

**TITLE 3 – COURTS AND RULES OF COURT
PART II – RULES OF COURT
CHAPTER 2-7 – ELECTRONIC FILING IN COURT OF APPEALS**

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SUBCHAPTER A ELECTRONIC FILING AND ACCESS; FEE

Section 10 In General (3 PYTC § 2-7-10)

- (A) The Court of Appeals may provide for the electronic filing of documents, and for electronic access to court records, pursuant to the procedures adopted by the Court.
- (B) The court may impose a fee of no more than twenty-five dollars per year for an annual on-line access subscription.
- (C) All monies collected shall be deposited in an enhancement fund benefiting the Pascua Yaqui Judicial Branch.
- (D) All filings made electronically pursuant to this section are subject to the court fees established under the regulations of the Pascua Yaqui Judicial Branch.

Section 20 Format (3 PYTC § 2-7-20)

- (A) Each electronically filed document shall be filed in PDF format. To the extent practicable *each document* shall be formatted in accordance with the applicable rules governing formatting of paper documents, and in such other and further format as the Clerk of Court may require from time to time.

Section 30 Time of Filing (3 PYTC § 2-7-30)

- (A) A document that is e-filed shall be deemed to have been received by the Clerk of the Court on the date and time of its transmittal. If the filing is subsequently accepted by the Clerk, then the document shall have the same file stamp date as when it was transmitted.
- (B) Computation of time for filing shall be subject to the rules of the Pascua Yaqui Tribal Codes.
- (C) Unless stipulated otherwise by a statute or court order, a document submitted through e-file prior to 12:00 p.m. on the last business day of a time limit shall be deemed timely.

Section 40 Service by E-file (3 PYTC § 2-7-40)

- (A) Documents in the e-filing system will be served electronically. An e-filed document filed with the Clerk shall also be electronically served on all parties registered in that case.
- (B) The electronic service of a pleading or other document shall be considered as valid and effective service on all participants and shall have the same legal effect as an original paper document.
- (C) Proof of electronic service shall state the date and time of the electronic service in place of the date and place of deposit in the mail.
- (D) Where a party has not subscribed and agreed to the e-file system, service shall be performed pursuant to the rules of the Pascua Yaqui Tribal Codes.

Section 50 Requirements for Signatures on Documents (3 PYTC § 2-7-50)

- (A) Every pleading, document, and instrument filed through e-file shall be deemed to have been signed by the attorney or declarant and shall bear an electronic or facsimile signature of such person, along with the typed name, address and telephone number of the signing attorney or declarant.
- (B) When a document to be filed electronically requires the signature of a notary public, the document shall be scanned into electronic format before filing, after the notary public has signed a printed copy of the document.
- (C) When a document to be filed electronically requires a signature under penalty of perjury, the document shall be scanned into electronic format before filing, after the declarant has signed a printed copy of the document.
- (D) By electronically filing the document, the electronic filer indicates compliance with the above section of this rule and the original, signed document is available for review and copying at the request of the Court or any party.
- (E) A document that requires the signatures of opposing parties, such as a stipulation, may be electronically filed by typing the names of each signing party, but the filer is required to first obtain the original signatures of all opposing parties on a written copy of the document.
- (F) Whenever possible, a party shall use a digital signature on an electronically filed document.
- (G) At any time after the document is filed, any other party may serve a demand for production of the original signed document. The demand must be served on all other parties, but need not be filed with the Court.
- (H) Within five days of service of the demand, the party on whom the demand is made must make the original signed document available for review and copying by all other parties.
- (I) All documents, which bear a judge's signature, shall include the judge's electronic signature or else be scanned and e-filed so the judge's original signature will be shown thereon.

Section 60 Maintenance of Original Documents (3 PYTC § 2-7-60)

- (A) Unless otherwise ordered by the Court, an original paper copy of all documents filed electronically, including original signatures, shall be maintained by the filing party for a period of one year after the final resolution of the action, including the final resolution of all appeals. The document shall be made available, upon reasonable notice, for inspection by other counsel or the Court.

Section 70 Conventional Filing of Documents (3 PYTC § 2-7-70)

- (A) Notwithstanding the foregoing, the following types of documents may be filed conventionally and need not be filed electronically, unless expressly required by the Court:
 - (1) Documents filed under seal. A motion to file a document under seal shall be filed and served electronically. However, the documents to be filed under seal shall be filed in paper form.
 - (2) Exhibits and Real Objects. Exhibits to declarations that are real objects (i.e., construction materials, core samples, etc.) or other documents (i.e., plans, manuals, etc.), which otherwise may not be comprehensibly viewed in an electronic format, may be filed and served conventionally in paper form.

Section 80 Technical Problems that Preclude Electronic Filing (3 PYTC § 2-7-80)

- (A) The Court must take reasonable steps to provide notice to electronic filers of any problems that impede or preclude electronic filing. Should a technical problem persist, the Court may provide for and accept alternate means of filings.
- (B) When technical problems with the Court's system preclude the Court from accepting electronic filings on a particular court day, the Court must deem a filing received on the day when the filer can satisfactorily demonstrate that he or she attempted to file on that day. Satisfactory evidence of attempted filing shall be submitted to the court on the next business day following the attempted filing, together with a copy of the filing.
- (C) This provision does not apply to the complaint or other filing that initiates an action or proceeding; that is, it does not extend the time within which an action or proceeding must be filed.

Section 90 Electronic Mail Addresses (3 PYTC § 2-7-90)

- (A) Electronic filers must furnish one or more electronic mail addresses that the Court, or the electronic filing system, will use to send notices of receipt and confirmations of filing.
- (B) Practitioners have a duty to maintain a valid electronic mail address on file with the Courts and check it regularly for filings, notices and other official communications.

Section 100 Payment of Filing Fees (3 PYTC § 2-7-100)

- (A) The Court may permit the use of credit cards or debit cards for the payment of filing fees associated with electronic filing. The Court may also authorize other methods of payment.
- (B) Eligible persons may seek a waiver of Court fees and costs.”