

**Records Retention Revision Committee of the Superior Court
MINUTES**

Wednesday, February 19, 2014

10:00 a.m. to 3:00 p.m.

State Courts Building, 1501 West Washington Street, Conf. Rm. 345A, Phoenix, AZ 85007

Present: Sandra Markham (Chair), Terry Bublik, Michael Catlett, Judge Jane Eikleberry, Melanie Fay, Judge Pamela Gates (*telephonically*), Judge Lee Jantzen, Phil Knox, Eric Silverberg, Melanie Sturgeon

Absent/Excused: James Boardman, Judge David Haws, Chad Roche

Staff: Melinda Hardman, Julie Graber, Sabrina Nash

Presenters/Guests: Odette Apodaca (Pinal County Superior Court), Theresa Barrett (AOC), Jerry Lucente-Kirkpatrick (LAPR), Marcus Reinkensmeyer (AOC), Patrick Scott (AOC)

Call to Order/Welcome and Introductions

With a quorum present, the February 19, 2014, meeting of the Records Retention Revision Committee of the Superior Court was called to order by Sandra Markham, chair at 10:04 a.m. Ms. Markham welcomed members and introductions were made around the room.

Committee Rules of Procedure and Proxy Form

Ms. Markham presented the Committee Rules of Procedure and Proxy Form for approval.

Motion: To approve the Committee Rules of Procedure and Proxy Form, as presented.

Action: Approve, **Moved by** Judge Lee Jantzen, **Seconded by** Phil Knox. Motion passed unanimously.

Review of Committee Charge and Scope of Work; Changes Proposed to ACJA § 3-402 by Clerks' Association

Ms. Markham reviewed the committee charge set out in Administrative Order 2014-13, which is to revise the superior court records retention and disposition schedule in the Arizona Code of Judicial Administration (ACJA) § 3-402. The charge arose out of two recent developments: 1) The Arizona Judicial Council (AJC) recently approved policy recommendations from the Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records, requiring destruction of electronic case records on a mandatory and automatic basis, which impacts ACJA § 3-402, and 2) The clerks of superior court submitted to the AOC proposed revisions to ACJA § 3-402.

Ms. Hardman explained that this committee's draft work product will be circulated to AJC standing committees and other stakeholders who might be impacted by potential revisions to ACJA § 3-402. The draft will also be posted to the AOC's website for comment. These efforts are intended to solicit input on the draft and allow this committee to consider adjusting its work product before presenting it to the Arizona Judicial Council at the Council's October 2014 meeting.

Review of CMS functionality with ACJA § 3-402

Since the Superior Court in Maricopa County has a different case management system (CMS), iCIS than the one the thirteen rural counties in Arizona have, AJACS, Ms. Markham offered Maricopa County an opportunity to address the committee with any concerns it may have with potential revisions to ACJA § 3-402. Melanie Fay, the Public Records Administrator for the Maricopa County Clerk of Superior Court, reported that the Superior Court in Maricopa County does not have any concerns with revisions, as iCIS is not impacted by the retention schedule. Ms. Markham noted that she had made this same inquiry of Pima County, prior to this meeting, since Pima County also has a different CMS, AGAVE. Ms. Markham reported that Pima County said they do not have concerns with revisions to ACJA § 3-402, from a CMS perspective, either.

Review of scope and level of detail of existing ACJA § 3-402; Practical aspects of how the superior court in all fifteen Arizona counties works with LAPR; How a *permanent* retention period works

Ms. Hardman introduced Melanie Sturgeon and Jerry Lucente-Kirkpatrick from LAPR. Ms. Sturgeon and Mr. Lucente-Kirkpatrick had both reviewed the existing superior court records retention schedule prior to this meeting. Ms. Sturgeon reported that most superior court clerks follow the schedule and send court records to LAPR as required, but some do not. Mr. Lucente-Kirkpatrick noted that the scope and level of detail in the current schedule is confusing. He suggested that the committee consider simplifying, clarifying, and condensing the schedule. For example:

- Capture a reference once instead of repeating it throughout the document:
 - “as provided by Rule 29”
 - “not authorized for purging”
- Clarify whether a record *must* or *can* be destroyed:
 - replace *may* with *shall* or *shall not*
- Group important information together and feature it up front, or in strategic places, e.g.:
 - retention of transcripts and depositions should be moved up to the beginning of the schedule since these items are part of a case file
 - the criminal records section seems buried and should be easier to find
- Include a more general approach to court records and avoid too many categories and subcategories in the schedule:
 - refer to schedules used for all public bodies as examples
 - describe what is included (and not) for each record type

Member comments and questions on these issues included:

1. The current schedule allows for case files to be purged before transferring the file to LAPR; however, it is more efficient for courts to not take this extra step. LAPR indicated there is no problem for them to accept the files without being purged.
2. There are some court records LAPR does not take, such as demand for notice files. LAPR also does not usually take search warrants unless the warrant is part of a case file.

Discussion of Updates to ACJA § 3-402: Superior Court Records Retention and Disposition Schedule

Ms. Markham proceeded to lead the committee in a review of the proposed revisions to ACJA § 3-402 submitted by the clerks of superior court. Discussion ensued.

A. Definitions:

The schedule refers to *case records* and *case files* interchangeably, but it is important to call them one thing. Members agreed.

C. Retention and Disposition Schedule:

1. COURT CASE FILES:

a. Civil Case Files

- Members agreed to combine all general “Civil” cases into one category and retain them for 50 years.
- Examples of *non-standard* items include:
 - attachments to pleadings that cannot be scanned into the case file
 - CDs, which may include a magnified portion of an Excel spreadsheet
 - DVDs
 - oversized geographical maps
 - recordings on disc
- Since these items are part of a case file, though they may be stored separately from a paper or electronic case file, these items should have the same 50-year retention period.
- Ms. Sturgeon noted that LAPR is concerned about keeping electronic, non-standard items alive. These records are subject to degradation and may need to be upgraded to be readable in the future. The schedule should establish that neither LAPR nor the court have an obligation to migrate these electronic records, since neither has the resources to do so. A filer who files these electronic records does so at his or her own risk.

Family Law Case Files: The clerks of superior court suggested a 50-year retention period (down from the current 75 years).

- A member asked whether there is a need to maintain a distinction between family law cases, *with* and *without* children, and *dismissed* cases. Another member asked whether there is a need to delineate all types of Family Law cases or whether this information can be included in the definition. It would be helpful for Pima and Maricopa Counties to keep the distinction of dismissed cases.
- Ms. Markham noted that Yavapai County does not generally receive requests to review family law case files after 50 years.

