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IN THE SUPREME COURT OF THE STATE OF ARIZONA

In the matter of:	)	
	)	
PETITION TO AMEND CRIMINAL	)	Supreme Court No. 25-_____
RULES 28.1 AND 28.2 AND VARIOUS	)	(expedited consideration
OTHER RULE SETS RELATING TO	)	requested)
RECORDS RETENTION AND	)	
DISPOSITION	)	
_____	)	

Pursuant to Rule 28, Rules of the Supreme Court of Arizona, David K. Byers, Administrative Director, Administrative Office of the Courts, petitions this Court to amend several rules of procedure as set forth in Appendix A to this Petition. The proposed amendments are based on the [Report and Recommendations of the Advisory Committee on Evidence Retention](#) (dated March 13, 2025) (hereinafter “Report”), presented to and unanimously supported by the Arizona Judicial Council (AJC) on March 13, 2025.

For the reasons stated in this Petition, Petitioner also seeks expedited consideration such that this Petition be considered at this Court’s August 2025 Rules Agenda.

I. Background and Grounds for Petition Approval

Court records, including evidence, have historically been paper-based. While advances in technology, such as the digital evidence portal and cloud-based storage, have aided the Arizona Judicial Branch in efficiently and effectively dealing with evidence by allowing such records to be submitted and stored electronically, it is necessary to ensure that clear and concise direction is provided for applying retention and disposition schedules when managing evidence. This includes electronically stored evidence.

To that end, on January 17, 2024, Arizona Supreme Court then-Chief Justice Robert Brutinel issued Administrative Order No. [2024-27](#) establishing the Arizona Advisory Committee on Evidence Retention (hereinafter, “the Advisory Committee”). Among other tasks relating to the retention and disposition of evidence, the administrative order directed the Advisory Committee to address whether the “Arizona Rules of Court provide clear direction to court personnel responsible for practically applying the records retention and disposition schedules when managing the storage and disposition of evidence, including electronically stored evidence.” Petitioner files this petition to propose rule amendments based on the recommendations of the Advisory Committee in carrying out this charge.

II. Membership of the Advisory Committee

The membership of the Advisory Committee was representative of a variety of digital evidence portal end users, as well as those experienced in analyzing and applying the guidance found in the Arizona Rules of Court, the Records Retention and Disposition Schedules located in the Arizona Code of Judicial Administration (ACJA), existing court policy, and Administrative Order No. [2021-142\(2\)\(j\)](#). The Advisory Committee was co-chaired by Arizona Supreme Court Justice Maria Elena Cruz and Judge Samuel Thumma of the Court of Appeals, Division One. Additional membership included:

- rural and urban superior court and city court judges;
- clerks of the court from Pinal, Santa Cruz, and Yavapai County;
- a deputy director representative from the Maricopa County Clerk of the Court;
- a family law attorney in private practice;
- a deputy Maricopa County attorney (an Arizona Prosecuting Attorney's Advisory Council (APAAC) representative);
- a defense attorney in private practice (an Arizona Attorneys for Criminal Justice (AACJ) representative);
- a deputy chief public defender (an Arizona State Bar Representative);
- an assistant Arizona Attorney General; and
- a superior court administrator and municipal court administrator.

III. Proposed Rule Amendments

The Advisory Committee held nine meetings and formed three workgroups to address different topics raised by Administrative Order No. [2024-27](#). The focus of Workgroup 1 was to examine whether the Arizona Rules of Court and existing policies provide clear direction to court personnel for practical application purposes. An informal workgroup was also tasked, later in the effort, with refining the suggested changes for the Arizona Rules of Criminal Procedure, the Arizona Rules of Civil Procedure, and other rule sets.

