

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 17 JUDICIAL RECORDS RETENTION AND DISPOSITION SCHEDULES (JRRDS)
PART 219 JRRDS, BOARD GOVERNING THE RECORDING OF JUDICIAL PROCEEDINGS

1.17.219.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[5-25-95; 1.17.219.1 NMAC - Rn, 1 NMAC 3.2.92.1, 7/22/2002]

1.17.219.2 SCOPE: All courts - judicial
[5-25-95; 1.17.219.2 NMAC - Rn, 1 NMAC 3.2.92.2, 7/22/2002]

1.17.219.3 AUTHORITY:

- A.** Judicial records retention committee established.
- B.** Judicial records retention committee, duties.

(1) The committee shall establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records.

(2) The committee shall establish records disposal schedules for the orderly retirement of records.

Records disposal schedules shall be filed with the NM state records center and archives, rules division, and shall not become effective until a NM supreme court order has been issued.

[5-25-95, 5-19-97; 1.17.219.3 NMAC - Rn, 1 NMAC 3.2.92.3, 7/22/2002]

1.17.219.4 DURATION: Permanent

[5-25-95, 5-19-97; 1.17.219.4 NMAC - Rn, 1 NMAC 3.2.92.4, 7/22/2002]

1.17.219.5 EFFECTIVE DATE: July 30, 1997 unless a different date is cited at the end of a section.

[5-25-95, 5-19-97; 1.17.219.5 NMAC - Rn, 1 NMAC 3.2.92.5, 7/22/2002]

1.17.219.6 OBJECTIVE:

A. To establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records (Section 14-3-6 NMSA 1978).

B. To establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act (Section 14-3-6 NMSA 1978).

[5-25-95, 5-19-97; 1.17.219.6 NMAC - Rn, 1 NMAC 3.2.92.6, 7/22/2002]

1.17.219.7 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. "**Audit**" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.

D. "**Commission**" means the state commission of public records (Section 14-3-2 NMSA 1978).

E. "**Pending litigation**" means a proceeding in a court of law whose activity is in progress but not yet completed.

F. "**Record destruction**" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

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

H. "**Records retention period**" 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.

I. "**Records retention schedule**" means a document prepared as part of a records retention program that lists the period of time for retaining records.

J. "**Public records**" 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. "Non-records" library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records (Section 14-3-2 C NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms, books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; preliminary and non-final drafts of letters; reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department or subdivision thereof is reached; shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency retention schedules; routing and other interdepartmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (also referred to as reading files or information files). See also item number 1.15.2.101 NMAC of record retention and disposition schedule for general administrative records.

[5-25-95, 5-19-97; 1.17.219.7 NMAC - Rn, 1 NMAC 3.2.92.7, 7/22/2002]

1.17.219.8 [RESERVED]

1.17.219.9 INSTRUCTIONS:

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

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

C. For records of a personnel nature, refer to the Records Retention and Disposition Schedule for the General Personnel Records, 1.15.6 NMAC.

D. For records of medical nature, refer to the Records Retention and Disposition Schedule for the General Medical Records, 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. The 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 as "-C-". Not all materials in a file may be confidential. Refer to NOTE. Where portions of file may be confidential, refer to legal counsel for agency.

H. Access to confidential documents and or confidential files shall be only by authorization of agency or Attorney General and 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. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilms, photographic film or microphotographs 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, 14-1-6 NMSA 1978).

J. Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention & disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically overwritten on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC:

Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems. [5-25-95, 5-19-97; 1.17.219.9 NMAC - Rn, 1 NMAC 3.2.92.8, 7/22/2002]

1.17.219.10 - 100 [RESERVED]

1.17.219.101 COURT REPORTER FILE:

- A. Program:** board governing the recording of judicial proceedings
 - B. Maintenance:** alphabetical
 - C. Description:** contains court reporter general application, CCR test, initial confirmation and rejection, certificate copy, annual renewal application, disciplinary documentation, correspondence, memoranda, etc.
 - D. Retention:**
 - (1) pending applicant files:** two years after initial exam
 - (2) certified reporter files:** ten years after last expiration date
- [7-30-97; 1.17.219.101 NMAC - Rn, 1 NMAC 3.2.92.218.09.901, 7/22/2002]