Orders of Protection/Injunctions against Harassment Case Files: The current schedule requires that these case files be retained for five years.

- A member suggested that this category could be joined with *civil* cases. Some counties retain these records for 50 years because they are civil cases.

- Some members felt 5 years was insufficient, especially in a criminal context.
- A member asked whether when an order of protection is filed in a family law case, the order of protection is retained according to the family law retention period. Another member asked whether, in this situation, an order of protection should be treated as a family law case or a civil case.
- A member questioned whether there is a statute that directs prosecutors to look back a certain number of years in a criminal case to review prior orders of protection. Ms. Bublik thought *no*, however, she agreed to follow-up on this question and report back to the committee.

Demand for Notice Case Files: Leave as is.

Mental Health Case Files: Leave as is.

Probate Case Files: The clerks of superior court suggested that probate case files be retained 50 years instead of 100 years.

- Members raised some concern that 50 years was not long enough. After first considering a change to the date triggering the retention period, members then decided to split the difference and recommend that these cases be retained for 75 years.
- A member asked what “Probate Vouchers and Receipts” are. Members suggested that this category should be struck as a stand-alone category and moved into Probate case files.
- “Wills filed in accordance with A.R.S. § 14-2901”: Filed wills cannot be destroyed.

General Stream Adjudication:

- “Contents of the case file”: Ms. Sturgeon indicated that these cases are permanent.
- “Office of the Special Master”: Ms. Sturgeon questioned the distinction between permanent retention and 25 years, and proposed that these records be retained permanently.
 - Mr. Knox will talk to the Water Master about whether there is a distinction between the Water Master and a Special Master and will identify the types of cases each handles. He will report his findings at the next meeting.
 - Separate “administrative, financial, and human resource” records categories are not needed if there is a general category in which to place these records.

Transcripts and Depositions: These items should be moved into the definition of “Case File.”

b. Criminal

Capital Felony Cases:

- In practice, these case files are transferred to LAPR when the defendant is executed, so members suggested that the schedule provide that the records be transferred to LAPR once the defendant is executed.

c. Juvenile:

- The recently-completed Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records proposed that juvenile delinquency case files be retained for a set period of 25 years following the year filed, instead of the currently vague period of “following juvenile’s 30th birthday.” Courts do not store juvenile delinquency case files by the juvenile’s age, and a time-certain date for destruction is needed. Members agreed.
- Ms. Sturgeon expressed an interest in having pre-1959 juvenile delinquency case files transferred to LAPR as permanent records, instead of permitting clerks of court to retain them locally. These case files provide great historical value for research purposes. But, unlike adoption case files, statute does not close juvenile delinquency case files. If juvenile delinquency case files are transferred to LAPR, the files are open, and it is not within this committee’s authority to recommend they be closed. However, juvenile delinquency case files retained at the local level are also open.
- Perhaps all types of juvenile case files should be combined into one category with a 100-year retention period.
- No changes were suggested for the “Juvenile traffic and other violations” records category. This category is used only by Santa Cruz County.
- The “Juvenile case exhibits” category should be included with a general “Exhibits” section. Exhibits for all case types should be treated similarly.
- “Juvenile case transcripts” could be relocated to the “Official Court Record” section for all case types. Juvenile case depositions are part of the case file.

d. Lower Court Appeals:

- Members questioned why “Remanded case transfer index” has a separate 5-year retention period. Ms. Fay will do some research and report her findings at the next meeting.
- Ms. Sturgeon inquired whether sealed documents must remain sealed, forever, once a file is transferred to LAPR. A member noted that the sealing of a document is based on the judge’s judgment and discretion. The judge intends a document to be sealed for a specific reason, and the document is to remain sealed unless the court issues another order, unsealing the document.

e. Grand Jury Records:

- Members proposed to eliminate “(3) Grand Jury Records Court Reporter Notes.” This provision is redundant here and should be reflected only in the “Official Court Record” section.
- Members felt there was no need for “(4) No true bill/admonitions/readings/dismissed/miscellaneous documents” because counties do not retain any records in this situation.

f. Miscellaneous Filings:

- “Administrative Orders” should be moved to the “Court Administration” section.
- The clerks of superior court proposed a separate “Administrative Reviews” category. Unlike other miscellaneous filings, Administrative Reviews are filed separate from any case and should be destroyed after the reference value is served.
- “Landmark Cases” and “Historically Significant Cases” are not case categories, so these categories should be removed from the chart. Landmark cases and historically significant cases are transferred to LAPR based on the underlying case type.

2. OFFICIAL COURT RECORD:

- A member questioned whether the required time to transcribe court reporter notes for a criminal defendant tried in absentia should be extended. The current requirement is burdensome to counties. It might be beneficial to wait to *transcribe* the notes until the *end* of the retention period for the notes, themselves. Although the current language does not say that transcription should be done *immediately*, in practicality, judges ask for the transcription right away.
- A member suggested that the question of “what should be transcribed for an appeal” be referred to the Committee on Superior Court to see if the question could be resolved by revisions to Rule 31, Rules of Criminal Procedure. This question goes beyond the scope of this committee.
- A member questioned whether, in capital cases, a category and retention period for court reporters’ notes is needed when the transcript is considered a permanent record.
- A member questioned why juvenile and non-criminal court reporters’ notes and recordings are separate in the current schedule. Perhaps these notes should be retained for five years.
- A member questioned whether there are statutory requirements regarding how long court reporters’ notes are to be retained for juvenile cases. Ms. Bublik will check on this issue and report back at the next meeting.

3. EXHIBITS:

- Juvenile exhibits should be moved to this section.

4. RECORDS CREATED OR RECEIVED BY THE CLERKS’ OFFICE:

- Dockets and registers of actions must be kept permanently. Ms. Sturgeon noted the importance of these records, which she uses frequently. LAPR asks courts to provide them an index of a court case or a print-out from the CMS when the case is transferred to LAPR.
 - Ms. Fay will research nursing subpoenas and return to the next meeting with more information.
 - A category should be added for “Special Appointment Applications.” These should be kept for two years from the date of issuance.

5. COURT FINANCIAL RECORDS:

This information should be condensed and should mirror the code for Minimum Accounting Standards (MAS).

6. COURT ADMINISTRATION:

The clerks of superior court proposed adding “Administrative Orders” under court administration records, with a ten-year retention period. Mr. Knox will obtain the source of authority for the ten-year retention period.

- Members agreed that court administrators, not the clerk of superior court, should inform presiding judges about the goal of transferring former Chief Presiding Judges’ business papers to LAPR.

