

17A A.R.S. Sup.Ct.Rules, Rule 124



Arizona Revised Statutes Annotated [Currentness](#)
Rules of the Supreme Court of Arizona ([Refs & Annos](#))

[XII. Miscellaneous Provisions](#)

➔ **Rule 124. Electronic Filing, Delivery and Service of Documents**

(a) **Electronic Filing Authorized.** In accordance with this rule and the corresponding Administrative Requirements for Electronic Filing and Management of Court Documents adopted concurrently herewith, the chief justice and the chief judge of each division of the court of appeals may permit by appropriate court rule the electronic filing of documents in their respective courts. The presiding judge of the superior court in each county may permit by appropriate court rule the electronic filing of documents in the superior court and justice courts in each county. After consultation with the governing body of the city or town in which a municipal court is located, the presiding judge of the superior court may permit by appropriate court rule the electronic filing of documents in municipal court.

(b) **Implementation of Electronic Filing.** Before Implementing an electronic filing system, an implementing court must:

(1) develop an electronic filing plan that conforms with the Administrative Requirements for Electronic Filing and Management of Court Documents; and

(2) adopt procedures that ensure document availability, security and integrity, and authentication of the document and its sender.

(c) **Date and Effect of Electronic Filing.**

(1) An electronically filed document shall be deemed filed on the date and time that the document is accepted. Acceptance shall be determined by the court and shall be deemed to occur (i) on the date the filing was transmitted if the transmission began during normal business hours of the clerk's office and (ii) on the next day the clerk's office is open for business if transmission began after normal business hours of the clerk's office.

(2) An electronically filed document constitutes the filing of the original written and signed paper under the rules governing practice and procedure in the courts of this state. The court may require the party to produce the original of an exhibit that has been filed electronically. An electronically filed document as it resides on the court's computer, and print-outs of said document, shall be considered the original document satisfying the best evidence rule set forth in [Rule 1002, Arizona Rules of Evidence](#).

(d) Electronic Delivery of Documents by the Court. A court may deliver judgments, minute entries, orders requiring the signature of a judge or a clerk to be effective, and notices electronically, instead of by mail, to any party or any party's attorney who files either traditionally or electronically a consent. Such consent is effective in all subsequent litigation in that court involving the consenting party. A party or that party's attorney may withdraw such consent at any time upon notice to the clerk of the court filed either traditionally or electronically. An implementing court may adopt, by appropriate court rule, additional procedures relating to the e-delivery of documents, to the extent such additional procedures are not inconsistent with this Rule 124.

(e) Electronic Service of Documents by Parties. Any attorney or unrepresented party may consent to receive electronic service of documents from another party. Such consent shall be filed either traditionally or electronically and may be withdrawn at any time upon notice filed either traditionally or electronically.

(f) Paragraph Numbering. Paragraph numbering based on the system adopted by the Supreme Court for numbering appellate opinions shall be used in all electronic documents. Until such time as a uniform citation system with paragraph numbering standards may be adopted, electronically filed documents shall include numbers assigned to each paragraph in accordance with the following procedures:

(1) Each paragraph of text shall be numbered consecutively.

(2) The following portions of an electronic document do not constitute a new paragraph and therefore shall not be numbered:

(A) headings introducing sections of text;

(B) indented (blocked) text, including text quoted from opinions, transcripts, exhibits, pleadings, or similar sources;

(C) lists of cases, statutes, or issues;

(D) text immediately following indented text, unless such text begins a new paragraph;

(E) footnotes;

(F) appendices or other attachments.

(3) If indented text is from a source that uses numbered paragraphs, the numbers from the original source shall not be included in the indented portion but in the citation only.

(4) Each paragraph number shall be shown as, e.g., "¶ 1" and placed at the left margin. The number shall be followed by a tab at the tenth character.

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(5) If additional text is inserted into a document after it is first filed and/or distributed, the new paragraph or paragraphs shall be numbered using the number of the paragraph immediately preceding the insertions and letters, e.g., "¶ 1a."

(6) If one or more paragraphs are deleted from a document after it is first filed and/or distributed, the text shall be replaced with the statement "paragraph deleted" following the appropriate paragraph number.

(7) If a supplemental document is filed, the paragraph numbering in the original document shall be continued.

(8) If referring to specific portions or passages in electronic documents which contain paragraph numbers, references shall employ the paragraph numbers in those documents.

(g) Computation of Time. The electronic delivery of documents by the court pursuant to paragraph (d) of this Rule and the electronic service of documents by parties pursuant to paragraph (e) of this Rule is complete upon transmission. If the electronic delivery or service of documents is completed on any day after 5:00 p.m. [Mountain Standard Time], then such documents shall be deemed to have been transmitted on the next day that is not a Saturday, a Sunday or a legal holiday. Whenever a party has the right or is required to take some action within a prescribed period after service of a notice or other paper and such service is made electronically, such service shall be considered service by mail for the purpose of computing time under any rule of procedure.

CREDIT(S)

Added Oct. 10, 2000, effective Dec. 1, 2000.

<<XII. MISCELLANEOUS PROVISIONS>>

<Formerly Part XI. Redesignated as Part XII January 15, 2003, effective July 1, 2003.>

[2000] COURT COMMENT

This new Rule 124 and the corresponding Administrative Requirements for Electronic Filing and Management of Court Documents are adopted pursuant to [A.R.S. §§ 12-119.02, 12-284.02, 22-284, and 22-408](#). These statutes expressly authorize the Supreme Court to adopt rules providing for the electronic filing of documents and the electronic access to court records.

The term "document" as used in Rule 124 does not expand the scope or nature of


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pleadings or other papers required or permitted to be filed under any rules that govern practice and procedure in the courts of this state.

[2000] COURT COMMENT TO SECTIONS (C) AND (G)

A document is "transmitted" when the sender does the last act that must be performed by the sender. 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 "service is complete on transmission." Although the electronic delivery of documents by the court and the electronic service of documents by parties is complete upon transmission, the "electronic filing" of a document is not complete upon transmission. As with traditionally filed documents, the court must receive and accept an electronically filed document before such document is considered filed.

LIBRARY REFERENCES

Pleading  335.
Westlaw Topic No. 302.
[C.J.S. Pleading § § 570, 572, 574 to 575, 577, 579 to 580.](#)

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Current with amendments received through August 4, 2004.

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