

**E-FILING**  
**“BEST PRACTICES” FOR ATTORNEYS**

by  
 Cindy Linnertz  
 Probate Registrar  
 April 2004

\*\*Please refer to these rules periodically as they will be updated and published on the Clerk of Court, Superior Court and approved vendor websites.

<b>E-Filing Pilot Project</b>	The Probate Unit of Superior Court has been selected for a pilot project in E-filing. The start date for E-filing is May 12, 2004. E-filing during this pilot project is permissive; not mandatory. The pilot project will be brought about in phases. The E-filing pilot project will exclude mental health files due to their confidential nature.
<b>E-Filing Vendor</b>	Any private firm or other business entity authorized by the Court may compete to be an E-filing Vendor. Information regarding approved electronic filing vendors will be maintained on the Clerk of Court and Superior Court websites at the following URLs: Clerk of Court website at <a href="http://www.cosc.co.pima.az.us/">http://www.cosc.co.pima.az.us/</a> and the Superior Court website at <a href="http://www.sc.co.pima.az.us">http://www.sc.co.pima.az.us</a>  The approved E-filing Vendor for the probate E-filing pilot project is LexisNexis.
<b>E-Filing Phases</b>	The start date for E-filing is May 12, 2004. Phase one: The Court will begin testing in stages starting with one E-filer May 12 <sup>th</sup> , adding a second E-filer May 19 <sup>th</sup> and the Public Fiduciary June 1 <sup>st</sup> . If testing goes well, E-filing should be open to the public shortly after that. Phase two: At a date to be announced, the Court will begin testing E-distribution of minute entries. **The Court may change or extend the testing phase at any time during this pilot project.
<b>Files available on approved Vendor System</b>	Court files initiated from September 17, 2001 to the present date will be available on the vendor’s system; <b>case numbers and subject party only</b> . Court files initiated <b>prior</b> to September 17, 2001 will not be on the vendor’s system. Documents filed in a case filed prior to this date will be entered as an existing case. (See Documents on Existing Cases) Mental Health cases are excluded from the probate E-filing pilot project.

<p><b>File and Serve Basic vs File and Serve Advanced</b></p>	<p>The approved vendor for the probate pilot project has two types of File and Serve:</p> <ul style="list-style-type: none"> <li>• <b>Basic File and Serve:</b> Allows only for E-filing; no service. The participant will receive service in the conventional manner.</li> <li>• <b>Advanced Filed and Serve:</b> Allows for E-filing and service. The participant consents to receive electronic service of documents, other than service of summons and complaint, from the court and all other electronic filing parties, via the electronic filing system.</li> </ul>
<p><b>E-Service</b></p>	<p>The term E-service as used in the vendor’s system does not really mean service as it pertains to the court rules. E-service in the vendor’s system means transmission of a copy through the E-filing system.</p>
<p><b>Court Files</b></p>	<p>Since E-filing is not mandatory, the court will maintain a file for conventional filings. Each file that is initiated by E-filing, or that contains an E-filed document, shall be marked with a sticker that says</p> <p style="text-align: center;"><i>Notice</i></p> <p style="text-align: center;"><i>This file has been designated for E-filing and is incomplete.</i></p> <p style="text-align: center;"><i>The complete file is available in an electronic format.</i></p>
<p><b>Format of Case Numbers</b></p>	<p>All case numbers must use caps in the two-digit prefix and no spaces between numbers. Ex. PB20040033, TE346, P3456.</p>
<p><b>Document Titles</b></p>	<p>Document titles can be no more than 100 characters in length.</p>
<p><b>Fee Waivers/Deferrals</b></p>	<p>Must be pre-approved in the conventional manner prior to E-filing.</p>
<p><b>Business Process Change</b></p>	<p>If Affidavits of Succession to Real Property, Notice of Filing Proof of Authority or Notice of Filing Foreign Guardian/Conservator are E-filed, the business process will change in that a case number will be given during clerk review of the initial E-filing. If the matter is not complete, the Registrar will issue a declination. The documents can be resubmitted as soon as the deficiency is corrected. If the matter is approved, the Registrar will issue an approval for the review clerk to proceed in processing.</p>