7. ADMINISTRATIVE RECORDS:

Members agreed on the current five-year retention period. Statistical records should be defined as those that are currently required by the AOC.

8. JURY COMMISSIONER RECORDS:

Answered juror questionnaires are often retained more than 90 days, because it takes longer than ninety days for a two-step court to work through a juror-notification cycle. Also, Ms. Hardman noted that juror questionnaires answered online are currently stored at the AOC but cannot be retained indefinitely. She suggested that members consider a one-year retention period for these records.

10. HUMAN RESOURCE RECORDS:

Ms. Sturgeon suggested that the committee look at the human resource schedules for other agencies so the courts can condense existing information and mirror the other schedules. She will follow-up on this.

12. ADULT PROBATION RECORDS /13. JUVENILE PROBATION RECORDS:

These categories should be discussed with the Committee on Probation for their input.

E. Transfer of Records to Arizona State Library, Archives, & Public Records:

Add “and exhibits” (Transfer of Records *and Exhibits*). Ms. Sturgeon advised that LAPR does not accept 3-dimensional items, such as bullets, drugs, or artifacts. She will bring suggested language on this topic to the next meeting.

F. Historically Significant and Landmark Cases:

Ms. Markham asked the following questions:

1. What should the retention period be for high profile cases? What are the obligations of the clerk of court once these cases are posted online? Ms. Hardman will review this issue and bring her findings back to the committee.
2. What should be the retention period for online minute entries? The retention schedule for paper case records must mirror the retention schedule for electronic case records.

Discussion of Future Meeting Dates

The proposed future meeting dates were agreed to by members. The first five meetings of this committee will be used to develop a work product, and the last meeting will be used to incorporate public comments after the work product has been circulated.

Next Meeting Date

April 4, 2014, 10:00 a.m. to 3:00 p.m.
Arizona State Courts Building, Conference Room 345A/B

Good of the Order/Call to the Public

Marcus Reinkensmeyer thanked committee members for their participation in this committee.

Adjourned at 1:54 p.m.

**Records Retention Revision Committee of the Superior Court
MINUTES**

Friday, April 4, 2014

10:00 a.m. to 3:00 p.m.

State Courts Building, 1501 W. Washington, Conf. Rm. 345A/B, Phoenix, AZ 85007

Present: Sandra Markham (Chair), James Boardman, Terri Bublik, Melanie Fay, Judge Pamela Gates, Judge Lee Jantzen, Phil Knox, Chad Roche, Eric Silverberg, Melanie Sturgeon

Absent/Excused: Michael Catlett, Judge Jane Eikleberry, Judge David Haws

Staff: Melinda Hardman, Sabrina Nash

Presenters/Guests: Kay Radwanski (AOC)

Call to Order/Welcome and Introductions

With a quorum present, the April 4, 2014, meeting of the Records Retention Revision Committee of the Superior Court was called to order by Sandra Markham, chair at 10:07 a.m. Ms. Markham welcomed members and introduced Judge Pamela Gates and attorney James Boardman since Judge Gates appeared telephonically for the first meeting and Mr. Boardman was unable to attend the first meeting.

Approval of Minutes

Ms. Markham presented the Minutes of the February 19, 2014, Records Retention Revision Committee meeting for approval.

Motion: To approve the February 19, 2014, meeting minutes, as amended by Melanie Sturgeon to clarify that her question was whether sealed records sent to LAPR must remain sealed “forever.” **Action:** Approve, **Moved by** Phil Knox **Seconded by** Eric Silverberg. Motion passed unanimously.

Review the Purpose of Courts – Records Graphic Discussion

Ms. Hardman presented a graphic she created to help identify court records stakeholders. The graphic should help remind members of the statewide role that records retention and disposition plays. Ms. Hardman also noted that the Arizona Court Manager training program teaches the Eight Purposes of Courts, one of which is “to provide a formal record of legal status.” She suggested that court records stakeholders in Arizona include:

- Clerk of the Superior Court – responsible for case files, miscellaneous filings, and jury commissioner records in the 13 rural counties
- State Library, Archives, and Public Records – responsible for collecting, preserving, and making available the permanent records of the state
- Prosecutors – need court records to prove priors offenses
- Court Administration – responsible for presiding judge papers, finance, and human resource records
- Public – parties, attorneys, creditors, title examiners, the media, etc. rely on court records to document legal status
- Probation – an element of the court system

Some members suggested that the probation records sections of the general jurisdiction court records retention and disposition schedule (GJC RR&DS) should be moved to those Arizona Code of Judicial Administration (ACJA) sections that govern probation issues. Ms. Hardman agreed to ask AOC management about this request.

Review the Initial Draft Modifications to ACJA § 3-402: Superior Courts Records Retention and Disposition Schedule

Ms. Hardman explained that in drafting the committee's proposed revisions from the last meeting, she first completely struck through the old code section, since the revisions require an entirely new records schedule. She then reviewed the new Definitions section of the schedule. Next, she reviewed the General Provisions section, setting out the purpose and use of the schedule to users. Ms. Hardman explained that in general, the schedule is being simplified for clerks and records managers to more easily and accurately identify records that are ready for destruction. By doing so, clerks and records managers can act with authority in disposing of records under the schedule. Another change to the schedule is clarification that there is an established period of retention of records with the court, after which the records must be sent to the State Library, Archives, and Public Records (LAPR) for *permanent* retention. Ms. Hardman next explained that she has arranged the schedule by the holder of the record, such as the Clerk of the Court or Court Administration, so the holder will know which sections of the schedule applies to them.

Continuing Discussion by the Committee of Updates to ACJA § 3-402

A. Definitions

- Members agreed that *case financials* should be included in the definition of *case file*.
- A member suggested that a definition of *case data* should be added to the schedule, since the term is used in the General Provisions section of the schedule.
- A member asked whether a definition is needed for the terms *non-standard items* and *criminal history*. Ms. Hardman explained that the concept of *non-standard items* is included within the definition of the term *case file*. A specific definition of the term *non-standard items* will not be included in the schedule, because the term is not used, statewide. Members then discussed that in most counties, a criminal history report is either filed in the case file and sealed, or it is retained by the probation department. Therefore, the court has already developed a method for handling criminal history reports, and a separate definition or specific direction on how to handle, or how long to keep, these reports is not needed.
- A member stated that the custodian of court records is the Clerk of the Court, and, therefore, the definition of the term *records custodian* should not exclude the Clerk of the Court. Ms. Hardman explained that in drafting the revised schedule she sought to distinguish between the holder of the record to distinguish between those court records held by the clerk and those court records held by court administration. After much discussion, Judge Gates made a motion to change the term *records custodian* to *records manager* and to modify the definition as follows...means the person or persons responsible for keeping and disposing of any records held by the superior court or any

department of the superior court, other than the records held by the clerk of the superior court. Mr. Knox seconded the motion. Motion carries.

