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RULE 94, RULES OF SUPREME COURT OF ARIZONA

Rule 94. Superior Court Clerks

Conventions

(a) Duties of Superior Court Clerks. In addition to the duties prescribed by law and local rules, the clerk of court must:

- (1) Coordinate with the presiding judge and court administrator to accomplish the prompt and orderly disposition of the business of the court;
- (2) Review with the presiding judge budgetary and other matters relating to the operations of the office of the clerk;
- (3) Prepare statistical and such other reports as prescribed by the Supreme Court.

(b) Clerk's Office and Orders by Clerk. The clerk's office with the clerk or a deputy in attendance must be open during business hours on all days except Sundays and legal holidays subject to the exceptions set forth in A.R.S. § 12-127(C) and (D). All motions and applications filed in the clerk's office for issuing writs, for issuing final process to enforce and execute judgments, for entering defaults, and other proceedings which do not require allowance or order of the court are grantable de course by the clerk, but the clerk's action may be suspended or altered or rescinded by the court upon cause shown.

(c) Court Docket. The clerk must keep a docket, as may be prescribed by the Supreme Court, for each action to which these rules are made applicable. Actions must be assigned consecutive file numbers. The file number of each action must be noted on the docket. All documents filed with the clerk must be noted chronologically in the docket assigned to the action and must be marked with its file number. These brief notations must show the nature of each document filed and the date of filing. Notwithstanding any rule to the contrary, the clerk may keep a record of appearances, verdicts, judgments, assignments, case notes, issuance of process, and other case information in a register of actions, case management system, or other administrative resource.

(d) Orders. The clerk must keep copies of final judgments and orders, orders affecting title to or liens upon real or personal property, appealable orders, and such other orders as the court may direct.

(e) Filing or Recording. The clerk must file or record all matters as required by rule or law.

(f) Records Management. All records in custody of the clerk will be maintained according to the rule, Rule 29, Rules of the Supreme Court, and retention and destruction schedules adopted by the Supreme Court.

(1) Destruction of Original Case File Records.

(A) Effective January 1, 2008, for counties that maintain an electronic court record authorized by the Administrative Office of the Courts, original case file records may be destroyed provided that the clerk maintains for public use an exact replica of the record and a device for viewing it. The clerk must also maintain a photographic or electronic reproduction or image of the original record in a place and manner as will reasonably assure its preservation under retention and destruction schedules established by the Supreme Court.

(B) In counties that do not maintain an electronic court record authorized by the Administrative Office of the Courts, original case file records may be destroyed when the particular action or proceeding is no longer subject to modification provided that the clerk maintains for public use an exact replica of the record and a device for viewing it. The clerk must also maintain a photographic or electronic reproduction or image of the original record in a place and manner as will reasonably assure its preservation under retention and destruction schedules established by the Supreme Court. An action or proceeding is considered no longer "subject to modification."

(i) Forty five days after the action or proceeding was dismissed by stipulation or order, and no Notice of Appeal has been filed.


(ii) Ninety days after the issuance of an order or judgment settling all issues between and among the parties; a stipulated judgment, an arbitration award, a decree of dissolution with no children, a satisfaction of court-ordered support payments (JRFSA), an order of dismissal from court-ordered treatment, or a default judgment, and no Notice of Appeal has been filed.

(iii) Thirty days after issuance of a decision, mandate or order, and the action or proceeding is no longer on appeal or the appeal time has lapsed and no appeal has been filed or is in process.

(2) Vouchers. Any voucher filed in support of an account by a trustee, personal representative or any filigant that is not withdrawn pursuant to A.R.S. § 12-282 (E), may be destroyed by the clerk in accordance with A.R.S. § 12-282(E) and records retention and destruction schedules adopted by the Supreme Court.

OFFICIAL RECORD

The Clerk of Court is responsible for maintaining the official court record. The retention and Disposition schedule is located in Arizona Code of Judicial Administration, Part 3, Chapter 4, Section 3-402.