<b>Information Sheets</b>	Information sheets are confidential and must be marked as <b>sealed</b> by the attorney at the time of E-filing. Marking a document sealed in the E-filing vendor’s system is a way to keep that document confidential. Information sheets must be filed this way so they can remain confidential and not be viewed by other parties in the case. During clerk review the clerk will “Accept the Information Sheet without Docketing,” print it out and treat the information sheet as if it had been filed conventionally. The E-filing of an information sheet under seal is not to be equated with a document filed under seal pursuant to a court order.
<b>Wills</b>	Wills of decedents for <b>safekeeping</b> may not be E-filed. Wills filed with a probate may be E-filed initially, however, the original Will must be delivered to the court within five ( <b>5</b> ) business days. The original Will must be filed with the clerk with an accompanying document called “Notice of Filing Will” that shows the assigned probate case number.
<b>Originating Documents</b>	Each new case must be initiated with an originating document. An originating document for a new case will have a fee attached to it. Originating documents are shown in the E-filer’s “document type screen” with a single asterisk (*) behind the document type.  Document types shown with a double asterisk (**) can be originating or subsequent filings. There may or may not be a filing fee depending on the type of action. If there is a fee owed on a filing with a double asterisk, the clerk will enter the amount during clerk review.
<b>Motions</b>	All E-filed motions must be E-filed with a Notice of Hearing and an Order. The Order must be accompanied by a Notice of Lodging Order and shall indicate which division of the Court the Order and Notice of Hearing shall be routed.
<b>E-filing at the end of month</b>	For statistical record keeping purposes, new cases may not be initiated by E-filing after 4:30 PM on the last court business day of the month.

<p><b>New document types for E-filing</b></p>	<p>Each new case or filing that currently does not require a cover document but has a fee attached must now be initiated with a cover document so that the correct fee can be charged by the vendor. For example, currently it is possible to pay a fine at the probate desk without an accompanying document. In the E-filing world this payment will have to be accompanied by a “Notice of Filing Fine” when a payment is due.</p> <p>There are some filings that are currently not filed until they are approved by the Registrar. The business process will change for these filings and a cover document will be required. For example, if the E-filing is for Foreign Letters of Guardianship/Conservatorship, the E-filing must be initiated with a document called Notice of Filing Foreign Guardian/Conservator.</p> <table data-bbox="667 581 1789 881"> <thead> <tr> <th data-bbox="667 581 1318 613"><b>Procedure</b></th> <th data-bbox="1339 581 1789 613"><b>New Document</b></th> </tr> </thead> <tbody> <tr> <td data-bbox="667 621 1318 654">1. Proof of Authority</td> <td data-bbox="1339 621 1789 654">Notice of Filing Proof of Authority</td> </tr> <tr> <td data-bbox="667 662 1318 695">2. Foreign Guardian/Conservator</td> <td data-bbox="1339 662 1789 727">Notice of Filing Foreign Guardian/Conservator</td> </tr> <tr> <td data-bbox="667 735 1318 768">3. Cash Bond</td> <td data-bbox="1339 735 1789 768">Notice of Filing Cash Bond</td> </tr> <tr> <td data-bbox="667 776 1318 808">4. Fine</td> <td data-bbox="1339 776 1789 808">Notice of Filing Fine</td> </tr> <tr> <td data-bbox="667 816 1318 849">5. Foreign Oath</td> <td data-bbox="1339 816 1789 849">Notice of Filing Foreign Oath</td> </tr> <tr> <td data-bbox="667 857 1318 889">6. Appearance Fee</td> <td data-bbox="1339 857 1789 889">Notice of Filing Appearance Fee</td> </tr> </tbody> </table>	<b>Procedure</b>	<b>New Document</b>	1. Proof of Authority	Notice of Filing Proof of Authority	2. Foreign Guardian/Conservator	Notice of Filing Foreign Guardian/Conservator	3. Cash Bond	Notice of Filing Cash Bond	4. Fine	Notice of Filing Fine	5. Foreign Oath	Notice of Filing Foreign Oath	6. Appearance Fee	Notice of Filing Appearance Fee
<b>Procedure</b>	<b>New Document</b>														
1. Proof of Authority	Notice of Filing Proof of Authority														
2. Foreign Guardian/Conservator	Notice of Filing Foreign Guardian/Conservator														
3. Cash Bond	Notice of Filing Cash Bond														
4. Fine	Notice of Filing Fine														
5. Foreign Oath	Notice of Filing Foreign Oath														
6. Appearance Fee	Notice of Filing Appearance Fee														

<p><b>Request Forms</b></p>	<p>For the Clerk of Court’s accounting purposes, there are eight (8) new forms to use when requesting certified copies, plain copies, authentications and exemplifications. These forms are available on the clerk of court website at <a href="http://www.cosc.sc.co.pima.gov">www.cosc.sc.co.pima.gov</a>, at superior court’s website at <a href="http://www.sc.co.pima.az.us">www.sc.co.pima.az.us</a> or at the vendor’s website at <a href="http://www.lexisnexis.com/fileandserve/">www.lexisnexis.com/fileandserve/</a>.</p> <ul style="list-style-type: none"> <li>-Request for certified copies <b>with</b> postage and handling</li> <li>-Request for certified copies <b>without</b> postage and handling</li>   <li>-Request for plain copies <b>with</b> postage and handling</li> <li>-Request for plain copies <b>without</b> postage and handling</li>   <li>-Request for authentication <b>with</b> postage and handling</li> <li>-Request for authentication <b>without</b> postage and handling.</li>   <li>-Request for exemplification <b>with</b> postage and handling</li> <li>-Request for exemplification <b>without</b> postage and handling.</li> </ul>
<p><b>Case Parties</b></p>	<p><b>When entering a NEW case:</b>  The E-filer must name an initiating party in a case and an additional party.  The Petitioner or Applicant will be known as the <b>initiating party</b>.  The Subject Party of the case file will be known as the <b>additional party</b>. Ex. In the Matter of “John Smith.” John Smith is the Subject Party.</p> <p><b>When adding multiple parties:</b>  If there are multiple applicants or petitioners, add each party in the <b>initiating party</b> screen.  If there are multiple subject parties, add each party in the <b>additional party</b> screen.</p> <p>If an E-filer does not enter a case party as the best practice rule states, the E-filing will be rejected and the E-filer will have to resubmit the case. Check with the E-filing vendor regarding fees associated with E-filing a corrected document.</p>

