

IN THE SUPREME COURT OF THE STATE OF ARIZONA

---

In the Matter of:

RECORDS RETENTION AND	)	Administrative Order
DISPOSITION SCHEDULE	)	No. 2001- <u>43 45</u>
FOR USE BY THE SUPREME COURT	)	
_____	)	

In accordance with Rule 29, Rules of the Supreme Court, the Supreme Court shall adopt, by administrative order, retention and disposition schedules identifying the length of time court records must be kept prior to destruction.

Now, 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 Supreme Court Pursuant to Rule 29, Rules of the Supreme Court.

IT IS FURTHERED ORDERED that this order replaces Administrative Order No. 91-39, dated December 6, 1991.

Dated this 29<sup>th</sup> day of March, 2001.

FOR THE COURT:

---

THOMAS A. ZLAKET  
Chief Justice

**ARIZONA SUPREME COURT**  
**RECORDS RETENTION AND DISPOSITION SCHEDULE**

The following schedule was prepared pursuant to Rule 29, Rules of the Supreme Court. Nothing in this schedule shall preclude the Clerk from maintaining materials longer than the time specified or from identifying additional items for microfilming. Cases deemed to be of historical value should not be destroyed (See, A.R.S. §§ 41-1347, -1349, and -1350).

Unless otherwise stated within the schedule, the following items will be microfilmed as the permanent record for each Supreme Court case: Docket; Case Initiating Documents (if in the possession of the Clerk) including any response, reply, cross-petition, etc.; any monetary order entered by the Supreme Court for fees, sanctions, or contempt; any Writ; the Decision / Order / Minute Letter / Judgment disposing of the case; and the Mandate, if any.

Unless otherwise stated within the schedule, one year after a case is terminated or a mandate is issued, the case may be prepared for transfer to Arizona State Library, Archives, and Public Records (LAPR). Portions of the record that are sealed are not transferred. After the stated retention period and completion of microfilming of the permanent record documents, all documents may be destroyed, including any sealed records retained in the Clerk's Office.

Record Series	Ret	Remarks
<p>1. Supreme Court Case Documents for:</p> <p><b>Direct Civil Appeal</b> (e.g., Election, appeals transferred from the Court of Appeals)</p> <p><b>E-Matter</b> (Extraordinary Matter)</p> <p><b>Habeas Corpus</b></p> <p><b>Petition for Review</b> - Civil and Criminal</p> <p><b>Special Action</b>, including M Cases (Miscellaneous Special Actions)</p> <p><b>Transfer Request / Motion / Petition</b></p> <p><b>Water Case</b></p> <p><b>Judicial Conduct</b></p> <p><b>Statewide Grand Jury</b></p> <p><b>State Bar / Disciplinary Commission</b></p> <p>a) Resignations in Good Standing, Rule 31.c.12</p> <p>b) Rule 40 Petitions</p> <p>c) Rule 39 Petitions</p> <p>d) Suspensions, Disciplinary Actions, Disability Transfers, Reinstatements, Petitions for Review.</p> <p>e) Appointment of Special Investigator, Rule 36.e.3 and d.3.</p>	P	<p>Destruction of the paper version of permanent record documents is permitted after completion of image and / or electronic reproduction and ten years after date of decision / determination.</p> <p>NOTE: It is anticipated that the Water cases will be deemed to be of historical significance and all materials, including the record on appeal and transcripts, will be preserved.</p> <p>Permanent Record documents are: Docket; Case Initiating Documents (if in the possession of the Clerk) including any response, reply, cross-petition, etc.; any monetary order entered by the Supreme Court for fees, sanctions, or contempt; Writs; Decision / Order / Minute Letter / Judgment disposing of the case; and Mandate, if any.</p>
<p>2. Supreme Court Case Documents for:</p> <p><b>Rule 28 Petitions</b>, Rules of the Supreme Court</p>	P	<p>Destruction of the paper version of permanent record documents is permitted after completion of image and/or electronic reproduction and 15 years after the date of decision / determination.</p> <p>NOTE: Rule 28 Petition files <u>must</u> be boxed separately from other case files.</p> <p>Permanent Record documents are: Docket; Petition; Minute Letters; Court Orders; and any final, adopted Rule.</p>