A. Criminal Rule 28.1

a. Criminal Rule 28.1(a)

The Advisory Committee's Report includes a recommendation that Criminal Rule 28.1(a) be amended so that it specifies and correctly reflects the categories of items the clerk receives and maintains in a criminal case, to better enable alignment with the changes the Advisory Committee is recommending be made to the ACJA. The proposed rule amendment accomplishes this by identifying two categories of evidence that the clerk receives and maintains: (1) exhibits offered for admission in evidence but not received in evidence, and (2) exhibits admitted in evidence. The proposed amendment also adds illustrative aids used at trial under Rule 107 of the Arizona Rules of Evidence to the items that the clerk receives and maintains.

Since the Advisory Committee’s recommended amendments to the ACJA identify each of the three categories listed above so that clear guidance on retention and disposition can be provided for each, it is important to align the rule and ensure that it correctly reflects the categories of items the clerk receives and maintains.

b. Criminal Rule 28.1(b)

The Advisory Committee’s Report includes a recommendation that Criminal Rule 28.1(b) be amended to streamline the timelines associated with when a criminal case is subject to modification so that it can more easily be determined when the retention period ends, and the disposition obligation is triggered.

Currently, Rule 28.1(b)(1) requires the clerk to dispose of certain records when a “case is no longer subject to modification.” Rule 28.1(b)(2) currently provides a definition of “subject to modification” by setting forth several timeframes that would render a case “no longer subject to modification.”

The proposed rule amendments would simplify when a case is “no longer subject to modification” by creating two categories, instead of five, in the absence of an acquittal on all charges—one that applies when the defendant files a petition for a writ of habeas corpus and one that applies when the defendant does not file a petition for a writ of habeas corpus. Specifically, if the defendant *does* file a petition for a writ of habeas corpus, the proposed rule amendment provides that the case is “no longer subject to modification” 90 days after all federal remedies are exhausted.

This approach condenses the 25, 60, and 90 day timeframes currently in Rule 28.1(b)(2) to create one timeframe that would apply to all scenarios. If the defendant *does not* file a petition for a writ of habeas corpus, the proposed rule amendment provides that the case is “no longer subject to modification” one year after all state court remedies are exhausted.

The Advisory Committee’s Report indicates that there was not a clear understanding of what “exhausting all state remedies” means. Accordingly, the proposed rule amendments add a new subpart (3) providing that “all state court remedies are exhausted” 90 days after:

- (A) the trial court dismisses with prejudice the charges against the defendant, unless a party files a notice of appeal;
- (B) the entry of judgment and sentence, unless a party files a notice of appeal or a post-trial motion;
- (C) the trial court denies a post-trial motion, unless a party files a notice of appeal from that denial of that motion; or
- (D) the trial court receives an appellate court mandate affirming.

Similar to the proposed amendments to Rule 28.1(b)(2) discussed above, this approach condenses the differing timeframes currently in Rule 28.1(b)(2) to create one timeframe that would apply to all scenarios. Moreover, streamlining disposition timelines in this manner will facilitate the judicial branch’s goal of automating the

management of evidence retention and disposition for evidence that is electronically stored in a digital evidence portal.

B. Criminal Rule 28.2

The language currently in Criminal Rule 28.2(a) relating to the disposition of evidence by the clerk does not adequately differentiate between exhibits submitted through a digital evidence portal (“digital exhibits”) and evidence not submitted through a digital evidence portal (“physical exhibits”). Accordingly, the proposed rule amendments differentiate between digital and physical exhibits, including addressing the notice provision requirements for each. Specifically, the Advisory Committee concluded that digital exhibits did not require a notice provision to the parties before deletion from the digital evidence portal. Along with being consistent with the direction in Administrative Order No. [2021-142\(2\)\(j\)](#), this lack of notice reflects that much of what is submitted through a digital evidence portal is a copy of a file that remains in existence on another computer outside of the court system.

By contrast, for physical exhibits the Advisory Committee concluded that it would be appropriate to continue to require notice, in advance of disposition. Physical exhibits can remain with the court for years and can include originals of, for example, important legal documents. In addition, physical exhibits can include hazardous or prohibited materials that, typically, a clerk is not well suited to discard.