Judge Gates also made a motion that unless otherwise addressed by this committee on a specific incident by incident basis all occurrences of the term *records custodian* shall be replaced with the phrase the *clerk and records manager*. Mr. Roche seconded the motion. Motion carries.

B. General Provisions

- Sealed Files – Ms. Markham, reported that the Clerks Association is considering approaching the AOC to ask for a definition of the words *sealed*, *restricted* and *confidential*. These words are not used consistently by courts. Dr. Sturgeon reiterated that LAPR would like to have a period of time after which sealed documents or files can be unsealed by LAPR. Members noted that the concept of unsealing after a period of time is outside the scope of this committee; however, it will be added to a *Parking Lot* list of issues that need further attention by others.
- Completeness of Schedule – Judge Gates made a motion to streamline paragraph 8 of the draft schedule by keeping the first sentence and amending the second sentence, as follows: this schedule is intended to cover all superior court records. A records custodian should use his or her best judgment to place a record within a category that is already identified in this schedule, where the record best fits. Judge Jantzen seconded the motion. Motion carries.
- Destruction – A member asked whether AOC-designed technology is capable of deleting electronic images of case documents from all places in which they reside, including servers and hard drives, as paragraph 10 of the draft schedule requires. Ms. Markham responded that the capability is there and that the AJC approved the Electronic Records Retention and Destruction Committee’s proposal of providing two years to implement this policy.

Case Files Held by the Clerk of the Court

- A member asked for clarification on the phrase that “Clerks *may* transfer” certain case files to LAPR any time after 50 years. This phrase appears to be discretionary. Dr. Sturgeon explained that when the retention schedule was last updated, the Clerks of Court wanted to retain case files created before 1960, locally. The Clerks of Court did not want to send these case files to LAPR. So, LAPR agreed to allow the Clerks of Court the option of retaining these records locally or turning them over to LAPR. However, the Clerks of Court must transfer to LAPR, for preservation, archiving, and access, all records created after 1959.
- Dr. Sturgeon asked that the phrase “after 50 years, transfer to LAPR” be added to the Remarks field of the schedule, after each category of cases filed on or after January 1, 1960, to make this distinction more clear.
- Dr. Sturgeon indicated that she would like to see juvenile delinquency case files transferred to LAPR for historical research, after a period of 25 years with the court; however, she recognizes that this position might result in harm to the individual who is

the subject of the case file. Dr. Sturgeon suggested that LAPR could follow the same procedure with juvenile delinquency case files as with adoption case files, and make juvenile delinquency case files available to the public only after 100 years. However, a member noted that the 100-year period for which adoption files are closed is based on statute, and, such a proposal is beyond the scope of this committee for juvenile delinquency case files, since it would require a new statute. There is no similar statute for juvenile delinquency files. Judge Gates made a motion that the “Full Retention Period at LAPR” for juvenile delinquency case files be designated as *N/A*, instead of *Permanent*. Mr. Knox seconded the motion. Motion carries.

- Ms. Markham stated that the Clerks of Court recommend that Injunctions against Harassment and Injunctions against Workplace Harassment be removed from the Orders of Protection case file category. Ms. Kay Radwanski, AOC, explained the difference between Injunctions against Harassment, Injunctions against Workplace Harassment and Orders of Protection. Ms. Radwanski agreed that Injunctions against Harassment and Injunctions against Workplace Harassment could be separated from Orders of Protection in the schedule. Judge Gates made a motion to strike Injunctions against Harassment and Injunctions against Workplace Harassment from this category and to set the retention period for Orders of Protection at 50 years and not identify them as permanent records. In effect this places Injunctions against Harassment and Injunctions against Workplace Harassment in the civil case file category, with a 50 year retention period with the court and a permanent retention period with LAPR. Judge Jantzen seconded the Motion. Motion carried.
- Ms. Hardman questioned whether the retention period for criminal capital felony case files should be tied to the death of the defendant. Specifically, she asked whether a court is likely to receive notice when a defendant in such a case has died. The Clerks of Court responded that they *would* receive notice of the defendant’s death.

Miscellaneous Records Held by the Clerk of Court

- Wills – A member explained that the Arizona State Bar is also currently questioning how long wills should be retained, because the Arizona State Bar takes over the files of deceased attorneys. Many of these files contain wills that were deposited with the attorney for safekeeping. The Arizona State Bar Association’s Probate and Trust Section believes these wills should be held permanently. Alternatively, former A.R.S. § 14-2901, as added by Laws 1973, Ch. 75, § 4, which authorized a testator to deposit his or her will with a court for safekeeping, was repealed by Laws 1984, Ch. 368, § 6. A member noted that since the minimum age to prepare a will is 18, an additional 75 years will encompass a typical life span. Judge Jantzen made a motion that wills deposited with a court for safekeeping be retained for 75 years. Motion was seconded by Mr. Knox. Motion carries.
- Criminal or Civil Cash Bonds – Ms. Markham asked members whether there was a need to identify this category of records in the schedule. The consensus of the committee was *no*. This category will be removed.
- Fingerprint Cards – Ms. Markham asked members whether there was a need to identify this category of records in the schedule. The consensus of the committee was *no*. This category will be removed.

- Marriage Affidavits – Judge Gates made a motion to retain marriage affidavits with the court, permanently. Motion was seconded by Mr. Roche. Motion carries.
- Marriage Certificates or Licenses – Judge Gates made a motion to retain marriage certificates and licenses with the court, permanently. Motion was seconded by Mr. Roche. Motion carries.
- Process Server Investigation Case – Members noted that a process server license is granted by the supreme court; however, a complaint against a process server is filed with the Clerk of Court and heard by the presiding judge. The current 4-year retention period with the court is adequate for these records.
- Public Officials Financial Disclosure Statement - Ms. Hardman asked members whether public officials financial disclosure statements are actually filed in the clerk’s office. Members responded that these disclosure statements are filed with either the Secretary of State, the Board of Supervisors, or the Clerk of Court. Members asked Ms. Hardman to check with the Secretary of State’s Office to identify the retention period for financial statements filed under A.R.S. § 38-542 with that office.
- Special Appointment Applications – Ms. Melanie Fay agreed to look into identification of these filings and report back to the committee.

