

Maricopa Lawyer

Clerk's Corner

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Was 2011 another 2008? Courts Respond to Economic Woes

In the December 2008 edition of the Maricopa Lawyer, this column was dedicated to “change” and “innovation” and included updates on budget cuts and eFiling, including permissive eFiling in the civil case type. Many commentators and media outlets have compared the year 2008 to 2011 and this article will as well, from the unique perspective of the Superior Court in Maricopa County. As many predicted, the recession has been a lengthy “U” shaped recovery and not the preferred “V” shaped, or bounce-back recovery.

At the end of 2008, state and county budgets were taking drastic cuts, as revenue projections were coming in well below the lowest-predicted levels. At the end of 2011, the economic picture is just now starting to show signs of improvement, with revenue projections coming in slightly better than projected but with ominous budgetary cliffs on the horizon.

The years between 2008 and 2011 involved more cuts, freezes and doing more with less. Political and legal battles at the state, county and national levels reached their most contentious levels as the economy was at its lowest. Some of those battles have since calmed down.

Innovation in a Recession

The Clerk's Office eliminated or left vacant many open staff positions, decreased hours for some services and made other adjustments to consolidate and modernize its operations. The turnaround times of some customer service and operational norms were delayed to ensure the office's mandates continued to be met. To adapt to these new realities, change and innovation have continued to be hallmarks of the Clerk's Office over the last three years.

In 2008 the Clerk's Office was training attorneys, legal support staff, government agencies and individuals in using the Clerk's eFiling system for civil, criminal and family court filings. In October 2008 the Clerk's Office received 3,330 civil eFilings – a record number for the time. Since then, the Administrative Office of the Courts launched AZTurboCourt and made its use mandatory for attorneys filing civil case documents in the Superior Court in Maricopa County. The volume increase resulted in an average of over 22,000 civil eFilings each month.

While AZTurboCourt is busy receiving civil case eFilings, the Clerk's Office continues to receive eFilings through its eFiling Online website in criminal and family court cases, processing its one millionth total eFiling during 2011. The Clerk's Office recently began accepting eFilings in the Tax Court for cases with a “TX” case designation. The Tax

Court for the State of Arizona is located in Maricopa County, giving this eFiling initiative statewide application.

Other change and innovation during the low economic times were regularly addressed with electronic solutions. Early in 2009 the State Bar of Arizona began issuing subpoenas online on behalf of the Clerks. The State Bar's service is available 24 hours a day, seven days per week and has been particularly convenient for attorneys wanting to serve same-day subpoenas after the Clerk's business hours.

The Clerk's Electronic Court Record Online (ECR Online) has been widely used by parties, attorneys and arbitrators to remotely view the documents filed in their individual cases. This online initiative reduces the trips required to a records facility for paper copies of documents. Over the last three years, arbitrators and contract counsel who used to get entire case files copied to paper have transitioned to receiving case documents burned to a compact disc and then transitioned again to having remote electronic access to the records.

In April of 2009 the Supreme Court issued Administrative Order 2009-43, specifically to address budget reductions in the judicial branch. Among those changes was a requirement that attorneys have and maintain an email address for receipt of documents from the courts. The Clerk's Office has emailed minute entries for several years now, as well as making them available from the Clerk's minute entry website (courtminutes.maricopa.gov) and through the ECR Online. Reducing paper, postage and the labor related to processing paper minute entries has saved valuable resources that were redirected to the Clerk's other mandates and services.

Appeals have steadily gone electronic over the last few years. The Clerk's Office has methodically moved through case types where the record on appeal has transitioned from paper to images. Additionally, the Courts of Appeal and the Supreme Court are rapidly moving toward eFiling of appeals and electronic exchange of documents between the bar and the courts.

In this article in 2008, the Clerk's Office committed to adapting to change while maintaining the highest levels of quality and providing expert assistance from its knowledgeable and dedicated staff throughout the duration of the budget cuts and beyond. We are fortunate that the Clerk's staff of career professionals have consistently upheld that commitment while adapting to new demands, changing technology and pressure from all sides.

As always, the Clerk's Office welcomes your feedback and suggestions for improving the partnership between the Clerk's Office, the Court, the legal community, the public and all others who interact with the Superior Court in Maricopa County. See you in 2012!