FILING DOCUMENTS



E-FILING

- Supreme Court Administrative Order 2016-20, provides for electronic filing of civil cases in Superior Court locations other than Maricopa and Pima Counties.
- Supreme Court Administrative Order 2017-117 requires attorneys to electronically file initiation and post-initiation civil case documents in Yavapai and Mohave Counties.
- Training: <http://www.azcourts.gov/efilinginformation/training>
- Vendors:
 - efileAZ
 - AZTurboCourt

OVER THE COUNTER/ BY MAIL FILING

Rule 5.2, R.Civ.P

(a) Caption. Documents filed with the court must contain the following information as single-spaced text, typed or printed, on the first page of the document:

- (1) to the left of the center of the page starting at line 1:
 - (A) the filing attorney's or self-represented litigant's name, address, telephone number, and email address; and
 - (B) if an attorney, the attorney's State Bar of Arizona attorney identification number, and any State Bar of Arizona law firm identification number, along with an identification of the party being represented by the attorney (e.g., plaintiff, defendant, third-party plaintiff);
- (2) centered on or below line 6 of the page, the title of the court;
- (3) below the title of the court and to the left of the center of the page, the title of the action or proceeding;
- (4) opposite the title, in the space to the right of the center of the page, the case number of the action or proceeding;
- (5) immediately below the case number, a brief description of the nature of the document; and
- (6) below the document description, the judge to whom the case is assigned (if known).

(B) Document Format.

(1) Generally. Unless the court orders otherwise, all filed documents—other than a document submitted as an exhibit or attachment to a filing—must be prepared as follows:

(A) Text and Background. The text of every document must be black on a plain white background. All documents filed must be single-sided and should have line numbers at double-spaced intervals along the left side of the page.

(B) Type Size and Font. Notwithstanding any local rule, every typed document must use at least a 13-point type size. The court prefers proportionally spaced serif fonts, such as Times New Roman, Bookman, Century, Garamond, or Book Antiqua, and discourages monospaced or sans serif fonts such as Arial, Helvetica, Courier, or Caltan. Footnotes must be in at least a 13-point type size and must not appear in the space required for the bottom margin.

(C) Page Size. Each page of a document must be 8 1/2 by 11 inches.

(D) Despite the general requirement, exhibits, attachments to documents, or documents from jurisdictions other than the State of Arizona and larger than the specified size must be linked to the specified size or linked and fastened to pages of the specified size.

(E) Exhibits or attachments to documents smaller than the specified size must be fastened to pages of the specified size.

(F) An exhibit, an attachment to a document, or a document from a jurisdiction other than the State of Arizona not in compliance with these provisions may be filed only if it appears that compliance is not reasonably practicable.

(G) Margins and Page Numbers. Margins must be set as follows: a margin at the top of the first page of not less than 2 inches, a margin at the top of each subsequent page of not less than 1 1/2 inches, a left-hand margin of not less than 1 inch, a right-hand margin of not less than 1/2 inch, and a margin at the bottom of each page of not less than 1/2 inch. Except for the first page, the bottom margin must include a page number.

(H) Handwritten Documents. Handwritten documents are discouraged but if a document is handwritten, the text must be legibly printed and not include cursive writing or script.

(I) Line Spacing. Text must be double-spaced and may not exceed 28 lines per page, but headings, quotations, and footnotes may be single-spaced. A single-spaced quotation must be indented on the left and right sides.

(J) Headings and Emphasis. Headings must be underlined, or be in italics or bold type. Underlining, italics, or bold type also may be used for emphasis.

(K) Citations. Case names and citation signals must be in italics or underlined.

(L) Originals. Unless filed electronically, only originals may be filed. If it is necessary to file more than one copy of a document, the additional copies must be photocopies or computer-generated duplicates.

(M) Court Forms. Printed court forms may be single-spaced, but those requiring a judge's or commissioner's signature must be double-spaced. Printed court forms must be single-sided. All printed court forms must be on paper of sufficient quality and weight to assure legibility upon duplication, microfilming, or imaging.

(C) Electronically Filed Documents.

(1) Format

(A) File Type. A document filed electronically that contains text, other than a scanned document image that is submitted under this rule, must be in a text-searchable .pdf, .odt, or .docx format or other format permitted by Administrative Order. A text-searchable .pdf format is preferred. A proposed order must be in a format that permits it to be modified, such as .odt or .docx or other format permitted by Administrative Order, and must not be password-protected.

(B) File Size. A document may not exceed the file size limits allowed by the court's electronic filing portal, but it may be broken up into multiple files to accommodate such a limit.

(2) Formats of Attachments

(A) Generally. An exhibit and other attachment to an electronically filed document also may be filed electronically if it is attached to the same submission as either a scanned image or an electronic copy using an approved file type and format.

(B) Official Records. A scanned copy of an official record of a court or government body may be filed electronically if it contains the court's or body's official seal of authority or its equivalent.

(C) Notarized Documents. A scanned copy of a notarized document may be filed electronically if it contains the notary's signature and stamp or seal.

(D) Certified Mail, Return Receipt Card. When establishing proof of service by a form of mail that requires a signed and returned receipt, the return receipt may be filed electronically if both sides of the return receipt card are scanned and filed.

