

SUPREME COURT OF ARIZONA

In the Matter of	)	Arizona Supreme Court
	)	No. R-24-0048
AMENDING VARIOUS ARIZONA RULES	)	
RELATED TO E-FILING PROCEDURES	)	FILED 12/3/2024
	)	
	)	
	)	
	)	

**ORDER AMENDING VARIOUS ARIZONA RULES
RELATED TO ELECTRONIC FILING PROCEDURES**

On June 18, 2024, David K. Byers, Administrative Director of the Administrative Office of the Courts ("AOC"), filed a rule petition on AOC's behalf proposing to amend on an emergency basis Rules 5, 5.1, 5.2, 8, and 11 of the Rules of Civil Procedure; Rules 1.6 and 1.7 of the Rules of Criminal Procedure; Rules 20, 25, 26, 43, and 43.1 of the Rules of Family Law Procedure; Rules 105 and 106 of the Rules of Procedure for the Juvenile Court; Rules 108, 109, 120, and 139 of the Justice Court Rules of Civil Procedure; Rules 1, 5, 6, 7, and 15 of and the Appendix to the Rules of Small Claims Procedure; and Rules 1, 6, and 9 of the Rules of Procedure for Eviction Actions. The petition also proposed emergency adoption of new Rule 6.1 of the Rules of Procedure for Eviction Actions.

On June 24, 2024, the Court granted Petitioner's request for expedited consideration and opened the petition for public

comment until October 1, 2024, with any reply due no later than October 15, 2024.

Following the August 2024 Rules Agenda, the Court entered an order on August 22, 2024, adopting the above-referenced amendments and new rule on an emergency basis pursuant to Rule 28(h)(2) of the Rules of the Supreme Court of Arizona, effective on the date of the order. The order also provided that, during the December 2024 Rules Agenda, the Court would consider whether to adopt the rule amendments and new rule on a permanent basis.

No comments were submitted. On October 9, 2024, Petitioner submitted a reply, in which Petitioner additionally proposed an amendment to Rule 8.1 of the Rules of Civil Procedure.

Having considered the petition and reply,

IT IS ORDERED that the above-referenced rule amendments and rule, which were adopted on an emergency basis on August 22, 2024, are adopted permanently, as shown in the attachment to this order, effective immediately.

IT IS FURTHER ORDERED that Rule 8.1 of the Rules of Civil Procedure is amended as is also shown in the attachment to this order, effective immediately.

The amendments shown on the attachment are the same as the amendments shown on the attachment to this Court's August 22, 2024 order, except for the additional amendment to Rule 8.1 of the Rules of Civil Procedure.

DATED this 3rd day of December, 2024.

_____/s/_____
ANN A. SCOTT TIMMER
Chief Justice

Arizona Supreme Court No. R-24-0048

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TO:

Rule 28 Distribution

David K Byers

ATTACHMENT¹

RULES OF CIVIL PROCEDURE

Rule 5. Serving Pleadings and Other Documents

(a)-(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)-(D) [No change]

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

(3)-(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 in 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~~

¹ Additions to the text of a rule are shown by underscoring and deletions are shown by ~~strike through~~.

~~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)-(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)-(f) [No change]

Rule 5.2. Form of Documents

(a)-(b) [No Change]

(c) Electronically Filed Documents. ACJA § 1-901 governs 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.

~~(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) *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)-(f) [No change]

(g) Civil Cover Sheets.

(1) Generally.

(A) Except as provided in ACJA § 1-901, Wwhen 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)-(C) [No change]

(2) [No change]

(h)-(i) [No change]

Rule 8.1. Assignment and Management of Commercial Cases

(a)-(c) [No change]

(d) Assignment of Cases to the Commercial Court.

(1) [No change]

(2) *By Plaintiff.* A plaintiff seeking assignment of an eligible case to the commercial court must do so at the time of filing the complaint by (A) including in the initial complaint's caption the words “commercial court assignment requested,” and (B) if the complaint is not electronically filed, completing a civil cover sheet that indicates the action is an eligible commercial case.

(3)-(8) [No change]

(e)-(g) [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~~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.

(3) [No change]

(b)-(d) [No change]

RULES OF CRIMINAL PROCEDURE

Rule 1.6. Form of Documents

(a)-(b) [No change]

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

(1) *Format.* Arizona Code of Judicial Administration (ACJA) § 1-901 governs 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.

~~(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 Aan electronically filed document is as provided in 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)-(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) & (v) **[No change]**

RULES OF FAMILY LAW PROCEDURE

Rule 20. Form of Documents

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

(c) **Electronically Filed Documents.** Arizona Code of Judicial Administration (ACJA) § 1-901 governs 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.

~~(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)-(d) [No change]

(e) Family Law Cover Sheet. Except as provided in 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~~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 in ACJA § 1-901.

(3) [No change]

(b)-(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)-(D) [No change]

(E) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided in 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 in 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)-(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)-(5) [No change]

(f)-(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 in 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)-(8) **[No change]**

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

(10) **[No change]**

(e) **Electronically Filed Documents.** ACJA § 1-901 governs 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.

~~(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, .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, .docx, 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~~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.

(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)-(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)-(C) [No change]

(D) transmitting it through an electronic filing service provider approved by the Administrative Office of the Courts as provided in 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)-(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 in 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. - 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, ~~D~~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 in the ACJA § 1-901. [ARCP 5(h), 10(d)]

f. Electronically filed documents. ACJA § 1-901 governs 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.

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 in 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. - 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)-(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 in 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. - g. [No change]

* * *

Rule 139. Judgment

a. - 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. - 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. 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 in ACJA § 1-901.

(c)-(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)-(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)-(2) [No change]

(3) transmitting the document through an electronic filing service provider as provided in 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~~ ACJA § 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 1-3 [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 5-12 [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. 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 in 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 in 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.-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.-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.