

FILED
 DEC 16 1999
 NOEL K. DESSAINT
 CLERK SUPREME COURT
 BY

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)	
)	
PREPARATION OF THE RECORD)	Administrative Order
ON APPEAL AND THE INDEX OF)	No. 99- <u>75</u>
RECORD ON APPEAL FROM)	
THE SUPERIOR COURT)	
_____)	

In July 1996, the Supreme Court ordered that a Task Force be formed to implement those recommendations of the Appellate Case Processing Study Committee that had been approved by the Court. Issues related to the Record on Appeal and the Index of Record on Appeal were addressed in recommendations 20 and 21.

The Implementation Task Force, through its Superior Court Procedures Work Group, consulted with the appellate courts and Clerks of the Superior Court and developed the recommended procedures specified in this order for the Record on Appeal and the Index of Record on Appeal. These procedures are intended to supplement and complement the information found in Rules 11(a) and 12(c), Arizona Rules of Civil Appellate Procedure and in Rule 31.8, Arizona Rules of Criminal Procedure.

Now, therefore, pursuant to Article VI, Section 3, of the Arizona Constitution,

IT IS ORDERED that the Clerks of the Superior Court comply with the procedures specified here when preparing the Record on Appeal and the Index of Record on Appeal from the Superior Court.

- 1 **PURPOSE.** The ability of the appellate courts to work with case records efficiently is enhanced when each superior court prepares such records using the same procedures. The purpose of the procedures specified in this order is to create uniformity among superior courts. The specified procedures will facilitate the record-review process to the greatest degree possible while not requiring undue efforts on the part of those preparing the record on appeal.

- 2 **RECORD ON APPEAL.** To the greatest extent possible, the procedures used when processing an appeal where the original case file is sent should be the same as those used when processing an appeal where a copy of the case file is sent. However, a limited number of exceptions are required by the procedures specified in this Order.

2.1 Contents. All appropriate documents shall be included in the record on appeal and each of those items shall be listed on the Index of Record. See Rule 31.8.a, Rules of Criminal Procedure; Rule 11(a), Rules of Civil Appellate Procedure; and the following.

2.1.1 Final Disposition Report. The Final Disposition Report form for criminal cases shall be placed with the transmittal materials and shown as an enclosure on the transmittal memo or letter. This form should not be placed within the record volumes. (See Rule 37, Arizona Rules of Criminal Procedure.)

2.1.2 Fee Waiver. Fee waiver documents shall be placed in the record with the other instruments in chronological order and listed on the Index of Record.

2.1.3 Minute Entries. Minute Entries shall be interspersed with the instruments in chronological order, as events occurred during the pendency of the case in the trial court, and not by file stamp date.

NOTE: When the original case file is sent, Minute Entries, which have been prepared on colored paper or paper with a colored edge, will be easily identifiable in the record. When a copy of the record is sent, Minute Entries (copied onto white paper) will not stand out in the record.

2.2 Record Sequence. The first-filed document shall be placed at the front/top of the file. All subsequent documents will follow in chronological order as events occurred during the pendency of the case in the trial court. The last-filed document will be at the back/bottom of the file.

2.3 Document Numbering. Each document listed on the Index of Record shall be numbered; the individual pages of each document listed will not be separately numbered for transmittal.

2.4 Physical Appearance of Record Volumes.

2.4.1 Size and Appearance. The file "volumes/sections" shall be no thicker than 1½" per ACCO fastener. Each volume/section shall:

- a. Use uniform drill holes.
- b. Use a metal crossbar with fasteners that are long enough to leave at least one inch of fastener to fold down and hold the papers in place.
- c. Have the fastener and bar open to the top of the section, i.e., **prongs facing up** rather than down.

2.4.2 Backing. Each volume/section of the Record on Appeal shall be backed with light-weight cardboard, often referred to as "chipboard."

2.4.3 Numbering and Cover Sheets. Each volume/section of a multi-volume record shall be sequentially numbered and have a descriptive cover sheet identifying the contents of that particular volume. A copy of the Index of Record pages showing the items within the particular volume may be attached for this purpose.

3 INDEX OF RECORD.

3.1 Contents. The Index of Record shall list each document that is transmitted as part of the Record on Appeal and its corresponding document number; documents that are not identified on the Index of Record shall not be transmitted.

3.2 Format. One of the formats below shall be used for the Index of Record. Clerks will be notified when FACTS enhancements are available to facilitate this process.

Index of Record

Document	Filed / Dated	Date
1. Grand Jury Minutes	Filed	Sep 29, 1995
2. Minute Entry: Grand Jury Indictment	Dated	Sep 29, 1995
3. Indictment	Filed	Sep 29, 1995
4. Minute Entry: Arraignment	Dated	Oct 10, 1995
5. Summons	Filed	Oct 13, 1995

Index of Record

Document	Date Filed
1. Grand Jury Minutes	Sep 29, 1995
2. Minute Entry: Grand Jury Indictment	Sep 29, 1995
3. Indictment	Sep 29, 1995
4. Minute Entry: Arraignment	Oct 10, 1995
5. Summons	Oct 13, 1995

Notes: A court may choose to show both a filing date and a hearing date for a Minute Entry, but is NOT required to do so.

To conserve space, courts may choose to abbreviate Minute Entry with ME.

3.3 Document Titles. The GIVEN document titles, including Motion titles, shall be used when listing documents on the Index of Record, i.e., the title provided by the attorney/litigant. Documents will carry the full name or the portion of the given name that will fit in the computer field.

3.4 Listing Minute Entries. Minute Entries shall be listed using **bold print** and shall include an indication as to the subject matter of the Minute Entry. Minute Entries will carry the name given to them by the courtroom clerk at his/her initiative or at the direction of the judge or commissioner. When Minute Entries cover a variety of

topics too long to list individually, the title can be "**Minute Entry: Multiple Events.**"

- 4 **INDEX OF EXHIBITS.** The Clerk of Superior Court shall prepare a separate Index of Exhibits to accompany the Index of Record and Record on Appeal. The courtroom clerk's Exhibit Worksheet may be used for this purpose, if it is legible and shows exhibits offered, objected to, and received into evidence. It should also indicate that the exhibit is "Sent" or "Not Sent" on appeal.
- 5 **WAIVERS.** Any Clerk who is unable to reasonably comply with the procedures specified in this order shall apply for a waiver from the Administrative Director of the Courts. Such waivers may be granted based on evaluation of the demonstrated need for such a waiver.

Dated this 16th day of December, 1999, for implementation on or before January 1, 2000.

THOMAS A. ZLAKET
Chief Justice