules, there shall be only one form of action known as an “eviction action.” The Arizona Rules of Civil Procedure apply only when incorporated by reference in these rules, except that Rule 80(c) shall apply in all courts and Rules 42.1 and 42.2 shall apply in the superior courts. The Arizona Code of Judicial Administration (ACJA) § 1-901 applies to documents filed through an electronic filing service provider. “Electronic filing service provider” as used in these rules has the same meaning as provided by ACJA § 1-901.

### **Rule 6. Service of Pleadings, Other Papers and Orders After Complaint**

**a. [No change]**

**b. Service on Parties in Default.** No service need be made on parties in default for failure to appear, except that pleadings asserting new or additional claims for relief

against them shall be served upon them in the manner provided in Rule 5(~~f~~-e) of these Rules.

**c. How Service Made.** Service required by this rule may be accomplished by personal service as defined in Rule 18(f) of these Rules or after a party has appeared by mailing the document to be served to the last known address of the person to be served or transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided by ACJA § 1-901. Service by facsimile transmission or other method may be used where agreed to by the parties. The date and manner of service shall be noted on the original of the document served or in a separate certificate filed with the court.

**d. and e. [No change]**

**Rule 6.1. 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.

**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) of the Arizona Rules of Civil Procedure.