

## APPENDIX A

### RULES OF THE SUPREME COURT

#### RULE 124, ELECTRONIC FILING, DELIVERY AND SERVICE OF DOCUMENTS

**(a) Definitions.**

“Application Fee” or “User Fee,” means the fee assessed when a filer performs various functions using AZTurboCourt.

“AZTurboCourt” means the supreme court approved Internet-based system for filing and service of documents in the trial and appellate courts of Arizona.

“Attached Document” means a document prepared outside of AZTurboCourt and then filed in AZTurboCourt.

“Document” means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the court.

“Electronic Document Management System (EDMS)” means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management and retrieval of documents through their life cycle. It may include workflow software which enables organizations to define routing and processing schemes to automate the business processes for document handling. It may also include imaging and optical character recognition (OCR) software and devices to support the capture, storage, and retrieval of document images from paper.

“Filer” means the individual under whose personal registration a document is submitted through AZTurboCourt.

**(b) Electronic Filing Authorized.** Parties, attorneys, court personnel, and persons appointed by the court are authorized to file documents electronically through AZTurboCourt in courts where AZTurboCourt is available and for any case type available in that court, in accordance with this rule. AZTurboCourt is the supreme court’s authorized mechanism for submittal of electronic filings to the courts of this state.

**(c) Registration.** AZTurboCourt shall require registration to obtain an individual login ID and password for access to the system.

**(d) Official Record.**

(1) All electronically filed documents shall be considered original documents of record in and for the applicable court.

(2) An electronic submission in or print-out from the clerk’s or court’s EDMS that shows the

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clerk's or court's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.

(3) 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 herein.

### **(e) Date and Effect of Electronic Filing.**

(1) A person who files a document electronically shall have the same responsibility as a person who files a document on paper for ensuring that the document is properly filed and that a copy has been provided to other parties in the case as required by rule or law.

(2) An electronically filed document shall be deemed submitted on the date and time it is received by AZTurboCourt as reflected on the subsequent email notification, unless notification is declined by the filer.

(3) The clerk shall record the date and time of receipt as provided by AZTurboCourt and the applicable court or office of the clerk where the document was received.

(4) Once accepted, the date and time of filing shall be the AZTurboCourt date and time of submittal.

### **(f) Electronic Payment of Filing Fees and Application Fees.**

(1) Filers shall pay all filing fees and application fees through AZTurboCourt.

(2) A judge shall not waive or suspend the application fee; however, a judge may grant a party a waiver from compliance with a requirement of mandatory e-filing through AZTurboCourt, for good cause shown, thereby allowing the party to file documents on paper.

(3) Filers who need to request a fee deferral or waiver are required to file on paper, until the application for fee deferral or waiver can be filed through AZTurboCourt.

### **(g) Signature.**

(1) An attorney is responsible for all documents filed under the attorney's registered login ID and password. Documents filed in AZTurboCourt under an attorney's registered login ID and password, and that display the symbol "/s/" with the attorney's printed name, shall be deemed signed by that attorney for purposes of the rules governing practice and procedure in the courts of this state, including Rule 11, Rules of Civil Procedure.

(2) Documents filed in AZTurboCourt by a self-represented litigant shall be filed under the self-represented litigant's registered login ID and password. Documents that display the symbol "/s/" with the self-represented litigant's printed name shall be deemed signed by that self-represented litigant for purposes of the rules governing practice and procedure in the courts of this state, including Rule 11, Rules of Civil Procedure.

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(3) In the courts of this state, a judicial officer or clerk may sign a document for filing in AZTurboCourt utilizing a facsimile signature or by inserting the symbol “/s/” and then inserting the judicial officer’s or clerk’s printed name.

(4) A document being filed by more than one self-represented litigant need only be signed by one of the self-represented litigants. The signer of the document shall ensure that all parties named in the document agree with the contents of the document. The standing of all parties is subject to judicial determination during the proceedings.

### **(h) Required Document Formats.**

(1) All filers are responsible for ensuring that the documents they file through AZTurboCourt meet the AzTurboCourt Technical Standards published on the AzTurboCourt website.

(2) All attached documents submitted by the filer through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents in the courts of this state.

(3) When establishing proof of service by U. S. Postal Service certified mail, a filer shall scan and electronically file both sides of the signed return receipt, in addition to complying with all other requirements of rule or law. When establishing proof of service by a national courier service, the filer shall scan and electronically file the documentation required by rule or statute, in addition to complying with all other requirements of rule or law.

(4) When an electronically notarized document is not available, a notary requirement may be satisfied by the filer’s scanning and electronically filing the document that contains the notary’s original signature and seal.

(5) Courtroom exhibits may be converted to electronic format at the discretion of the clerk.

(6) A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official court record. A filer may include a bookmark to another page within the same document.

(7) Appellate Court Opinions shall have each paragraph of text numbered consecutively.

### **(i) Electronic Service and Delivery of Documents.**

(1) Registration in AZTurboCourt constitutes consent to electronic service of documents under the rules governing practice and procedure in the courts of this state, through AZTurboCourt. A self-represented litigant may withdraw such consent at any time upon written notice to the clerk and to all other attorneys and self-represented litigants in an action. The written notice shall set forth a physical address for service. An attorney may not withdraw consent. Such consent or withdrawal of consent to electronic service by a self-represented litigant is effective only for the case in which the consent or withdrawal has been submitted.

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(2) Service of post-initiation documents as required by the rules governing practice and procedure in the courts of this state shall be completed through AZTurboCourt except when a self-represented litigant has withdrawn consent to electronic service by filing a notice of withdrawal of consent in a case, or when electronic service is otherwise prohibited by rule or law. If a self-represented litigant has withdrawn consent to electronic service, a paper copy of the document shall be served on the self-represented litigant at the physical address provided in the withdrawal of consent.

(3) Attorneys shall provide a current e-mail address on all documents submitted to the court, whether electronic or paper. Self-represented litigants who have not withdrawn consent to electronic service shall include a current e-mail address on all documents submitted through AZTurboCourt.

(4) As much as reasonably practicable, a clerk shall distribute through AZTurboCourt or by other electronic means, all communication issued from the clerk, including orders, judgments, notices, minute entries, and any other communication to attorneys and self-represented litigants, whether the case in which the document or communication is issued was initiated by paper or electronic means.

**(j) Extensions of Time Due to Interruption in Service.** If a filer fails to meet a filing deadline imposed by rule or law solely as the result of a technical failure of AZTurboCourt in processing the document, the filer must file the document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. The motion shall set forth the reason the deadline was not met by describing the technology failure. The document and motion shall be filed on paper at the proper courthouse no later than the second day on which the court is open for business following the deadline that was not met, unless the technology failure is alleviated and the motion and document are submitted using AZTurboCourt not later than the second day on which the court is open for business following the deadline that was not met. If the court grants the motion, the document shall be deemed timely filed nunc pro tunc, notwithstanding any rule or law to the contrary.