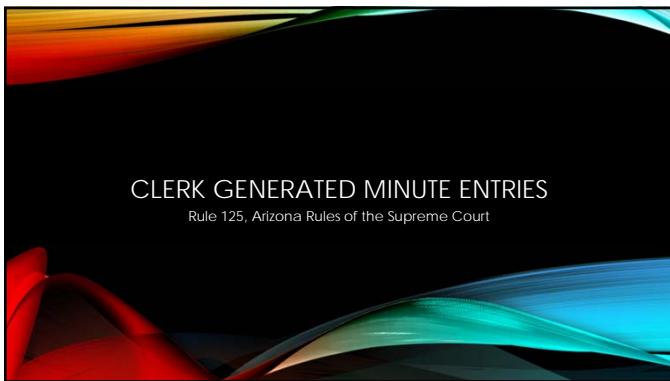
(E) National Courier Service. When establishing proof of service by a national courier service, the receipt for such service may be filed electronically by scanning and filing the receipt.

(3) Bookmarks and Hyperlinks

(A) Bookmarks. A bookmark is a linked reference to another page within the same document. An electronically filed document may include bookmarks. A document that is incapable of bookmarking may be made accessible by a hyperlink. The use of bookmarks is encouraged.

(B) Hyperlinks. A hyperlink is an electronic link in a document to another document or to a website. An electronically filed document may include hyperlinks. Material that is not in the official court record does not become part of the official record merely because it is made accessible by a hyperlink. The use of hyperlinks is encouraged.

(C) Originals. An electronically filed document (or a scanned copy of a document filed in hard copy) constitutes an "original" under Arizona Rule of Evidence 1002.



CLERK GENERATED MINUTE ENTRIES
Rule 125, Arizona Rules of the Supreme Court

(a) Minute entry. A minute entry is the memorialization, electronic or otherwise, either by form or narrative of events occurring during a court proceeding or of matters required to be performed by statute or rule. It is not intended to be a verbatim record of the court proceeding. A court proceeding includes those matters heard in chambers when one or more parties are present or represented by counsel. In addition to the date and starting and ending times of a proceeding and the identity of the certified court reporter, alternative recording method and operator, or the absence thereof, a minute entry shall include all official acts occurring during the proceeding, which may consist of any or all of the following as applicable:

- (1) nature of the hearing;
- (2) appearances of counsel and parties;
- (3) identification and admission of exhibits;
- (4) administration of oaths and to whom administered;
- (5) names of witnesses who are called to testify;
- (6) parties' motions;
- (7) findings of fact and conclusions of law by the court as required by law or rule;
- (8) court rulings, orders, decisions and notices to the parties made in the course of the proceeding;
- (9) verdicts, and/or
- (10) any other matter directed by the court.

Nothing in this rule shall be read to require minute entries in any proceeding or to inhibit innovations or programs that would eliminate minute entries.

(b) Court Order or Ruling. A court order or ruling is a record of any out-of-court decision by a judicial officer on a procedural or substantive issue.

(c) Notice. A notice is the memorialization of the scheduling of an event before the court or of an administrative action of the court.

(d) Copies. Parties shall provide the court with sufficient copies of orders or notices to serve all parties.

(e) Intent. This rule is not intended to allocate responsibility for preparing, processing or distributing rulings, orders or notices. Work assignments within each courthouse should be determined locally based on local resources and practice.

REPORTING CRIMINAL CASE DISPOSITION

Rule 37

(a) Definition of "Final Disposition Report." A "final disposition report" is a report on a Supreme Court approved form that a court must provide to the Department of Public Safety, which contains details regarding the disposition of a criminal proceeding. The report may be created and transmitted electronically.

(b) Scope. The court must submit a final disposition report to the Department of Public Safety's central state repository in every criminal case if the defendant was fingerprinted as a result of the charge or incarcerated.

(c) Timing. The court must send a final disposition report to the Department of Public Safety's central state repository no later than 10 days after the final disposition of a criminal proceeding.



APPEALS

Limited Jurisdiction Court actions:
 The Superior Court is the Court of Appeals for Limited Jurisdiction Court actions. These appeals are covered under Superior Court Rules of Appellate Procedure and Superior Court Rules of Appellate Procedure Criminal.

Superior Court Appeals to the Court of Appeals:
 A Superior Court case may be appealed to the Court of Appeals. The Rules governing these appeals are found throughout the Rules (e.g. Rule 31 covers the procedures for appealing a criminal convictions).

Special Actions:
 A petition for special action may be filed in the Court of Appeals. The appellate court has discretion on whether to accept jurisdiction and consider a special action on its merits.

