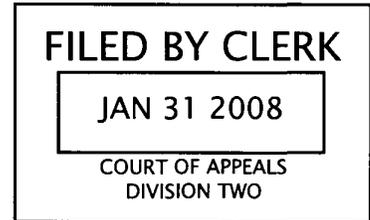


IN THE COURT OF APPEALS
STATE OF ARIZONA
DIVISION TWO



In the Matter of:)
)
ELECTRONIC FILING) Administrative Order 2008-1

Arizona Court of Appeals, Division Two Electronic Filing Rules for Attorneys

Whereas Rule 124, Rules of the Supreme Court of Arizona, authorizes the Chief Judge of the Court of Appeals to permit the electronic filing (e-filing) of documents in the court, and

Whereas Division Two of the Court of Appeals (the Court), during the 1999-2001 time frame, successfully completed a two-year e-filing pilot project with the Pima County Legal Defender's office and the Arizona Attorney General's Tucson office, and

Whereas, pursuant to the Court's Administrative Order filed April 27, 2001, the Court successfully expanded its e-filing program, effective May 15, 2001, by permitting electronic filing of appeal documents by licensed Arizona attorneys who register with the Court and comply with Rule 124, its corresponding Administrative Requirements for Electronic Filing and Management of Court Documents (Arizona Code of Judicial Administration § 1-506), and the Court's April 27, 2001, Administrative Order, and

Whereas, from 2001 to date, the Court's e-filing system has operated efficiently, has resulted in substantial savings of cost and time to both practitioners and the Court, has been well-received by the approximate 2,000 registered attorneys who regularly e-file briefs and other documents with the Court, and has resulted in the Court receiving awards and commendations in Arizona and elsewhere for its innovations in attaining a virtually paperless environment, and

Whereas, all of the developments and circumstances set forth above, to some extent, render the Court's April 27, 2001 Administrative Order obsolete,

Now, therefore, **IT IS ORDERED:** the Court's April 27, 2001 Administrative Order is vacated and replaced with this new Administrative Order.

FURTHER ORDERED: The Court will continue to permit, and strongly encourages, e-filing of appellate briefs, motions, and other documents by licensed Arizona attorneys who register with the Court and comply with Rule 124, its corresponding Administrative Requirements for Electronic Filing and Management of Court Documents (Arizona Code of Judicial Administration § 1-506), and this Order, as more fully detailed below.

1. E-filing shall be permitted as follows

- a. In docketed Division Two cases by currently licensed Arizona attorneys who comply with registration procedures at the Court's web site utilizing a valid e-mail address and current State Bar of Arizona number.
- b. For nonmonetary transactions. (Fees and other financial documents are not currently accepted electronically.)
- c. When e-filed documents are digitally signed using the court-provided authentication system prior to being submitted for filing.
- d. When all applicable rules, including Rule 124, the Arizona Administrative Requirements for Electronic Filing and Management of Court Documents, and any other e-filing rules posted on the Court's web site, are complied with.

2. Date and effect of electronic filing

- a. Pursuant to Rule 124(c)(1), an electronically filed document shall be deemed filed on the date and time it is received by the Court, unless the Court later rejects the document for filing in accordance with that rule.
- b. Pursuant to the Supreme Court's 2002 and 2006 comment to Rule 124(c) and (g), the electronic filing of a document with the Court is not complete upon transmission. Rather, as with traditionally filed documents, the Court must receive and accept an electronically filed document before such document is considered filed.
- c. Pursuant to Rule 124(c)(2), an electronically filed and digitally signed document shall be considered the original document for all purposes.
- d. No additional "copies" of an electronically filed document shall be required to be filed with the Court.

3. Electronic delivery of documents by the court

- a. Pursuant to Rule 124(d), court documents (orders, notices, etc.) may be delivered electronically to any party who files with the court written consent to receive such documents electronically, and no corresponding paper documents will be issued to that party.
- b. Such documents will be digitally signed by the Court.
- c. A digitally signed receipt shall be electronically delivered to the filer for each document electronically filed in the Court.

4. Service of documents

- a. Service of documents shall remain the responsibility of the parties.
- b. Pursuant to Rule 4(b), Ariz. R. Civ. App. P., and the Supreme Court's 2006 comment to that rule, service may be effected electronically if the recipient consents in writing to that method of service or if the Court orders service in that manner.
- c. Required certificates of service may be filed electronically with the Court.

5. Computation of time

- a. Pursuant to Rule 124(g), electronic delivery of documents by the Court pursuant to Rule 124(d) and this Administrative Order is complete upon transmission.

- b. Pursuant to Rule 4(b), Ariz. R. Civ. App. P., and the Supreme Court’s 2006 comment to that rule, service by electronic means is complete upon transmission.
- c. Pursuant to the Supreme Court’s 2002 and 2006 Comment to Rule 124(c) and (g) and the Supreme Court’s 2006 comment to Rule 4(b), Ariz. R. Civ. App. P., a document is “transmitted” when the sender does the last act that must be performed by the sender. And, as with other modes of service, evidence that the intended recipient did not receive the transmitted document may defeat the presumption of receipt that arises from the provision that delivery “is complete upon transmission.”

6. Document formats

- a. Electronically filed documents will be accepted only in portable document format (PDF), unless and until such time as the Supreme Court adopts standards for use of XML (extensible markup language), as provided in the Arizona Code of Judicial Administration § 1-506(D)(2)(b).
- b. All electronically filed documents containing more than one paragraph shall utilize paragraph numbering based on the system adopted by the Supreme Court for appellate opinions, as required by Rule 124(f).

7. Prohibited Conduct

All registered users are expected and required to use the Court’s *e-filer* system responsibly. Any attempt to tamper with, corrupt, gain unauthorized access to, or intentionally damage the system may result in felony charges, *see* A.R.S. §§ 13-2316, 13-2316.02, and a permanent ban from using the *e-filer* system. Registered users shall not share or allow others to use their password at any time and shall limit in size any e-filed documents to 50 MB or less.

8. Administrative Procedures

- a. Authentication of users and documents:
 - 1) Registration will be permitted for attorneys who are licensed by the State Bar of Arizona and listed in the attorney database maintained by the clerk of this Court, following confirmation of State Bar number and e-mail address.
 - 2) E-filing will be conducted over secured Internet channels (secured socket SSL).
 - 3) All documents shall be digitally signed utilizing Division Two signature software.
 - 4) A login procedure utilizing a username and password will be required.
- b. System maintenance:
 - 1) Documents will be tested for viruses before they are integrated into the court’s electronic document management system (EDMS). Only clean and valid documents will be accepted.
 - 2) E-filed documents will be automatically backed up by the Court after review of document and approval as filed.
- c. Accessibility:
 - 1) Electronic filing will be conducted over the Internet utilizing a current, standard browser that is compatible with the Court’s *e-filer* system.

- 2) Electronic filers may view e-filed documents in their particular cases using a standard browser. Such e-filed documents will be viewable by the public at the Court during regular business hours.

9. Petitions for review

The petitioning party shall be responsible for making arrangements with the clerk of this Court for the timely filing of paper copies of the petition for review and any related filings for transmittal to the Supreme Court in accordance with all applicable rules.

10. Effect on other rules

This order shall not modify or supplant any rule of procedure or established court policy except as specifically provided herein.

Dated: January 31, 2008



John Pelander
Chief Judge