



Supreme Court

STATE OF ARIZONA

NOËL K. DESSAINT
CLERK OF THE COURT

402 ARIZONA STATE COURTS BUILDING
1501 WEST WASHINGTON STREET
PHOENIX, ARIZONA 85007-3231

KATHLEEN E. KEMPLEY
CHIEF DEPUTY CLERK

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September 27, 2005

RE: ARCivP 30(f) & 43(k); ARCrP 28.1(c) & ARSC 29 & 94
Arizona Supreme Court No. R-05-0007

GREETINGS:

The following action was taken by the Supreme Court of the State of Arizona on September 22, 2005, in regard to the above-referenced cause:

ORDERED: Petition to Amend Rules 30(f) and 43(k), Rules of Civil Procedure; Rule 28.1(c), Rules of Criminal Procedure; and Rules 29 and 94, Rules of the Supreme Court to Update Records Requirements for Superior Court = ADOPTED as modified, effective December 1, 2005.

FURTHER ORDERED: The current records retention schedule shall remain in effect until further ordered by the Court.

Noel K Dessaint, Clerk

TO:

David K Byers, Administrative Director, Administrative Office of the Courts

Virlynn Tinnell, President, Arizona Association of Superior Court Clerks

Carol Schreiber, Arizona Association of Superior Court Clerks

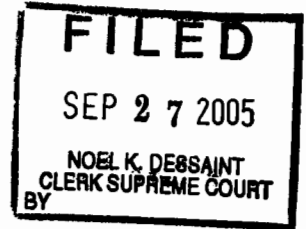
Melanie Sturgeon, Director, Arizona State Library, Archives and Public Records

Robert B Van Wyck, Chief Counsel, State Bar of Arizona

jr

IN THE SUPREME COURT OF THE STATE OF ARIZONA

Supreme Court No. R-05-0007



**ORDER AMENDING
RULES 30(f) and 43(k), ARIZONA RULES OF CIVIL PROCEDURE,
RULE 28.1(c), ARIZONA RULES OF CRIMINAL PROCEDURE, and
RULES 29 and 94, RULES OF THE SUPREME COURT**

IT IS ORDERED that Rules 30(f) and 43(k), Arizona Rules of Civil Procedure, Rule 28.1(c), Arizona Rules of Criminal Procedure, and Rules 29 and 94, Rules of the Supreme Court, be amended in accordance with the attachments hereto,* effective as of December 1, 2005.

IT IS FURTHER ORDERED that the current records retention schedule shall remain in effect until further ordered by the Court.

DATED in the City of Phoenix, Arizona at the Arizona Courts Building, this 27th day of September, 2005.

For the Court:


RUTH V. MCGREGOR
Chief Justice

* Changes or additions in text are indicated by underscoring and deletions from text are indicated by ~~strikeouts~~.

ARIZONA RULES OF CIVIL PROCEDURE

* * *

Rule 30(f). Certification and Delivery by Officer; Exhibits: Copies.

(1) [No change in text.]

(2) Unless otherwise ordered by the court or agreed by the parties, the officer shall retain stenographic notes and tapes of any deposition and a copy of the recording of any deposition taken by another method ~~for a period of ten years which shall be retained by the officer in such place and manner as to ensure their availability to the court or any party upon request.~~ The officer shall retain stenographic notes, tapes, and copies of recordings taken by another method according to records retention and disposition schedules and purge lists adopted by the Supreme Court. Upon payment of reasonable charges therefor, the officer shall furnish a copy of the transcript or other recording of the deposition to any party or to the deponent.

(3) [No change in text.]

* * *

Rule 43(k). ~~Preservation of court reporters' notes-verbatim recording of court proceedings.~~

(1) ~~The official stenographic notes-verbatim recording of any court proceeding are an official records of the court. The original of Ssuch notes-verbatim recording shall be kept by the reporter taking the notes-person who recorded it, a court-designated custodian, or the Clerk of the Superior Court in such place or places as shall be designated by the court. Unless the court specifies a different period for the retention of such notes-verbatim recording, they-it shall be retained for a period of ten (10) years according to the records retention and disposition schedules and purge lists adopted by the Supreme Court.~~

(2) ~~If a court reporters' notes which have reporter's verbatim recording has been delivered to the Clerk of the Superior Court are-or court-designated custodian and is to be transcribed, the court reporter who took the notes-made the recording shall be given the first opportunity to make the transcription, unless that court reporter has been dismissed or has otherwise terminated the position as court reporter for the Superior Court or is unavailable for any other reason.~~

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ARIZONA RULES OF CRIMINAL PROCEDURE

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Rule 28.1. Duties of the Clerk

a. Retention of Records and Evidence. [No change in text.]

b. Destruction of Certain Records. [No change in text.]

c. Original ~~Notes of Court Reporter~~ Verbatim Records. Court reporters' notes in criminal cases shall be retained for a period of 25 years from the date sentence is imposed, unless the Court imposes a sentence of death, in which case the notes shall not be destroyed according to the records retention and disposition schedules and purge lists adopted by the Supreme Court.

d. Appellate Court Records. [No change in text.]

RULES OF THE SUPREME COURT

* * *

Rule 29. Court Records

(A)-(B) [No change in text.]

(C) Superior Court Records. Superior Court records shall be maintained and may be destroyed in accordance with approved retention and disposition schedules, except that destruction of case file records shall be in accordance with ~~Rule 79, Rules of Civil Procedure~~ Rule 94, Rules of the Supreme Court, and Rule 28, Rules of Criminal Procedure. The Clerk of Superior Court shall deliver records to State Archives pursuant to records retention and disposition schedules adopted by the Supreme Court.

(D)-(E) [No change in text.]

* * *

Rule 94. Superior Court Clerks

(a)-(g) [No change in text.]

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

(1) *Destruction of Original Case File Records.* Original case file records may be destroyed when the particular action or proceeding is no longer subject to modification provided that the Clerk shall maintain for public use an exact replica of the record after purging and a device for viewing it. The Clerk shall also maintain an appropriately stored exact replica of the record in a place and manner as will reasonably assure its permanent preservation. An action or proceeding is considered no longer "subject to modification:";

(A) [No change in text]

(B) 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 (URESAs); an order of dismissal from court-ordered treatment; or a default judgment ~~has been issued~~, and no Notice of Appeal has been filed.

(C) [No change in text.]

(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)(F), may be destroyed by the Clerk ~~after five years from the approval of the annual accounting in support of which a voucher was filed~~ in accordance with A.R.S. § 12-282(F) and records retention and disposition schedules and purge lists adopted by the Supreme Court.

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