Record Series	Ret	Remarks
<p>3. Supreme Court Case Documents for:</p> <p><b>Direct Criminal Appeal</b> (Death Penalty) and <b>Petition for Review of Post Conviction Relief</b> proceedings related to these cases.</p>	P	<p>A. When conviction and sentence are affirmed: Death penalty case files shall be retained in the Clerk's Office until execution of sentence or earlier death. Record can then be prepared for LAPR. See also Items 7 and 8 below.</p> <p>B. When conviction and sentence are reversed: All records are held in the Clerk's office for a minimum of three years unless the Court is earlier informed that the defendant was re-sentenced to life or released. After three years, the record may be prepared for LAPR. See also Items 7 and 8 below.</p> <p>Permanent Record documents are: Docket; Case Initiating Documents, e.g., Notice of Appeal, Superior Court Judgment, any response, reply, cross-petition, etc.; Decision / Order / Minute Letter / Judgment disposing of the case; Mandate, if any; final Warrant of Execution; Return on the Warrant, if any; and Death Certificate from ADOC, if any.</p>
<p>4. Record on Appeal or Review from lower court / agency for:</p> <p><b>Direct Civil Appeals</b> <b>State Bar / Disciplinary Commission</b> <b>Judicial Conduct</b></p>	-	<p>Original trial court documents are returned to the court of origin at time of termination or mandate. Document copies may be destroyed or returned to the court of origin. Rule 24(a)(5), Rules of Civil Appellate Procedure.</p> <p>Original agency documents may be returned to the agency of origin at time of termination or mandate. Document copies may be destroyed or returned to the agency of origin.</p>
<p>5. Record on Appeal from lower court for:</p> <p><b>GRANTED Petition for Review:</b> Civil and Criminal (except those involving Post-Conviction Relief in death penalty cases)</p>	-	<p>Original documents are returned to the court / agency of origin at time of termination or mandate. Document copies may be destroyed or returned to the court or agency of origin. Rule 24(a)(5), Rules of Civil Appellate Procedure; Rule 31.23.a(5), Rules of Criminal Procedure.</p> <p>The following items from the Court of Appeals record are microfilmed: Case docket (including caption and service pages), proceedings entries, spreadsheet; decision disposing of the case; any application for fee waiver or deferral which contains a consent to judgment and any related judgments. If the case was a Special Action in the Court of Appeals, the Petition, Response, and Reply, if any, are also filmed.</p> <p>NOTE: Improvidently Granted PRs are processed as Denied PRs, i.e., the record received is returned.</p>
<p>6. Record on Appeal from lower court / agency for:</p> <p><b>DENIED Petition for Review: Civil and Criminal</b>, except those involving Post-Conviction Relief in death penalty cases.</p>	-	<p>Only a partial record is received and this is returned to the Court of Appeals at termination of the case.</p> <p>NOTE: Improvidently Granted cases are processed as Denied PRs.</p>

Record Series	Ret	Remarks
<p>7. Record on Appeal from lower court for:</p> <p><b>Direct Criminal Appeal and any Related Post-Conviction Relief cases</b></p>	-	<p>A. When conviction and sentence are affirmed: The record on appeal, including court reporter transcripts, shall be retained in the Clerk's Office until execution of sentence or earlier death. At that time, the record on appeal can be destroyed (if copies) or returned to the Superior Court (if originals) consistent with Rule 31.23.a(5), Rules of Criminal Procedure. See also Item 8.</p> <p>B. When conviction and sentence are reversed: The record on appeal, including court reporter transcripts, may be prepared for return to the Superior Court pursuant to Rule 31.23.a(5), Rules of Criminal Procedure. See also Item 8.</p> <p><b>EXCEPTION:</b> Original exhibits are returned to the trial court at the time of mandate for direct criminal appeals and at the time of case termination for related post-conviction relief proceedings.</p>
<p>8. Record on Appeal from lower court / agency:</p> <p><b>Grand Jury Transcripts</b></p>	-	<p>Regardless of case type, Grand Jury Transcripts are <u>not</u> imaged nor electronically reproduced.</p> <p>Grand Jury Transcripts related to a Criminal Petition for Review are processed in accordance with Item 5 above, but with special identification, etc.</p> <p>Grand Jury Transcripts related to Death Penalty cases will be retained by the Supreme Court and processed in accordance with Item 7 above; they will be destroyed following execution of sentence or returned to the trial court with special identification in other circumstances.</p> <p>REMINDER: If returned to the trial court, the transcripts must be identified as "<b>Confidential: Grand Jury Transcripts.</b>" It is a <u>crime</u> to reveal the content of Grand Jury proceedings. These transcripts must be pulled and returned to the trial court or destroyed.</p>
<p>9. <b>Original attorney rolls and Bar admissions by affidavit.</b></p>	P	Retain in the Clerk's office.
<p>10. <b>Rule 38 Certification Records</b>, related memoranda, correspondence, and documents. (Rule 38, Rules of the Supreme Court)</p> <p>A. Clinical Law Professor B. Law Students</p>	P  10	<p>A. Certification of a Clinical Law Professor: Retain certification in the Clerk's Office for three years from date of filing. After three years, the certification may be microfilmed and all paper documentation destroyed.</p> <p>B. Certification of Law Student: Retain certification or certification list in the Clerk's Office for 10 years and then destroy without microfilming.</p>
<p>11. <b>Lawyer Advertising and Solicitations</b> forwarded to the Clerk of the Arizona Supreme Court pursuant to Rule 42, ER 7.3(c), Rules of the Supreme Court.</p>	10	Retain for ten years from date of receipt; may then be destroyed without microfilming.
<p>12. <b>Service of Subpoenas</b> issued pursuant to Rule 36(e)(2), Rules of the Supreme Court.</p>	10	Retain in the Clerk's office for 10 years from date of issuance; may then be destroyed without microfilming.
<p>13. <b>State Bar Examination Files</b>, Formulas for Grading, and Multi-State documents deposited with the Clerk as required by Rule 35(b), Rules of the Supreme Court.</p>	10	Retain in the Clerk's office for 10 years from the date of exam; may then be destroyed without microfilming.

