

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

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**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

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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.