

**CLIMATE CHANGE: THE IMPLEMENTATION OF THE ELECTRONIC COURT RECORD IN THE
JUVENILE COURT IN MARICOPA COUNTY**

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"Nothing is accomplished unless you first try." - Anonymous

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Abstract

The Maricopa County Clerk of the Superior Court engaged in a transformative process converting paper court documents and records to electronic or digital images over a period of time that spans more than 10 years. The changes to the court culture, the community and the court's justice partners have been significant. The organization and strategic planning of the process changes, preparation of the Clerk's office staff, court staff, and court community and implementation of the changes have led to several improvements which have both unified and divided the court.

The Maricopa County Clerk of Court implemented a series of projects that created the adult court electronic court record (ECR). Lessons learned from the adult court implementation assisted with the later juvenile court implementation. Both projects included management of the change in court culture and the development of the technology.

This paper explores the culture change in the Maricopa County Clerk of Court and the Maricopa County Superior Court and the evolution of the (ECR). Included is an examination of the concepts of change management of John Kotter and Cynthia Scott. Consideration was given to their recommendations and whether the planning and

implementation of the ECR in the Adult Court environment and subsequently the Juvenile Court followed them. There is a brief review of the development of electronic court records in the Federal Court system. Also included is an overview of several initiatives by the Supreme Court of Arizona that traces the evolution of electronic court records, specifically in Superior Court, Maricopa County, Arizona.

This paper identifies the long term objectives of the ECR project in Maricopa County based upon the lessons learned from the implementation in the Adult Court environment and the later implementation in juvenile court. The objectives included:

- an elimination of storage of paper documents,
- faster access to cases,
- elimination of lost or misplaced papers and/or files,
- faster communication,
- streamlined processing, and
- elimination of issues related to moving voluminous files between locations of the Clerk of Court.

The Clerk of Court (2013) anticipated that electronic filing would improve service to court partners and become commonplace for court customers, although never universal. The expectation was that the projects in total would provide a payback in savings through a cycle of eight to nine years. This paper considers whether the

anticipated benefits and savings have been realized through the implementation process.

To answer these questions, research was conducted which included a review of clerk of court publications and archival documents, a literature review, surveys of a small sample of judges and interviews of important members of the Clerk's Office and the Court. A study of the lessons learned from the implementation of the Adult Court ECR, with attention to the level of complexity, identification and prioritization of the several pieces that made up the adult project was compared to the approach implemented in the Juvenile ECR project.

Based upon the research, prior to an implementation of an ECR project or other major project, there are important steps to assist with planning and execution of a proposal:

- (1) Examine the problem presented to the organization;
- (2) Fully assess the needs of the organization;
- (3) Determine the readiness of the organization to implement and adopt the changes;
- (4) Establish reasonable goals to accomplish and be prepared to make adjustments to the plan as needed; and
- (5) Provide frequent communications throughout the project to address the impact of the project upon the court culture.

In the Clerk's instance, the above steps led to the following:

- (1) The cost of continuing in the paper environment caused the court to move slowly while the cost to maintain the paper was increasing. Access to records was impacted and resulted in delayed court processes;
- (2) To move forward and shift expenses from paper handling and storage to electronic document maintenance and storage the anticipated benefits would include long term savings of costs and resources while speed of processes would increase and there would be an improvement in access;
- (3) It was known that moving paper from place to place was labor intensive and becoming expensive, storage space and costs were increasing and documents were occasionally lost or misplaced. These problems would be resolved through the ECR but would require changes to processes and usage;
- (4) Juvenile court was initially included in the plan to implement the ECR in 2002 despite governance by a different set of regulations. The implementation was adjusted to exclude juvenile and return to it at a later time; and

(5) Communications within the organization, with stakeholders and justice partners was critical. Ongoing and frequent communications to internal and external customers were provided to allow for adjustment to the impact of each implementation on them.

Introduction

Imagine being an attorney engaged in a juvenile court case in Maricopa County before any documents filed with the court were scanned into the juvenile electronic court record. Prior to October 1, 2012, an attorney in a juvenile case was required to travel to one of the two juvenile court locations, go to the filing counter and make a request to view the paper case file. This process could take hours and in some instances days. The attorney did not know prior to making the trip to the file counter whether the file needed was available at the location. The effort to track and locate the file could take hours or days. The file could be in storage, on microfilm due to its age, in a judge's division or checked out to a clerk for some other business need. This was changed when the first phase of a four phase project began October 1, 2012 and concluded October 28, 2013 when the fourth and final phase of the Clerk of Court's ECR project was fully implemented in juvenile court. Since then, all juvenile case types are scanned starting with the initiating document and all subsequently filed documents. Due to this change, an attorney can now access the case electronically and view it on a personal computer, if cleared for access, or at a public computer in the Clerk of Court's filing counter area. Juvenile court judges and juvenile judicial staff can now access the official record for all newly initiated cases without a request for the paper file. This means faster access for customers. Paper files are no longer lost or misplaced. And, multiple users can now simultaneously access the case file in the ECR.

This paper examines the growth of the ECR in Maricopa County as developed by the Clerk of Court. In 2002, scanning date forward of documents filed in adult court was the start of the multi-year ECR project. During the first five years, the Clerk kept the paper documents despite scanning them into the ECR. Finding the dual process burdensome, the Clerk sent a letter of compliance to the Arizona Supreme Court requesting that the Clerk be relieved of maintaining the paper. The Clerk established compliance with all demands and satisfied the high court that creation and maintenance of the ECR was safe and reliable. In 2007, ECR began. ECR Online is a secure, cost-effective and convenient way for attorneys and self-represented parties in adult court cases to register and view documents in their case(s) without the need to travel to the filing counter location, request the paper file and wait for it to be available. The ECR project has included back scanning of cases that predated the 2002 implementation in adult court and for cases between 2002 and 2007. The ECR has continued to grow with the addition of projects for e-filing in adult court and case forward scanning in juvenile court.

The implementations in adult court were not significantly complicated by restrictive rules and statutes that impact access to records. In Maricopa County, the Superior Court grants access to the adult court case management system, Integrated Case Management System (iCIS) while the Clerk of Court provides access to the digital images through OnBase. There are 15 court partners/agencies granted access to both

in the adult court environment. The highly- restrictive statutes in juvenile court have impacted the open access to records available in the Adult Court; however, juvenile delinquency records are open for public view. Public attorney groups, law enforcement agencies and various probation agencies are able to view minute entries, orders and filed documents in specific case types for which they have statutory rights to access.

The speed that the Clerk of Court is required to convert the paper into electronic images varies by case type and improved with e-filing. Generally, in the Adult Court environment, the paper documents are scanned within three days and added to the ECR. One of the significant differences learned during the planning and implementation phase of the Juvenile project was that juvenile court must comply with statutes that mandate in various instances a quicker conversion. This along with a separate case management system (iCIS) caused concern, required different planning and impacted the decision to separate and postpone the juvenile implementation so as not to lose momentum for the Adult Court implementation.

The purpose of this paper is to (1) provide a brief summary of the development of the ECR by the Clerk of Court in the Adult Court environment, (2) examine several lessons learned from the adult implementation experience, (3) consider the impact upon the development and implementation in the later juvenile project, (4) review the change impact of the implementations on the Court culture, and (5) evaluate the

accomplishment of the stated goals of improved accessibility to the records, speed of availability, reduced space for storage and impacts on resources.

Literature Review

Historical Development of Federal Court Electronic Record

Planning and development of electronic records for government, courts and businesses has been an evolving process for more than 50 years. A forerunner in this effort is the National Archives, Electronic Records Archives (ERA) that has been managing electronic records at the federal level since the 1960's. In 1993, the case of *Armstrong v Executive Office of the President*, changed the way the electronic mail of presidential administrations were going to be managed (1F.3d 1274 [DC Cir 1993]). After several court decisions, the emails of the administrations of Ronald Reagan and George H. W. Bush were transferred to the National Archives and Records Administration (NARA) in January 1993. These were the first major presidential electronic records and the largest volume of digital records which were transferred to the NARA. These records included a variety of media and file formats, many which had not been seen before at NARA. Some of the records had also deteriorated over time. The NARA was tasked with storage of an increasingly larger volume of records due to the volume of presidential records that would be transferred at the end of the Clinton administration. This led to a change in business process and record storage at the NARA. The impact that this has had on electronic records storage has been significant

(History of the Electronic Records and Era, The U.S. National Archives and Records Administration).

In the years that followed, the NARA began to build the e-government programs and ERA Program Management Office. The NARA has been implementing in phases. In 2008-2009 the Initial Operating Capability (IOC) was deployed which established the basic infrastructure and support of NARA's management of federal records. Deployment of the various phases has resulted in a system of storage, rapid search and retrieval, access control and basic case management for special access requests.

Also, the NARA has developed the Online Public Access prototype. The NARA is directed toward the adoption of the ERA System by all agencies of the Federal government. Due to these issues, an analogy can be drawn to development of electronic court records.

The Federal Court system has been working toward integration and access for all federal court records. This process has led to the development of a system known as Public Access to Court Electronic Records (PACER). This is an electronic public access service that allows users to obtain individualized case records and docket information from federal appellate, district and bankruptcy courts.

An important element of the PACER system is the PACER Case Locator which is a national index for U.S. District, Bankruptcy, and Appellate courts. PACER provides

daily updates of information from each case. The PACER Case Locator serves as a daily or overall index for PACER. Searches of federal court records are possible by use of the system to determine whether or not a party is involved in federal litigation or to locate documents within a specific case or set of cases.

PACER is available to anyone who registers for an account to include a variety of attorneys, government agencies, educational and financial institutions, the media, and the general public.

The Movement in State Courts

As the Federal government and federal courts continued to build and improve electronic systems, state court systems began their own projects but at a slower pace. One of the largest criticisms of state systems had been that the earliest attempts to develop automated systems chose mechanisms that limited remote public access. This has created state court systems that not only vary in their approach but also do not provide the same online access as the federal system. State court systems frequently lag behind their federal counterparts in making their data available to the public-at-large (Center for Democracy and Technology, 2002).

According to Walker, (2008) there was a gathering of court leaders and vendors at the 1988 Conference on Courts and the Private Sector. The purpose of the meeting was to identify the factors and barriers that were prohibiting the assimilation of

technology into court culture and to establish a plan of action to modernize courts generally.

In the early 1990's there was interest in document imaging, video, electronic access to court records and high-tech courtrooms. To accommodate the new technology, court rules had to be rewritten (Walker, 2008).

Many jurisdictions were innovative and led the way with development of electronic court records and public access to court records. New York, California, Washington, Florida, Colorado, Ohio and Arizona, were amongst the earliest. Currently, these state systems offer a variety of electronic documents, systems and access to records. Not all states are wholly integrated with differences between counties, jurisdictions. Some have elected to perform the work in house while others elected to outsource to a private vendor for a portion of the document management. Each jurisdiction is tasked with management based upon specific requirements within the jurisdiction (Martin, 2008).

The highly decentralized structure of most state court systems limits state high courts and state-level administrators to authorizing and constraining (rather than designing and managing) the means of online access. This role, in addition to differences of size and subject matter, furnishes a likely explanation for the conservative approach to remote access that is prevalent in state rules. The model guidelines on public access approved in 2002 by the Conference of Chief Justices and the

Conference of State Court Administrators distinguish sharply between information that the public is given access to in the courthouse, whether in paper or via public terminals, and information distributed online. Remote access is limited to indices of parties and filings and judgments, orders, or decrees (Steketee & Carlson, 2002). Minnesota is one such jurisdiction that follows the later model and limits access to an index.

Courts began to develop new ways of conducting business with public customers. Amongst the changes were website development, electronic case management systems and document control systems.

Courts have made records available in many forms ranging from statewide services to many instances of single jurisdictions providing access to their records. Some states provide access to both criminal and civil records while others restrict users' access to records that may contain sensitive personal information (Center for Democracy and Technology, 2002).

When court records became more available and no longer limited to access at the courthouse, major privacy issues became more obvious (Walker, 2008).

According to King County (1998) migration to on-line, electronic court records is the most reasonable solution. This massive change is not about technology, but about legal culture change.

Access vs. Privacy

A necessary part of electronic information and record systems development in the early 2000's was an effort to address common issues through the creation of guidelines. Courts individually and collaboratively considered case type such as civil cases, criminal cases, family related cases and juvenile cases. Based upon the case type privacy considerations had to be managed in different ways. Due to many courts moving in the direction of creating electronic record keeping, there were areas of common concern. A group of interested organizations initiated a joint project to draft the first guidelines in this area. The group, staffed by National Center for State Courts and Justice Management Institute personnel, created "Public Access to Court Records: Guidelines for Policy Development by State Courts" (Center for Democracy and Technology, 2002). Over the past decade, courts in many jurisdictions have wrestled with the development of court rules and practices to address the ongoing technological advances. All were working toward achieving some level of electronic record retention balanced with government transparency, public access and privacy. Dependent upon local culture and rules, access to juvenile documents has caused challenges to electronic tools in juvenile court.

As Ostrom and Hanson (2009) recognized, the issue of privacy has the potential to cause challenges as many decisions regarding privacy and access were made before the Internet without knowing the impact that it would have on widespread availability of

court documents. Because so many jurisdictions with many differing rules have attempted to move toward electronic documents and systems, the need for guidance regarding the balance between privacy and access interests has led to a movement towards creating guidelines. Several organizations that work in and fund initiatives in the nation's state courts developed a project entitled Developing a Model Written Policy Governing Access to Court Records. The State Justice Institute has funded this project since January 2002, staffed by the National Center for State Courts and the Justice Management Institute, to develop a policy for dissemination to and review by the nation's state courts (King County, 2009). The guidelines were endorsed by the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) (Center for Democracy and Technology, 2002). The competing interests and challenges related to privacy and security issues complicate development of digital databases for the Court, attorneys and the public. Some contend that courts, and in particular, the federal courts did not develop computer-based case management systems to provide the public with better access to court records. Development of an environment where fast, accurate information is desired, coupled with long term safe storage and costs of making paper copies of documents are frequently identified issues that support the development of digital systems (Martin, 2008).

Integration of systems can cause problems for agencies and courts. Frequently accepted standards are being developed but are not widely in use. The Association of

Records Management Administrators (ARMA) has endeavored to create guidelines for electronic documents to aide with storage, retention, and destruction. Also, the Global Advisory Committee (GAC) of the Department of Justice's Office of Justice Programs (OJP) has issued guides related to the issues of access, privacy, integration, life cycles and retention (Center for Democracy and Technology, 2002).

In the court context there are divergent opinions as to what is the most important area for electronic systems. According to Kraski (2010) and McMillan (2010) before her, retrieval of records may be the most important factor in implementing a paperless system. Increased internet usage by court customers, integrated systems between court partners and a demand for information can lead to issues of cost, access and privacy. The relationship and varying responsibilities of an independently elected Clerk of Court to maintain the official record and the Court with Court Administration to manage and decide cases requires that there be similar goals to effectuate a successful electronic document system.

There have been studies of other jurisdictions and the implementations of paperless courts. But there is no common understanding of the term, paperless. Some courts have created systems internally to discontinue movement of paper from one desk to another. Others have built portals to bring documents directly into the electronic systems. Some courts have concluded that maintaining a dual system of both paper documents in paper files can be more complex than either singularly implemented

method (Kraski, 2010). Currently in Arizona, the Maricopa County Clerk of Court is the sole jurisdiction building an ECR that is considered as the official record and destroying the paper. Minimally, there needs to be an understanding of the extent to which the court is entrenched in a paper culture and conversely in a digital culture. If a project is contemplated a determination should consider the scope and whether the implementation should be voluntary or mandatory (Kruenhold & Roper, 2007).

