

Chavez, Georgette, SRCA

From: Kevin Ybarra <albdkmy@nmcourts.gov>
Sent: Thursday, May 10, 2018 10:02 AM
To: CPR, RMD, SRCA
Cc: Kevin Ybarra
Subject: Second Judicial District Court Comments to Proposed Amendments to 1.21.2NMAC
Attachments: SJDC Proposed Amendments To State Records Administrator Ltr. 051018.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Ms. Salazar,

Attached please find a letter from James A. Noel, Court Executive Officer, Second Judicial District Court regarding the Second Judicial District Court Comments to Proposed Amendments to 1.21.2NMAC.

Thank you.

Kevin Ybarra

Kevin Ybarra

Administrative Assistant

400 Lomas Boulevard, Northwest

Albuquerque, New Mexico 87102

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STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT

JAMES A. NOEL
COURT EXECUTIVE OFFICER
CLERK OF THE COURT

May 10, 2018

Melissa Salazar
State Records Administrator
New Mexico State Records and Archives
1205 Camino Carlos Rey
Santa Fe, New Mexico 87507

Via email at rmd.cpr@state.nm.us

Re: Second Judicial District Court Comments to Proposed Amendments to 1.21.2 NMAC

Dear Ms. Salazar:

The Second Judicial District Court ("SJDC") respectfully submits its comments regarding proposed amendments to 1.21.2 NMAC, Retention and Disposition of Public Records. SJDC presents these comments to the New Mexico Commission of Public Records in an effort to address the application of the proposed amendments to the largest district court in New Mexico.

SJDC is a state court of general jurisdiction that encompasses all of Bernalillo County. It handles criminal cases, domestic cases, juvenile cases, probate cases, and civil cases. Our Court is strongly committed to efficient operations of court programs. We focus on optimizing the use of government resources, improving effectiveness, enhancing the quality of court services, and increasing transparency in our operations. Our Court recognizes the importance of proper records management; we effectively maintain and manage court records to ensure the continued preservation of court records of essential evidence.

To further effective and efficient records management, SJDC supports the proposed amendment of 1.21.2 NMAC Section 9, Instructions, to remove language referencing the judicial branch and add language indicating that records transferred to the state archives will be reviewed for final disposition. The proposed modification values the State Records Administrator's important role in reviewing records sent to state archives for final disposition while also recognizing the New Mexico judiciary as an independent branch of government with autonomy to set forth its own record classifications.

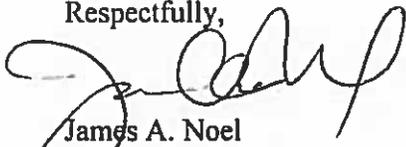
Melissa Salazar
State Records Administrator
May 10, 2018

SJDC further supports the proposed amendment of 1.21.2 NMAC to address the retention of records related to court proceedings. The proposed amendment furthers judicial economy and allows SJDC the appropriate discretion to retain records for the appropriate duration of time necessary. The proposed amendment will allow SJDC court administration to retain records related to court proceedings, including but not limited to tapes, court reporter notes and transcripts, until the associated case is no longer eligible for appeal. This amendment conforms with current New Mexico law and court appellate and procedural rules. *See* Rule 12-201 (Appeal as of right; when taken); Rule 12-211 (Transcript of Proceedings; Rule 22-206 (D)(Official court reporters and court monitors; appointment; duties; records; termination of contract); NMSA 1978, §39-3-1.1 (Appeal of final decisions by agencies to district court); NMSA 1978, §39-3-2 (Civil appeals from district court; and NMSA 1978, §39-3-3 (Appeals from district court in criminal cases).

We value the vital work of the SRCA and its staff to the state of New Mexico. Leo Lucero and Susan Montoya of the Records Management Division have been instrumental in the development of the proposed amendments and have worked with SJDC Court administration in developing sound and comprehensive record retention and disposition schedules.

Thank you for the opportunity to comment on Rule 1.21.2 NMAC.

Respectfully,



James A. Noel
Court Executive Officer

Cc: Chief Judge Nan Nash
Cindy Walker, Court Clerk Manager

Chavez, Georgette, SRCA

From: Camille Sapienz <albdcas@nmcourts.gov>
Sent: Thursday, May 10, 2018 2:03 PM
To: CPR, RMD, SRCA
Cc: James Noel; Nan Nash; Cindy Walker
Subject: Response Letter Regarding SJDC Comments on Proposed Amendments to 1.21.2 NMAC
Attachments: SJDC Letter Comments on Amendments to 1.21.2 NMAC 051018.pdf

Dear Ms. Salazar,

Attached, please find a letter from Mr. James A. Noel, Court Executive Officer/Clerk of the District Court, regarding the SJDC comments on proposed amendments to 1.21.2 NMAC.

Thank you,

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Camille M. Sapienz
Second Judicial District Court
Court Administration Paralegal
EDI Program Assistant
400 Lomas Blvd NW
Albuquerque, NM 87102
Phone: (505) 841-7614
Fax: (505) 841-7446

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STATE OF NEW MEXICO
SECOND JUDICIAL DISTRICT

JAMES A. NOEL
COURT EXECUTIVE OFFICER
CLERK OF THE COURT

May 10, 2018

Melissa Salazar
State Records Administrator
New Mexico State Records and Archives
1205 Camino Carlos Rey
Santa Fe, New Mexico 87507

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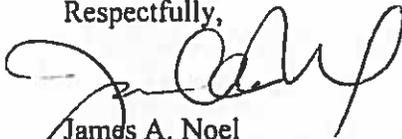
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