

Maricopa Lawyer
Clerk's Corner
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Preserving Arizona's Historically Significant Cases

Public, Members of Judiciary Invited to File Motion to Designate Historically Significant Cases

In 2006, the Arizona Supreme Court authorized a process to petition the presiding judge of the superior Court in each county to designate a case as historically significant. Under the Superior Court Records Retention and Disposition Schedule, once designated as historically significant, the Clerks follow specific procedures to ensure those records are maintained for historical purposes, rather than be destroyed under the regular terms of the retention schedule. Once designated as historically significant, the case records and applicable exhibits will ultimately be transferred to the Arizona State Library, Archives and Public Records which then becomes the permanent custodian.

A Motion to designate a case as historically significant can be filed by a member of the public or on the court's own motion. A case could be historically significant because of a legal issue involved; a well-known person, place or event; an issue with far-reaching social or cultural implications; or another issue that makes the case high-profile, controversial, or that captured local, state, national or international media attention. Legal findings that marked a shift in the practice of law are a good indicator of what makes a case historically significant.

The process for having a case designated as historically significant is part of the records retention schedule located in the Arizona Code of Judicial Administration, section 3-402(F). The Code requires that the Motion for Designation set forth one or more reasons for designating the case as historical and that the motion be filed with the presiding judge.

Several Maricopa County cases have been designated as Historically Significant: The Ernest Miranda case (Miranda rights); the case against Winnie Ruth Judd (the Trunk Murderess); the case against former Governor Evan Mecham (indicted on six felony charges, later acquitted of all criminal charges); Public Fiduciary v. Arizona State Hospital (Sarns Case/mental health), which began as a class action in 1981 and continues today; and James Kidd and his holographic will, which designated funding for research to capture an image of the human soul leaving the body at death.

Other cases that have been identified for designation include the case against Jonathan Doody, who was convicted in the Buddhist Temple murder case, that conviction being overturned later based on a coerced confession; the case against Timothy Ring, the lead case in the "Ring Decision" that required death sentences to be decided by juries rather than judges; and cases related to the murder of Arizona Republic reporter Don Bolles.

The potential list of notorious names, events and changes in the law that rise to the level of historical significance go on in Maricopa County.

If you have presided over or represented a client in a court event that was historically significant, or if you have simply attended, followed or even heard of a case that should be maintained for the future based on its historical significance, consider filing a motion to designate those cases. If the case was (or is being) heard in Maricopa County, the Motion would be filed here. Cases heard in other counties should have the Motion to Designate filed with the presiding judge in the applicable county. A proposed motion form for use in all applicable courts is available on the Supreme Court's website at www.supreme.state.az.us/selfserv/Historically_Significant/MotionDesignHistSignif.pdf