

SUPREME COURT OF ARIZONA

In the Matter of) Arizona Supreme Court
) No. R-17-0012
RULE 94, RULES OF THE)
SUPREME COURT) **FILED 08/31/2017**
)
)
)
_____)

**ORDER
AMENDING RULE 94, RULES OF THE ARIZONA SUPREME COURT**

A petition having been filed proposing to amend Rule 94, Rules of the Arizona Supreme Court, and no comments having been received, upon consideration,

IT IS ORDERED that Rule 94, Rules of the Arizona Supreme Court, be amended in accordance with the attachment hereto, effective January 1, 2018.

DATED this 31st day of August, 2017.

_____/S/_____
SCOTT BALES
Chief Justice

TO:
Hon Juan Pablo Guzman
Rule 28 Distribution List

ATTACHMENT*

Rule 94. Superior Court Clerks

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

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

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or order of the court are grantable of course by the clerk, but the clerk's action may be suspended or altered or rescinded by the court upon cause shown.

(c) Civil Court Docket and Indices. The clerk shall must keep a "civil docket", ~~in such form and style~~ as may be prescribed by the sSupreme eCourt, for each civil action ~~or proceeding~~ to which these Rrules are made applicable, and a "civil docket index" of all such ~~actions or proceedings~~. Actions ~~and proceedings~~ shall must be assigned consecutive file numbers. The file number of each action ~~or proceeding~~ shall must be noted on the civil docket ~~and entered in the civil docket index~~. All papers documents filed with the clerk, ~~all process issued and returns made thereon, all appearances, orders, verdicts, and judgments~~ shall must be noted chronologically in the civil docket assigned to the action ~~or proceeding~~ and shall must be marked with its file number. These brief notations shall ~~be brief~~ but shall must show the nature of each paper document filed ~~or writ issued~~ and the substance of each ~~order or judgment of the court and the returns showing execution of process. The notation of an order or judgment shall show~~ and the date the notation is made of filing. The clerk shall also keep such indices of the contents of a civil docket as ~~are required by law or rule of court~~. Notwithstanding any rule to the contrary, the clerk may keep a record of appearances, verdicts, judgments, assignments, case notes, issuance of process, and other case information in a register of actions, case management system, or other administrative resource.

* Additions to text are indicated by underscoring and deletions by ~~strikeouts~~.

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

~~(e) Calendars.~~ There shall be prepared under direction of the court calendars of all actions ready for trial, which shall distinguish “jury actions” from “non jury actions.”

(f) (e) Matters to Be Recorded and Method of Filing or Recording. The ~~C~~clerk shall must file or record wills and letters in probate matters, bonds, minutes, final orders of adoption, judgments and all other matters which the clerk is as required to record by rule or law statute or rule of court, in a fair and legible hand, by typewriter, by photostatic or photographic process, or by any other means provided by law or rule of court.

~~(g) Records.~~ The requirements of this rule may be satisfied by computer recorded or computer generated documents, or with a photographic or electronic reproduction or image of the original record, provided adequate safeguards are employed for the preservation and integrity of such documents, and the public is afforded reasonable access to such documents.

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

(1) Destruction of Original Case File Records.

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

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

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

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

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

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

* * *

COURT COMMENT
2000 AMENDMENT

~~Any electronic reproduction or imaging of original court records permitted by subsection (g) of this rule must be accomplished in conformance with the administrative requirements, adopted by the Arizona Supreme Court concurrently with the January 1999 rule amendment, setting forth technical standards for the electronic reproduction or imaging of court records, as those requirements may be amended from time to time.~~

~~The amendment to this rule permitting electronic reproduction or imaging of an original court record does not affect in any way the obligation under A.R.S. § 12-282(C) of the clerk to notify the director of the Department of Library, Archives and Public Records of records designated for destruction pursuant to court rules.~~

* * *