

EXCERPT & SUGGESTED MOTION AND FORM OF ORDER

ARIZONA CODE OF JUDICIAL ADMINISTRATION

Part 3: Superior Court

Chapter 4: Administration

Section 3-402: Superior Court Records Retention and Disposition

A. Definitions. In this section the following definitions apply:

* * *

“Historically significant case” means a case involving a unique legal issue or controversy, prominent party, or other high profile or newsworthy aspects, and that has been so designated pursuant to the process established in subsection (F) of this section.

“Landmark case” means a case that meets the requirements of Rule 111(b), Rules of the Supreme Court, has been the subject of a published appellate court opinion as that term is defined by Rule 111(a)(1), and has been so designated pursuant to the process established in subsection (F) of this section.

* * *

F. Historically Significant and Landmark Cases. Clerks shall comply with the following procedures for designating and archiving historically significant and landmark cases:

1. Designation of historically significant cases

- a. Purpose. Certain cases filed in Arizona courts may be identified as historically significant because of the unique legal issue or controversy involved, the prominence of one or more of the parties to the action, or because of other high profile or newsworthy reasons. When there is reason to believe that a case falls into this category, the following procedures shall be observed to ensure these records are maintained for historical purposes, rather than destroyed under the term found in the records retention schedule.
- b. Procedure for designating an historically significant case. A motion to designate a case as historically significant shall be filed either by a member of the public or on the court’s own motion. The motion shall identify one or more reasons for designating the case as historical.
- c. Processing and archiving. The motion requesting historical case designation shall be filed prior to the transfer of the case file to ASLAPR. The clerk shall file the original order granting or denying the motion for historical case designation in the case file. The presiding judge or justice of the peace shall decide the motion. If the motion is granted, the clerk shall transfer the

original intact case file, if any, and the microfilm, if any, to ASLAPR for permanent retention in accordance with the applicable schedule. Identification of the case as historically significant shall be prominently noted on the master index transferred along with the case file to the ASLAPR.

2. Designation of landmark cases

a. Identifying landmark cases

(1) The following factors shall be considered in deciding whether a case is a landmark case:

- (a) The frequency with which the case has been cited;
- (b) Whether the case has been designated as historically significant;
- (c) Whether the case caused a change in policies or laws;
- (d) Whether the case affected a large portion of the community and was controversial;
- (e) Whether the case is generally viewed by the community as important;
- (f) Whether the case involved a famous or notorious individual or was the subject of a well-known book or feature film; and
- (g) Any other factor considered relevant.

(2) Any case that has been the subject of a published opinion of the United States Supreme Court shall be designated as a landmark case.

b. Procedure for designating a landmark case.

(1) The Arizona Historical Records Advisory Board shall designate landmark cases eligible under section (F)(2)(a)(1) in consultation with a committee convened by the Board for this purpose. The committee shall consist of Board members, retired appellate court judges or justices, law professors, historians, or other like persons who have objective, informed views about the long-term significance and effect of eligible published appellate opinions. The committee shall meet periodically to review all published appellate opinions no less than five years and no more than nine years after they are issued to determine which cases should be designated as landmark cases.

(2) No more than ten years after the opinion was issued, and with the Board's approval, the Director of the Division of Arizona History and Archives shall provide written notice of landmark designation to the clerk of the superior court in the county of origin, the clerk of the appropriate division of the court of appeals, and the clerk of the supreme court who shall apply the process for landmark case file processing contained in retention and disposition schedules applicable to their respective courts.

- (3) Landmark designation under subsection (1)(B) herein shall be made by the clerk of the superior court in the county of origin.
- c. Processing and archiving. The landmark case designation shall be made prior to the transfer of the case file to the Arizona State Library and Archives. The clerk shall file the original notice of designation in the case file. If the case file has not yet been purged, the clerk shall transfer the original intact case file and microfilm, if any, to the Arizona State Library, Archives and Public Records for permanent retention in accordance with the applicable schedule. Identification of the case as a landmark case shall be prominently noted on the master index transferred along with the case file to the ASLAPR.

Suggested Motion

STATE OF ARIZONA

ARIZONA SUPERIOR COURT, COUNTY OF _____

In the Matter of:)	
)	
)	Case No.:
vs.)	
)	
_____)	

Motion To Designate Case As Historically Significant

To [Presiding Judge]:

I/We the undersigned request(s) the [Court] designate the above captioned case file as historically significant as permitted by Arizona Code of Judicial Administration §3-402(F)(1), and that the record be kept permanently. This request is based on the following reasons:

Dated this _____ day of _____, _____.

Signature

Address

Telephone

Certificate of Service

I certify that on [date]_____ I mailed a copy of this motion by regular mail (postage prepaid) to:

_____ [names and mailing addresses for each party to the action]

Suggested Form of Order

STATE OF ARIZONA

IN THE SUPERIOR COURT, COUNTY OF _____

In the Matter of:

)	
)	Case No.:
vs.)	
)	
)	
_____)	

Historically Significant Case Designation

This court has examined the motion submitted by [individual filing motion] to designate the above captioned case as historically significant pursuant to Arizona Code of Judicial Administration §3-402(F)(1). It is the opinion of this court that the request for historical case designation should be [granted/denied].

IT IS THEREFORE ORDERED this case [shall/shall not] be designated as historically significant and should be managed consistent with the provisions of the record retention schedule pursuant to the case type.

IT IS FURTHER ORDERED that the motion and this order be placed in the official case record.

Signed on [date] _____

[Name of Judge]

cc: (Appropriate local Records Manager for Compliance)