

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
STATE BAR OF ARIZONA) Administrative Order
REGULATION RECORDS RETENTION) No. 2020 - 153
SCHEDULE FOR CASE FILES)
)
)
_____)

In accordance with Rule 32(m), Rules of the Supreme Court, the State Bar will maintain its records under public access policies adopted by the Supreme Court.

Therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the attached records retention and disposition schedule is approved and shall be used by the State Bar of Arizona for its case file records relating to discipline, disability, reinstatement, and contempt proceedings, unauthorized practice of law, and monitoring of probation, diversion, and conditional admittees.

Dated this 30th day of September, 2020.

ROBERT BRUTINEL
Chief Justice

The State Bar of Arizona
Record Retention and Disposition Schedule

A. Definitions. In this schedule the following definitions apply:

“Case data” means the electronic information about a case, but not images of documents, maintained by the records manager, generally found in a case management system, and often posted to the web or the State Bar’s website.

“Case file” means all documents and other material created or received by the state bar in relation to discipline, disability, unauthorized practice of law, reinstatement proceedings, contempt proceedings, and monitoring records related to probation, diversion and conditional admittees either in paper or electronic format, and includes items such as CDs, DVDs, transcripts and flash drives. Case file includes case data. Documents in case files do not include duplicate copies or drafts of documents preserved only for convenience of reference.

“Electronic storage” means digitization of paper case files. Digital records of case file and case data maintained in a case management system, and document repository.

“Docket” means the case number, case type, names of respondent and complainant, case decision, date of destruction, disposition effective date, and the original listing of documents/orders filed in the case.

“Final disposition” means the issuance of a mandate, final judgment and order or other final action closing the case file.

“Retention period” means the period of time during which records must be kept before they may be disposed of, usually a period of years and sometimes contingent on an event.

“Records manager” means the person or persons responsible for keeping and disposing of any records held by the state bar, in relation to discipline, disability, unauthorized practice of law, reinstatement proceedings, contempt proceedings, and monitoring records related to probation, diversion and conditional admittees.

B. General Provisions.

1. Permanent records. As set forth below, the records manager shall maintain, regardless of format, records designated as permanent.
2. Retention period of 50 years. As set forth below, the records manager shall maintain, regardless of format, records designated as having a retention period of 50 years, however, the records manager may, after ten years from the final disposition of a case, maintain the case file via electronic storage and may destroy the paper case file.

3. Paper case files and electronic records. As set forth below, the records manager may destroy or delete all remaining paper or electronic case files at the end of the retention period.
4. No duty to migrate to new technology. The records manager is not responsible for migrating to new technology any material received/filed such as CD and DVD that must be read by a computer.
5. Completeness of schedule. This records retention and disposition schedule is intended to govern all lawyer regulation case files, which include discipline, disability, unauthorized practice of law, reinstatement, contempt, monitoring records related to probation, diversion and conditional admittees. If a record cannot be located in this schedule, the records manager should use his or her best judgment to place a record within a category that is already identified.
6. Destruction of non-permanent records. When a paper case file or other paper record is eligible for destruction, the records manager shall take proper precautions to protect the privacy of the individuals identified in the case file or other record and destroy the complete case file or other record by shredding, burning, or pulverizing the physical case file or other record. Electronic images of case file documents, data, or other records shall be deleted from all electronic repositories in which they reside, including servers and hard drives. A list containing minimal information, such as the case number, case type, respondent and complainant names, and date of destruction, capturing any case files or other records destroyed to maintain a record that the case file or other record has been destroyed and has not been merely misplaced or never existed.
7. Effective date. The provisions of this order are effective the date of this order and may be applied retroactively at the discretion of the records manager.

C. Retention and Disposition Schedule. The state bar records manager shall retain and dispose of records relating to discipline, disability, unauthorized practice of law, reinstatement proceedings, contempt proceedings, and monitoring records related to probation, diversion, and conditional admittees according to the following schedule:

RETENTION AND DISPOSITION SCHEDULE

Record Category	Retention Period	Remarks
A. Dockets for all case files	Permanent	
B. Case Files Discipline, disability, unauthorized practice of law, reinstatement, contempt, monitoring records related to probation, diversion and conditional admittees.	50 years	From the final disposition After 10 years from the final disposition, the case file may be stored electronically, and the paper record destroyed
C. Case Files resulting in dismissal	3 years	From the date of dismissal (unless retained pursuant to Rule 71 Ariz. R. Sup. Ct.)