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IN THE SUPREME COURT STATE OF ARIZONA

In the Matter of PETITION TO AMEND)
RULES OF THE SUPREME COURT OF) Supreme Court No. R-11-____
ARIZONA, RULE 124, ELECTRONIC)
FILING, DELIVERY AND SERVICE OF)
DOCUMENTS)
)

PETITION TO AMEND SUPREME COURT RULE 124

Pursuant to Arizona Supreme Court Rule 28, the Arizona Administrative Office of the Courts (AOC) in the person of David K. Byers, Director, respectfully petitions this Court to adopt amendments to Rule 124 of the Rules of the Supreme Court of Arizona as set forth in Appendix A hereto and described in greater detail below. The intent of the proposed amendments is to describe policies related to Arizona’s statewide, unified electronic filing system, constructed at the direction of the chief justice. Separate technical documents are being revised or created to delineate actions that enact or enforce policies set forth in the amended Rule 124.

1. Introduction

The current Rule 124 was approved over a decade ago, along with related technical standards in the code of judicial administration, to promote pilot e-filing implementations by individual jurisdictions while simultaneously setting limits that would promote “safe” operation in the paperless world of electronic court records. That approach was superseded by then-Chief Justice McGregor’s direction to the Commission on Technology on June 5, 2008, to move

beyond pilot implementations by constructing a statewide system for all courts and all case types. The State Bar also provided input that electronic filing should be accomplished in the same general manner regardless of jurisdiction.

2. The Issue

AOC is in the process of constructing a statewide e-filing system, called AZTurboCourt, for all courts and all case types. The current **Rule 124, Electronic Filing, Delivery and Service of Documents**, published in 2000, provides for a presiding judge to authorize e-filing in the superior and justice courts of the county and contemplates a court-by-court or county-by county approach to e-filing rather than the unified, statewide approach the chief justice and State Bar have directed. In addition, a review of policies in other states coupled with lessons learned from individual pilot implementations over the decade since SCR 124 was first published has made evident a number of policies and techniques that would benefit from clarification or redefinition, both on the court's side and the filer's side of the e-filing equation. Examples include allowing hyperlinks in court documents, the extent to which paragraph numbers must be required, and addressing technical difficulties that could arise with the system.

3. Specific Proposed Amendments

The number of revisions has grown large enough to warrant a "strike everything" approach to documenting proposed changes to the current rule. Creation of a legal redline is impractical since even language remaining from the current version was moved to different logical sections within the document. Content of specific sections is summarized below.

(a) Definitions – Section was added due to the special uses of certain terms in the revised rule.

(b) Electronic Filing Authorized – Revised to support statewide unified approach through AZTurboCourt from individual county or court jurisdiction e-filing systems.

(c) Official Record – Added to match language in recent Administrative Orders regarding electronically filed documents being original documents of record.

(d) Date and Effect of Electronic Filing – Revised to specify AZTurboCourt as the system of record for determining date and time of any filing, since it functions as the “front door” for all courts accepting electronic case filings.

(e) Electronic Payment of Filing Fees and Application Fees – New section requiring filers to pay fees in AZTurboCourt and fee deferrals or waivers to be submitted in the conventional manner until somehow handled by AZTurboCourt.

(f) Signature – New section to allow /s/ for registered users of AZTurboCourt and not require signature of all co-parties to an action.

(g) Required Document Formats – New section to clarify acceptable formats for filings, currently done through reference to more technical documents.

(h) Electronic Service and Delivery of Documents – Revised to mandate attorney e-mail addresses and specify self-represented litigants’ option to withdraw from electronic service of post-initiation documents.

(i) Extensions of Time due to Interruption in Service – Added to address fears of filers about a technology failure causing a missed filing deadline.

Old (f) Paragraph Numbering – Requirement reduced to appellate court opinions only.

4. Conclusion

For the reasons set forth above, the undersigned petitioner respectfully petitions this Court to amend Rule 124 of the Rules of the Supreme Court of Arizona as set forth in Appendix A.

RESPECTFULLY SUBMITTED this 7th day of January, 2011.

By _____
David K. Byers, Director