

IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the Matter of:)
)
ESTABLISHING THE ADVISORY) Administrative Order
COMMITTEE TO DEVELOP POLICIES) No. 2013 - 33
FOR RETENTION, DESTRUCTION,)
AND ACCESS TO ELECTRONIC)
COURT RECORDS)
_____)

The Arizona Judicial Branch is currently digitizing court records by implementing electronic document management systems and a statewide e-filing system, and developing an online system that will allow individuals to remotely access, view, and print court documents and data. These new systems help achieve the important goal of this Court’s strategic agenda to strengthen the administration of justice by improving the efficiency of case processing and by using technology to enhance public access to court services.

Rule 123, Rules of the Supreme Court, as well as the records retention and destruction schedules in the Arizona Code of Judicial Administration (ACJA), similar Administrative Orders, and various statutes govern the retention and management of case documents and data throughout the judicial branch of Arizona.

Historically, court records have been paper-based. Additional direction and clarification is needed to manage digital records.

In accordance with ACJA § 1-104, the Chief Justice establishes advisory committees to the Arizona Judicial Council to assist the Council in carrying out its responsibilities. Therefore, pursuant to Article VI, Section 3 of the Arizona Constitution and ACJA § 1-104,

IT IS ORDERED that the Advisory Committee to Develop Policies for Retention, Destruction, and Access to Electronic Court Records is established to examine and make recommendations on the following questions:

1. When the minimum retention period has been met under the existing retention schedules, is destruction of electronic case documents and data mandatory or permissive?
2. Given that it is easier to systematically destroy electronic records, are the current records retention time periods adequate?
3. Should policies regarding the length of time case documents and data are made available to the public online be consistent across court levels and from court to court within the same level?

4. Once the retention deadline is reached, should originals or copies of documents or data be retained for purposes of government research and analysis and, if so, should those records continue to be publicly available or released only pursuant to court order?

The Committee shall report its recommendation to the Arizona Judicial Council not later than the Council's December 2013 meeting. Additionally, since this Court is aware that court records are used by many different groups, including law enforcement, government entities, members of the public, background search firms, credit reporting services, attorneys and their staff, and researchers, the Committee shall seek widespread public input in formulating recommendations.

IT IS FURTHER ORDERED that the individuals listed in Appendix A are appointed as members of the Committee beginning upon entry of this Order and ending on December 31, 2013. The Chief Justice may appoint additional members as necessary.

IT IS FURTHER ORDERED that the Committee meetings shall be scheduled at the discretion of the Chair. Pursuant to ACJA § 1-202, all meetings shall comply with the public meeting policy of the Arizona Judicial Branch. The Administrative Office of the Courts (AOC) shall provide staff for the Committee.

Dated this 20th day of March, 2013.

REBECCA WHITE BERCH
Chief Justice

Appendix A

ADVISORY COMMITTEE TO DEVELOP POLICIES FOR RETENTION, DESTRUCTION, AND ACCESS TO ELECTRONIC COURT RECORDS

Chair

Marcus Reinkensmeyer

Division Director, Court Services Division
Arizona Supreme Court, AOC

Members

Janet E. Barton

Associate Presiding Judge
Superior Court in Maricopa County

William J. Mangold, Jr., M.D., J.D.

Public Member

David Bodney

Attorney
Steptoe & Johnson

Sandra K. Markham

Clerk of Court
Superior Court in Yavapai County

Raushanah Daniels

Attorney
Helm Livesay & Worthington

Diane McGinnis

Court Administrator
Superior Court in Santa Cruz County

Christopher Hale

Court Administrator
Tucson City Court

John N. Nelson

Judge
Superior Court in Yuma County

Eric Jeffery

Assistant Presiding Magistrate
Phoenix Municipal Court

Jeff Raynor

TSD Assistant Director
Department of Public Safety

Mark Jensen

EDM Program Manager
Maricopa County Clerk of Superior Court

Jon R. Smith

Yuma County Attorney

Janet Johnson

Clerk of the Court
Arizona Supreme Court

Melanie Sturgeon

Division Director
AZ State Library, Archives, & Public Records

Dorothy Little

Judge
Payson Justice Court

Samuel A. Thumma

Judge
Arizona Court of Appeals, Division 1