

COURT RECORDS

For the past several years, the Arizona Supreme Court, with input from Clerks of the Superior Court, Superior Court Administrators, the Arizona State Library, Archives and Public Records (ASLAPR), the Arizona State Bar, ASU History Department and others, has been working on a new records retention schedule for Superior Court records. This new schedule will help ensure that the courts' permanent, historical records will be here for future generations.

Superior court records are critical because complete case files are unavailable through any other official source. Court records document not only legal issues and precedent, but class, race, gender, culture, and the social and economic environment of a population. It is critical that future generations have access to the legal, social and cultural history contained in these records.

Initially, many of the Clerks of the Court had decided to dispose of all court records created after 1960 when the records became 50 to 100 years old. Melanie Sturgeon, Director of ASLAPR's History and Archives Division urged them to find another solution. She worked closely with the committee to draft plans that would enable the records to be preserved. With the support of GladysAnn Wells, she proposed that these records be transferred to ASLAPR. The committee agreed.

On December 10, 2004, the Arizona Judicial Council approved these significant changes. In fact, at the end of the presentation the members of the Council applauded the efforts of the record's committee and thanked them for preserving the historical, legal records of our state. According to the new schedules, this means that beginning in the year 2010 all county Superior Court cases and selected county court records created after 1960 will come to the History and Archives Division (the State Archives) when they have reached their designated time frames. For civil and criminal cases the transfer will occur when the records are 50 years old, for probate cases when they are 100 years old. This should guarantee the survival and preservation of permanent records that pertain to genealogy, legacy and real property issues. Additionally, these *historical records* will provide scholars, the general public, and any other interested parties with a social geography of any period.

ASLAPR has continued to work with the committee to come up with acceptable definitions of landmark and historically significant cases. The committee recommended that the Arizona Historical Records Advisory Board (AHRAB) convene periodically to determine which Arizona cases should be considered landmark and/or historically significant to ensure that there is an established process for the designation. AHRAB has agreed to do this.

Finally, the Arizona Supreme Court asked ASLAPR to help them draft legislation sponsored by Senator Johnson (SB 1272) that mandates that the Clerk of the Superior Court shall deposit and the Library shall preserve all permanent superior court case files pursuant to court rules