

By Michael K. Jeanes, Clerk of the Superior Court

**Consider your audience: Tips for an electronic age**

Following are words of caution from lessons learned at the Clerk's Office. Heeding them can improve your productivity; ignoring them can cost time, resources, and lose cases. A friendly reminder and words of encouragement first: electronic filing is proving to be a time and money saver and most people make the transition from paper to electronic filing with ease. There are exceptions, however.

Multiple motions filed on a single document is one source of errors and misunderstanding in both eFilings and paper filings, especially as they relate to appeals and the strict timelines that go with them. File counter staff and electronic filing review clerks move quickly through a high volume of filings and do not read through the documents. As a result, documents are docket-coded for processing based on what is most obvious on a filing. A vague document title or caption that contains alternative or additional motions may be docketed based on the plainest language on the first page. A lack of clarity about multiple issues within the same motion creates confusion and misunderstanding as the document is routed to the judicial officer. A clearly understood document title on the first page will improve the clerk's docket-coding and the routing of filings. Notices of Appeal in particular should be clearly titled as such pursuant to Rule 8 of the Rules of Civil Appellate Procedure. The review clerks are working with the documents presented to them – the more clarity your drafting provides, the better the result for all.

More often than not, eFilings are rejected for oversights rather than substantive errors. Unsigned documents continue as one of the highest sources of rejections for eFilings. Main documents like Motions and Notices need to be signed with the attorney or party's name in the proper format. For electronic signatures, above the signature line needs to be printed: “/s/ Signer's Name” and below the signature line needs to be printed: “Signer's Name.” Any deviation from this standard risks rejection. A recent eFiling contained a Notice and over 100 supporting documents. The effort that went into this document's preparation is clear (as well as being far-and-away a record for the number of documents eFiled in one transaction) but was ultimately rejected because it was not signed by the filing party.

Some cases have been jeopardized by failure to monitor emails from the Clerk's Office. Adding the Clerk's Office as a “safe sender” should keep spam blockers from intercepting these emails. It is crucial to know that an eFiling has been accepted or rejected, not just that it was received by the Clerk's Office. The Clerk's eFiling system generates emails to the filing party when their eFiling has been received by the Clerk's Office and sends another email when the document has been either accepted or rejected. Documents are not filed-in to the official court record until they have been accepted. Rejected documents must be corrected and resubmitted for filing. In both paper and

electronic filings, it remains the filing party's responsibility to ensure documents are properly filed with the Clerk and that copies are provided to other parties in the case.

A document that has been accepted for filing cannot then be removed from the official record without a court order. As a result, there are some grocery lists, family photos and other "mistakes" in the official court record. Review clerks usually catch these questionable documents and make a courtesy call to the filing party before proceeding, but if a "mistake" occurs in exhibit number 12 of 20 exhibits, it could get past the review clerk and become part of the official record. These errors can result from the filer clicking an item above or below the item they intended to click on when uploading documents. The caution here is to have an eye for detail and double-check the actual documents being uploaded before filing, just as a quick scan of paper is recommended when filing at the counters or night depository boxes.

Electronic filing has far more benefits than drawbacks and is here to stay in Arizona. Paying careful attention to detail, knowing the eFiling Guidelines and reading the frequently asked questions and answers on the Clerk's website will make eFiling a rewarding experience for the practitioner or party in Superior Court. For more information and resources, visit the Clerk's website at [www.clerkofcourt.maricopa.gov](http://www.clerkofcourt.maricopa.gov) or register for related CLEs at numerous bar associations and professional organizations.

**Reminder: AZTurboCourt is on the horizon**

The Supreme Court of the State of Arizona is committed to electronic filing. When fully operational, AZTurboCourt is envisioned as a "one-stop" hub for eFiling in all state courts. In the coming months, the Administrative Office of the Courts (AOC) will provide overviews, demonstrations and training in this new eFiling system (initially available for civil subsequent filings only in Maricopa County). While the new system will have similarities to the eFiling system currently hosted by the Clerk's Office, there will be additional features and abilities in the statewide system. One of the attractive potential additions of the new system will be the opportunity to eFile in any state court from one website. With a username and password, a party could eFile in a municipal, justice, superior and appellate court in the same login session. The Clerk's Office will continue to support this transition as the AOC arranges contacts, trainings and updates. For more information on AZTurboCourt, visit [www.azturbocourt.gov](http://www.azturbocourt.gov).