Record Series	Ret	Remarks
14. <b>Any other case documents or documents / matters</b> related to (1)the Committee on Character and Fitness, (2) the Disciplinary Commission, (3) any aspect of the admission and discipline of attorneys, or (4) the State Bar of Arizona that are required by rule or law and are deposited with the Clerk of the Supreme Court.	10	Retain in the Clerk's office for 10 years from date of receipt; may then be destroyed without microfilming.
15. <b>Copies of Certificates of Good Standing</b> , related memoranda, correspondence, and documents. Rule 74, Rules of the Supreme Court.	3	Retain in the Clerk's office for 3 years from date of issuance; may then be destroyed without microfilming.
16. <b>Original signed minutes, opinions, memorandum decisions, and orders.</b> This includes administrative orders, Pro Tem orders, judicial assignment orders, and certifications pursuant to § 12-128.01.	P	Retain in the Clerk's office permanently. (Re-evaluate every 25 years.)
17. <b>Supreme Court dockets.</b>  A. Through July 19, 1993, dockets consisted of handwritten, typed, or printed pages in bound or other formal docket books.  B. After July 19, 1993, pursuant to Administrative Order 93-39, the docket consists of a computer generated listing of all pertinent case activity that need not be kept in a special docket book.	P	A. Docket books are retained in the Clerk's office.  B. Automated dockets are printed out when the case is prepared for archiving. The printed docket is imaged / electronically reproduced as a permanent element of the case file.
18. <b>Formal</b> monthly, fiscal year, and calendar year <b>statistical reports.</b>	10	Retain in Clerk's office for ten years from date of report; may then be destroyed without microfilming.
19. <b>Oral argument calendars and Agendas.</b>	3	Retain in the Clerk's office for three years from Agenda or argument date; may then be destroyed without microfilming.
20. <b>Financial records</b> such as purchase orders; copy cost receipts; financial reconciliations; pay-in vouchers; and grant files (unless a different period is required by grantor).  <b>Administrative/business files</b> maintained by the Clerk of Court including, but not limited to, contracts, payroll, procurement, claims processing records, vendor, automation, special projects, and general management matters.	3	Retain in the Clerk's office for three years from date of initiation; may then be destroyed without microfilming.
21. <b>General and miscellaneous correspondence</b> (including miscellaneous prisoner correspondence) that is not filed into a specific docketed case; file copies of outgoing general and miscellaneous correspondence not filed into a specific, docketed case.	3	Retain in Clerk's office for three years from date of receipt/issuance; may then be destroyed without microfilming.

Record Series	Ret	Remarks
22. <b>Other documents</b> filed or deposited in the custody of the Clerk's Office or otherwise received by the Clerk's Office that are <u>not</u> related to appellate litigation nor to other categories listed in this retention schedule, and which are not required by rule or law to be preserved.	1	Retain in the Clerk's office for one year from date of receipt; may then be destroyed without microfilming.
23. <b>COJET continuing education files.</b>	-	As required by COJET

Note: When preparing for transmittal to Arizona State Library, Archives, and Public Records, case types that follow different destruction procedures should not be mixed in the same box. For example, Rule 28 cases should always be in separate boxes because they are kept for a longer period of time before destruction is allowed.