

APPENDIX A

~~RULES OF THE SUPREME COURT~~

~~RULE 124. ELECTRONIC FILING, DELIVERY AND SERVICE OF DOCUMENTS~~

~~(a) **Electronic Filing Authorized.** In accordance with this rule and the corresponding Administrative Requirements for Electronic Filing and Management of Court Documents adopted concurrently herewith, the chief justice and the chief judge of each division of the court of appeals may permit by appropriate court rule or administrative order the electronic filing of documents in their respective courts. The presiding judge of the superior court in each county may permit by appropriate court rule the electronic filing of documents in the superior court and justice courts in each county. After consultation with the governing body of the city or town in which a municipal court is located, the presiding judge of the superior court may permit by appropriate court rule the electronic filing of documents in municipal court.~~

~~(b) **Implementation of Electronic Filing.** Before implementing an electronic filing system, an implementing court must:~~

~~(1) develop an electronic filing plan that conforms with the Administrative Requirements for Electronic Filing and Management of Court Documents; and~~

~~(2) adopt procedures that ensure document availability, security and integrity, and authentication of the document and its sender.~~

~~(c) **Date and Effect of Electronic Filing.**~~

~~(1) An electronically filed document shall be deemed filed on the date and time that it is received by the court (or by its designee), unless the court later rejects the document for filing. Promptly upon receipt, the court (or its designee) shall transmit to the filing party an acknowledgment indicating the date and time of receipt. If the court later does not accept the document for filing, it shall promptly notify the filing party electronically and set forth the grounds for rejection.~~

~~(2) An electronically filed document constitutes the filing of the original written and signed paper under the rules governing practice and procedure in the courts of this state. The court may require the party to produce the original of an exhibit that has been filed electronically. An electronically filed document as it resides on the court's computer shall be considered the original document satisfying the best evidence rule set forth in Rule 1002, Arizona Rules of Evidence.~~

~~(d) **Electronic Delivery of Documents by the Court.** A court may deliver judgments, minute entries, orders requiring the signature of a judge or a clerk to be effective, and notices electronically, instead of by mail, to any party or any party's attorney who files either traditionally or electronically a consent. Such consent is effective in all subsequent litigation in that court involving the consenting party. A party or that party's attorney may withdraw such consent at any time upon notice to the clerk of the court filed either traditionally or~~

~~electronically. An implementing court may adopt, by appropriate court rule, additional procedures relating to the e-delivery of documents, to the extent such additional procedures are not inconsistent with this Rule 124.~~

~~(e) [Reserved.]~~

~~(f) **Paragraph Numbering.** Paragraph numbering based on the system adopted by the Supreme Court for numbering appellate opinions shall be used in all electronic documents. Until such time as a uniform citation system with paragraph numbering standards may be adopted, electronically filed documents shall include numbers assigned to each paragraph in accordance with the following procedures:~~

~~(1) Each paragraph of text shall be numbered consecutively.~~

~~(2) The following portions of an electronic document do not constitute a new paragraph and therefore shall not be numbered:~~

~~(A) headings introducing sections of text;~~

~~(B) indented (blocked) text, including text quoted from opinions, transcripts, exhibits, pleadings, or similar sources;~~

~~(C) lists of cases, statutes, or issues;~~

~~(D) text immediately following indented text, unless such text begins a new paragraph;~~

~~(E) footnotes;~~

~~(F) appendices or other attachments.~~

~~(3) If indented text is from a source that uses numbered paragraphs, the numbers from the original source shall not be included in the indented portion but in the citation only.~~

~~(4) Each paragraph number shall be shown as, e.g., “¶ 1” and placed at the left margin. The number shall be followed by a tab at the tenth character.~~

~~(5) If additional text is inserted into a document after it is first filed and/or distributed, the new paragraph or paragraphs shall be numbered using the number of the paragraph immediately preceding the insertions and letters, e.g., “¶ 1a.”~~

~~(6) If one or more paragraphs are deleted from a document after it is first filed and/or distributed, the text shall be replaced with the statement “paragraph deleted” following the appropriate paragraph number.~~

~~(7) If a supplemental document is filed, the paragraph numbering in the original document shall be continued.~~

~~(8) If referring to specific portions or passages in electronic documents which contain paragraph numbers, references shall employ the paragraph numbers in those documents.~~

~~(g) **Computation of Time.** The electronic delivery of documents by the court pursuant to paragraph (d) of this Rule is complete upon transmission.~~

RULES OF THE SUPREME COURT

RULE 124, ELECTRONIC FILING, DELIVERY AND SERVICE OF DOCUMENTS

(a) Definitions.

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

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

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

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

(5) “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.

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

(b) Electronic Filing Authorized. ~~Parties, attorneys, Unless otherwise ordered by the court or as provided by this rule or the AZTurboCourt Technical Standards, attorneys shall file documents electronically through AZTurboCourt, in courts where AZTurboCourt is both available and required, and for any case type available in that court, in accordance with this rule. Self-represented litigants,~~ 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. Documents filed electronically through AZTurboCourt shall be filed in accordance with this rule and the AZTurboCourt Technical Standards.

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

(d) AZTurboCourt Technical Standards. The supreme court is authorized to develop, publish, and implement a set of technical standards for electronic filing of documents through AZTurboCourt to be called the "AZTurboCourt Technical Standards."

(de) Official Record.

(1) All electronically filed documents shall be considered original documents of record in and for the applicable court. An electronic document that resides within the clerk's or court's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.

(2) An electronic ~~submission in~~transmission in or print-out from the clerk's or court's EDMS that shows the 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 in paragraph (d)(1) of this Rule.

(ef) 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 statute.

(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,~~ or the filing details displayed within AZTurboCourt.

(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 an electronically filed document has been accepted by the court, the date and time of filing shall be the AZTurboCourt date and time of submittal.

(fg) Electronic Payment of Filing Fees and Application Fees.

(1) For filings submitted through AZTurboCourt, filers shall pay all filing fees and application

fees through AZTurboCourt, unless otherwise directed by the clerk or court.

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

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

(gh) 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. Documents filed under the registered login ID and password of any person the attorney has authorized, either directly or indirectly, to file in AZTurboCourt 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 and~~ 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.

~~(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.~~ Documents filed in AZTurboCourt under a judicial officer's or clerk's registered login ID and password shall be deemed signed by that judicial officer or clerk.

(4) A document being filed by more than one self-represented litigant on the same side, 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.

(hi) 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 lawstatute. 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 lawstatute.

(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.~~

(5) 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.

(ij) Electronic Service and Delivery of Documents.

(1) Registration in AZTurboCourt constitutes consent to electronic service, through AZTurboCourt or e-mail, 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 mailing 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.

(2) Service of post-initiation documents ~~as required by the rules governing practice and procedure in the courts of this state shall be completed, if available~~ through AZTurboCourt, 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 lawstatute. 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 mailing address provided in the withdrawal of consent. Withdrawal of consent to electronic service and delivery by a self-represented litigant does not relieve the litigant of his or her obligation to serve documents, as required by rule or statute.

(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~~To the extent 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.

(jk) 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. If a filer fails to meet a filing deadline imposed by court order, rule or statute because of a failure in the transmission of a document, and the matter cannot be resolved to the satisfaction of the filer and the clerk, the filer may file the document 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. The court and clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.~~