

IN THE SUPREME COURT OF THE STATE OF ARIZONA

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In the Matter of:	)	
	)	
AUTHORIZING A PILOT PROGRAM IN	)	Administrative Order
MARICOPA COUNTY TO DISPOSE OF	)	<u>No. 2006- 96</u>
PAPER CASE FILE RECORDS AFTER	)	
REPLACEMENT WITH ELECTRONIC	)	
IMAGES AND DESIGNATING THE	)	
ELECTRONIC IMAGE AS THE	)	
ORIGINAL RECORD	)	
	)	

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The first enumerated goal of the 2005-2010 Strategic Agenda for Arizona's Courts is Providing Access to Swift and Fair Justice. The ability to provide an electronic court record will improve access and reduce court delay locally and reflects a national trend that is enhancing business models for courts throughout the country. Arizona Revised Statute § 12-282 charges the Clerk of the Superior Court with custody, maintenance and ultimately destruction of official court records. Implementing electronic processes will ensure that Arizona fulfills its commitment to improved efficiency and the reduction of delay for its citizens. In pursuing the goals of improving Arizona's court system, the electronic court record employs modern technology to process cases. Within this background, establishing an electronic court record pilot project in Maricopa County will benefit the courts of Arizona in implementing a reliable, user-friendly system providing meaningful access to the courts.

This Administrative Order addresses those rules of procedure that must be suspended to allow an electronic court record pilot to succeed to its full potential in Arizona. The standard for an electronic court record is the identification and maintenance of the electronic image of a document as the original. For purposes of establishing the pilot in this Administrative Order, "original" document is the electronic image of that document as maintained in the Clerk of the Superior Court's Electronic Document Management System (EDMS). An "official record" or "certified copy" of the original is an electronic submission or print-out from the Clerk's EDMS that maintains the original, with the Clerk's seal bearing the document's authenticity.

In full compliance with the Code of Judicial Administration §§ 1-504 and 1-506, the Maricopa County Clerk of the Superior Court confirms it has met the applicable standards and requirements to establish an Electronic Court Record.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Clerk of the Superior Court for Maricopa County shall implement an Electronic Court Record Pilot Project as defined herein, to dispose of certain paper documents filed with the Clerk on and after January 1, 2007, after replacement with electronically maintained images and that the following documents are exempt from this pilot project pending further order of this court: limited jurisdiction court appeals documents; original administrative records under review; paper bonds; criminal sentencing minute entries; wills; juvenile documents; water case documents; and depositions and transcripts.

IT IS FURTHER ORDERED that for the purposes of this pilot project, all electronically-filed documents and the scanned images of documents filed in paper form shall be considered the original documents of record in and for the Superior Court in Maricopa County.

IT IS FURTHER ORDERED that an electronic submission or print-out from the Clerk's EDMS that shows the Clerk's seal attesting to the document's authenticity, shall be considered an official record or certified copy of the original.

IT IS FURTHER ORDERED that any court rule requiring that a document be an original, be on paper or another tangible medium, or be in writing, is satisfied by the electronic image defined as the original document herein.

IT IS FURTHER ORDERED that those portions of Supreme Court Rules 29(C) and 94(h) and Rule 28.1, Arizona Rules of Criminal Procedure, which state that a particular action or proceeding must no longer be subject to modification, and Supreme Court Rule 29(E) providing for notice to the Director of the Arizona State Library, Archives and Public Records prior to destruction of the case file records, are suspended for the Superior Court in Maricopa County, thus allowing the Clerk to create an electronic image as the original and to dispose of the paper filings previously considered the original case file records.

IT IS FURTHER ORDERED that those portions of Rule 11, Arizona Rules of Civil Appellate Procedure, which refer to the original record on appeal as paper are suspended for the Superior Court in Maricopa County, thus allowing the Clerk of the Superior Court to provide the original electronic record to the Court of Appeals via a tangible medium, or by allowing the Court of Appeals direct access to the Clerk of the Superior Court's electronic court record at such time as the Court of Appeals can accept or access the electronic record.

IT IS FURTHER ORDERED that the Clerk of the Superior Court will provide paper documents to the Court of Appeals and other courts as needed, unless those courts are able and have made arrangements with the Clerk to receive electronic documents in lieu of paper.

IT IS FURTHER ORDERED that the Clerk of the Superior Court shall continue to comply with the remainder of the provisions set forth in rules and statutes governing

the preservation and destruction of and access to court records, and shall maintain a photographic or electronic reproduction or image in a place and manner as will reasonably assure the permanent preservation of any records originally submitted in paper form once the paper documents are destroyed.

IT IS FURTHER ORDERED that the Clerk shall employ procedures that insure the availability of at least one other copy of the electronically filed document at all times, perform system backups at least daily, maintain multiple backups, at least one of which will be off-site, use recording media for storing electronic records that comply with ANSI/AIIM standards, and use non-reusable media for archiving court records electronically.

IT IS FURTHER ORDERED that the Clerk shall continue to comply with all minimum standards and requirements set forth in the Arizona Code of Judicial Administration §§ 1-504 and 1-506, and shall retain and dispose of all Superior Court records in accordance with § 3-402: Superior Court Records Retention and Disposition.

Dated this 8th day of November, 2006.

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RUTH V. MCGREGOR  
Chief Justice