Miscellaneous Records Held by Either the Clerk of Court or Court Administration

- The Verbal Record, Including Court Reporter Notes and Electronic Recordings of a Court Proceeding, Hearing or Trial for criminal non capital cases – Judge Gates made a motion to retain these records with the court for 10 years from the date of sentencing, however when a defendant is tried in absentia or fails to appear for sentencing, the record of the proceeding must be transcribed. Mr. Knox seconded the motion. Motion carries with 1 nay.
- The criminal capital case verbatim record is to be retained with the court for 50 years from the date of *sentencing*.
- The criminal, non-criminal case verbatim record is to be retained with the court for 5 years from the date of the proceeding.
- The juvenile case verbatim record is to be retained with the court for 10 years from the date of the proceeding.
- The consensus of the committee is that the underlying court reporter notes must be retained even after a transcript is prepared.

Court Administration Records

- Visiting Judge Schedule and Contact Information – A motion was made by Mr. Silverberg to strike this category from the retention schedule. Motion seconded by Melanie Fay. Motion carries.
- Court Visitor Schedule and Contact Information – A motion was made by Judge Jantzen to strike this category from the retention schedule. Motion seconded by Mr. Silverberg. Motion carries.
- Former Chief Presiding Judge Business Papers – Some courts may not have a court administrator to work with the presiding judge to determine whether the presiding judge

wishes to send his or her business papers to LAPR, so this situation needs to be accommodated by the language in the schedule.

Records Held by the Jury Commissioner

Ms. Markham asked the committee for consensus to table the jury commissioner records section until after the May 2 statewide jury conference call so that Ms. Markham and Ms. Hardman can discuss these records with the jury commissioners.

Additional Discussion

Mr. Knox reported on his conversation with George Shaw, the current Water Master, regarding General Stream Adjudication records. Mr. Knox stated that Mr. Shaw did not request any changes to the retention schedule for Water Master records.

Mr. Knox also updated the committee on lower court appeal records. He has spoken to Judge McClennen, the lower court appeals judge for Maricopa County. Judge McClennen suggested adding clarification to the schedule for cases that are remanded to the originating court. Ms. Hardman explained that she has proposed to the lower court appeals provisions should provide the clarification that Judge McClennen is suggesting, because the new revisions to the retention schedule will collapse six sections into one.

Next Meeting Date

May 16, 2014, 10:00 a.m. to 3:00 p.m.
Arizona State Courts Building, Conference Room 119

Good of the Order/Call to the Public

Adjourned at 2:01 p.m.

**Records Retention Revision Committee of the Superior Court
MINUTES**

Friday, May 16, 2014

10:00 a.m. to 3:00 p.m.

State Courts Building, 1501 W. Washington Street, Conf. Rm. 119A/B, Phoenix, AZ 85007

Present: Judge Pamela Gates (Chair), Shelly Bacon, proxy for Eric Silverberg, James Boardman, Judge Jane Eikleberry, Melanie Fay, Judge David Haws, Judge Lee Jantzen, Phil Knox, Chad Roche, Melanie Sturgeon

Absent/Excused: Terri Bublik, Michael Catlett

Staff: Melinda Hardman, Julie Graber

Presenters/Guests: Theresa Barrett (AOC), Denise Lundin (AOC)

Call to Order/Welcome and Introductions

With a quorum present, the May 16, 2014, meeting of the Records Retention Revision Committee of the Superior Court was called to order by Judge Pamela Gates, chair at 10:00 a.m. Judge Gates welcomed members and held a moment of silence to remember Sandra Markham.

Approval of Minutes

Judge Gates presented the April 4, 2014, Records Retention Revision Committee of the Superior Court meeting minutes for approval.

Motion: To approve the April 4, 2014, meeting minutes, as presented. **Action:** Approve, **Moved by** Phil Knox, **Seconded by** Judge Lee Jantzen. Motion passed unanimously.

Review of Continuing Draft Modifications to ACJA § 3-402: Superior Court Records Retention and Disposition Schedule

Melinda Hardman, AOC, discussed the changes made to the draft records retention schedule code section as a result of the committee's decisions made at their last meeting, including new language in the Clerk of Court and the Court Administration Financials sections, revised language in the jury commissioner records section, and clarified language in the historically significant and landmark case section.

A. Definitions

1. "Case data" – The definition of *case data* was added to section A(1), based on use of the term in section B(3). No changes were recommended.
2. "Case file" – Ms. Hardman asked whether the definition of *case file* should include case financial records. The consensus of the committee was that the inclusion of case financial records should be removed, since case financial information generally appears in the case management system, not in the case file.

Motion: To strike “includes case financial records, such as defendant payment records” from the last sentence of *case file* definition. **Moved by** Judge Lee Jantzen, **Seconded by** Chad Roche. Motion passed unanimously.

B. General Provisions

1. Permanent Records – Ms. Hardman asked whether the “case docket and register of actions” should be identified in B(1) as records that must be transferred to LAPR unless otherwise instructed. Dr. Sturgeon stated that she recognized that it sometimes places a burden on a court to have to send the register of actions to LAPR with the case file. She suggested making this act permissive.

Motion: To change the language to “clerks *may* transfer the register of actions.” **Moved by** Chad Roche, **Seconded by** Melanie Sturgeon. Motion passed unanimously.

D. Retention and disposition schedule

- Demand for notice case files – Ms. Hardman questioned whether the proposed 2-year retention period was correct for these cases if they actually are *civil* cases. A member noted that demand for notice cases are docketed either as civil or probate depending on the local court. Members agreed that this category should be removed so that each individual court can identify where these cases should fall, e.g. civil or probate.

Motion: To remove item #6 (demand for notice case files) from the retention schedule. **Moved by** Judge Lee Jantzen. **Seconded by** Chad Roche. Motion passed unanimously.

Miscellaneous and Financial Records Held by the Clerk of Court

- Case financial records, not part of a case file – Ms. Hardman added a new financial records section using examples and language from other states because this category was not addressed in the current schedule.
- Ms. Hardman asked members whether there was a need to include subsection (e) since it *is* a case financial and must be retained for the life of the case. The consensus of the committee was that subsections (d) and (e) were not needed and should be removed. A footnote should be added at the records series title indicating that this category does not include clerks’ working files, which may be destroyed when the reference value has been served.

Motion: To remove subsections (d) and (e); and to add a footnote after the records series title “Case financial records, not part of a case file” indicating that “This category does not include clerks’ working files, which may be destroyed when the reference value has been served. **Moved by** Judge Lee Jantzen, **Seconded by** Phil Knox. Motion passed unanimously.