1.17.219.102 COURT REPORTER WAIVER FILE:

- A. Program:** board governing the recording of judicial proceedings
 - B. Maintenance:** alphabetical
 - C. Description:** contains court reporter application, approval or denial of waiver, correspondence, memoranda, etc.
 - D. Retention:** one year after date application received
- [7-30-97; 1.17.219.102 NMAC - Rn, 1 NMAC 3.2.92.218.09.902, 7/22/2002]

1.17.219.103 COURT REPORTER LIST:

- A. Program:** board governing the recording of judicial proceedings
 - B. Maintenance:** alphabetical
 - C. Description:** shows name and address, new list reporter number, exam date, fees paid, renewal date, check number, etc.
 - D. Retention:** until superseded by new list
- [7-30-97; 1.17.219.103 NMAC - Rn, 1 NMAC 3.2.92.218.09.903, 7/22/2002]

1.17.219.104 COURT REPORTER TEST LOG:

- A. Program:** board governing the recording of judicial proceedings
 - B. Maintenance:** chronological
 - C. Description:** shows exam date, examinee name, address, phone number, type of exam, file number, pass or fail, etc.
 - D. Retention:** ten years after date of exam
- [7-30-97; 1.17.219.104 NMAC - Rn, 1 NMAC 3.2.92.218.09.904, 7/22/2002]

1.17.219.105 COURT REPORTING BUSINESS LICENSE FILE:

- A. Program:** board governing the recording of judicial proceedings
 - B. Maintenance:** alphabetical
 - C. Description:** contains court reporting business license application, renewals, disciplinary, documentation, correspondence, memoranda, etc.
 - D. Retention:** ten years after expiration of last renewal
- [7-30-97; 1.17.219.105 NMAC - Rn, 1 NMAC 3.2.92.218.09.905, 7/22/2002]

1.17.219.106 COURT REPORTING BUSINESS LIST:

- A. Program:** board governing the recording of judicial proceedings
 - B. Maintenance:** alphabetical
 - C. Description:** shows business name, address, by new list phone number, owner, partners, share holders, employees, reporter numbers, etc.
 - D. Retention:** until superseded by new list
- [7-30-97; 1.17.219.106 NMAC - Rn, 1 NMAC 3.2.92.218.09.906, 7/22/2002]

1.17.219.107 COURT MONITOR FILE:

- A. Program:** board governing the recording of judicial proceedings
- B. Maintenance:** numeric and alphabetical

C. Description: contains court monitor general application, monitor test exam, initial confirmation or rejection, certificate copy, annual renewal application disciplinary documentation, correspondence, memoranda, etc.

D. Retention:

(1) **pending applicant files:** six months after date of initial exam

(2) **certified monitor files:** two years after last expiration date

[7-30-97; 1.17.219.107 NMAC - Rn, 1 NMAC 3.2.92.218.09.907, 7/22/2002]

1.17.219.108 COURT MONITOR LIST:

A. Program: board governing the recording of judicial proceedings

B. Maintenance: alphabetical

C. Description: shows district, name, new list monitor number, fees paid, renewal date, location, check number, etc.

D. Retention: until superseded by new list

[7-30-97; 1.17.219.108 NMAC - Rn, 1 NMAC 3.2.92.218.09.908, 7/22/2002]

1.17.219.109 CHECK AUTHORIZATION LOG:

A. Program: board governing the recording of judicial proceedings

B. Maintenance: chronological and numerical

C. Description: shows issued to information, check number, issue date, check amount, reason for issuing check, approval initials, etc.

D. Retention: until audit report released

[7-30-97; 1.17.219.109 NMAC - Rn, 1 NMAC 3.2.92.218.09.909, 7/22/2002]

1.17.219.110 ACCOUNTS PAYABLE SYSTEM:

A. Program: board governing the recording of judicial proceedings

B. Maintenance: none

C. Description: data base files, accounts payable data

D. Retention: three years after close of fiscal year for which created

[7-30-97; 1.17.219.110 NMAC - Rn, 1 NMAC 3.2.92.218.09.981, 7/22/2002]

[Accounts payable system program software and system documentation maintained by the administrative office of the courts.]

HISTORY OF 1.17.219 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center under:

SRC Rule No. 91-08, Records Retention and Disposition Schedule for Board Governing the Recording of Judicial Proceedings, 4-16-91.

History of Repealed Material: [RESERVED]