As such, it is important to ensure the originals are returned if the party who submitted them can be reached.

C. Rules of Civil Procedure and Other Rule Sets

The Advisory Committee's Report includes a recommendation that the Arizona Rules of Civil Procedure and other rules sets be amended to add a new rule that reflects the revised categorization of items the clerk receives and maintains, the notice requirements for disposition of digital and physical exhibits when a case is no longer subject to modification, and language that provides when a case becomes "no longer subject to modification."

The proposed language for each rule set largely tracks the language proposed for Criminal Rules 28.1 and 28.2 and is set forth in Appendix A. There are some differences, however, between the language in the Advisory Committee's Report and the language that appears in Appendix A, as some language may not be applicable to all case types, such as small claims cases where the judgment is not subject to appeal.

The text of the proposed rule amendments as set forth in Appendix A also differs from the language in the Advisory Committee's Report with respect to illustrative aids. Specifically, in rule sets where the Rules of Evidence may or may not apply, Petitioner is proposing the that the text describing what the clerk receives and maintains read as "any illustrative aid used. 'Illustrative aid' has the meaning

described in Rule 107 of the Arizona Rules of Evidence” rather than “any illustrative aid used under Rule 107 of the Arizona Rules of Evidence” to avoid confusion where the Arizona Rules of Evidence may not be applicable to a particular case.

The proposed placement of the proposed new rules as set forth in Appendix A largely adopts the recommendations set forth in the Advisory Committee’s Report, but differs for the Probate Rules, Juvenile Rules, Civil Traffic Rules, and Justice Court Rules due to Part headings that may cause confusion since the substance of the proposed new rule does not align with the Part topic, or for ease of reference if the proposed new rule could more easily be included in the General Provisions section, such as in the Juvenile Rules.

Lastly, Petitioner seeks to explain the proposed amendments to the Arizona Rules of Protective Order Procedure, as the amendments as proposed in Appendix A are drafted quite intentionally, but the rationale for the selected verbiage and placement may not be immediately clear.

Protective Order Rule 1 specifies the protective order rules that are applicable to order of protection, emergency order of protection, injunction against harassment, and injunction against workplace harassment *cases*. It then carves out certain rules that are applicable to *petitions* for lifetime no-contact injunctions filed under A.R.S. § 13-719(D). The use of the terms *cases* and *petitions* in Rule 1 is intentional and necessary because while orders of protection, emergency orders of protection,

injunctions against harassment, and injunctions against workplace harassment are always filed into a new *case*, it is possible that a petition for a lifetime no-contact injunction may be filed into the underlying criminal case. Nonetheless, Protective Order Rules 3, 4, 42, and 43 would apply to that petition.

If a lifetime no-contact injunction is filed into a new *case*, the desire is that the proposed rule for retention and disposition of evidence apply to the lifetime no-contact injunction case the same as it would apply to other protective order cases. This is the purpose of specifying in Rule 1 that Rule 44 applies to all protective order *cases*, and then modifying Rule 3(g) to provide that “protective order” as used in Rule 1 includes lifetime no-contact injunctions. Put another way, the proposed amendment applies proposed Rule 44 to lifetime no-contact injunction petitions when a new case is created for the filing (i.e., a lifetime no-contact injunction *case*), but will not apply to lifetime no-contact injunction petitions that are filed into the underlying criminal case containing the conviction on which the lifetime no-contact injunction is based.

IV. Arizona Code of Judicial Administration

Petitioner acknowledges that the rule amendments proposed by this Petition may not align with or may be in direct conflict with the current versions of ACJA §§ 3-402 and 4-302. However, should this Court be inclined to adopt any rule

amendments based on this Petition, Petitioner anticipates amending these ACJA sections to conform.