<p><b>Documents on EXISTING Cases</b></p>	<p>E-filers must enter existing cases in the “File and Serve on Existing Case” screen. An existing document may have any of the following types of case prefixes: BA, TE, RP, P, G, PG, PB, GC, DN, or F.</p> <p>If the case was initiated <b>after</b> 9-17-01, the <b>case number and case caption</b> will be found by searching cases. The E-filer will click on the case once the case has been found and continue to E-file. These cases include the case prefixes of GC, PB and DN.</p> <p>If the case was initiated <b>prior</b> to 9-17-01, E-filers will enter the case in the “File and Serve on Existing Case” screen. The case will not be on the vendor’s system so the E-filer must enter the appropriate case information by clicking on the “Add” button located at the bottom of the “Select Case for Filing Screen.”</p> <ul style="list-style-type: none"> <li>• If the case begins with one of the old case prefixes of BA, TE, RP, P, G, PG or F, the E-filer will enter the old case number in the “Add Case Information Screen” along with the correct case class, type and name. This information should match the official court file.</li> </ul> <p>When entering an existing case,  The Petitioner or Applicant will be known as the <b>moving party</b>.  The Subject Party of the case file will be known as the <b>other party</b>. Ex. In the Matter of “John Smith.”</p> <p>The clerk will verify information during clerk review.</p>
<p><b>Search Filings</b></p>	<p>Two ways to search filings in the E-filing vendor’s system are to use the Search Filing or Cases Report screens. Using the search criteria “<b>contains,</b>” and changing the default “Authorized Date” to “<b>All</b>” is helpful.</p>
<p><b>Orders</b></p>	<p>All types of Orders can now be E-filed. The business process will change in that the E-filer will no longer carry an order to court on an appearance hearing. The E-filer will E-file the order(s) at the initiation of the case and the Court will E-sign the order at the hearing. Each E-filed Order shall be accompanied by a Notice of Lodging Order to indicate which division the Order should be routed.</p>
<p><b>Conformed Copies</b></p>	<p>The E-filers conformed copy will now be available on the vendor’s E-filing system. Once the review clerk has accepted a document for filing during clerk review, the E-filer can download a file-stamped copy of the document from the vendor.</p>

<b>Fees</b>	Each document associated with a fee of any kind must be an originating document or must be accompanied by a Notice of Filing _____ (See <b>New document types for E-filing</b> ). If a filing fee is owed on a document that shows a filing fee of <b>Zero (0)</b> in the vendor’s system, the review clerk will add that fee in during clerk review.
<b>Avowal</b>	The Court will require an avowal from the E-filing party with respect to third-party pleadings. The avowal shall state that the E-filer will maintain the document containing the original signature in paper format. This avowal may be on the same pleading or may be contained in a cover sheet attached to the third-party document. For example, when E-filing a Bond in a probate or conservatorship case the Notice of Filing Bond should contain the E-filer’s avowal.
<b>Notice of Lodging</b>	A Notice of Lodging Order must accompany Orders that an E-filer may want to lodge with the Court. The Notice of Lodging shall indicate which division the review clerk should route the Order. If an Order is E-filed at the initiation of a case, the Notice of Lodging should indicate the Order be routed to the Assignment Commissioner.
<b>Cover Document or E-filer Notes to Clerk</b>	There are different options to use to give the review clerk instructions as to where a particular E-filing should be sent. For example, an E-filer may submit an instructional document called a “cover document” or the E-filer may simply enter instructional information in the “filers notes to the clerk” within the vendor’s system.
<b>Record Search</b>	<p>Currently, public access to <b>view document images</b> on “Record Search” is limited to the public access terminals located in the Legal Records office of the Clerk of Superior Court.</p> <p>Public access available on the “Record Search” selection on the Clerk of Court web page is limited to case number, name, filing date and docket information only.</p>
<b>Rejection of documents</b>	The review clerk will notify the E-filer of a rejected E-filed document via the notification means provided by the vendor. Check with the vendor regarding fees associated with E-filing corrected documents.