Cultural Shifts

The benefits of electronic court records which include increased efficiencies such as faster availability to court staff and judicial officers does require a shift in judicial and legal culture to make use of the ECR easier. According to Ostrom and Hanson (2009), the culture of a court is the common beliefs and behaviors that shape the way people in the court do the work of the court. Special needs of the Court must be addressed. The work of the Clerk of Court is to remain independent in the maintenance of a reliable court record, viewable by several people at the same time that is safely stored to allow for time efficient use. Despite electronic images being quickly available some jurisdictions have learned that judges still rely on paper working copies while the external customers like the accessibility of the electronic documents. In King County Superior Court, Seattle, WA, a process for attorneys to submit their working copies electronically is supplemented by the payment of a fee to the Clerk's Office to print a copy of the filed document for the judges (King County, 2009).

Change management has been a critical element of the successful implementation of all of the electronic document projects in Maricopa County. Based upon the concepts of change management, change efforts do not usually tend to be complete failures, but few tend to be entirely successful either (Kotter & Schlesinger, (2008). According to Kotter and Schlesinger (2008), problems often occur, the efforts take longer than expected, they sometimes kill morale and often cost a great deal in terms of managerial time or emotional upheaval of staff (Kotter & Schlesinger, 2008, pp. 130-139).

A leader should know that there may not be a step-by-step formula to be followed or a prototype for a change to be implemented. But evaluation of the situation to predict the reactions of those impacted by the change will be useful so that resistance can be minimized. A manager will benefit from knowledge of the primary causes of resistance to change. Based upon studies by Kotter and Schlesinger (2008) there are four common reasons people resist change: (1) self- interest or a desire not to lose something of value, (2) misunderstanding of the change and a lack of trust, (3) different assessments between the manager and staff with a belief that the change does not make sense for the organization, and (4) a low tolerance for change as people fear they will not acquire the new skills needed to perform (Kotter & Schlesinger, 2008, p. 132-34).

A leader should analyze the situation and identify the problems, including the people within the organization and external to the organization who might resist the change and to what extent, then select a strategy to implement. Thereafter, there should be continued monitoring of the change event to address resistance and adjustments that need to be made (Kotter & Schlesinger, 2008, p. 139).

Based upon studies of several organizational changes Kotter believed that four mistakes caused most change failures (1) failure to establish a sense of urgency, (2) failure of the leader to be visible and align his/her behavior with the communication that is sent to the organization, (3) celebrating gains before completion of the project which causes a loss of commitment and momentum, and (4) failure to develop a coalition from all levels within the organization to help support and drive the effort (Kotter & Schlesinger, 2008, p.132).

Kotter created his Eight Steps to Transform your Organization (Kotter, 1998, p.29). These eight steps provide a roadmap for a leader to follow to avoid a change failure. Ultimately, however, Kotter contends that successful change is about “80% leadership-establishing direction, aligning, motivating, and inspiring people- and about 20 percent management-planning, budgeting, organizing, and problem solving” (Kotter, 1998, p.32).

“The Eight Steps to Transform Your Organization

- Establish a sense of urgency
 - Create a guiding coalition
 - Develop a clear shared vision
 - Communicate the vision
 - Empower people to act on the vision
 - Create short term wins
 - Consolidate and build on the gains
 - Institutionalize the change”
- (Kotter, 1998, p. 29)

A leader attempting to manage an organizational change, particularly in regards to some court function or program should understand the court culture where the change may be implemented. Court culture has been described as “beliefs and behaviors shaping the way things get done by the individuals, judges and court administrators, who have the responsibility of ensuring cases are resolved fairly and expeditiously” (Ostrom & Hanson, 2009, p.105). The Clerk of Court needed to understand how the change to the creation and storage of records could impact the court culture and how the stakeholders accessed the records. According to Ostrom and Hanson (2009), there are four cultures or court types: (1) communal, (2) networked, (3) autonomous, and (4) hierarchical. Each court type possesses a designated set of rules, values, and procedures (Ostrom & Hanson, 2009). Understanding the culture of the Court will be valuable to a leader in the change implementation as each type of culture has problems

and benefits. How to develop a change and implement it with the support of the leaders within the culture may increase the likelihood that the change will prove successful (Ostrom & Hanson, et al. 2009).

When the electronic capability became apparent in the early 2000's, Maricopa County Clerk of Court, Michael K. Jeanes, identified one of the most critical, long-term objectives of the office was to develop of a more effective and more efficient means of supporting the operation of the Clerk of Court by replacing the official court record with electronic documents and images. The plan established that the records will be maintained in electronic form from inception to ultimate disposition and/or archiving. The change was to enable the court records to be accessible remotely and simultaneously by all users. The use of new automated workflows and document routing was expected to maximize the efficiency of court operations (Jeanes, et al. 2013). Mr. Jeanes stated:

The Clerk of Superior Court believes that EDM technology will help to meet the needs and demands of the many constituent groups it serves and to benefit the taxpayers of the County in several ways: Reduce document processing and intake costs through electronic filing, use workflows to reduce labor and streamline processes, reduce paper file maintenance and storage costs, provide more convenient and faster access to case files, facilitate public access to court records, eliminate lost and misplaced files, streamline and speed up many internal and interagency communications, and eliminate the logistical difficulties of moving

voluminous files between locations of the Clerk and Court. (Jeanes, 2013, para. 5).

Mr. Jeanes recognized that the project exceeded the definition of a technology/automation project. He realized the impact the project would have upon delivery of services to the Court and the citizens of the county. He also was aware that the project was a multi-year project. Implementation would be accomplished in a series of phases over time. The pilot project went into production in December 1997 and has continued. As a result, the strategic plan for implementation included meetings with stakeholders and ongoing publication of the status of the projects. Mr. Jeanes and his key leadership met with presiding judges, department leaders, court managers, external customers and internal staff throughout all phases of the project.

For any clerk or court engaged in an assessment of how and when to implement various elements of electronic record storage, it is essential to understand that the process will require leadership and planning. The essential starting point should be to determine how much of a paper culture exists in the court.

Savings

As clerks and courts analyze the feasibility of an ECR or eFiling project, clerks/courts should consider areas where the savings may be obtained and the return on the investment into the project. In a 2008 study, Manatee County (Florida) found that the cost of maintaining paper files was \$.57 per page while the cost of documents

e-filed and printed was \$.68 per page. In other words, eFiling was a more costly process when paper files were required to be maintained (McMillan, 2012). Manatee County like Maricopa County also learned that courthouses are expensive storage spaces. Maricopa County has been able to save file storage space due to implementation over the past decade of the ECR. Manatee County Florida calculated courthouse floor space to cost approximately \$300 or more per square foot not including maintenance. All courts maintaining paper processes invest in the movement, storage and archiving of the paper. Maricopa County has made a significant impact upon the cost of moving of the paper from location to location and the paper file storage by implementation of the ECR.

Other cost savings may be found in costs of paper from seed to manufacture, energy to manufacture, the movement of the paper and gasoline for transportation. The impact on natural resources due to the vast amount of paper used in the legal process is a real consideration as it impacts the use of timber, electricity, production, transportation and landfill space (McMillan, 2012).

Michael Jeanes has reported that the Clerk's Office has realized budget reductions since Fiscal Year 2007-2008 in the amount of \$3,992,331, has reduced spending by an additional \$4,000,000 and eliminated over 100 positions. These reductions do not include a calculation of savings of natural resources (Jeanes, 2014, pp.3-4).

The amount of savings produced by the electronic document management system, (EDMS) over time is largely dependent upon user acceptance of electronic documents. To realize many of the efficiencies the Clerk's Office must eliminate the storage and use of all or a large portion of the paper documents comprising the legal file, and electronic filing will have to become commonplace (although it may never be universal). Assuming that users transition to the use of documents in electronic form and that the Bar and other sophisticated litigants will use electronic filing, the payback period on this system was estimated to be eight to nine years in today's dollars.

Methods

When a Clerk /Court is considering implementation of an ECR, there are many elements that should be considered to render a solid decision:

- Will the implementation be mandatory or voluntary?
- Is there strong leadership in place to lead the implementation?
- Is there judicial support for the implementation?
- Is the organization prepared for the implementation?

Interviews

Designing the Interview Questions

The interview questions were drafted to solicit information regarding the basis for decisions made, problems, hurdles, and the people involved. Questions were designed to acquire detail regarding things that went well, the leadership, resistance or support

and whether the organization was prepared for the implementation. The interviewees were asked if there was anything that did not go as well as planned. At least one question was asked to identify their perspective and whether they achieved the desired outcomes.

Obtaining Consent from Participants

A meeting request was sent to those identified as important to the development of the project. Interview questions were sent beforehand for preparation purposes.

Conducting the Interviews

A meeting date and time was mutually agreed upon and held with each individual separately. At the time of the meeting the questions were discussed. Detailed notes were kept and are located in (Appendix A-A6).

Observation

Participation in the bi-monthly meetings of the Juvenile ECR Steering Committee proved helpful. This group consisted of a Business Analyst who led the initiative and managed the project, the key office managers including the ITG Department, Electronic Document Management Manager, Quality Control Manager, Juvenile Operations Manager, and Juvenile Deputy Directors.

Participation in the Juvenile Weekly Workgroup meetings was essential to understanding the details of the functionality of the ECR. This workgroup was led by

the Business Analyst and continued to meet post implementation to address issues and concerns.

In the development phase, the operational staff met weekly prior to the implementation to map the current paper processes, work through the changes that would be necessary and to make decisions related to the operation. An example was to consider the speed that each document would need to be docketed, scanned and whether a workflow would improve processing to another workgroup.

Archival Data

Arizona Supreme Court Groundwork for ECR

The Arizona Supreme Court identified technology projects as instrumental to the Court's agenda. On January 1, 2007, the Arizona Supreme Court implemented Administrative Order No. 2006-96 which authorized a project to "dispose of paper case file records after replacement with electronic images and designating the electronic image as the official record" (Clerk of the Superior Court, 2007). This direction took scanning and imaging of documents a step further as it enabled courts in Arizona to destroy paper files post scanning and thus avoid the labor and cost of a dual system of electronic and paper file maintenance (Clerk of the Superior Court, 2007).

To assist with the development of statewide processes, the Arizona Supreme Court issued Administrative Orders to address various issues related to technology. These administrative orders provided the backdrop for the implementation of new

projects such as electronic forms, electronic filing of documents and maintenance of electronic documents in Arizona and the Clerk of Superior Court (Appendix D).

According to Bruner (2009), creation of orders to place a variety of electronic court documents into common operations and the requirement of attorneys to maintain email addresses for the Court to communicate by email with attorneys can improve the use of electronic documents. The Supreme Court rules addressed the lack of uniformity of the format for electronic documents and the adoption of a standard of OpenDocs to enable business systems to communicate. Arizona moved to a system of electronic documents then called AZTurboCourt. The AZTurboCourt system is a Supreme Court approved internet based system to electronically file documents in Arizona trial and appellate courts.

Maricopa County Clerk of Court Adult Strategic Plan

As the Supreme Court paved the way for electronic court records, the Clerk of Court, planned to move from maintenance of a paper system to an electronic system.

The Office focused on two key areas of concern:
1) to ensure complete and timely access to the electronic court record for all users who were previously dependent upon viewing the hard copy file, and 2) to reengineer quality control steps to ensure that every document filed is properly imaged and accurately indexed in the ECR (electronic court record) prior to disposal of the paper original (Clerk of the Superior Court, et al. 2007 p. 2).

The Clerk planned and implemented the ECR project in stages. The Clerk purchased OnBase, an enterprise document management product that has robust security capabilities which ensure documents are appropriately protected from view and use. OnBase has continued to be wholly maintained by the Clerk of Court. The Clerk began to scan paper documents into the Clerk's OnBase application in 2002. From 2002 to 2007 the paper file was maintained as the official record despite the electronic file that was created. Initially, back scanning of pre-2002 documents was not included in the initial phases. Back scanning of all other documents was completed and the pre-2002 documents have been a separate project of the Clerk of Court. The pre-2002 scanning project is targeted for completion in 2015.

In early 2002, the Clerk began the process of moving to a more fully implemented ECR. The office published a "Brief How to Guide and FAQ", which included an explanation of the project and guidance for internal and external customers through the use of frequently asked questions (Clerk of the Superior Court, 2006).

Also, the Clerk prepared a Master Plan to outline the history, current status and expectations of the Electronic Data Management Program. The Clerk stated the vision:

...To replace the official court record with the electronic documents and images. These images will be maintained in electronic form from inception to ultimate disposition and/or archiving. Court records will be accessible remotely and simultaneously by all users, and workflow and document routing will be automated to maximize

the efficiency of court operations (Clerk of Court, 2007).

At the time of the Master Plan, the Clerk of Court was aware that progressive courts and clerk offices had recognized the benefits of conversion to electronic documents. Mr. Jeanes acknowledged that the greatest benefits over the long term would be based upon acceptance of the electronic documents by users. He knew that taking on the multitude of mini projects that would comprise the overall EDMS was a multi-year commitment to reengineer the Clerk and the Court environment. At that time, the Master Plan conceived that development of all aspects of the project which was scheduled in four phases was projected to take approximately five years to complete (M. Jeanes, personal communication, August, 2013).

Trends that have been established since the implementation in adult court include the number of documents going into OnBase for the official record. (Figure 1)

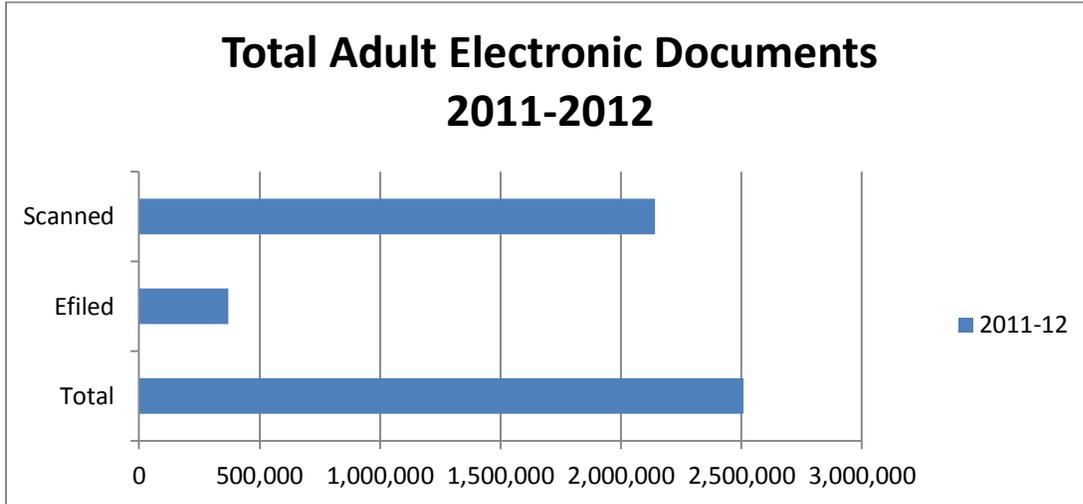


Figure 1. Adult Electronic Documents 2011-2012

Due to the availability of the electronic images, the demand for copies of documents has been declining (Figure 2).