V. Pre-filing Vetting

In addition to the stakeholders represented on the Advisory Committee, the Advisory Committee undertook various outreach efforts and solicited and encouraged input from the public and a variety of stakeholders during the process, including the Limited Jurisdiction Court Administrators' Association (LJCAA), the Arizona Association of Superior Court Clerks (AASCC), the Arizona Association of Superior Court Administrators (AASCA), the Presiding Judges of the Superior Court, the AJC, the Committee on Superior Court (COSC), and the Committee on Limited Jurisdiction Courts (LJC).

The Report was presented to the AJC on March 13, 2025, with a recommendation that the Council approve the report and recommendations of the Advisory Committee, noting that the Advisory Committee recommendations regarding possible changes to rules are subject to refinement based on the rule-making process. The AJC unanimously supported the Report.

VI. Request for Expedited Consideration

The proposed amendments are important in providing clarification to courts relating to the retention and disposal of exhibits and illustrative aids. If this Petition is considered in the normal rule cycle, the amendments would not be considered until

August 2026, or 13 months from now. Supreme Court Rule 28(g)(2) provides that any amendments adopted at the August 2026 Rules Agenda would not become effective until January 1, 2027, or approximately 1 ½ years from now, unless the Court orders otherwise.

Therefore, as permitted by Supreme Court Rule 28(h), Petitioner respectfully requests that this Court open this Petition for comment, expedite its consideration of this Petition for inclusion on the August 2025 Rules Agenda, and adopt the proposed amendments as set forth in Appendix A.

Respectfully submitted this 16th day of July, 2025.

By /s/ David K. Byers
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APPENDIX A

(deletions shown with ~~strikethrough~~, new language is underlined)

Rules of Criminal Procedure

Rule 28.1. Duties of Clerk

(a) Retention of Records and Evidence. The clerk receives and maintains illustrative aids used under Rule 107 of the Arizona Rules of Evidence and all court filings and evidence admitted in criminal cases, including:

- (1) exhibits offered for admission in evidence but not received in evidence;
and
- (2) exhibits admitted in evidence.

(b) ~~Destruction~~ Disposition of Certain Records.

(1) *Generally.* When a case is no longer subject to modification, the clerk must ~~destroy~~ dispose of certain records under retention and ~~destruction~~ disposition schedules established by the Supreme Court.

(2) *Definition of "Subject to Modification."* A criminal case is no longer "subject to modification:" when a defendant is acquitted on all charges. Absent an acquittal on all charges, a criminal case is no longer "subject to modification:"

(A) ~~after the defendant is acquitted or the court dismisses with prejudice the charges against the defendant;~~

(B) ~~60 days after the entry of judgment and sentence, unless a party files a notice of appeal or a post trial motion;~~

(C) ~~90 days after either a court denies a post trial motion or receives an appellate court mandate affirming the defendant's conviction, unless a petition for writ of certiorari is filed with the United States Supreme Court;~~

(D) ~~25 days after the United States Supreme Court denies certiorari or issues a mandate affirming a conviction, unless a petition for rehearing is filed;~~

(E) ~~after the United States Supreme Court denies a petition for rehearing; or~~

(F) one year after exhausting all state court remedies, if the defendant did not file a petition for habeas corpus, or

(B) 90 days after exhausting all federal remedies, if the defendant filed a petition for a writ of habeas corpus.

(3) Definition of "All State Court Remedies Are Exhausted." All state court remedies are exhausted 90 days after:

- (A) the trial court dismisses with prejudice the charges against the defendant, unless a party files a notice of appeal;
- (B) the entry of judgment and sentence, unless a party files a notice of appeal or a post-trial motion;
- (C) the trial court denies a post-trial motion, unless a party files a notice of appeal from that denial of that motion; or
- (D) the trial court receives an appellate court mandate affirming.

