

## Maricopa Lawyer

### Clerk's Corner

*By Michael K. Jeanes, Clerk of the Superior Court*

### ***Electronic Filing Update***

For years, electronic filing has taken place across the country. In May, members of the Maricopa County Clerk's Office and Division Two of the state appellate court presented a CLE on eFiling. The CLE class sold-out and another session is planned for August. With federal and superior courts quickly moving toward an electronic business method, the interest continues to grow in how eFiling will impact you and your practice.

Recent demand for information has focused on a timeline. The Clerk's Office periodically receives calls from frantic practitioners and paralegals who have just heard a rumor that eFiling will be mandatory in all case types by the end of the week, or some other immediate and anxiety-causing timeframe. Unfortunately, rumors seem to travel faster than fact. Through regular publications, trainings, demonstrations, and now CLE's, the Clerk's Office is providing timely, accurate information to the legal community.

The timeframe for eFiling to take the place of paper as the regular mode of business is subject to numerous factors. Developing the technology, working with vendors who will accept and process eFilings, and the recruitment of judicial officers into the pilot, all influence the speed and effectiveness with which the Clerk and Court can implement eFiling. There are also numerous policy considerations that vary by case type. For these reasons, a hard-and-fast date for complete implementation is not possible. The Clerk and Court are moving aggressively toward implementing electronic filing and an electronic court record. The best approach is to prepare now, and seek out trainings and information on electronic developments in the courts.

Two things are clear from history and the experience of other agencies involved in eFiling: there will come a time when eFiling is mandatory to a great extent, if not completely, and paper will always be involved, even if on a limited and specific basis. This fact alone may help calm the nerves of some practitioners. The real-world complexity of implementing a universal way of electronically doing business creates a moving target for completion dates. The best way to manage this change is through pilot programs.

Piloting eFiling in limited case types and divisions allows the Clerk and court to go slowly now in order to go fast in the future. All new initiatives face hurdles that must be overcome to move ahead with a superior product for the future. In Maricopa County, it has been effective to introduce mandatory eFiling in one to three judicial divisions at a time. As the number of incoming eFilings increase from hundreds to thousands, the Clerk and court can monitor and respond to issues as they arise.

### **The Electronic Court Record**

The Clerk's Corner column often provides updates on how technology is improving the business and customer service of the courts. The electronic court record (ECR) is an umbrella term for the ways technology is used to process the court record. Understanding terminology and examples of how those individual parts are used helps clarify the overall process.

The electronic court record in the Clerk's Office includes scanning paper filings to create a digital image that is maintained in an electronic repository. By way of several electronic filing pilot programs, filings are also entering the repository as digital images. Minute entries by email, automated workflow processes, and public access terminals that allow viewing images of filed pleadings are all parts of the overall electronic court record.

Due to strict quality control standards, the clarity and quality of scanned images makes the ECR easy to read and use directly from a computer screen. Actions behind the scenes at the Clerk's Office allow consistently readable documents for processing the court record. Practitioners and the public may view the ECR from public access terminals at Clerk's Office locations throughout the Valley.

The Clerk's Office is developing methods to securely share access directly to the ECR for counsel. In the coming months, attorneys will have remote access to their cases from their own office or PC using a password and registration format. This will eliminate the need to travel to a public access terminal. The Attorney General recently joined Clerk's Office staff, judicial staff, the County Attorney, Public Defender, and other court users who have direct access to this large electronic repository of images.

The Clerk's Office is currently presenting a change management class to all internal staff entitled, "You Can Never Step Into the Same River Twice." One of the messages delivered through this presentation is that change is constant and surrounds our personal and professional lives. Embracing that change and harnessing it to its fullest and best potential has served the Clerk's Office well in its mission to serve the court user. Electronic filing and the electronic court record are a change from the well worn paper path. We cannot meet tomorrow's demands with yesterday's devices; this positive change takes us in the right direction for meeting tomorrow's demands for service.