

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 17       JUDICIAL RECORDS RETENTION AND DISPOSITION SCHEDULES (JRRDS)**  
**PART 216          JRRDS, SUPREME COURT**

**1.17.216.1        ISSUING AGENCY:** State Commission of Public Records - State Records Center and Archives  
[1.17.216.1 NMAC - Rp, 1.17.216.1 NMAC, 1/7/2008]

**1.17.216.2        SCOPE:** supreme court  
[1.17.216.2 NMAC - Rp, 1.17.216.2 NMAC, 1/7/2008]

**1.17.216.3        STATUTORY AUTHORITY:** Section 14-3-6 NMSA 1978. The administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.  
[1.17.216.3 NMAC - Rp, 1.17.216.3 NMAC, 1/7/2008]

**1.17.216.4        DURATION:** permanent  
[1.17.216.4 NMAC - Rp, 1.17.216.4 NMAC, 1/7/2008]

**1.17.216.5        EFFECTIVE DATE:** January 7, 2008 unless a later date is cited at the end of a section.  
[1.17.216.5 NMAC - Rp, 1.17.216.5 NMAC, 1/7/2008]

**1.17.216.6        OBJECTIVE:** To establish a records retention and disposition schedule for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.  
[1.17.216.6 NMAC - Rp, 1.17.216.6 NMAC, 1/7/2008]

**1.17.216.7        DEFINITIONS:**

- A.        “Administrator”** means the state records administrator (Section 14-3-2 NMSA 1978).
- B.        “Agency”** means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).
- C.        “Archives”** means the state archives of the commission of public records.
- D.        “Closed case materials”** means the appealed cases that the supreme court has elected not to render a decision upon.
- E.        “Disposition”** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- F.        “Microphotography”** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission of public records.
- G.        “Mandate”** means final document entered by the supreme court that returns jurisdiction to a lower court.
- H.        “Non-record”** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity, and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- I.        “Opened cases”** means cases that the supreme court has or will render a decision upon.
- J.        “Public record”** means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).
- K.        “Records custodian”** means the statutory head of the agency using or maintaining the records or the custodian's designee.

**L. “Records management”** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

**M. “Records retention and disposition schedule”** means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

**N. “Retention”** means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.  
[1.17.216.7 NMAC - Rp, 1.17.216.7 NMAC, 1/7/2008]

#### **1.17.216.8 ABBREVIATIONS AND ACRONYMS:**

**A. “NMAC”** stands for the New Mexico administrative code.

**B. “NMSA”** stands for New Mexico statutes annotated.

[1.17.216.8 NMAC - N, 1/7/2008]

#### **1.17.216.9 INSTRUCTIONS:**

**A.** For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

**B.** For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

**C.** For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.7 NMAC.

**D.** For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

**E.** Retention periods shall be extended until six months after all current or pending litigation, current claims, audit exceptions or court orders involving a record have been resolved or concluded.

**F.** Descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly not every file will contain an example of each document listed in the description.

**G.** Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.

**H.** Access to confidential documents and files shall be only by authorization of the records custodian, or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies shall only be upon specific statutory authorization or court order.

**I.** Records, papers or documents may be reformatted thorough microphotography. Such reformatted records shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5 and 14-1-6 NMSA 1978).

**J.** Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.17.216.9 NMAC - Rp, 1.17.216.9 NMAC, 1/7/2008]

#### **1.17.216.10 - 1.17.216.15 [RESERVED]**

#### **1.17.216.16 SUPREME COURT CASE FILES:**

**A. Program:** supreme court

**B. Maintenance system:** numerical by case number

**C. Description:** cases heard or reviewed by the supreme court. Cases include decisions of lower courts submitted to the supreme court for review, criminal case appeals in which the trial court imposed a life sentence or death penalty or granted a petition for writ of habeas corpus, appealed cases originating from the public regulation commission, election challenges and attorney and judge disciplinary matters. File may contain docket sheet, appellate pleadings motions, habeas corpus petitions, rule extension petition to extend judiciary deadlines, judge designation orders, transcripts, orders, opinion and decision, mandate, etc.

**D. Retention:**

- (1) **Opened cases:** permanent, transfer to archives 10 years after final disposition
- (2) **Closed case materials:** two calendar years after date received
- (3) **Supreme court oral argument recordings:** 10 years after issuance of mandate or final disposition from the supreme court
- (4) **Lower court records of proceedings:**
  - (a) **Criminal cases:** 20 years after final resolution
  - (b) **Civil cases:** six months after issuance of mandate of disposition from the supreme court
- (5) **Lower court exhibits and depositions:** returned to lower court or administrative agency after mandate of disposition is issued

**E. Confidentiality:** Portions of record may be confidential per Protection of Records, Section 31-21-6 NMSA 1978 (i.e., social records, pre-sentencing reports, etc.), Confidential Communications; Information; Privileged, and Waiver, Sections 31-25-3 and 31-25-4 NMSA 1978 (i.e., safe house, abuse shelter, other shelter facility, etc.), Appeals, Section 32A-1-17 NMSA 1978 (i.e., children's files, records and transcripts, etc.), Confidentiality; Records, Section 32A-2-32 NMSA 1978 (i.e., children's social records, diagnostic evaluations, medical records, supervision histories, etc.), Confidentiality, Record, Penalty, 32A-4-33 NMSA 1978 (i.e., child neglect or abuse records).