(c) [No change]

Rule 28.2. Disposition of Evidence and Illustrative Aids

(a) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification under Rule 28.1, the clerk must ~~return~~ dispose of evidence ~~to the party who submitted it~~ and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(b) through (d) [No change]

Rules of Civil Procedure

Rule 80.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid

for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Rules of Family Law Procedure

Rule 90.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;

- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Arizona Rules of Protective Order Procedure

Rule 1. Scope and Applicability. Rules 2 through 42 govern procedures in Arizona courts for any case brought under Arizona Revised Statutes (“A.R.S.”) § 13-3602, Order of Protection; A.R.S. § 13-3624, Emergency Order of Protection; A.R.S. § 12-1809, Injunction Against Harassment; or A.R.S. § 12-1810, Injunction Against Workplace Harassment. Rules 3, 4, 42, and 43 govern procedures for any petition filed under A.R.S. § 13-719(D) for an Order for Lifetime No-Contact Injunction. Rule 44 applies to all protective order cases.

COMMENT

[No change]

Rule 3. Definitions

(a) through (f) [No change]

(g) “Protective order,” as used in Rules 1 and 4 through 42, means an Order of Protection, an Emergency Order of Protection, an Injunction Against Harassment, or an Injunction Against Workplace Harassment, except that “protective order” as used in Rules 1 and 4 also includes an Order for Lifetime No-Contact Injunction issued under A.R.S. § 13-719(D).

PART XII. MISCELLANEOUS

Rule 44. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Arizona Rules of Probate Procedure

Rule 12.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not

claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Rules of Procedure for the Juvenile Court

Rule 110.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;

- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Arizona Tax Court Rules of Practice

Rule 18. Application of Small Tax Claims Rules

Rules 1 through 17 and 27 apply to all Tax Court cases, including Small Tax Claims. Rules 19 through 26 apply only to Small Tax Claims cases.

Rule 27. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Rules of Procedure for Judicial Review of Administrative Decisions

Rule 11.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Rules of Procedure for Civil Traffic, Boating, Marijuana, and Parking and Standing Violations

Rule 24.2. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

(1) the trial court dismisses all claims, unless a party files a notice of appeal;

(2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;

(3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or

(4) the trial court receives an appellate court mandate affirming.

Justice Court Rules of Civil Procedure

Rule 103.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

(1) all exhibits offered for admission in evidence but not received in evidence;

(2) all exhibits admitted in evidence; and

(3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

(1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.

(2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it.

If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Rules of Small Claims Procedure

Rule 18.1. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used. “Illustrative aid” has the meaning described in Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims;
- (2) the entry of a judgment, unless a party files a post-trial motion;

- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.

Arizona Rules of Procedure for Eviction Actions

Rule 21. Retention and Disposition of Evidence and Illustrative Aids

(a) Generally. The clerk receives and maintains:

- (1) all exhibits offered for admission in evidence but not received in evidence;
- (2) all exhibits admitted in evidence; and
- (3) any illustrative aid used under Rule 107 of the Arizona Rules of Evidence.

(b) Manner of Disposition. Unless the court orders otherwise, after the case is no longer subject to modification, the clerk must dispose of evidence and illustrative aids in the case as follows:

- (1) Any exhibit submitted through a digital evidence portal (a “digital exhibit”) must be deleted by the clerk without further notice.
- (2) For any exhibit or evidence not submitted through a digital evidence portal (a “physical exhibit”) and illustrative aids, the clerk must provide at least 30 days’ notice to the party who submitted the physical exhibit or illustrative aid for that party to claim and, if claimed, return it to the party who submitted it. If the party who submitted the physical exhibit or illustrative aid does not claim it after 30 days from such notice, the clerk may dispose of the physical exhibit or illustrative aid.

(c) Definition of “Subject to Modification.” For purposes of this rule, a case is “no longer subject to modification” when no further matters remain pending and 90 days after:

- (1) the trial court dismisses all claims, unless a party files a notice of appeal;
- (2) the entry of an appealable judgment or appealable order, unless a party files a notice of appeal or a post-trial motion;
- (3) the trial court denies a post-trial motion, unless a party files a notice of appeal from the denial of that motion; or
- (4) the trial court receives an appellate court mandate affirming.