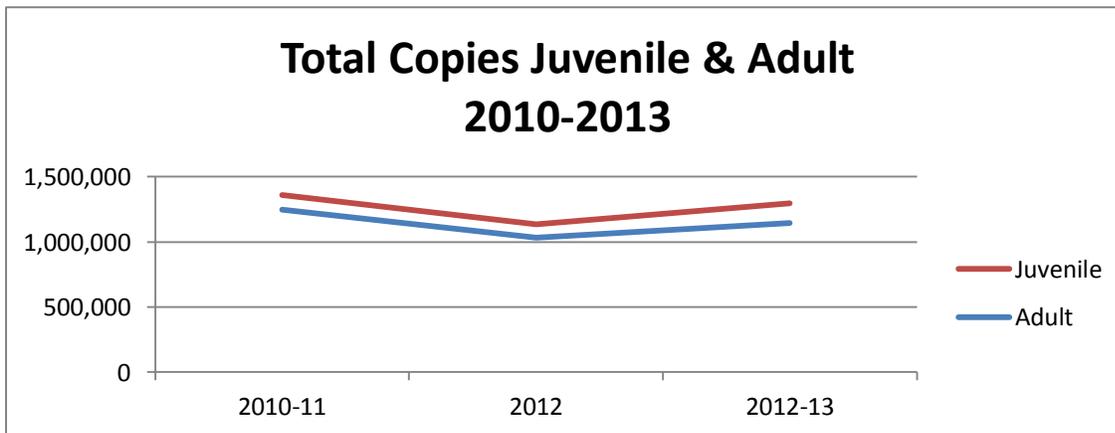


Figure 2. Total Copies Juvenile & Adult 2010-2013

The number of paper files being requested has reduced in correlation to the number of electronic images increasing (Figure 3).

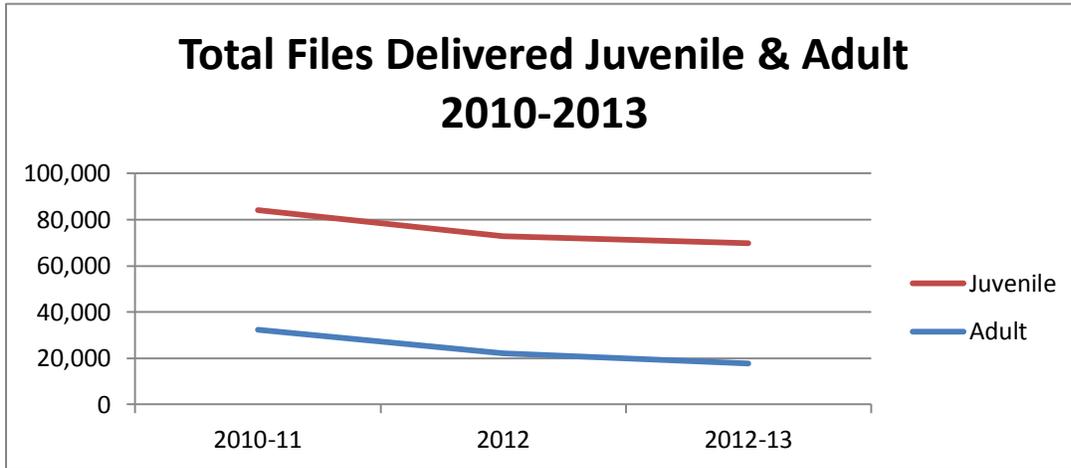


Figure 3. Total Files Delivered Juvenile & Adult 2010-2013

The number of electronic documents created by the Clerk of Court in the form of minute entries and added to the OnBase official record has continued to increase based upon the increased volume of cases filed with the Court (Figure 4).

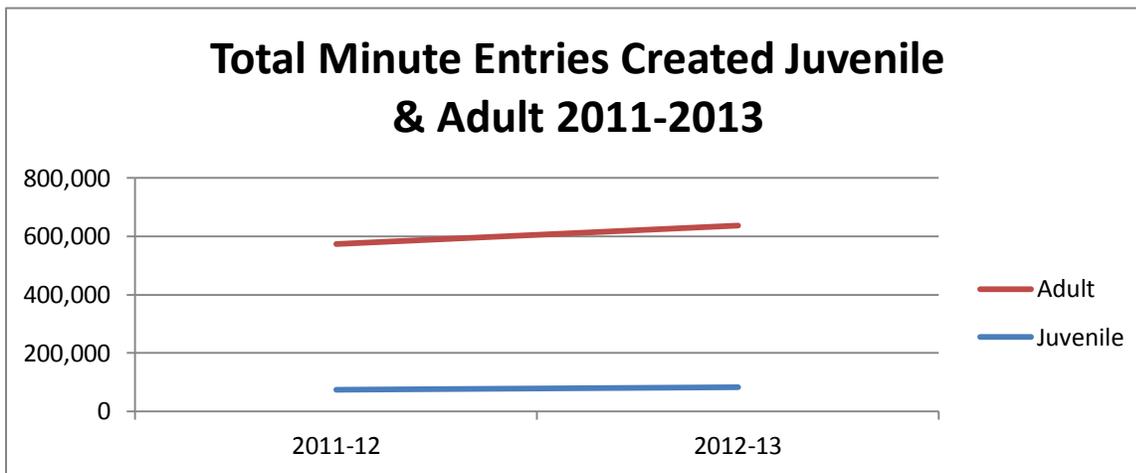


Figure 4. Total Minute Entries Created Juvenile & Adult 2011-2013

The OnBase repository has been building since 2002 and now includes both adult and juvenile case documents. The illustration below reflects the new addition of juvenile case records commencing in September 2012, due to the juvenile ECR project that has been implemented.

Table 1. OnBase Growth 2002-2013			
	Year	Pages	Documents
Adult	2002	6,249,839	1,956,559
Adult and Juvenile	2013	30,879,250	10,245,185

Clerk of Court ECR Project Planning and Development

Maricopa County Clerk of Court Adult Project Implementation

The Clerk of Court set out to convert to an improved EDMS for three primary reasons: (1) achieve greater efficiencies in clerk operations, (2) provide better service to the court, external customers, the Bar and the Public, and (3) save tax payers money over the long run. To accomplish the EDMS three major requirements were identified: (1) investment in infrastructure, (2) continuation of existing processes which would, for a time, lead to duplicity, and (3) a multiyear commitment to reengineering the work environment.

The early Maricopa County Clerk of Court project consisted of scanning of the paper documents in adult only. The scanning took place after the document had been filed. For five years, the Clerk of Court maintained both paper and electronically imaged documents. Several safeguards as required by the Arizona Supreme Court were implemented. New state and local rules were created to enable the development of electronic business tools. Legal validity to electronic signatures on documents is one such example (M. Jensen, personal communication, September, 2013).

At the time of the 2002 implementation in Maricopa County, the Clerk of Court included juvenile court documents in the scanning projects. Several issues from rule differences, case management changes and budget led to the decision to temporarily exclude the juvenile component. The delay that resulted was longer than targeted (M. Jeanes, personal communication, August, 2013).

Efiling in Maricopa County Adult Court

Electronic filing is when an initial pleading is electronically submitted to the Clerk of Court to be filed into the official record without a paper document submitted. Arizona Supreme Court Chief Justice Rebecca White Berch outlined eFiling as one of her key strategic priorities in Arizona Judiciary's five year agenda, *Justice 2020*. (Berch, n.d.) Justice Berch envisioned a statewide system of eFiling for all types of cases. The Arizona Supreme Court established AZTurboCourt for firms to file civil subsequent

matters in Maricopa Superior Court, Arizona Supreme Court and Court of Appeals Division One.

In 2010, the Supreme Court of the State of Arizona issued two administrative orders affecting existing eFiling operations in the Superior Court of Maricopa County. The first established AZTurboCourt as the officially sanctioned portal for implemented eFiling for post initiation civil case documents, while the second implemented mandatory eF

iling of these documents for attorneys in the Superior Court of Maricopa County for post initiation civil case documents. This was a part of the Arizona Supreme Court movement to pave the way for electronic filings and document storage. To develop and incorporate systems for this purpose, a court must have some form of Electronic Document Management System (EDMS), a collection of computer software application programs and hardware devices that provide organization and control of the creation, management and retrieval of electronic documents throughout their life cycle. Currently in Maricopa County, the adult ECR repository holds 32 plus million documents (Weston, 2013).

The Clerk of Court accepts eFiled documents in criminal, civil, family and tax court. Adult court also has implemented electronic certified documents. In the eFiling project, the time a document is processed and added to the record has been greatly reduced. In adult case types, mandatory eFiling can deliver to court customers 24/7

filing of documents. This can save effort as there is no need to carry or deliver paper to the court or convert the paper to an electronic image. It also decreases processing time, travel, paper usage and enables the documents to move more quickly through to the record and to the bench (Weston, et al. 2013).

In the Adult Court environment a pilot eCertification project was initiated in June 2013. The pilot project began with the Attorney General's office and allowed the agency to select family court judgments and orders needed and have them electronically certified from the adult ECR. These records are then emailed to the Attorney General's office by the Clerk of Court. ECertification saves time, resources, and expedites delivery of the certified documents to the customer. "In the past four years, the Clerk's office has printed and certified more than 60,000 documents per year." (Clerk of the Superior Court, 2013). As eCertification expands to other agencies the potential for savings can be predicted to increase because the clerk will no longer provide paper certified copies.

Courtroom clerks in Clerk of Court have used MEEDS (Minute Entry Electronic Distribution System) to automate the creation and distribution of court minutes. This program interfaces with the Court's iCIS.

As eFiling in adult court has developed, the number of case types eligible for eFiling has increased, as have the volume of documents in the system. The table below shows the steady growth of eFiling in adult court.

Table 2. Comparison of EFiling Statistics			
January			
	Civil	Criminal	Family
2010	10,094	10,804	97
2011	12,578	9,842	125
2012	23,900	12,813	152
2013	19,244	20,152	646
2014	19,406	24,495	3,674

Maricopa County Juvenile Court

The Juvenile Court in Maricopa County is located in two separate court facilities both of which are physically separate from the Adult Superior Court. Juvenile court is governed by an independent set of statutes and court rules. These regulations create specific rules for confidentiality, case management and retention. At the time of the 2002 adult ECR implementation, juvenile court was intended to be included with the adult court project. Due to a variety of factors, a strategic decision was made to delay the implementation of the ECR in juvenile court and keep the project moving forward in adult. According to the planners, the delay was much longer than initially anticipated. As a result of the delay, the Juvenile Court continued to use paper case files and records. An unintended consequence of the delayed implementation was a separation between adult and juvenile court. While the ongoing development of the ECR in adult court continued, juvenile court remained in a complete paper environment. On January

1, 2007, the Clerk pushed forward with the ECR project, met the requirements set forth by the Arizona Supreme Court and progressed. At that time the ECR became the official record of adult Superior Court. Additionally, in 2007 the Clerk of Court developed ECR Online to provide a cost-effective, secure and convenient way for attorneys and those that represent themselves in court actions to use the internet to view documents in their case(s) on a computer. This enabled those who registered for this service to avoid going to the Clerk of Court office to view documents maintained in the case file (Clerk of Court, 2013, para. 1).

Around 2011, the Clerk of Court reinitiated research and development of the Juvenile ECR. The project was planned to roll out in four phases. The project commenced October 1, 2012 and was completed October 28, 2013.

The Clerk of Court ECR team in Juvenile conducted a thorough evaluation of the procedural needs of juvenile court, the implementation of the adult project and developed a strategic plan. They also contacted four jurisdictions where juvenile ECR projects had been implemented to compare the processes and issues experienced. Based upon the adult implementation, the Clerk of Court decided to maintain the ECR as the official record in juvenile court and dispensed with the dual processes of paper and electronic records in the juvenile model.

Maricopa County Clerk of Court Juvenile ECR Project Implementation

After more than a year of planning, on October 1, 2012, Maricopa County Clerk of Court implemented the first of the four phase Juvenile ECR project. The Clerk's Office continued the transition from paper records to an electronic court record in all juvenile case types. Phase I started with case forward scanning of Guardianship cases. Phase I also included enhancements to the Juvenile Minute Entry program, MEEDS. Phase II was implemented on June 3, 2013. Phase II was seven case types: Adoption Certification, Adoption, Emancipation, Relinquishment, Orders of Protection/Injunction against Harassment and Severance. Phase II also included scanning and electronic distribution of orders in all 10 juvenile court case types. Phase III implementation was dependency cases only and was implemented in September 2013. Phase IV implementation included Delinquency cases only and was implemented October 28, 2013 (King, 2013).

The ECR implementation team led by a Clerk of Court business analyst met weekly to map all workflows and procedures in the paper process and created the new steps for the electronic operations where many changes were required. The newly created processes in juvenile court were patterned after those established in adult court. An example of a significant change to the juvenile process was the ability to send electronic notifications from the Clerk to Court Administration when a document was

docketed. The notifications enable court administration to assign a judge and set a hearing. Now in Juvenile Court, paper files are no longer created.

As of June 3, 2013, signed orders and minute entries are available in the ECR in all juvenile case types. Another lesson learned from the adult implementation was the incorporation of multi-level quality control of the digital images. In the adult court environment, an auditor performs a review of the digital images onsite. A second level of quality control checks of the digital images are performed by a work unit that is referred to as QC3. A new juvenile auditor position was added to the juvenile staff based upon the adult model. In both adult Clerk of Court and juvenile Clerk of Court, the auditor performs ongoing quality control of the scanned documents to verify that the images match the docket and meet quality standards. Once this quality control task is completed, the paper documents are boxed and sent to the quality control unit. In the adult model, once the verification process is completed the paper is destroyed unless the document is considered an exception or a sealed document. The documents are either removed prior to the destruction of the paper or are maintained in a paper format. The Clerk decided to implement the same process in the juvenile project for the same reasons. To accomplish this, all juvenile paper documents are delivered to the quality control team for adult documents where all paper documents are audited and destroyed following the same process. By utilizing the existing quality control staff and adding the

juvenile paper documents to that workgroup's responsibility, no new quality control positions were needed to complete the juvenile project.

One of the major differences between adult and juvenile court has been the confidentiality of juvenile court records. The protections afforded to juvenile records are not changed in any way due to the implementation of the ECR. The Clerk of Court Special Advocate provided a detailed analysis for each case type and agency. A matrix based upon case type and agency was developed to ensure that the records that are required to remain confidential are safeguarded in the system. No new rules or statutes changed access to juvenile court records. Access at the Juvenile Court is provided through a publically available computer that is located in both Juvenile Clerk of Court locations. At the filing counter, the customer must provide appropriate identification, be an authorized individual for access or obtain a court order to view the documents. If there is no issue presented related to the customer's access, the documents from the ECR are electronically saved into a file and transferred to the public access computer for the customer to view. Juvenile electronic court records are not available online as in adult court. However, approved attorney and agency groups are able to at a minimum view the docket (inventory of filed documents) and based upon level of security, the court images.

Juvenile back scanning of documents will not routinely occur. Rather, limited back scanning will be performed on a need basis for special purposes. A large back scanning project may be planned at a later date to develop a more robust juvenile ECR.

A proposal for eCertification in juvenile has been developed for implementation in 2014 or 2015.

Judicial Officer Survey Questions and Responses

A one page survey was forwarded to seven superior court judges as a sample. Responses were received from the seven judges all who had adult experience and perspective (Appendix B). All seven judges responded; five of the seven judges responded that ECR allowed for quick access to documents.

Findings

The research of the Clerk of Court records and interviews of key Clerk of Court personnel produced interesting results. Seven primary findings were formulated.

Finding Number 1:

It was essential for the planners and leaders engaged in the implementation of the ECR in adult and juvenile to know and understand at the inception of the project that this was going to be a multi-phase, multi-year, ongoing and developing project.

Finding Number 2:

Support for the project at all levels of the organization was crucial to the long-term success of the project. The Clerk of Court needed support from the Arizona

Supreme Court, the Presiding Judge of the Superior Court and the Clerk of Court team. The court and clerk leadership recognized that the project was essential and demanded significant long-range strategic planning and support at all levels to succeed.

Finding Number 3:

The impact upon the Clerk of Court during the financial downturn in the mid to late 2000's was minimized due to the throughput and savings acquired from the ECR in adult court and enabled the Clerk of Court to manage financial challenges.

