

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ELECTRONIC DISTRIBUTION OF) Administrative Order
COURT DOCUMENTS) No. 2009 - 43
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)
_____)

On January 8, 2009, Administrative Order No. 2009-01 was issued to address budget reductions in the Judicial Branch of Arizona. As part of this Order, the Clerks of the Superior Court were authorized to distribute minute entries electronically via e-mail if local court technology capabilities permit doing so. Further, approval was given for each superior court presiding judge and clerk of the superior court to ask the board of supervisors of their respective counties to establish a fee pursuant to the provisions of A.R.S. § 11-215.08 to recover paper minute entry preparation and mailing costs.

This Order provides additional detail needed to carry out the general policy direction of Administrative Order No. 2009-01 and expands those documents that may be distributed electronically by the Clerks of the Superior Court. Further, this Order provides the authority for the Arizona Supreme Court and the Arizona Court of Appeals to send electronic copies of documents as defined below. Therefore,

IT IS ORDERED that:

- (1) The Clerks of the Superior Court are authorized to electronically distribute any document, including minute entries and other orders, rulings, and notices described in Rule 125, Rules of the Supreme Court by e-mail or electronic link in lieu of distribution of paper versions by regular mail.
- (2) The Clerk of the Supreme Court and the Clerks of the Court of Appeals are authorized to electronically distribute any document, including copies of decisions, orders, and case-related notices of all kinds, as well as notices of the filing of opinions, memorandum decisions, and decision orders, by email or electronic link in lieu of distribution of paper versions by regular mail.
- (3) By July 1, 2009, every attorney who files matters into the county superior or state appellate courts, shall designate and maintain an e-mail address to which official court documents will be sent. Attorneys shall include the designated e-mail address on each filing and pleading filed with a county superior or state appellate court. In the event that an attorney's e-mail address changes, the attorney shall indicate that the address is a changed address on subsequent filings and pleadings. In addition to the change of address notice requirements of Rule 5.1(b), Rules of Civil Procedure, each attorney or law firm shall advise the clerk of court and court administrator, in each of the counties in which

that attorney or firm has cases pending, of any change to the current designated e-mail address.

- (4) Attorneys filing in the state appellate courts shall receive documents from the court electronically. Attorneys filing matters in Division Two of the Court of Appeals shall register with Division Two's e-filing system via Division Two's website. Once registered, attorneys will receive electronic notifications from Division Two regardless of whether filings are electronic or in paper format.
- (5) For any electronic distribution authorized by this Order, all court rules requiring paper copies of minute entries, orders, opinions, memorandum decisions, decision orders, and notices to be distributed by the court by regular mail, or requiring recipient consent to electronic distribution of court distributed documents, are suspended.
- (6) The provisions of any rule relating to additional time after delivery by regular mail shall apply to documents electronically transmitted.
- (7) All clerks may use an alternative method of delivery if necessary to preserve the security of confidential or sealed documents.
- (8) Each superior court presiding judge and clerk of the superior court may ask the board of supervisors of their respective counties to establish a fee schedule pursuant to the provisions of A.R.S. § 11-251.08 to recover preparation, printing, and mailing costs for distributing paper copies of the documents that could be distributed electronically under this Order. An attorney wishing to receive paper copies of documents that could be distributed electronically under this order may do so upon paying the fee established by the board of supervisors.
- (9) All clerks' offices shall proceed with electronic distribution of documents as soon as the necessary technology and resources are available.
- (10) The Administrative Director of the Courts may give further direction needed to implement this Order as technical issues or exceptional circumstances arise.

Dated this 20th day of April, 2009.

FOR THE COURT:

RUTH V. MCGREGOR
Chief Justice