



Welcome To The Office Of
**THE CLERK OF THE
SUPERIOR COURT**
MARICOPA COUNTY, ARIZONA



Michael K. Jeanes, Clerk of the Superior Court

November 13, 2006

NEWSFLASH

PREPARING FOR "1-1-07"

One of the major initiatives for the Clerk of the Superior Court in Maricopa County has been referred to as "1-1-07," signifying the date Clerk's operations will see significant changes in several areas. This initiative addresses the Electronic Court Record (ECR), or the ability to more effectively transition from paper processes into electronic methods. The following questions and answers should help clarify those changes. More information is available on the Clerk's website: www.clerkofcourt.maricopa.gov or by calling the Clerk's Office at 602-506-3360. These changes are specific to Maricopa County Superior Court only.

Q: Are all paper files going away on 1-1-07?

A: No. Beginning in 2007, the Clerk's Office will stop pulling hard copy files for internal court users or the public for adult case types initiated after Jan. 1, 2002. These cases have been scanned and imaged and are available for viewing electronically. All requests for 2002 and more recent adult public case files will be directed to the electronic court record (ECR). Public access terminals are available at all Clerk's locations for the public; internal court users will view the images from their computer. Sealed documents in all case types and all case years will continue being filed and maintained in paper.

Q: Who are "internal court users" and who are "the public?"

A: Individuals who work directly with the Clerk or a county department and may have access to one or more internal shared computer systems are examples of internal court users. These are clerk's employees, judges, commissioners, judicial assistants, court administration, county or state attorneys, and others. "The public" generally includes private attorneys, media, businesses, citizens, process servers, and others who likely work with the Clerk at file counters, by mail, or over the telephone.

Q: What does the phrase, "adult case type" mean?

A: Adult case types are all matters not filed in a juvenile court. For example, criminal, civil, probate, mental health, family, and tax are all adult case types. Juvenile issues (delinquencies, adoptions, dependencies, etc.) have complex confidentiality requirements, among other aspects, that require bringing juvenile cases into eFiling after all adult case types are implemented.

Q: Will 1/1/07 apply to Juvenile matters?

A: No. Juvenile filings and hard copy files will still be maintained.

Q: Will 1/1/07 apply to the Water Case?

A: No. Paper filings and the hard copy file will still be maintained.

Q: How will arbitrators access the court file after 1/1/07?

A: Arbitrators will receive paper until alternative means to the court record are explored.

Q: How will we pull a sealed file/sealed document?

A: Access to sealed files and documents will not change after 1/1/07. These will continue to be maintained in the Clerk's Discovery & Confidential department and will be pulled manually.

Q: How do the Lower Court Appeals processes change after 1/1/07?

A: Three-part answer:

- Lower Court Appeals: Access will only be available via the ECR in Superior Court. Original paper documents received from a lower court will be remanded to the court of original jurisdiction.
- Special Action: Access will be available via the ECR.
- Administrative Review: Access will be available via the ECR. The original paper Administrative Record will be returned to the administrative agency.

Q: How will a case that is appealed to the Court of Appeals be processed?

A: A paper record will continue being provided until alternative means to manage the court record are explored.

Q: How will Post Conviction Relief (PCR's) be processed after 1/1/07?

A: There will be no change from the current process.

Q: How will the record be transferred in a Change of Venue after 1/1/07?

A: There will be no change from the current process. A paper record will continued to be provided until alternative means to manage the court record are explored.

Q: How are documents from another County or another Court handled with respect to the ECR?

A: Two-part answer:

- Matters from another county heard in Maricopa County: There will be no change from the current process. After the hearing/trial, the original off-line minute entry, as well as the original pleadings/documents will be returned to the Clerk's Office of the other county. This is the current practice.
- Document filed by mistake from another jurisdiction: The document will be identified during the audit process and sent to the correct court.

Q: Will 1/1/07 affect Grand Jury matters?

A: Open cases will only be available on the ECR. Closed cases will remain confidential and the current process will not change.

Q: Will 1/1/07 affect Death Penalty Cases?

A: The Clerk's Office will no longer maintain a paper file. Access will only be via the ECR.

Q: Will 1/1/07 affect Search Warrants?

A: No. Unsealed search warrants will still be available via the ECR.

Q: Will 1/1/07 affect Mental Health cases?

A: The Clerk's Office will no longer maintain a paper file. Access will only be via the ECR. Only those internal users authorized to see Mental Health documents will see the document on the ECR. The public will continue requiring authority from the court before being allowed access to Mental Health documents.

Q: Will exhibits utilized in court and/or offered in evidence be subject to 1/1/07?

A: There is no change to court exhibits related to 1/1/07. The current process remains in place.

Q: Will Sentencing Minute Entries (with an original thumbprint) be subject to 1/1/07?

A: Sentencing Minute Entries will be scanned and available only via the ECR. The paper original will continue to be maintained.

Q: Does 1/1/07 apply to Depositions and Transcripts?

A: No. Depositions and Transcripts will continue to be maintained in paper format.

Q: Does 1/1/07 apply to original Wills?

A: Original wills will be scanned and available only via the ECR. The paper original will continue being maintained. However, statutes only allow the Clerk to file wills as part of filing a probate case; wills may not be filed with the Clerk as stand-alone documents for safekeeping.

Q: What will happen to Paper Bonds after 1/1/07?

A: Paper bonds will be scanned and available only via the ECR. However, the Clerk's Office will continue maintaining paper bonds in paper format in case the Court orders the original paper bond released back to the person posting the bond.

Q: Will "miscellaneous" documents be subject to 1/1/07?

A: "Miscellaneous" documents are not in the ECR. The current process will not change.

eFiling is not "1/1/07"

The Clerk's Office is also piloting eFiling in limited civil and criminal matters. While a significant result of eFiling is the reduction of paper, it is not tied directly to the "1/1/07" initiative related to the electronic court record and converting paper documents into electronic images. However, the following questions often arise when discussing changing technology in the court and its impact on eFiling.

Q: Can I eFile in any Superior Court matter after January 1?

A: No. There is no complete case type that is or will be eFiling on 1/1/07. All eFiling in the Superior Court in Maricopa County is still conducted on a pilot basis. In civil cases, only those who receive a minute entry to participate in an individual case are allowed to eFile and eFiling is mandatory in those cases. In criminal cases, eFiling is permissive for public and private attorneys who have a case assigned to a participating eFiling criminal division.

Q: How do I get a case number to initiate a case when I eFile?

A: Cases can be designated into an eFile pilot only after the initial complaint and answer are filed in the traditional paper process. Superior Court Administrative Order 2005-091 provides details on which processes are done in paper and which are done electronically and is available at <http://www.superiorcourt.maricopa.gov/adminOrders/2005/ao2005-091.pdf>.

Q: Is Superior Court eFiling the same as eFiling in the District Courts?

A: No. The Clerk's application is similar, but different. Superior Court Administrative Order 2005-091 provides more details. Vendors offering expanded services will soon be able to accept eFilings in place of eFiling directly with the Clerk.