Finding Number 4:

As the adult ECR led to increased electronic storage, it has similarly led to a significant reduction in storage of paper files. At the time the Clerk undertook the adult ECR project, an estimated 6.5 million new pages were being added to the Clerk's files each year. This was estimated to be approximately 25,000 pages daily or the equivalent of about ten feet of paper a day. The new case initiations are electronically stored which has reduced the number of paper files being created. As this processing continued the mammoth file rooms for one of the nation's largest courts has reduced in size.



Figure 5. File Room Photograph

Other savings were found in the Clerk's Adult Office, such as in reduced requests for duplicate copies of documents and files. As the electronic images became available for view the expectation followed that the requests for copies decreased. This was most notable in requests from court partners who can now access documents electronically. The expectation for a reduction in the Juvenile environment is based upon the Adult outcome. The only exception is related to the heightened protections created by the legislature in confidentiality statutes. In juvenile records, the public has access to fewer case types.

The Clerk's Office in adult experienced a reduced demand for paper copies while the creation of paper files ceased. The space required to store paper files and exhibits reduced. The Juvenile ECR was completed in the fall of 2013. Each month an average of 23,000 documents are scanned for the 10 juvenile case types.

The Clerk of Court has been positively impacted as the electronic images are now the official record and available electronically to attorneys in the case and appropriate parties unless the records have been sealed or are of a confidential nature which requires the requestor to seek an order from a judge. For those with viewing capability the record is easily available electronically without a cost. This result was an identified intention of the Clerk of Court and has translated to Superior Court as CourTools related to access to fair and impartial justice.

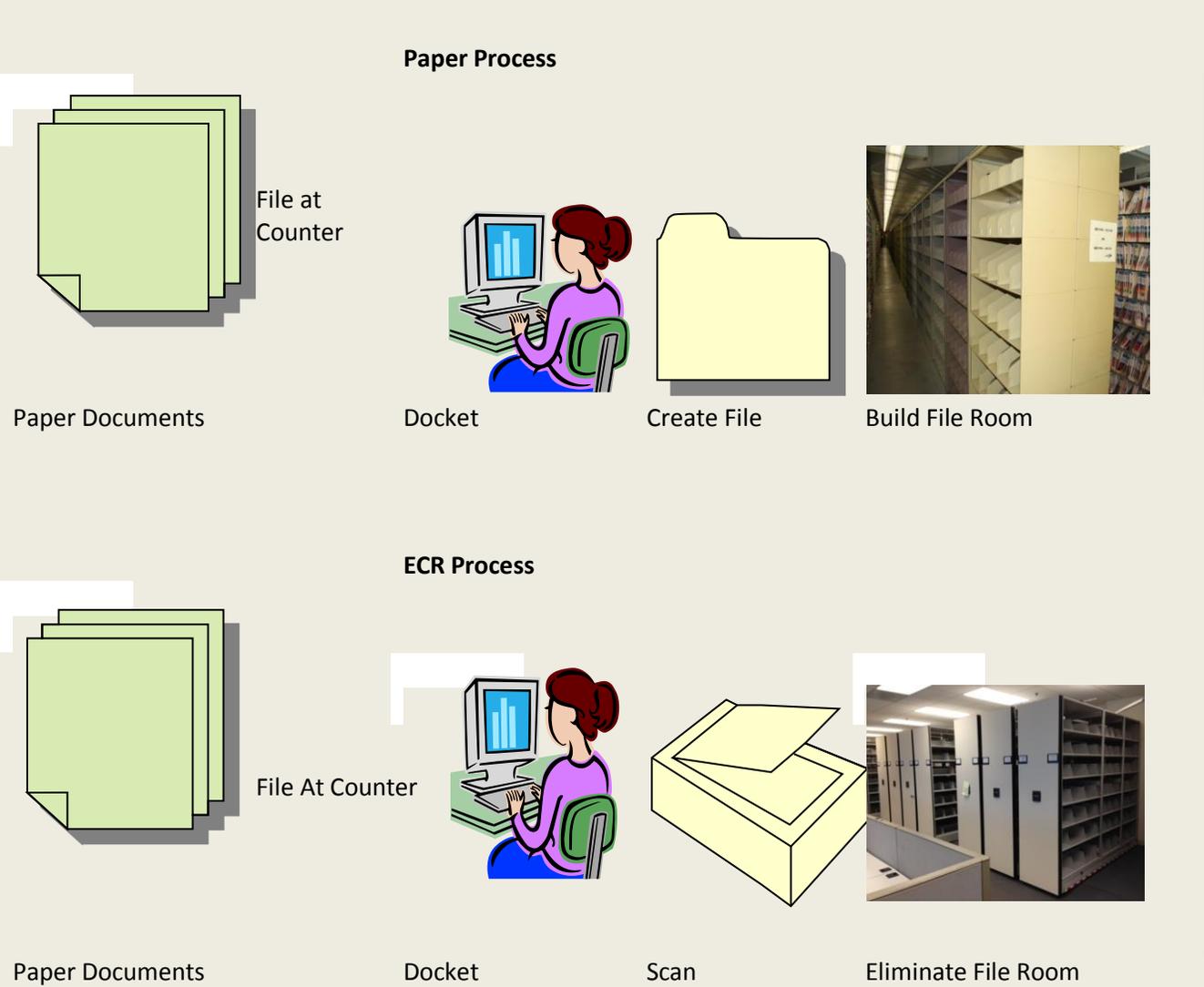


Figure 6. Paper Process and ECR Process

Finding Number 5:

It is premature to establish the immediate savings to the Clerk of Court due to the Juvenile court implementation of the ECR. However, the responses from the judges surveyed indicated that over time they agreed that the ECR has improved access to the official record for them. They also agreed that in adult court, eFiling has improved the speed of access.

The flow chart below reflects the manner in which documents come into the electronic court record in adult court and the way a document is processed and moved through the system. While eFiling is not the primary focus of this analysis, in adult court before eFiling and in juvenile before the ECR, the document would be presented at the filing counter, docketed, a case initiated, a file made and the file moved through to the division or filing room. The improvements made with ECR in adult and juvenile and now eFiling in adult, enable the Clerk of Court to manage a higher volume of documents. This trend has been reflected in the continued increase in document intake and management statistics.

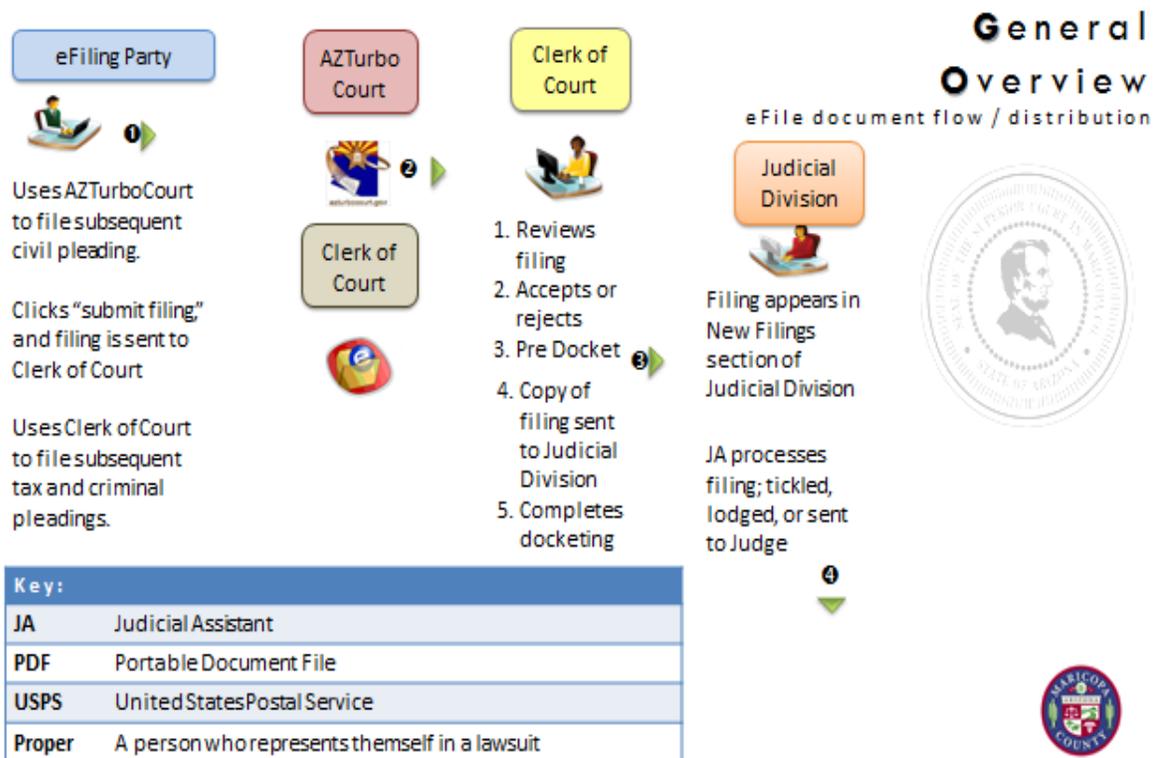


Figure 7. EFile Flow Chart Part I

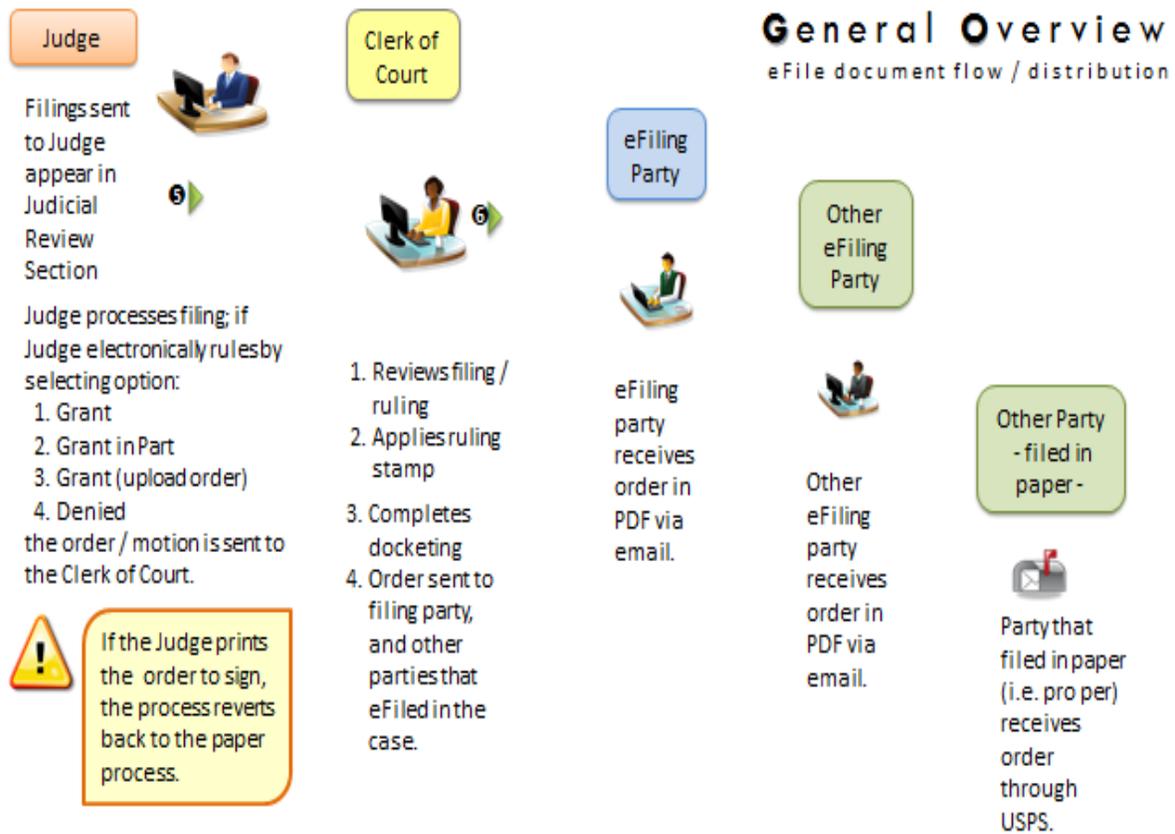


Figure 8. EFile Flow Chart Part II

The eFiling projects in the adult court environment have continued and are more universally adopted, likely in part to the mandatory requirement of subsequent civil documents. The Clerk of Court has identified eFiling as an important objective in the current strategic plan (Clerk of Court, 2014). As the projects move to more mainstream operations over time in the adult court environment, the adaptation for implementation in the juvenile court environment can be predicted. It is anticipated that eFiling, once implemented in juvenile court will experience a growth curve similar to that of adult. It is

expected that the project will be developed in phases. A lesson learned from the adult court implementation likely will be to require mandatory eFiling in some juvenile case types but perhaps not all.

The Clerk of Court has stated specific technology expansion objectives to include expansion of eFiling in family court for attorneys and self-represented parties by December, 2014. Included in the current plan is to implement eFiling in juvenile court cases by January of 2015. The goal is to increase convenient access while improving timeliness of document processing (Clerk of Court, 2014).

Finding Number 6

In the Maricopa County juvenile court project, the long-term objective has been ECR development. The project was broken down into smaller pieces/phases such as date forward scanning, back scanning, eFiling, and eCertification. Each of these was also broken down by case type to enable a steady, forward progression while continuing day to day operation of the court. The juvenile implementation was a multi-year project with the benefit of the larger adult implementation. During the adult implementation, the planners identified confidentiality and access as an area where adult rules and juvenile rules were very different. As the juvenile rules were more complicated and the volume in juvenile court was significantly lower than adult, the decision to exclude juvenile and return to it at a later time was made. One of the most challenging issues during the major project occurred due to the case management system development. The iCIS

system for adult court was in development at the same time as the Clerk's OnBase system. In juvenile, a separate iCIS system was developed to replace the prior system called JOLTS. Juvenile Probation, Court Administration, County Attorney and Clerk of Court use the case management system. This was a different environment from adult court. The establishment of document access rules compliant to juvenile statutes also created challenges in the juvenile implementation due to the variety of iCIS users. A case, document and rule analysis was completed and user groups with specific security/access clearance were created to safeguard the documents. Prior to implementation a series of meetings with each stakeholder/user group was held to review individually the impact upon the group and exactly how the ECR would function to enable each group to address operational changes. The goal was to enable each group to make modifications as needed so that at the time of implementation the changeover would be as smooth as possible.

Finding Number 7

Frequent communication within the organization and with the stakeholders outside of the organization must be maintained throughout the implementation. Those impacted will need time to digest the changes to allow for adaptation to the changes that are made within it. What was learned from the adult implementation was that despite the planning required to map a course, plot all essential elements of the project and create a highly detailed schedule, the communication at all levels of the

organization was critical. The ultimate communication goal of the office was to prepare for and establish if and when the organization was ready to implement the project.

Table 3. Implementation Comparison		
	Adult	Juvenile
Will the implementation be in all case types?	Yes	4 phases
Will the implementation be mandatory or voluntary?	Mandatory	Mandatory
Is there strong leadership in place to lead the implementation?	Clerk of Court	Clerk of Court
Is there judicial support for the implementation?	Presiding Judges	Presiding Judge
Is the organization prepared for the implementation?	Long range plan	Long range plan

The chart above is a simplification of how the Clerk of Court managed the important questions to be asked before implementation of an ECR change within the organization.

The juvenile implementation was aided by many of the judicial officers who came from the adult environment. During the juvenile implementation, the move from a paper file was difficult for some judicial officers, court administrative staff, and other stakeholders. A contributing factor was that not all documents were converted to

electronic medium at the time of the implementation but instead remained in the paper file. Only new cases initiated as of the date of implementation were completely electronic. The implementation team learned from the adult project that to manage this division of paper and electronic it was useful to jump ahead all new ECR case numbers (i.e. from 25,000 to 30,000). This made the distinction between a paper file and an electronic only file easier to manage. The court and court administration were provided a matrix to help to recognize and identify all cases that became partially paper and partially electronic. As each phase was implemented, stakeholders became increasingly more desirous of the full completion as some case types were electronic, others not. But, by the time of the final phase implementation the use issues diminished and the users adapted to all new cases in all case types being in the ECR.

