

THE

BRIEF

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An electronic update for the legal community providing a brief look at news in the Clerk of the Superior Court's Office



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Court Authorizes Shredding

On October 16, 2007, Chief Justice Ruth McGregor signed Administrative Order 2007-77, authorizing the Clerk's Office to destroy paper documents under the guidelines and exceptions of prior Administrative Order 2006-96 regarding the electronic court record and the destruction of paper documents. For the five-year period of 2002 through 2006, the Clerk's Office used a dual process to scan the image of paper filings while also maintaining the paper original. The new Administrative Order gives the scanned images the status of original documents, authorizing the Clerk to destroy the paper. The new Administrative Order begins the process to reduce the strain on the records centers that exceed the capacity of existing storage shelving. The Clerk intends to implement the authority to shred 2002-2006 documents in the summer of 2008. This timeline will allow parties, practitioners or others the opportunity to motion the court to designate case(s) as historically significant, thus putting the papers in authorized designated cases on a different track of records retention, maintenance, and archiving. For more information on historically significant cases, see the article below.

Historically Significant Documents

Working with the Arizona State Library, Archives and Records (ASLAPR) and the Administrative Office of the Courts, the Superior Court Clerks have developed a system to identify certain documents as historically significant. Once designated as historically significant, the paper records will be maintained by ASLAPR on those cases.

Requests to designate a case as historically significant can be motioned by anyone. A case could be historically significant because of a legal issue involved, a well-known party, an issue with far-reaching social or cultural implications, or another issue that makes the case high-profile, controversial, or newsworthy.

The Arizona Code of Judicial Administration, section 3-402(F) requires that a Motion for Designation under the case's original case number set forth the factual basis for the recommendation and that the Motion be filed with a state court presiding judge. The Clerk's Office recommends motioning for historically significant designation before the summer of 2008, when the Office intends to begin shredding documents as authorized in Supreme Court Administrative Order 2007-77. A proposed motion form is available on the Supreme Court's website at www.supreme.state.az.us/selfserv/Historically_Significant/MotionDesignHistSignif.pdf

eFiling Guidelines Change

Barbara Rodriguez-Mundell, Presiding Judge of the Superior Court in Maricopa County, issued Administrative Order 2007-140, rescinding the prior Administrative Orders related to criminal and general civil eFiling. In its place, the Court ordered the creation of a dynamic "eFiling Guidelines" web-based document that will reflect the status, timeframes, and requirements of eFiling in the Superior Court in Maricopa County. The document, located at <https://efiling.clerkofcourt.maricopa.gov/eFilingGuidelines/> contains all guidelines related to electronic filing. Since the eFiling Guidelines will be updated regularly, it is important to verify the date of last revision and any summary of changes to ensure your practice complies with the eFiling requirements.