- A member suggested that language from ACJA § 1-401: Minimum Accounting Standards (“MAS”) be incorporated by reference in subsection (a); however, another member noted that in section (L)(3), MAS requires a court to retain bank account information *per the*

records retention schedule. The consensus of the committee was to mirror the MAS language from (L)(3)(a)—(h) in subsection (a) of the records retention schedule; to keep subsection (b) in its current form; and to modify the retention period in subsection (c) to 5 years to bring consistency to the section.

Motion: To mirror MAS language from (L)(3)(a)—(h) in subsection (a); to keep subsection (b) in its current form; and to modify the retention period to 5 years in subsection (c). **Moved by** Chad Roche, **Seconded by** James Boardman. Motion passed unanimously.

- Warrants and subpoenas that are not part of a case file set forth above – Ms. Hardman questioned whether the retention period should be 1 year following the date *served* instead of the date *filed*. A member noted that some warrants are not filed and some expire pursuant to statute. Members agreed to change date *filed* to date *served*.

Motion: To change date *filed* to date *served*. **Moved by** Judge Lee Jantzen, **Seconded by** Phil Knox. Motion passed unanimously.

- Exhibits submitted at trial or hearing in any case type – Dr. Sturgeon stated that she recognized it would be a burden if clerks are required to transfer exhibits in all cases to LAPR. She suggested that clerks transfer exhibits only in historically significant and landmark cases. After discussion, the consensus of the committee was to rename this Exhibits category to reflect that historically significant and landmark cases are not included; to add a footnote referencing subpart (E) with language still to be determined; and to line up the existing retention period for exhibits with the applicable case type.

Motion: To add the phrase “other than historically significant and landmark cases” at the end of the records series title; to add a footnote to the title referring to subpart (E), “historically significant and landmark cases” with language to be proposed, and associate the retention period for exhibits with the corresponding case type. **Moved by** Judge Lee Jantzen, **Seconded by** James Boardman. Motion passed unanimously.

- Case docket or register of actions – Dr. Sturgeon agreed that the transfer of these records should be discretionary (see 2. General Provisions) so in the Remarks field, the language should be revised to provide that clerks *may* transfer the case docket or register of actions to LAPR with the corresponding case file.
- Marriage affidavits – Dr. Sturgeon noted that these records must be retained permanently but suggested adding in the Remarks field that these records may also be transferred to LAPR. She receives many requests for these records. A member suggested including a trigger point for clerks to consider transferring these records, which sparked an extensive discussion on whether a timeframe for clerk retention was appropriate, and if so, how long the timeframe should be. The consensus of the committee was that a specific timeframe within which clerks must transfer these records to LAPR was not appropriate, because clerks can retain these records permanently with the court. A clerk’s decision to transfer or not transfer marriage records is a clerk policy issue, which goes beyond the scope of this committee.

Motion: To amend the retention period with the court to “These records are permanent. The Clerk may transfer these records to LAPR at any time deemed appropriate by the clerk.” **Moved by** Judge David Haws, **Seconded by** James Boardman. Motion passed unanimously.

- Public official financial disclosure statement – Ms. Hardman indicated that she researched the period of time financial disclosure statements are retained by the Secretary of State’s Office. This retention period is 10 years, so 10 years is an appropriate retention period for the courts as well.
- Special appointment applications – Ms. Fay noted that Maricopa County uses an application process to appoint special deputies, for example, to certify court records, issue marriage certificates, and sign satisfactions of judgment on behalf of the clerk. Mr. Roche noted that his county appoints special deputies by administrative order. Members agreed that the retention period for special appointment applications should be modified to “Until reference value served” for those counties that use special appointment applications.

Motion: To modify the retention period to “Until reference value served” for counties that use special appointment applications. **Moved by** Melanie Fay, **Seconded by** Chad Roche. Motion passed unanimously.

Miscellaneous Records Held by Either the Clerk of Court or Court Administration

- Ms. Hardman questioned whether court reporter notes must be retained *for 10 years from the date of sentencing* even after a transcript is prepared for criminal, non-capital cases. A member noted that the 10-year retention period originated from court reporters to avoid recreating a record when a defendant was tried, convicted, and reappeared after the court reporter notes were already destroyed. Several members were concerned about creating an administrative vulnerability for individual courts if the retention period is based on *the date of sentencing*, because courts would need to notify court reporters of the defendant’s date of sentencing and provide training and education to court reporters so they do not assume the retention period is based on the date of proceeding. After much discussion, the consensus of the committee was that, to lessen the administrative issues for courts, the retention period for court reporter notes should be increased to *20 years from the date of sentencing or other order of the court*, even after a transcript is prepared. A member questioned whether court reporter notes need to be retained for *20 years even after a transcript is prepared*. Members agreed to change “even after a transcript is prepared” to “unless a transcript is prepared.”

Motion: (1) To modify the retention period with the court for “the verbatim record” in criminal non-capital cases to “20 years from the date of sentencing or other order of the court unless a transcript is prepared”; and (2) to modify the Remarks field to reflect that “Court reporter notes must be retained for 20 years from the date of sentencing or other order of the court unless a transcript is prepared.” **Moved by** James Boardman, **Seconded by** Judge Lee Jantzen. Motion passed unanimously.

- A member questioned the name of the section heading for court reporter notes, because court reporters may be part of the court or court administration; however court reporters are never employed by the clerk of court. The consensus of the committee was to rename this section heading to “Miscellaneous Records Held by the Court, Clerk of Court, or Court Administration.”

Motion: To rename the section heading to “Miscellaneous Records Held by the Court, Clerk of Court, or Court Administration.” **Moved by** Phil Knox, **Seconded by** Judge Lee Jantzen. Motion passed unanimously.

Court Administration, Including Financial, Records

- Triennial, external review report required by the minimum accounting standards – Members agreed that the retention period with the court should be “Until a subsequent audit report is filed.”
- Applications, records, and reports for grants received – A member asked whether the retention period for these records should be increased, since federal grants must usually be retained longer than 3 years. The consensus of the committee was that the phrase “unless otherwise required by the granting agency” should be added to the retention period.
- A member suggested that the retention periods should be more consistent by retaining (c) and (d) for the same time period as subsections (a) and (b). Members agreed that periodic summary budget reports and periodic financial reports to state and local agencies should be retained for 5 years instead of 3 years to simplify the section.