Conclusions and Recommendations

Conclusion Number 1

The interviews and the ongoing strategic plans of the Clerk of Court established that key personnel in the Clerk's Office understood the vision created by the Clerk regarding the need for the ECR and the significant complexity of such a project.

Recommendation Number 1

1 A) It is critical for any Clerk or Court to fully research and assess the needs of the office and ability of their operation to invest and support a large project including

development of an ECR and or eFiling. This should include budget, time and staff resources. Clearly define the needs of the organization.

1B) Evaluate the ability of your current tools and systems. Establish whether new programs will be required, current systems need modified or existing tools are adequate.

1C) Evaluate the budget. Establish whether new grants or requests to your funding sources be necessary.

1D) Determine the climate for budget requests.

Conclusion Number 2

The interviews established that the planning and implementation of all key projects associated with the ECR in juvenile court took longer than expected due to the significant differences in the Juvenile Court environment and readiness of juvenile court for the implementation of the project.

Recommendation 2

Perform a thorough analysis to establish the readiness of the organization for project implementation. Include in the planning and development all processes and needs prior to implementation. Several lessons learned from the adult implementation by the juvenile team included:

- Process map all current and future processes
- Attempt in advance to identify areas of improvement

- Seek in advance to identify areas where stakeholder changes are required
- Schedule stakeholder meetings early in the process to learn about special concerns and/or issues
- Hold pre-implementation meeting to review implementation and impacts
- Plan a post implementation meeting to address unforeseen impacts
- Maintain open communication

Conclusion Number 3

The changes involved in the juvenile implementation required significant change management of the Court culture, more strategic planning than was originally expected, and developed appropriate communication through implementation of the project to address the impact upon the court culture.

Recommendation Number 3

3A) Organize a workgroup committed to the long term strategic plan to ensure long term support of the project.

3B) Continue to monitor the environment for how well the culture is accepting and adopting the changes.

3C) Schedule early, frequent meetings with primary stakeholders, such as court administration, technology services, external agencies and attorneys, to track issues

and evaluate the needs of the users. Be available to answer questions and discuss concerns.

Conclusion Number 4

The project at inception was larger and took longer in part due to the many areas impacting the project. Despite this, the Clerk was able to divide the projects into reasonable pieces to maintain the objectives.

Recommendation Number 4

Be prepared for external influences which may impact the plan or schedule of the project. There are many unforeseen events and circumstances that can severely impact the timing and/or execution of the project plan. Invest in a solid workgroup to monitor the landscape and continue to forecast the direction. With the right leadership, adjustments can be made which may temporarily alter the course without loss of the plan.

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Appendix A: List of Interviews

Michael Jeanes, Clerk of Court, Maricopa County, Arizona

Christine Kelly, Chief Deputy, Clerk of Court, Maricopa County, Arizona

Mark Jensen, EDMS Director, Clerk of Court, Maricopa County, Arizona

Dorothy King, Business Analyst, Clerk of Court, Maricopa County, Arizona

Honorable Colleen McNally, Presiding, Juvenile, Maricopa County, Arizona

Diana Hegyi, Director of Research and Development, Maricopa County, Arizona

Appendix A1

Notes from Interview of Honorable Michael Jeanes, Clerk of the Court

September 12, 2013

Background: BA Political Science, Loyola University, Chicago, Ill. While attending a business law class during my sophomore year, the instructor helped me because I decided I did not want to be like him. He turned me off. I started looking at Public Administration as a major and ended up obtaining my Master in Public Administration from Arizona State University. While getting my masters, I interviewed with the Director of Budget, Maricopa County for an internship and he ended up offering me a full time position in 1980.

In what area is your undergraduate and/or graduate degree? I never intended to run for elected office at the time I was attending university.

What is your prior experience before being elected Clerk of Court, Maricopa County?

In 1985 then Presiding Judge Michael Dan invited me to do something similar at the Court. Judy Allen hired me at the Clerks' office and in 1997 Judy Allen resigned, took me to see Governor Hull. The Governor appointed me February 5, 1998. I was elected in November 1998 and I was reelected in 2002, 2006, 2010.

How long have you been the elected Clerk of Court, Maricopa County?

The Governor appointed me February 5, 1998. I was elected in 1998 and I was reelected in 2002, 2006, 2010.

1-When did you first develop the idea of an electronic court record? I didn't. It was a team effort. In the mid 1990's new technology was coming. Judy sent me to a conference in Boston, MA in 1993 on emerging technology. Judy said that we really have to do it. Judy said we want to send it out as a project. Mark Jensen and Judy Allen amongst others began to work on it. In mid -1995-96 we sent out through the RFP. Bids came in at like 40 million.

2-Who else was involved in this idea? How did you get the Court onboard? If there was resistance how did you overcome it/manage it?

We formed a big committee and we hired a lawyer from a big Chicago firm. I said, "Who is going to tell the boss that we can't do it?" So we told Judy that it wasn't affordable. In hindsight, our project was much too big. We started to look at scaling it back, bring it in some and at least learn. We did a small pilot in Probate with a program called, Paperclip. It was a very small project. None of us had ever done this before. So we did that pilot in probate. Then Judy resigned. I was Clerk so we put together an RFP and Mark took over.

3-How did you strategically plan for your first roll out? What of the Justice System Partners?

Justice McGregor at the time had technology as an initiative. It was her support that really made this all happen.

4-What were the biggest hurdles?

Only one hurdle: humans. No disrespect to anyone but the sensitivity of the responsibility of Courts and the bench and process change was hard. Getting the human beings to accept change that will take some time and work at first is hard.

5-What was the biggest surprise?

Mark came into my office and told me of the product from Cleveland, OH, "OnBase", by Hyland Software. This company had no experience in Courts. I thought this is high risk. But Mark convinced me that this was the right thing to do. He told me that the product was for use in the insurance industry and some medical experience. But, I took a leap of faith and said, "ok". It was a reasonable risk but I trusted the people who did the evaluation. We started in 2002 and kept expanding for five years. We scanned and maintained the case files. In 2005 we set a goal that as of January 1, 2007 we will not maintain paper and digital. We needed a lot to be done including with the Chief Justice. We could not have done it without Chief Justice McGregor. And, honestly, now Justice Berch is the same. Justice McGregor said, "Go Michael." We knew we could not deal with a Court system this size in paper.

To accomplish the January 1, 2007 project, there were a lot of requirements put upon us. But the Chief Justice trusted us and made us meet the requirements.

6-What would you do over differently if you could?

Started Juvenile sooner. It was always in the plan. One reason to start with Adult was the tie in with iCIS and the service improvement in access. We learned that when we

had one paper file, and the customer would come in to view the file, it was not always available.

7-What has been the biggest benefit?

Clearly access is the biggest benefit. Security is another. We can keep the information more secure than we even could in paper. In adult court, we can provide internet access which benefits the Court, the parties and attorneys. Transparency has been benefited too. The judicial branch has long been perceived as secretive. Less than 1% of files are sealed. So this has changed the perception of the court. Of course in Juvenile, file access is determined by the legislature.

8.- Why was Juvenile not included in the initial plan?

Juvenile was always in the plan. However, we had limited resources: Our cash system was failing and we needed to do something about that. Also, we have moved in Adult to our first generation of e-file and judge review and clerk review. So as always happens, priorities and other things got in the middle of it. I would never have believed that it would take us 10 years to get to the point where we could bring in Juvenile. And now with Juvenile it is a lot like deja vu. "How are we going to do without the paper file?"

For the Juvenile group we are again looking at WIIFM-What's in it for me?

As we went through this similar process in adult, judges were unhappy. But before the digital record we may have had situations where the paper was not in the file for up to

two weeks. Now if it isn't imaged within hours or days it is too long. We want this to happen in Juvenile.

9-Has the ECR saved Clerk of the Court money? IF so how and how much?

Yes, millions. Since ECR started we are now down about 125 positions at an average of \$50,000.00 per position. Of course in Arizona the justice system experienced budget cuts. I believe that we survived the cuts because of this. I am absolutely convinced.

10-Where do you see the office moving over the next 12 months?

Of course we are going to complete Juvenile ECR! We are expanding e-file in all case types including Juvenile. Juvenile could even surpass adult because of the percentage of public lawyers. The Civil boat is the only boat attached to AOC due to the TurboCourt. I agree with Chief Justice Berch and her vision for the Courts. I agree that a multi-vendor approach is the best approach. I may not always agree with her method but she is correct.

11-Where do you see the office moving over the next 5 years?

We need to find a way to get e-filing to the pro-se litigant. I see expansion and increased access to Courts. There is no reason for those who have computers and internet at home to not file with the court that way. This will give greater access for pro-se litigants but I don't think we should mandate it for them.

When Judy Allen first took office the system was micro fiche. Clerk of Court did not have a docket, only the micro fiche. The office was in need of equipment, resources, space. Judy saw this and said, “pull the plug”. We needed to change.

12-If you could tell anyone else considering moving in this direction just one thing what would it be?

Just do it! Plan, plan, plan. Failures: in analysis and planning. Put your time and effort in upfront. You need to have a plan B, identify risks and potential weaknesses. Try out in mini-pilots. And the project manager needs to have authority to say, “No”.

Appendix: A2

Notes from Interview of Christine Kelly, Chief Deputy, Clerk of Court

September 12, 2013

General Background:

In what area is your education and/or training? [B.A. Journalism, ASU and M.A.](#)

[Journalism, ASU](#)

How long have you been with Clerk of the Court? [8 years](#)

What experiences have you previously had with development/implementation of technology projects?

1-When you joined the Clerk of Court, did you become involved in any of the planning and/or implementation of the electronic court record project in adult court? [Yes. It has been very interesting watching it develop over the years.](#)

2- If yes, can you describe what your role was in the strategic plan and your first roll out? [Leadership](#)

3-How did you strategically plan for any part of the Adult ECR/automation initiatives? [Worked with Michael](#)

4-What were the biggest hurdles? [Agree with Michael, the humans](#)

5-What was the biggest surprise? [That we were able to stay on target.](#)

6-What would you do over differently if you could?

If we could have kept Juvenile as a part of the larger, earlier project implementation.

7-What has been the biggest benefit?

The savings to the operations have been significant and are anticipated to grow the more we invest in the technology.

8. You have now been a strategic leader for implementation of Juvenile ECR. How has this experience been either like or dislike your experience with Adult ECR and other technology initiatives?

Not asked.

9-Has the Adult ECR saved Clerk of Court money? If so how and how much?

Yes and Mark Jensen can help you with that.

10-What new projects do you envision will be planned/implemented over the next 12 months?

E Certification in Adult may also move to Juvenile and E Filing in Juvenile;

11-What new projects do you envision will be planned /implemented over the next 5 years?

We will see more and rapid expansion with e file, case initiation in Family Court and in Juvenile.

12-If you could tell anyone else considering moving in this direction just one thing what would it be?

Do not lose heart. It is complex but not impossible.

Appendix A3

Notes from Interview of Mark Jensen, EDM Program Manger

Date of Interview: 8-22-13

Background: How long in your current position? What is your background?

EDM Manager – 15 years; COC 32 years; Before that was SE Adult Administrator 12 years.

1-You were involved in implementation of Adult ECR?

What was your role and was it different than your current role?

Yes, current role. That position created to manage planning, procurement, and implementation.

2-What have been the benefits (efficiencies) of the Adult ECR to COC?

(1) Much more timely, up to date case records. (2) more accessibility to anyone who needs to see it (3) more accurate. We hired a court Consultant and did a site visit to Seattle. We put together a proposal of \$-5 Million. We were lucky to pick the right vendor. Wave Imaging Corp and also hired consultants from King County project. “ King County was the first and a larger court; we tried to use their model with just some of the planning strategies.”

3-What have been the hurdles in implementation of Adult ECR to COC?

There were a lot of hurdles: (1) in midst of implementation court changed CMS and had to implement two times (2) conversion issues with earlier probate records (3) We lost

funding source (local) and thought we would get some state money but we didn't get all of what we thought so we created an added fee (EDMS filing fee) (4) the scope of the project was aggressive and we had to scale back which meant that Juvenile was excluded at the time. Juvenile was a much more different situation with tighter time frames; separate works; issues with Adult CMS and JUV Jolts. Expectation we could create workflow and do it the same way but we couldn't and we had to pull back from it at that time. (5) the demand was for e-filing (6) it was over aggressive and we knew we had to cut back so Juvenile was where we cut.

When planning the project there was a solid business need and back scanning less needed. So day forward we were scanning. Then we went back and it was important to pick and choose pieces, summarize projects and provide details. In 2003, Complex Civil Litigation – e-filing was wanted. So we had to redirect from Juvenile. Half Million documents were back logged when we did conversion from ACS to ICIS.

There was some delay. We wanted to wait for JOTS to go and JUV iCIS implemented (2007/2008).

The project was done in about 4 fiscal years. Estimates: TOTAL YR 1 = contract with vendor around \$5 million estimated total costs. Phase I was Jan 2002-2007 Scanning started using the OnBase Software. From the time I started in 1997 it took to 2000 for Master Plan: Out to Bid in 2001, selected the vendor and implemented in 2002.

E-filing technically began with minute entries as we used the MEEDS system that electronically interfaces with the case management system.

Back scanning is an issue because you have to have all of the right docket codes.

4-Have you seen or are you aware of any savings to Clerk of the Court? Costs of business (staff, paper, printers, etc.)

Caseload of the Court kept growing and the demand on the Court has continued to grow. I have always believed that the soft dollars would be where the most dollars are saved. Planning and justification to the state and we put together personnel savings because not moving pa per. Predicted it pays for the investment and we did after about 8 years. Estimated the savings

5-You are involved in the planning and implementation of Juvenile ECR? What is your role and how is it different than when Adult ECR implemented?

In adult I was doing more what Dorothy is doing in Juvenile but I was more managing the vendor, reviewing their progress reports, paying their invoices. Now I am helping Dorothy more as a consultant. I met 1 time a week with Court for e-file implementation.

6-What are the lessons learned from ECR Adult implementation to ECR Juvenile implementation?

“Must have good talent, support and just enough money to pull it all off.” Getting all people, IT; business-training for scanning, etc. and the number of positions created (19 for the first year in Adult 19-26). Juvenile received 2 Auditors, 1 at each location.

7-What other projects from Adult do you envision will also be developed in Juvenile?

E-filing- M.E.'s, electronic order processing, electronic certification and Attorney General e-filing

8-Is there a timeframe you envision?

*Depends on business needs of agencies-maybe better suited because government agencies don't have to charge fees.

9. What needs to happen before these new developments can be implemented?

Part of the whole SBP process; where do you go from here? Constant prioritization.

This is why it took longer to get JUV ECR. Priorities, needs, demands, money. We are highly integrated environment and we rely on the Court. Focus on capture, storage and access, then retrieval. This is the area where it will continue. We were trying to get the Court the documents. The Judges were really supportive and in particular Colin Campbell, Barbara Mundell, and Norman Davis. Michael Jeanes was a big part of the success. It is hard to explain all of the horse trading. Nobody didn't want ECR and it was hard to envision y our true business needs 5 years from now. Just make sure you are moving forward and adjust your steps as needed. I never entertained a thought that it would fail. To have everything align, the funding, the needs, the support, I understand why other courts may not go for it. There is always a long list of projects to be done. People are coming and going. It just takes a lot.