[1.17.216.16 NMAC - Rp, 1.17.216.101, 103-106 and 108-110 NMAC, 1/7/2008]

[No case file shall be microfilmed without docket sheet. Exception: where the docket sheets are filmed as a separate film series, this requirement will be waived.]

**1.17.216.17 - 1.17.216.20 [RESERVED]**

**1.17.216.21 ROLL OF ATTORNEYS:**

- A. Program:** supreme court
- B. Maintenance system:** chronological by calendar year, then by date of bar admission
- C. Description:** records concerning attorneys admitted to the New Mexico bar association. Record may contain attorney name, address, phone number, fax number, electronic mail address, firm employment, date of bar admittance, last update, suspended date, disbarred date, status, status description, comment, former name, etc.

**D. Retention:** permanent, transfer to archives 25 calendar years after date of last update

[1.17.216.21 NMAC - Rp, 1.17.216.112 NMAC, 1/07/2008]

**1.17.216.22 ATTORNEY REGULATION FILES:**

- A. Program:** supreme court
- B. Maintenance system:** chronological by calendar year, then by date of issuance
- C. Description:** records concerning court issued certificates used to document newly admitted attorneys to the bar. File may contain status in the bar, change of name, change of address, etc.

**D. Retention:** permanent, transfer to archives 25 calendar years after last action

[1.17.216.22 NMAC - N, 1/7/2008]

**1.17.216.23 DISCIPLINARY FILES:**

- A. Program:** supreme court
- B. Maintenance system:** numerical by case number, then alphabetical by surname
- C. Description:** record concerning disciplinary actions on attorneys or judges. File may contain pleadings, certificates, sealed pleadings, orders, opinions, decisions, transcripts, etc.

**D. Retention:** permanent, transfer to archives 25 calendar years after final disposition

[1.17.216.23 NMAC - N, 1/7/2008]

**1.17.216.24 REPORT OF COMPENSATION FILES:**

- A. Program:** supreme court
- B. Maintenance system:** chronological by calendar year, then alphabetical by judges' surname
- C. Description:** report concerning date, place and nature of activity for which a judge receives extra judicial compensation. Report may contain judge's name, type of compensation received, signatures, etc.

**D. Retention:** five years after judicial retirement, resignation or removal from the bench

[1.17.216.24 NMAC - Rp, 1.17.216.113 NMAC, 1/07/2008]

**1.17.216.25 - 1.17.216.30 [RESERVED]**

**1.17.216.31 LOWER COURT LOCAL RULES FILES:**

- A. Program:** supreme court
  - B. Maintenance system:** chronological by calendar year, then by date of promulgation or amendment
  - C. Description:** record of supreme court rules promulgated for the lower courts. File may contain new, superseded, amended and rescinded rules.
  - D. Retention:** permanent
- [1.17.216.31 NMAC - Rp, 1.17.216.111 NMAC, 1/07/2008]  
[The record of copy is maintained by the supreme court clerk's office and a copy is sent to the supreme court law library.]

**1.17.216.32 SUPREME COURT STANDING COMMITTEES AND BOARD FILES:**

- A. Program:** supreme court
  - B. Maintenance system:** chronological by calendar year, then by date of recommendation or appointment
  - C. Description:** records concerning the members or recommendations of standing, special or temporary committees or boards that make recommendations to the supreme court. File may include membership lists, order of appointment, minutes of meetings, new rule recommendations, new rule suggestions, amendments to existing rules, research documentation, reports, correspondence, memoranda, etc.
  - D. Retention:**
    - (1) **Administrative records:** permanent, transfer to archives 25 years after appointment expires
    - (2) **Recommendations:** permanent, transfer to archives 25 years after close of calendar year in which recommendation, promulgation or amendment is created
- [1.17.216.32 NMAC - Rp, 1.17.216.114 NMAC, 1/07/2008]

**HISTORY OF 1.17.216 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center under:  
SRC Rule No. 93-06 Records Retention and Disposition Schedule for New Mexico Supreme Court, 4-11-94.

**History of Repealed Material:**

1.17.216 NMAC, JRRDS, New Mexico Supreme Court, filed 12/7/2001, repealed 1/7/2008.