Motion: To modify the retention period for (c) and (d) to “5 years after the fiscal year prepared”; to modify the retention period for (e) to “Until subsequent audit report filed”; and to add to (f) “unless otherwise required by the granting agency.” **Moved by** Phil Knox, **Seconded by** Chad Roche. Motion passed unanimously.

- A member questioned why subsections (e) and (g) were not covered in the “Miscellaneous and Financial Records Held by the Clerk of Court” section. The consensus of the committee was that these subsections should be covered in both sections.

Motion: To add subsections (e) and (g) to the section “Miscellaneous and Financial Records Held by the Clerk of Court.” **Moved by** Chad Roche, **Seconded by** Melanie Fay. Motion passed unanimously.

- Contracts, including a memorandum of understanding, joint operating agreement, intergovernmental or interagency agreement, and contract of employment – A member noted that “contracts” is used as a term of art and the examples listed are not actual contracts. The consensus of the committee was to rename the section “Contracts and other agreements” and strike the list of examples.

Motion: To rename the section “Contracts and Other Agreements” and strike the examples.
Moved by Phil Knox, **Seconded by** Judge Lee Jantzen. Motion passed unanimously.

- Administrative orders – Members agreed that “Administrative orders” should be moved from this section to the “Miscellaneous and Financial Records Held by the Clerk of Court” section, and that the phrase “Clerks may transfer administrative orders to LAPR” should be added in the Remarks field of the schedule.

Motion: To relocate “Administrative orders” to the “Miscellaneous and Financial Records Held by the Clerk of Court” section and add the phrase “Clerks may transfer administrative orders to LAPR” in the Remarks field. **Moved by** Melanie Sturgeon, **Seconded by** James Boardman. Motion passed unanimously.

Records Held by the Jury Commissioner

- Ms. Hardman noted that the proposed revisions to this section reflect feedback received from jury personnel during their last quarterly conference call.
- Jury personnel suggested that completed juror questionnaires should be retained 90 days from the date received when courts send the jury questionnaire with the summons and 1 year from the date received when the juror questionnaire and summons are sent separately.
- Jury personnel suggested adding a category for “completed juror biographical forms,” which should be retained until completion of trial.
- Ms. Hardman suggested including a new category for juror data that would allow the AOC to delete information stored on AOC servers once the reference value has been served. The committee agreed to add a category named “juror data” with a retention period of 3 years from the date received. Ms. Hardman will propose language at the next meeting for the committee’s consideration.

Records Held by the Court Human Resources Department

- Ms. Hardman will prepare language for the next meeting.

Case Files Held by Pretrial Services

- Leave as is.

Records Held by Adult Probation and Records Held by Juvenile Probation

- These items are tabled pending a final decision by the AOC on whether to remove these records from this retention schedule.

Historically Significant and Landmark Cases

- Ms. Hardman and Dr. Sturgeon presented revised language for the historically significant and landmark case section to bring consistency between the retention schedules in limited

and general jurisdiction courts. Dr. Sturgeon explained that a new requirement was added in (E)(2)(a)(8) so that cases that are the subject of a published opinion of the U. S. Supreme Court will also require a statewide or national impact before being designated as a landmark case. Currently, LAPR receives an overwhelming number of U. S. Supreme Court cases.

- Ms. Hardman questioned whether a case designated as historically significant or landmark should be transferred to LAPR *immediately* after the motion is granted or whether the appeal process must first be completed. Dr. Sturgeon explained that LAPR would prefer the immediate transfer of these records so they are not accidentally misplaced or lost. The consensus of the committee was that historically significant cases should be transferred to LAPR within 90 days of the case's final disposition. In landmark cases, the designation is done retrospectively, so modified language is not needed.

Motion: To transfer records designated as historically significant to LAPR within 90 days of the case's final disposition. **Moved by** Judge Jane Eikleberry, **Seconded by** Melanie Fay. Motion passed unanimously.

- A member noted that "historically significant" should be replaced with "landmark" in the last sentence of (E)(2)(c).

Additional comments and discussion

- A member asked about the use of "N/A" throughout the retention schedule in the "Retention at LAPR" column, and whether this should be defined or made more explicit. The consensus of the committee was that a global footnote should be included in the retention schedule with an explanation that "N/A" means the court can destroy the record.

Motion: To include a global footnote in the retention schedule specifying that "N/A" means that a record can be destroyed. **Moved by** Phil Knox, **Seconded by** Judge Lee Jantzen. Motion passed unanimously.

Next Meeting Date

June 18, 2014, 10:00 a.m. to 3:00 p.m.
Arizona State Courts Building, Conference Room 119A/B

Good of the Order/Call to the Public

None present.

Adjourned at 1:33 p.m.

**Records Retention Revision Committee of the Superior Court
MINUTES**

Wednesday, June 18, 2014

10:00 a.m. to 3:00 p.m.

State Courts Building, 1501 W. Washington Street, Conf. Rm. 119A/B, Phoenix, AZ 85007

Present: Judge Pamela Gates (Chair), James Boardman, Terri Bublik, Melanie Fay, Judge Lee Jantzen (*telephonically*), Phil Knox, Dennis Preisler (*proxy for Melanie Sturgeon*), Eric Silverberg
Absent/Excused: Michael Catlett, Judge Jane Eikleberry, Judge David Haws, Chad Roche
Staff: Melinda Hardman, Julie Graber

Call to Order/Welcome and Introductions

With a quorum present, the June 18, 2014, meeting of the Records Retention Revision Committee of the Superior Court was called to order by Melinda Hardman at 10:04 a.m. Judge Pamela Gates, chair was running late so Ms. Hardman started the meeting. Ms. Hardman welcomed members and introduced Dennis Preisler, proxy for Dr. Melanie Sturgeon.

Approval of Minutes

Ms. Hardman presented the May 16, 2014, Records Retention Revision Committee of the Superior Court meeting minutes for approval.

Motion: To approve the May 16, 2014, meeting minutes, as presented. **Action:** Approve, **Moved by** James Boardman, **Seconded by** Eric Silverberg. Motion passed unanimously.

Review of Draft Modifications to Date to ACJA § 3-402: Superior Court Records Retention and Disposition Schedule

Ms. Hardman discussed the changes incorporated into the draft schedule since the last meeting, based on members' recommendations. Additionally, Ms. Hardman sought clarification and confirmation from members on a few issues. Judge Pamela Gates, chair, arrived during this portion of the meeting.

