

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
IN AND FOR THE COUNTY OF MARICOPA

IN THE MATTER OF )  
RETENTION AND DESTRUCTION )  
OF COURT REPORTER NOTES )  
\_\_\_\_\_ )

ADMINISTRATIVE ORDER  
NO. 2008-111

Whereas, the Superior Court of Arizona in Maricopa County has found a discrepancy with regard to the retention and destruction of court reporter notes between Maricopa County Local Rule 1.10(d)(4), Supreme Court Administrative Order 2006-29 (Superior Court Records Retention and Disposition) and Arizona Code of Judicial Administration § 3-402 that addresses the destruction of court reporter notes.

Specifically, the local rule reads,

*All reporters notes for civil and probate proceedings except writs of habeas corpus in storage for more than seven (7) years shall be destroyed by the clerk of this court after giving thirty (30) days written notice by certified or registered mail, directed to the reporter at the reporter's last known business address and place of residence. Prior to the date set for their destruction, the reporter may reclaim the notes if so desired. Notes of habeas corpus, juvenile and criminal proceedings shall be stored indefinitely unless otherwise stated in these local rules pertaining to juvenile and criminal matters.*

Although the storage of notes in civil, juvenile, habeas corpus and criminal proceedings is mentioned and specific storage indexing and retrieval is outlined, the destruction of same is less specific. There is no other mention as to destruction of criminal notes in the local rule.

Accordingly, Superior Court of Maricopa County has followed Local Rule 1.10 and has thousands of reporter notes in storage that create a major storage problem. We can no longer continue to operate under this local rule.

Supreme Court Administrative Order 2006-29 (Superior Court Records Retention and Disposition) and Arizona Code of Judicial Administration § 3-402 have been implemented since the Local Rule (1.10) and both address the records retention and disposition schedule for all case types, including criminal and court reporter notes (paper or electronic). These authorities outline that court reporter notes in non-capital criminal cases shall be retained for 10 years following the date the notes were taken.

Whereas, a local rule cannot conflict with a Supreme Court Administrative Order or Statewide Administrative Code, the Superior Court of Maricopa County sought immediate resolution for this conflict. Supreme Court Administrative Order 2006-29 and the Arizona Code of Judicial Administration § 3 – 402 address the records retention and disposition schedule for all case types and will be relied upon.

Whereas, the Superior Court of Maricopa County, under the authority vested in the county presiding judge through Superior Court AO 2005-32 and Rule of Superior Court Administration, Rule 92, the presiding Judge has authority which includes but is not limited to the promulgation of "such local rules as a majority of the judges of the County may approve or as the Supreme Court shall direct," sought approval of its bench to ask the Chief Justice for emergency permission to follow the Administrative Order and Code, thus ignoring the local Rule as to indefinite storage of court reporter notes.

Whereas, in addition to obtaining emergency permission from the Chief Justice to follow the Administrative Order and Code, a superior court committee is established to redraft the language and recommend changes to Local Rule 1.10, to be formally approved by the Supreme Court.

Accordingly,

IT IS ORDERED:

1. Effective immediately, the Superior Court of Maricopa County shall follow the Supreme Court Administrative Order 2006-29 (Superior Court Records Retention and Disposition) and Arizona Code of Judicial Administration § 3-402 that addresses the destruction of court reporter notes, as local rule conflicts with these authorities and the court has received approval from the Chief Justice.
2. A committee that includes Court Administration and the Clerk of Court shall be established to redraft the language and recommend changes to Local Rule 1.10 that will include in part the following language:

RECORDS RETENTION AND DISPOSITION OF COURT REPORTERS' NOTES FOR ALL SUPERIOR COURT PROCEEDINGS SHALL CONFORM WITH ARIZONA CODE OF JUDICIAL ADMINISTRATION, SECTION 3-402, AND SUPREME COURT ADMINISTRATIVE ORDER WHICH ESTABLISHES THE RECORDS RETENTION AND DISPOSITION OF SUPERIOR COURT RECORDS.

Dated this 27th day of August, 2008.

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Barbara Rodriguez Mundell  
Presiding Judge

Original: Clerk of the Superior Court

Copies: All Superior Court Judges  
All Superior Court Commissioners  
Marcus Reinkensmeyer, Judicial Branch Administrator  
Phillip Knox, General Jurisdiction Court Administrator