Appendix A4

Notes from Interview of Dorothy King, Business Analyst, Juvenile

Date of Interview: 8-22-13

Background: How long in your current position? What is your background?

MA Public Administration. Paralegal Certificate. Project Manager/Business Analyst since 1997. 1997 Adult Courtroom Services. Child Support Enforcement as a Supervisor, Clerk of Court Wage Assignment Supervisor. In Juvenile 8 years to evaluate going to MEEDS. Before moving to Arizona I worked as a paralegal in New York.

1-You were involved in implementation of Adult ECR? No

What was your role and was it different than your current role?

2-What have been the benefits (efficiencies) of the Adult ECR to COC? Working in Adult courtroom services, anything that leaked out, how it was being developed. Role in 2002 with Icis conversion, integration of MEEDS and iCIS. Benefits of Adult-do not need to pull a file to get information.

3-What have been the hurdles in implementation of Adult ECR to COC?

-Staffing. Resources to handle it were underestimated.

-Acceptance by bench of ECR. Up to 2007 the judges had paper. Acceptance of digital image as official records has been slow.

-Learning about missing keywords

4-Have you seen or are you aware of any savings to Clerk of the Court?

Costs of business (staff, paper, printers, etc.)

No recollection of the figures. Staffing has not gone up much but no more paper. So the office would have to have saved money on this alone. E filing even more in adult court because don't even have to scan. Staff education is generally of a higher level now.

5-You are involved in the planning and implementation of Juvenile ECR?

What is your role and how is it different than when Adult ECR implemented?

I have been both project leader and chief dishwasher. Seeing and overseeing all aspects. We didn't recreate the wheel for Juvenile ECR. We have been able to avoid pit falls learned from Adult such as keyword associated to each document that allows workflow in OnBase programming ability to move/detect images to essential work groups for processing.

6-What are the lessons learned from ECR Adult implementation to ECR Juvenile implementation?

Important to be able to create keywords and workflows

Supplemental purchase of scanners, 2 PC's for new auditors

The 2 new auditor positions were needed so distinguish how auditor will function

Wanted to implement Court to Court Appeals with the Dependency case type. Saw it was going to be a much larger project. Court to Court Appeals will need to talk with

Administrative Office of Courts; time frames are different in Juvenile and the rules are different.

7-What other projects from Adult do you envision will also be developed in Juvenile?

Is there a timeframe you envision?

E Certification, C2C, reports we need, e filing. Next step in the next 5 years would include an RFR, Case Management System changes, MEEDS rewrites, e citations, Juvenile intake.

Case initiations- Family and Civil there are filing fees. Juvenile is different. No upfront fees. Criminal can be electronic so some areas of Juvenile can be like criminal.

Delinquency and Dependency can come in without a fee but initiation is different. Do you need hard copy scanned with initiating document? In Juvenile: Guardianships, and Emancipations have filing fees.

8. What needs to happen before these new developments can be implemented?

Functionality-Add Juvenile case types to the application. It pulls from OnBase Enter case #, it pulls case and creates a list/inventory and bundles up and transmits it to Appeal. Docket codes need reviewed, the Attorney General needs to be ready for e filing. More staff with higher skill level with more numbers.

Justice partners also need to improve their technology.

Juvenile also have very different time frames for cases: 2 hr notification, 4 hour notification, 1 day and 3 days. Adult has their priority as 3 days. Juvenile does the full process upfront, not on the back end.

Appendix A5

Notes from Interview of Honorable Colleen McNally, Presiding Juvenile Court Judge

Sept. 10, 2013

Background:

In what area is your undergraduate degree?

Urban Studies and Planning, UCSD, U of A Law School

What is your prior work experience? County Attorney, Maricopa County, AG Office, Protective Services; Public Defender-6 months then appointed as a Commissioner

How long have you been a judge?

1997- Commissioner

2001-Became a Judge

You came to Juvenile as a Judge in what year?

A few years ago.

What was your experience prior to coming to Juvenile?

Commissioner in Criminal-started EDC; Civil 1 years when appointed to to NW then to Family, Presiding then to Juvenile then became Associate after 1 year and now Presiding of Juvenile.

You were first Associate Presiding Judge under Judge Ballinger correct? How long?

Yes.

You are now Juvenile Presiding Judge? Yes

1-When you first rotated to Juvenile Court everything was still fully paper files? How is this different from your prior assignments?

The whole Juvenile Court was paper when I started. It was a shock to me because I always had electronic in Adult. We weren't given the tools to do our work. We liked the access and ease of finding information in iCIS in adult.

2-Does use of paper files make your work as a judge easier/more difficult?

It really depends. We can't make the file i.e. find the petition. What we need is a document management system because it is more difficult in Juvenile now.

3-You have now seen the Juvenile ECR Project implement in Phase I, II, III and soon IV? Yes.

4-What has been the benefit of the Juvenile ECR project?

We are in the middle and so it is more difficult. Remote access is a huge benefit. Ordering files in paper is way harder. No one could help us then.

5-What has been the biggest hurdle of the Juvenile ECR project if any?

The way we do things here in Juvenile. We need a document management piece. That is lacking.

6-What other areas of improvement can you see or envision for Juvenile Court and the use of automation/technology in the next 12 months?

iCIS ng. We need more collaboration between the courts.

- In the next 2-5 years?

Hopefully, working it all out and making the improvements to make our jobs easier.

Appendix A6

Notes from Interview of Interview of Diana Hegyi, Director of Research and Development, Superior Court, Maricopa County

November 5, 2013

Background: B.S. Education, Texas Tech University; Masters Counselling, Texas Tech University

How long with the Court? Most recently since late 2009 but have been with Superior Court, Maricopa and Pinal County for several years.

Current position? Director of Research and Planning

1-Do you have a memory of the transition to iCIS and the electronic court record? Tell me about it. I do have a memory of it. It was in the early 2000's

2-What are your thoughts about how the electronic court record has helped the Superior court. It has helped the court grow as the information is readily available to multiple users. The staff do not have to go through the process of ordering a file, waiting for delivery and then finding that a document has not yet made it to the file.

3-Do you have any quantitative data to reflect any of the CourtTool measures used by the Court, i.e. Accessibility, Timeliness, through put- i.e. process changes/improvements enabled due to the ECR

I.A. Court (Initial Appearance Court in Criminal Court) is a good example. The old way of managing this was that the JO would write releases on a piece of paper, tear apart

the paper and give one to the offender, the attorneys, etc. Effective Mother's Day, 2012, things changed. We create real time documents which are instantly available and actually created in iCIS ng. Nothing is scanned it is system generated. Now all of the data points are in the system. The JO selects a text box (the data) in the system. The system creates the documents electronically, distributes the document by the efilng system. The court was doing 70,000 I.A. packets a year, 5-6 pages package. Now 1 piece of paper is printed by the JO, who signs electronically, hands to the Defendant who signs and gets a copy.

4-What projects are currently underway? iCISng, efilng of documents with the cle3rk.

This way we pass data on to the clerk. . E sentencing the JO says it, clerk writes it, clerk creates a minute entry update in iCIS. All done electronically instead of paper.

The Public Defender, the County Attorney update in their systems. The through put is to eliminate multiple steps. This eliminates mistakes such as misspelled names, wrong case numbers, wrong dates of birth. We are developing more data feeds.

5-What projects are in the future? iCIS ng is a multi- year project.

6- Has the ECR saved the Court money? IF so how and how much? Yes. There are direct costs and there are indirect costs. By moving in this direction, there is a space savings, personnel savings, law suits on appeal are more efficient due to court to court technology. The people who used to have to make copies, organize the paper, move the paper, deliver the paper these are all savings.

Appendix B: Judicial Officer Survey Questions and Responses

Questions	Responses
1-In your judicial career have you been assigned to Juvenile Court?	
A. Yes, Previously	2
B. No	5
C. Yes, Currently	0
2-If you answered A. (Yes, Previously) to #1, how long has it been since you last were assigned to Juvenile?	
A. Less than 1 year	0
B. More than 1 year but less than 2 years	0
C. More than 2 years but less than 5 years	0
D. More than 5 years	7
3-Has/had any phase of Juvenile ECR been implemented while you were assigned to Juvenile?	
A. Yes, Phase I (Guardianship Cases Only and all minute entries)	0
B. Yes, Phase II (All Adoption, Adoption Certification, Severances, Relinquishments, Indian Relinquishments, Emancipation, Orders of Protection/Injunctions Against Harassment and all Orders)	0
C. Yes, Phase III (Dependency)	0
D. Yes, Phase IV (Delinquency)	0
E. No	7
4-If you answered Yes to #3 did electronic records in Juvenile enable you to quickly access documents?	
A. Yes	0
B. Undecided	0
C. No	0
D. Not applicable	7

5-Do electronic court records enable you to quickly access documents in your current assignment?

- | | |
|--------------|---|
| A. Yes | 5 |
| B. Undecided | 1 |
| C. No | 1 |

6-Does your current assignment enable documents to be e filed?

- | | |
|--------|---|
| A. Yes | 6 |
| B. No | 1 |

7-If you answered A. Yes to #6 does e filing improve your ability to quickly access documents?

- | | |
|--------------|---|
| A. Yes | 6 |
| B. Undecided | 0 |
| C. No | 1 |

APPENDIX C: Administrative Orders from Arizona Supreme Court

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:))

AUTHORIZING A PILOT PROGRAM IN)
THE SUPERIOR COURT IN MARICOPA)
COUNTY PERMITTING ELECTRONIC)
FILING IN CIVIL CASE TYPES)

Administrative Order
No. 2008 - 89

_____)
The first enumerated goal of the 2005-2010 Strategic Agenda for Arizona's Courts is Providing Access to Swift and Fair Justice. Implementing electronic processes will help ensure that Arizona fulfills its commitment to improved efficiency and the reduction of delay for its citizens. Electronic filing employs modern technology to process cases and thus furthers the goal of improving Arizona's court system. An informal survey of the Bar revealed that the vast majority of lawyers and law firms in Maricopa County possess technological equipment adequate to electronically file documents in the Superior Court. The Superior Court and Clerk of the Superior Court in Maricopa County possess technological equipment adequate to receive and process electronically-filed documents. Permitting attorneys and parties to voluntarily file electronically in the Superior Court in Maricopa County on a pilot basis allows the Court to further study the advantages and impact of electronic processes in the court system. Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution, IT IS ORDERED that, on and after December 1, 2008, licensed attorneys and parties filing in the Superior Court for Maricopa County may electronically file documents in civil case types in accordance with the electronic filing guidelines referenced below. For purposes of this pilot program, "civil cases" do not include family, probate, mental health, tax, or juvenile matters, or special actions, transfers of jurisdiction, or lower court appeals cases. IT IS FURTHER ORDERED that documents filed in the courtroom during a hearing may be completed and filed as paper documents. Upon filing, the Clerk shall create a scanned image of the paper document. IT IS FURTHER ORDERED that court rules, including Maricopa County Local Rules, that require or allow paper copies to be provided to judicial divisions do not apply to electronically-filed documents in any electronic filing pilot division in the Superior Court in Maricopa County. IT IS FURTHER ORDERED that the Presiding Judge of the Superior Court and the Clerk of the Superior Court in Maricopa County shall create and post electronic filing guidelines for implementing this Administrative Order. The electronic filing guidelines shall be posted online at: <https://efiling.clerkofcourt.maricopa.gov/efilingguidelines/>.

Dated this 6th day of November, 2008.

RUTH V. MCGREGOR
Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
IMPLEMENTATION OF) Administrative Order
AZTURBOCOURT PHASE I) No. 2009-74
_____)

To assist in addressing the financial crisis facing the State of Arizona, and recognizing that Arizona's courts are and will be operating with fewer staff, this Court, in January 2009, entered Administrative Order No. 2009-01, imposing a plan for significant budget reductions within the Judicial Branch and outlining steps to be taken to increase efficiency. Then, in April 2009, this Court entered Administrative Order No. 2009-43, authorizing clerks of court to distribute minute entries, orders, and other court notices via e-mail to expedite notice, increase productivity, and reduce costs. Continuing the steps already taken to increase efficiency and reduce costs by increasing reliance on electronic court documents, the Judicial Branch has embarked on a multi-phase, statewide project known as AZTurboCourt. AZTurboCourt will eventually enable full electronic filing of all court documents in all cases in every state, county, and municipal court in Arizona. E-filing offers the additional benefit of improving customer service throughout the judicial branch by making case filing more convenient for attorneys and the general public.

The first phase of AZTurboCourt will enable users to complete court documents online from any location with Internet access and then print the completed documents for filing with the court. This phase will be implemented as a pilot in the Maricopa County Justice Courts and will be expanded statewide as time and resources allow.

Now, therefore, pursuant to Article VI, Sections 1 and 3 of the Arizona Constitution,
IT IS ORDERED THAT:

(1) To provide the enhanced services offered by AZTurboCourt, a User Fee shall be assessed when a user prepares and prints a court document using the AZTurboCourt

system. In June 2009, the Arizona Judicial Council recommended specific User Fees for each type of form offered in the AZTurboCourt project. The fees applicable to the first phase are set forth in the User Fee Schedule attached as Appendix A and are hereby adopted. The User Fee shall be nonrefundable.

(2) The administrative director shall establish an E-filing program cost account with the State Treasurer and the General Accounting Office. Funds shall be deposited into this account pursuant to the contract between the Arizona Supreme Court, Administrative Office of the Courts, and Integrated Information Systems, Inc., d/b/a INTRESYS, a California corporation, dated January 26, 2009. All interest earned on monies in this account shall be deposited into the account. The administrative director shall administer the E-filing program cost account and shall expend revenues in the account to develop, implement, maintain, and enhance the E-filing program.

(3) All forms that are properly prepared using the AZTurboCourt system shall be accepted for processing by the appropriate court.

Dated this 8th day of July, 2009.

REBECCA WHITE BERCH
Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)

)

IMPLEMENTING AZTURBOCOURT) Administrative Order
PHASE II IN THE SUPERIOR COURT) No. 2010 - 58
IN MARICOPA COUNTY) (Affecting Administrative
) Order Nos. 2009-74 and 2008-89)

In July 2009, this Court entered Administrative Order No. 2009-74 implementing Phase I of AZTurboCourt, enabling users to complete court documents online and then print the completed documents for filing with the court. The Judicial Branch is prepared to implement Phase II of AZTurboCourt as a pilot in the Superior Court in Maricopa County (Court), allowing users to electronically file (e-file) court documents.

Users who prepare and file their own pleadings will be able to do so by completing an

electronic case information form and e-filing this case information with their own pleadings through AZTurboCourt. E-filing will promote court efficiency by reducing staff time spent on scanning, data entry, and document processing. Users will be able to file documents from any location with internet access.

A User Fee, referred to as an Application Fee in AZTurboCourt, shall be assessed to support the enhanced services offered by AZTurboCourt.

All documents in the electronic document management system (EDMS) of the Clerk of the Superior Court in Maricopa County (Clerk), that are not e-filed through AZTurboCourt are subject to the provisions of Administrative Order No. 2008-89, Administrative Order No. 2007-77, and Administrative Order No. 2006-96, as well as the provisions of Arizona Code of Judicial Administration (ACJA) §§ 1-504 and 1-506, and shall be accessible to filers through AZTurboCourt.

This Administrative Order adopts procedures for e-filing certain pleadings in the Superior Court in Maricopa County and suspends Arizona Rules of Court inconsistent with the e-filing procedures adopted by this Order. This Order also supplements the User Fee Schedule issued under Administrative Order No. 2009-74.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED that the specific fees applicable to this e-filing pilot are set forth in the User Fee Schedule attached as Appendix A and are adopted. The User Fee shall be nonrefundable. A judge shall not waive or suspend the User Fee.