- Records Series #24: Exhibits submitted at trial or hearing in any case type – Members agreed that these records are permanent records and may be retained at LAPR.
- Records Series #37: Administrative orders – Members confirmed that clerks may transfer these records to LAPR after 10 years and that these records are permanent records.
- Records Series #49: Completed grand juror questionnaires – Jury personnel have recommended adding a category for *completed grand juror questionnaires* with a retention period of *until reference value served, or 1 year from date received, whichever occurs first.*
- Records Series #50: Juror data – Ms. Hardman reviewed the proposed new language for retention of juror data stored in the court's jury management software. Under this new proposal, juror data will be retained for 3 years from the date entered.
- Records Series #51: Completed juror biographical forms – Jury personnel have recommended adding a phrase to this retention period of *until completion of trial or completion of jury service, whichever occurs later.*

Continuing Discussion of New Updates to ACJA § 3-402

Ms. Hardman discussed the new proposed language for the human resources section of the schedule.

- Members agreed that the phrase *employee terminated* should be replaced with the phrase *employment terminated* throughout the schedule.
- Record Series #54: Alcohol and drug testing program records – A member suggested that the retention periods for subsections (a) – (d) of #54 should be consistent. Members agreed that all records identified in subsections (a) – (d) should be retained for 5 years, or until reference value served, whichever occurs first, to bring consistency to the section.

Motion: To modify the retention period for Item #54, subsections (a) – (d) to 5 years after the results are received, or until reference value served, whichever occurs first. **Action:** Approve. **Moved by** James Boardman, **Seconded by** Terry Publik. Motion passed unanimously.

- A member questioned whether there is a difference between Records Series #62, *Individual employee training records*, which are to be retained for 3 years after the training is received, and Record Series #55, *Employee personnel records*, which also includes *training records*, which are to be retained for 6 years. After some discussion, the consensus of the committee was that training records should be removed from Records Series #55 and the retention period for the remaining items in the series should be reduced from 6 to 5 years. However, Mr. Preisler will follow up to determine whether there is justification for a 6-year retention period for Records Series #55. Members agreed that the retention period for Records Series #62 should be increased from 3 to 5 years and a reference to ACJA § 1-302(E)(1)(h) and its education and training requirements should be included in the Remarks column.

Motion: To modify the retention period in Records Series #55 to 5 years and strike the word *training* from the description; to modify the retention period in Records Series #62 to 5 years, and cite ACJA § 1-302(E)(1)(h) in the Remarks column. **Action:** Approve. **Moved, Seconded.** Motion passed unanimously.

- A member asked for clarification of Item #60, *Grievance and Complaint Records*, and Item #72, *Investigations of Personnel Matters*. Members considered whether both items should be combined or whether these items should remain separate but moved closer in proximity within the schedule. Discussion involved situations where each type of record might be used and whether some situations require investigation. Members agreed that grievance and complaint records only apply in situations that do not prompt investigation and that Records Series #72 should be moved and renumbered as new Records Series #61.

Motion: To add in the Remarks column for Records Series #60 that grievance and complaint records are related to matters that do not require formal investigation; to move and renumber Records Series #72 to Records Series #61; and to leave the retention periods as proposed. **Action:** Approve. **Moved by** Phil Knox, **Seconded by** Eric Silverberg. Motion passed unanimously.

- Records Series #64(c): Worker's compensation records; case records – Members discussed the meaning of the term *case records* but agreed to leave this description as is until more information is obtained.
- Members agreed that the description *N/A* should be added under the Retention at LAPR column throughout the entire human resources section of the schedule.

Review of Remaining Possible Revisions to ACJA § 3-402

Ms. Hardman reviewed a list of records retention questions she has received from courts over the years.

1. Should *grand jury exhibits* be set forth as a separate category under *grand jury records*? – Ms. Bublik will follow up with the county attorney's office regarding the best location in the schedule for *grand jury exhibits*.
2. Should the schedule expressly provide that CMS data is to be destroyed at the same time the case file is destroyed? – CMS data should be destroyed at the same time the case file is destroyed, because having CMS data without the corresponding case file is not a good practice. The schedule should reflect this.
3. Should a category be added to accommodate the retention of an abandoned property report under A.R.S. § 44-323(A)? This issue is now already covered under the new clerk and court financial sections that provide for a 5-year retention period. However, Phil Knox will research whether *escheated funds* must be retained for 20 years.
4. Should additional review by the presiding judge (PJ) be required prior to destruction of all or any particular case records? – While there is nothing to prohibit a PJ from taking on this responsibility of review, herself, there are issues between the clerks and PJ's which are beyond the scope of this committee, so the committee will not impose this requirement.
5. What should the retention period be for e-filed case documents that are marked *deficient* by the clerk? – The committee discussed the issue of records not otherwise categorized (located in the case file or elsewhere) and decided to invite Jim Price, ITD specialist in charge of the e-filing project, to their next meeting for additional information.
6. Should a GJC be required to retain its response to a bulk data request? – This item does not need to be included in the schedule. It is a matter of individual court policy.
7. Should another column be added to the schedule to explain the reason each particular retention period was established, as recommended by the Electronic Records Advisory Committee? – Since there is insufficient space to add another column to the schedule, this concept has been achieved through footnotes.
8. Should conciliation court records be added to the schedule? – Members agreed to add a new category for conciliation court records with a retention period of *10 years or until reference value is served, whichever is later*. Members first considered retaining conciliation court records for 50 years, just as with family law records but then questioned whether this time period was too long, because these records do not have enduring value.
9. Is a 50-year retention period sufficient for case records that may involve property title questions? – This retention period is sufficient, since after retention with the court, case records are transferred to LAPR for permanent retention.
10. Does A.R.S. § 38-1101(O) require polygraph examination data and reports to be added to the schedule? – Members agreed that a new category should be added for polygraph data,

to be retained for 3 years after date of employment, but not more than 90 days after this 3 years. The statutory language is to be included in the Remarks column.

Confirmation of *Parking Lot* Issues

Ms. Hardman confirmed with members that there are two issues this committee cannot resolve on its own. The two issues are set out in the meeting material identified as *GJC RR&DS Parking Lot*. Members agreed.

Next Meeting Date

The meeting that had been scheduled for August 6 will likely be canceled, however, since Judge Gates needed to leave today's meeting early, she will have to be consulted before cancellation is official. The committee believes it has completed its work on the revised schedule. Any comments to the schedule, received by members of the court community, will be addressed at the September 17 meeting.

September 17, 2014, 10:00 a.m. to 3:00 p.m.
Arizona State Courts Building, Conference Room 119A/B

Good of the Order/Call to the Public

None present.

Adjourned at 12:01 p.m.