IT IS FURTHER ORDERED as follows:

(1) Until such time as an AZTurboCourt payment portal is established by the Administrative Office of the Courts (AOC) and is fully operational as set forth in paragraph 2 herein, all filing fees, local court fees, and User Fees collected for e-filing through AZTurboCourt shall be received into an account established by INTRESYS, the vendor with whom the AOC has contracted with to provide e-filing services.

(2) Once an AZTurboCourt payment portal has been established and is fully operational, all filing fees, local court fees, and User Fees collected for e-filing through AZTurboCourt shall be deposited directly into the AOC e-filing settlement account established with the State Treasurer's Office and shall be disbursed pursuant to state law and the terms of any agreement with INTRESYS and the Clerk.

(3) Official Record

a) All electronically filed documents shall be considered original documents of record in and for the Superior Court in Maricopa County.

b) 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.

c) 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.

(4) Signatures. Any court rule requiring that a document be signed by the filer is satisfied by inserting “/s/” on the document’s signature line and then inserting the signatory’s name under that line.

(5) Date and Time of Electronic Filing. An electronically filed document shall be deemed filed on the date and time that it is received by the electronic filing system, unless payment is not made and/or the court later rejects the document for filing.

(6) Required Exhibits, Attachments to Pleadings, and Proposed Orders. Any court rule that requires a copy of a document to be attached as an exhibit to a pleading is satisfied by the filer’s electronically attaching either a scanned image of the document or a copy of the document in an approved format.

(7) Multiple-Party Signatures. Any electronically filed pleading with multiple parties is not required to be signed by all of the parties; however, the rights, responsibilities, and standing of all parties are subject to judicial determination during the proceedings.

(8) All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17, Superior Court of Maricopa County Local Rules and Rule 10(d), Rules of Civil Procedure, and shall conform to such other format requirement as the Court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute. The provisions of Rule 124(f), Rules of the Supreme Court, regarding paragraph numbering are suspended as to documents submitted through AZTurboCourt.

IT IS FURTHER ORDERED that the procedural requirements described in the attached Appendix B shall be applicable to all documents e-filed using AZTurboCourt in the Superior Court in Maricopa County, any document that meets these requirements shall be accepted for processing, and any court rule in conflict with these provisions is suspended in regard to such filings. The Administrative Director, in consultation with the Clerk of the Superior Court in Maricopa County, may make modifications to these procedures not inconsistent with rules or orders of this Court.

Dated this 20th day of May, 2010.

FOR THE COURT:

REBECCA WHITE BERCH
Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)

)

IMPLEMENTING AZTURBOCOURT)
PILOT IN THE ARIZONA SUPREME)
COURT AND COURT OF APPEALS,)
DIVISION ONE)

Administrative Order
No. 2010 - 107

_____)
In May 2010, this Court entered Administrative Order No. 2010-58 implementing Phase II of AZTurboCourt as a pilot in the Superior Court in Maricopa County allowing litigants to electronically file (e-file) court documents. The pilot has been a success, and this Court has an interest in building upon that success by expanding users' ability to e-file into the appellate courts. E-filing will promote court efficiency by reducing staff time spent on scanning, data entry, and document processing. Users will be able to file documents from any location with internet access.

As previously set forth in Administrative Order Nos. 2009-74 and 2010-58, a User Fee, referred to as an Application Fee in AZTurboCourt, shall be assessed to support the enhanced services offered by AZTurboCourt.

This Administrative Order adopts procedures for e-filing certain pleadings in the Arizona Supreme Court and the Arizona Court of Appeals, Division One and suspends Arizona Rules of Court and Administrative Code Sections inconsistent with the e-filing procedures adopted by this Order.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED as follows:

(1) The specific fees applicable to this e-filing pilot are set forth in the User Fee Schedule attached as Appendix A and are adopted. The User Fee shall be nonrefundable. A judge shall not waive or suspend the User Fee. A party who is exempt from paying filing fees by rule or law or a person filing on behalf of a court shall be exempt from paying a User Fee when acting in that capacity.

(2) The Administrative Office of the Courts (AOC) shall process all fees and User Fees paid into AZTurboCourt. Until such time as an AZTurboCourt payment portal is established by the AOC and is fully operational, all filing fees and User Fees will be received into an account established by INTRESYS, the vendor with whom the AOC has contracted to provide e-filing services.

(3) Once an AZTurboCourt payment portal has been established and is fully operational, all filing fees and User Fees collected through AZTurboCourt shall be deposited directly into the AOC e-filing settlement account established with the State Treasurer's Office and shall be disbursed pursuant to state law and the terms of any agreements with the Clerks of the Supreme Court and the Court of Appeals Division One.

IT IS FURTHER ORDERED as follows:

(1) Excluded Documents. The following document types shall not be filed through AZTurboCourt, unless expressly required to be filed electronically by the Court:

- a. All documents regarding petitions for rule changes, including petitions and comments.
- b. Sealed documents and documents to be filed in sealed cases.
- c. All documents regarding requests to terminate a juvenile's pregnancy pursuant to A.R.S. § 36-2152.
- d. Applications to defer filing fees

(2) Signatures. Any court rule requiring that a document be signed by the filer is satisfied by inserting "/s/" on the document's signature line and then inserting the signatory's name under that line.

(3) Multiple-Party Signatures. Any electronically filed document with multiple parties is not required to be electronically signed by all parties; however, the rights, responsibilities, and standing of all parties are subject to judicial determination during the proceedings.

(4) Document Format and Size. A filer shall submit a text-based free form pleading through AZTurboCourt in .PDF, .ODT or .DOCX format. A proposed order shall be submitted in either Microsoft Word 2007, a later version thereof, or in XML format. The proposed order shall not be password protected and shall be modifiable by a judicial officer. All other documents (e.g., pictures, graphics, etc.) shall be in a nonproprietary file format (e.g., TIFF, GIF, or JPEG). A document shall not exceed 3.5 MB.

(5) Required Exhibits, Attachments to Pleadings, and Proposed Orders. Any court rule that requires a copy of a document to be attached to another document or submitted with another document is satisfied by the filer's submitting a scanned image of the document or a copy of the document in an approved format in the same submission as the pleading.

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(6) Date and Time of Electronic Filing. An electronically filed document shall be deemed filed on the date and time that it is received by AZTurboCourt and payment is approved, unless the court later does not file the document.

If a filer fails to meet a filing deadline imposed by rule or law solely as the result of a technical failure of AZTurboCourt in processing a document, the filer must file the document as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. The motion shall set forth the reason the deadline was not met by describing the technology failure. The document and motion shall be

filed on paper at the proper courthouse no later than the second day on which the court is open for business following the deadline that was not met. If the court grants the motion, the document shall be deemed timely filed nunc pro tunc, notwithstanding any rule or law to the contrary.

(7) Official Record.

a) All electronically filed documents and the scanned images of documents filed in paper form maintained in the Clerk's EDMS shall be considered the original documents of record for the Arizona Supreme Court and the Arizona Court of Appeals Division One.

b) A document printed from the Clerk's EDMS that is file-stamped by the Clerk's Office, or a document that is sent directly from the Clerk's EDMS, shall be considered an official record. A document printed from the Clerk's EDMS upon which the Clerk's Office has placed its seal attesting to the document's authenticity shall be considered a certified copy of the original.

c) A print-out from the Clerk's EDMS that indicates the document's acceptance date shall be sufficient to prove authenticity.

d) 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.

(8) Suspension of Rules. All free form pleadings created by the filer and filed through AZTurboCourt shall be formatted and follow the applicable rules with the following exceptions:

(a) The provisions of Rule 124(f), Rules of the Supreme Court, regarding paragraph numbering are suspended.

(b) The provisions of Rule 4(a), Arizona Rules of Civil Appellate Procedure, and Rules 31.21 and 32.9 of the Arizona Rules of Criminal Procedure, which refer to the number of paper documents to be submitted, are suspended.

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(c) The provisions of Rule 6(c), Arizona Rules of Civil Appellate Procedure, and Rule 31.12, Arizona Rules of Criminal Procedure, which refer to documents being produced on paper, are suspended.

(d) Those portions of Rule 11, Arizona Rules of Civil Appellate Procedure, and Rule 31.8, Arizona Rules of Criminal Procedure, which refer to the original record on appeal as paper, are suspended.

(e) Those portions of Rules 13(d) and 14(a)(3) of the Arizona Rules of Civil Appellate Procedure and Rules 31.25 and 31.13 of the Arizona Rules of Criminal Procedure, which refer to the color of the cover pages of briefs, are suspended.

(f) Those portions of Arizona Code of Judicial Administration § 1-506(D)(2) that require that text-based documents shall be formatted in either PDF or XML only are modified to allow documents to be submitted in .ODT and Microsoft Word version 2007 or

later (.DOCX) format.

(9) Binding of Paper Documents. Rules 4(a), 22, and 23 of the Arizona Rules of Civil Appellate Procedure, Rule 31.19 of the Arizona Rules of Criminal Procedure, and any other Arizona Rules that refer to binding of documents are modified so that if a document is submitted in paper or other tangible form, it shall be bound and fastened in the top margin by a two-pronged fastener. No adhesive bindings or bindings using numerous holes shall be used.

(10) Current email address. All persons or firms filing documents through AZTurboCourt shall keep their registration information current and shall also provide their current email and physical address on all documents submitted to the court, whether electronic or paper.

IT IS FURTHER ORDERED that the Clerk of the Supreme Court and the Clerk of the Court of Appeals, Division One will provide paper documents to 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 for petitions for review and motions for extension of time for petitions for review filed through AZTurboCourt, Rules 22 and 23 of the Arizona Rules of Civil Appellate Procedure and Rules 31.18 and 31.19 of the Arizona Rules of Criminal Procedure, which refer to petitions for review and motions for reconsideration, are suspended and replaced by the rules in Appendix B for petitions for review and motions for reconsideration filed through AZTurboCourt. Rule 107 of the Rules of Procedure for the Juvenile Court, which refers to petitions for review in juvenile cases, is suspended for petitions for review and motions to extend time to file a petition for review filed through AZTurboCourt and is replaced by Rule 23, Rules of Civil Appellate Procedure, set forth in Appendix B, with the following exceptions: (1) Motions for 5 reconsideration are not permitted; and (2) Rule 107(H), which refers to mandates, shall remain in effect.

IT IS FURTHER ORDERED that the restrictions on destruction of case records imposed by Rule 28.1(d) of the Arizona Rules of Criminal Procedure and Rules 29(B) and 29(E) of the Rules of the Supreme Court are suspended for the paper version of case records stored on the Clerk's EDMS supported by the AOC, thus allowing those clerks to dispose of paper records that are converted to electronic records.

IT IS FURTHER ORDERED that the AOC shall:

- (1) Employ procedures that ensure the ability of at least one other copy of the electronically transmitted document at all times;
- (2) Perform systems backups at least daily;
- (3) Maintain multiple backups, at least one of which will be off-site, and use recording media for storing electronic records in a manner that will ensure their continuing integrity and availability;

(4) Ensure that any electronic case file records that must be maintained permanently are maintained in a place and manner that will reasonably assure their permanent preservation, as required by Rule 29(B), Rules of the Supreme Court;

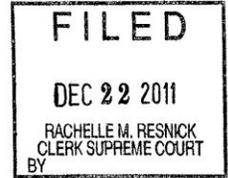
(5) Provide EDMS support for the Clerks' offices participating in this pilot.

Dated this 27th day of October, 2010.

REBECCA WHITE BERCH

Chief Justice

IN THE SUPREME COURT OF THE STATE OF ARIZONA



In the Matter of:)	
)	
ADMINISTRATIVE ORDER)	Administrative Order
GOVERNING E-FILING IN THE)	No. 2011 - <u>140</u>
SUPERIOR COURT IN MARICOPA)	(Replacing Administrative Order
COUNTY)	Nos. 2010-117, 2011-10,
)	and 2011-87)

Since November 2010, this Court has entered three administrative orders related to electronic filing (e-filing) of post-initiation civil case documents in the Superior Court in Maricopa County through AZTurboCourt. Each order was necessary to authorize e-filing of certain documents and to provide direction to attorneys, judges, self-represented litigants, and court employees making the transition from a mostly paper filing system to e-filing. For ease of use, we now combine these three previous administrative orders into one administrative order.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED that the following definitions, fees, and procedures for e-filing certain post-initiation civil case documents through AZTurboCourt in the Superior Court in Maricopa County are adopted. Provisions of this Order that are inconsistent with the Arizona Rules of Court shall supersede procedural requirements of the rules.

1. Definitions

- a. "Application Fee" means the fee assessed when a filer performs various functions using AZTurboCourt.
- b. "AZTurboCourt" means the supreme court-approved Internet-based system for filing of documents in the trial and appellate courts of Arizona. AZTurboCourt is supported by the application fees associated with its use.
- c. "Attached Document" means a document prepared outside of AZTurboCourt and then filed in AZTurboCourt.
- d. "Clerk" means the Clerk of the Superior Court in Maricopa County.
- e. "Court" means the Superior Court in Maricopa County.
- f. "Document" means any pleading, motion, exhibit (other than a courtroom exhibit), declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the Court.

- g. "Electronic Document Management System" ("EDMS") means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management, and retrieval of electronic documents through their life cycle.
- h. "Judicial Officer" means any person who is authorized to perform judicial functions within the Court, including a judge, court commissioner, referee, or pro tempore judge.

2. Applicability

- a. Attorneys shall file post-initiation civil case documents electronically through AZTurboCourt in accordance with this Order.
- b. Self-represented litigants may, but are not required to, file documents through AZTurboCourt. A self-represented litigant who chooses to file documents using AZTurboCourt shall pay all applicable fees and follow the requirements set forth in this Order.
- c. This Order does not apply to documents filed in any of the following case types: criminal, family law, probate, juvenile, mental health and related case types, tax, special actions, transcript of judgment, lower court appeals, and the Gila River General Stream Adjudication case.

3. Exceptions to Mandatory E-Filing

- a. The Clerk shall not accept civil case documents from attorneys on paper unless the document qualifies for one of the following exceptions:
 - i. Case initiation documents, including a civil complaint or petition or any other document that may initiate a new case with the Court as well as any accompanying documents for issuance or service. Attorneys may electronically file a proof of service document upon completion of service.
 - ii. Any document that requires issuance by the Clerk as well as any accompanying document that requests the issuance. Attorneys may electronically file the issued document as well as any proof of service document upon completion of service.
 - iii. Default judgment packets. Attorneys shall electronically file the documents to request a default judgment, such as the Application for Entry of Default but shall submit the subsequent default judgment packet required by the Court, including the proposed order, on paper.
 - iv. Petitions for injunctions against harassment and injunctions against workplace harassment. Attorneys may electronically file a subsequent

document in an injunction against harassment and injunction against workplace harassment case.

- v. Documents, any portion of a document, and exhibits filed under seal or a motion to file documents under seal.
 - vi. An application or supplemental application for waiver or deferral of a filing fee, application fee, or any other fee or cost.
 - vii. Earnings/continuing lien garnishment packets, except that attorneys shall electronically file the documents that make up a coversheet and earnings/continuing lien garnishment packet.
 - viii. Any documents in a civil case assigned to a probate division.
- b. Any written motion requesting an exception from compliance with e-filing through AZTurboCourt may be filed on paper by the attorney requesting the exception using a form approved by the Court and provided by the Clerk. The provisions of Rule 5(j) of the Rules of Civil Procedure and Rule 3.2(i) of the Local Rules of Practice for the Superior Court in Maricopa County that require a proposed order be a separate document from a motion or other document shall not apply to these motions.
 - c. Rules 5(a), 5(g), and 7.1 of the Rules of Civil Procedure, which require that a written motion be served upon all opposing parties and that opposing parties be granted an opportunity to file and serve a response to the motion, shall not apply to motions filed requesting an exception to the mandatory e-filing requirements.
 - d. A judicial officer may initiate, permit, or consider ex parte communications with the attorney requesting an exception for the limited purpose of determining why an exception is necessary, and shall not involve the substance of the impending matter. Such ex parte communication shall be considered an exception to the prohibition against ex parte communication pursuant to Rule 81 of the Rules of the Supreme Court, Canon 2, Rule 2.9 (A)(5).
 - e. A copy of the order granting the electronic filing exception must be provided to the Clerk at the time of filing the paper document(s).
 - f. Filings on behalf of a litigant who a judge has found eligible for a deferral or waiver of court fees and costs pursuant to the requirements of A.R.S. § 12-302 are exempt from mandatory e-filing requirements. A copy of the order granting the deferral or waiver of court fees and costs must be provided to the Clerk at the time of filing the paper documents.
 - g. Any attorney, when working as an employee of an approved legal service organization and representing litigants who are unable to pay the application fee for filing a document in a civil case using AZTurboCourt, is exempt from e-filing and may file documents either on paper or, at the option of the attorney and after paying

the application fee, except as provided in (4)(b) below, using AZTurboCourt. The Administrative Office of the Courts shall provide the Presiding Judge of the Court and the Clerk a list of legal services organizations that have been approved pursuant to the provision of Rule 38 of the Rules of the Supreme Court and shall provide an updated list as organizations are added or removed from the list.

4. Application Fee and Filing Fees

- a. An application fee shall be assessed to support the electronic filing and document access services offered by AZTurboCourt, as follows:
 - \$ 6.00 to e-file an attached document
 - \$ 2.00 to e-file a stand-alone proposed order for signature
- b. The application fee shall not be assessed to e-file a document submitted on behalf of a person or entity identified in A.R.S. § 12-304, whenever a filing fee is not charged.
- c. All filing fees, local court fees, and application fees shall be paid through AZTurboCourt at the time of filing.
- d. The application fee shall be nonrefundable.

5. General Policy

- a. Signatures.
 - i. Signature of Attorney. An attorney is responsible for all documents filed under the attorney's registered login ID and password and under the registered login ID and password of any person the attorney has authorized to file in AZTurboCourt. Any document displaying the symbol "/s/" with the attorney's printed name shall be deemed signed by that attorney for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 11 of the Rules of Civil Procedure.
 - ii. Signature of Judicial Officer. Documents filed in AZTurboCourt under a judicial officer's or clerk's registered login ID and password shall be deemed filed by that judicial officer or clerk. Any judgment or order displaying the symbol "/s/" or a facsimile signature with the judicial officer's printed name, shall be deemed signed by that judicial officer for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 58(a) of the Rules of Civil Procedure.
 - iii. Signature of Self-Represented Litigant. Documents filed in AZTurboCourt by a self-represented litigant shall be filed under the self-represented litigant's registered login ID and password and shall be deemed signed by

that self-represented litigant for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to, Rule 11 of the Rules of Civil Procedure.

- iv. Multiple Self-Represented Parties' Signatures not Required. A document being filed for more than one self-represented litigant need only be signed by one of the self-represented litigants. The signer of the document shall ensure that all parties named in the document agree with the contents of the document. The parties' actual participation in any filing is subject to judicial determination.
- b. Document Format. All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents, including Rule 2.17 of the Superior Court of Maricopa County Local Rules and Rule 10(d) of the Rules of Civil Procedure, and shall conform to such other format requirements as the Court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute.
- i. Technical Format and Size. Any document submitted through AZTurboCourt shall be in Portable Document Format (.pdf), except that a proposed order shall be submitted in Microsoft Word 2003 (.doc) or a prior version thereof. A document shall not be password protected and shall not exceed the size limitation of AZTurboCourt.
 - ii. Certified Mail, Return Receipt Card. When establishing proof of service by U.S. Postal Service certified mail, the filer may file the proof of service on paper or scan and file both sides of the signed return receipt card.
 - iii. National Courier Service, Return Receipt. When establishing proof of service by a national courier service, the filer may scan and file the required documentation or file it on paper.
 - iv. Notary Requirement. A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.
- c. Required Exhibits and Attachments to Pleadings. Any court rule that requires a copy of a document be attached as an exhibit to a document is satisfied by electronically attaching either a scanned image of the exhibit or a copy of the exhibit in an approved format.
- d. Hyperlinks. A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official Court record. A filer may include a bookmark to another page within the same document.
- e. Date and Effect of Electronic Filing.

- i. An electronically submitted document shall be deemed filed on the date and time it is received by AZTurboCourt as reflected on the subsequent email notification or the filing details displayed within AZTurboCourt, unless payment is not made and/or the Court later rejects the document for filing. The Clerk shall provide the filer an explanation of any deficiency identified.
 - ii. The electronic delivery of documents by the Court through AZTurboCourt is complete upon transmission.
- f. Responsibility for Filing and Service. A person who files a document electronically shall have the same responsibility as a person who files a document conventionally for ensuring that the document is properly filed and is complete and readable, and that a copy has been provided to other parties in the case. Electronic service is not available through AZTurboCourt at this time. It remains the responsibility of the filing party to serve other parties with the filing as would be done when filing a document on paper.
- g. Paper Copy for Court. Except as provided by local rule, a judicial officer shall not require a filer to provide a paper copy of any document submitted through AZTurboCourt.
- h. Official Record.
 - i. An electronic document that resides within the Clerk's or Court's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.
 - ii. An electronic transmission or print-out from the Clerk's or Court's EDMS that shows the Clerk's or Court's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.
 - iii. 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 in section 5(h)(i) above.

6. Extension of Time Due to Interruption in Service

- a. If a filer fails to meet a filing deadline imposed by Court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, and the matter cannot be resolved to the satisfaction of the filer and the Clerk, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the Court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically.

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)

)

IMPLEMENTING AZTURBOCOURT) Administrative Order

E- FILING OF CIVIL CASE) No. 2011 - 122

DOCUMENTS AS A PILOT IN THE)

SUPERIOR COURT IN PIMA COUNTY)

_____)

In 2010, this Court implemented electronic filing (e-filing) of post-initiation civil case documents through AZTurboCourt in the Superior Court in Maricopa County. The

Judicial

Branch is now prepared to expand e-filing as a pilot program into the Superior Court in

Pima

County and offer the additional enhancement of allowing users to initiate a case through AZTurboCourt in that Court.

Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution and A.R.S. § 12-119.02,

IT IS ORDERED that the following definitions, fees, and procedures for e-filing documents through AZTurboCourt in the Superior Court in Pima County are adopted.

Provisions of this Order that are inconsistent with the Arizona Rules of Court shall

supersede

procedural requirements of the rules.

1. Definitions

a. "Application Fee" means the fee assessed when a filer performs various functions using AZTurboCourt.

b. "AZTurboCourt" means the supreme court-approved Internet-based system for electronic filing of documents in the trial and appellate courts of Arizona.

c. "Attached Document" means a document not prepared using AZTurboCourt and then filed in AZTurboCourt.

d. "Clerk" means the Clerk of the Superior Court in Pima County.

e. "Court" means the Superior Court in Pima County.

f. "Document" means any pleading, motion, exhibit, declaration, affidavit, memorandum, paper, order, notice, and any other filing submitted by a filer or by the Court.

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g. “Electronic Document Management System” (“EDMS”) means a collection of computer software application programs and hardware devices that provide a means of organizing and controlling the creation, management, and retrieval of electronic documents through their life cycle.

h. “Judicial Officer” means any person who is authorized to perform judicial functions within the court, including a judge, court commissioner, referee, or pro tempore judge.

2. Documents not Permitted to be Filed through AZTurboCourt

a. The following documents and case types shall be filed on paper:

i. Default judgment packets. Filers may electronically file the documents to request a default judgment, such as the Application for Entry of Default, but shall submit the subsequent default judgment packet required by the court, including the proposed order, on paper.

ii. Petitions for injunctions against harassment and injunctions against workplace harassment. Filers may electronically file a subsequent document in an injunction against harassment and injunction against workplace harassment case.

iii. Documents filed under seal, including any portion of a document and exhibits, or a motion to file documents under seal.

iv. Applications for garnishment and other execution documents. Attorneys may electronically file a proof of service document upon completion of service.

v. An application or supplemental application for waiver or deferral of a filing fee, application fee, or any other fee or cost.

vi. All documents filed by or with an arbitrator pursuant to Rules 72-76, Arizona Rules of Civil Procedure, from the time the notice of appointment of an arbitrator is filed through final disposition in arbitration.

vii. Documents filed in any of the following case types: criminal, family law, probate, mental health and related case types, tax, juvenile, special actions, transcript of judgment, and lower court appeals.

b. A plaintiff or petitioner shall serve a summons on each defendant or respondent on paper, as required by rule or statute.

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3. Application Fee and Filing Fees

a. An application fee shall be assessed to support the electronic filing and document access services offered by AZTurboCourt, as follows:

\$ 6.00 to e-file an attached document

\$ 2.00 to e-file a stand-alone proposed order or judgment for signature

b. The application fee shall not be assessed to e-file a document submitted on behalf of a person or entity identified in A.R.S. § 12-304, whenever a filing fee is not charged.

c. The following persons shall not be asked to e-file documents when acting in the stated capacity: judge pro tempore; special master; arbitrator; court-appointed attorney; or a conservator, guardian, or fiduciary only when appointed by the court on behalf of an indigent person.

d. All filing fees, local Court fees, and application fees shall be paid through AZTurboCourt at the time of filing.

e. The application fee shall be nonrefundable.

f. A judicial officer shall not waive or suspend the application fee.

4. General Policy

a. Signatures.

i. Signature of Attorney. An attorney is responsible for all documents filed under the attorney's registered login ID and password and under the registered login ID and password of any person the attorney has authorized to file in AZTurboCourt. Any document displaying the symbol "/s/" with the attorney's printed name shall be deemed signed by that attorney for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to Rule 11 of the Rules of Civil Procedure.

ii. Signature of Judicial Officer. Documents filed electronically under a judicial officer's or clerk's registered login ID and password shall be deemed filed by that judicial officer or clerk. Any judgment or order displaying the symbol "/s/" or a facsimile signature with the judicial officer's printed name shall be deemed signed by that judicial officer for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to Rule 58(a) of the Rules of Civil Procedure.

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iii. Signature of Self-Represented Litigant. Documents filed in AZTurboCourt by a self-represented litigant shall be filed under the self-represented litigant's registered login ID and password and shall be deemed signed by that self-represented litigant for purposes of the rules and statutes governing practice and procedure in the courts of this state, including, but not limited to Rule 11 of the Rules of Civil Procedure.

iv. Multiple Self-Represented Parties' Signatures not Required. A document being filed on behalf of more than one self-represented litigant need only be signed by one of the self-represented litigants. The signer shall identify in the document the parties who agree with the contents and shall affirm that those parties agree. The parties' actual participation and position in any filing is subject to judicial determination. A judicial officer may order self-represented litigants to file documents on paper and provide the signature of each filer.

b. Document Format. All documents filed through AZTurboCourt shall be formatted in accordance with the applicable rules governing formatting of paper documents,

including Rule 10(d), Rules of Civil Procedure, and shall conform to such other format requirements as the court may from time to time require. The Clerk shall not reject documents that do not comply with formats not required in a specific rule of procedure or statute.

i. Format and Size. All text-based documents shall be in .pdf, .odt, or .docx format, except that a proposed order shall be in .odt or .docx format. A proposed order shall not be password protected and shall be modifiable by a judicial officer. Documents shall not exceed the size limitation permitted by AZTurboCourt.

ii. Certified Mail, Return Receipt Card. When establishing proof of service by U.S. Postal Service certified mail, the filer may scan and file both sides of the signed return receipt card or file the signed return receipt itself.

iii. National Courier Service, Return Receipt. When establishing proof of service by a national courier service, the filer may scan and file the required documentation or file it on paper.

iv. Notary Requirement. A notary requirement may be satisfied by scanning and filing the document that contains the notary's original signature and seal.

c. Civil Cover Sheet. The Civil Cover Sheet generated through AZTurboCourt is hereby adopted for use for e-filing an initial complaint or petition in a civil action. The Civil Cover Sheet adopted by Administrative Directive No. 2010-28 is limited to paper filings.

d. Required Exhibits and Attachments to Pleadings. Any court rule requiring that a copy of a document be attached as an exhibit to a document is satisfied by

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electronically attaching either a scanned image of the exhibit or a copy of the exhibit in an approved format.

e. Date and Effect of Electronic Filing. An electronically submitted document shall be deemed filed on the date and time it is received by AZTurboCourt as reflected on the subsequent email notification or the filing details displayed within AZTurboCourt, unless payment is not made or the Clerk determines the document is deficient. The Clerk shall provide the filer an explanation of any deficiency identified.

f. Responsibility for Filing and Service. A person who files a document electronically shall have the same responsibility as a person who files a document conventionally for ensuring that the document is properly filed, that it is complete and readable, and that a copy has been provided to other parties in the case. Electronic service is not available through AZTurboCourt. It remains the responsibility of the filing party to serve other parties with the filing as would be done when filing a document on paper. Distribution of Notices, Orders, and Other Documents by the Court. The Clerk or Court may electronically distribute notices, orders, and other documents to an attorney in any case in which the attorney has entered an appearance and in which a

document has been filed through AZTurboCourt. The electronic delivery of documents by the court is complete upon transmission.

g. Paper Copy for Court.

- i. Except as provided by local rule, a judicial officer shall not require a filer to provide a paper copy of any document submitted through AZTurboCourt.
- ii. At the time of electronic submission of a document through AZTurboCourt, an electronic copy of all motions or other documents necessary for a judicial ruling shall be delivered to the judicial officer to whom the case is assigned.

Electronic delivery shall be through AZTurboCourt using the system feature that indicates judge review is necessary.

h. Hyperlinks. A filer may include a hyperlink only to static textual information or documents. Materials accessed via hyperlinks are not part of the official court record. A filer may include a bookmark to another page within the same document.

i. Official Record.

i. An electronic document that resides within the Clerk's or Court's EDMS is the original document and satisfies the requirements of Rule 1002, Arizona Rules of Evidence.

ii. An electronic transmission or print-out from the Clerk's or Court's EDMS that shows the Clerk's or Court's seal attesting to the document's authenticity shall be considered an official record or certified copy of the original.

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iii. 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 in section 4(j)(i) above.

5. Extension of Time Due to Interruption in Service

a. If a filer fails to meet a filing deadline imposed by court order, rule, or statute because of a failure at any point in the electronic transmission and receipt of a document, and the matter cannot be resolved to the satisfaction of the filer and the clerk, the filer may file the document on paper or electronically as soon thereafter as practicable and accompany the filing with a motion to accept the document as timely filed. For good cause shown, the court may enter an order permitting the document to be filed nunc pro tunc to the date the filer originally sought to transmit the document electronically.

b. The court and clerk shall not be liable for malfunction or errors occurring in electronic transmission or receipt of electronically filed documents.

6. Additional e-Filing Policies. The Presiding Judge of the Court and the Clerk, in consultation with the Administrative Director of the Administrative Office of the Courts, may establish additional policies to implement e-filing through AZTurboCourt. Any such policies shall be posted online at AZTurboCourt.gov and on the websites of the Court and the Clerk. The Presiding Judge and the Clerk may implement the provisions of this Order in consultation with each other and without further consultation with the

Administrative Director.

7. Destruction of Paper Records. All documents in the Clerk's EDMS are subject to the provisions of Rules 94 and 29(C), Rules of the Supreme Court, and Section 1-507 of the Arizona Code of Judicial Administration with regard to destruction of paper records.

Dated this 30th day of November, 2011.

FOR THE COURT:

REBECCA WHITE BERCH

Chief Justice