Judicial Information System Committee Meeting December 4, 2015

DECISION POINT – Amendment to the Courts of Limited Jurisdiction JIS Retention Schedule for Small Claims Cases.

MOTION:

I move to adopt the Data Dissemination Committee's amendment to the Courts of Limited Jurisdiction JIS retention schedule that changes the retention of small claims cases from five to ten years, and to forward it on to the Administrative Office of the Courts to amend its departmental policy 14.01 pursuant to JISCR 8.

I. BACKGROUND

The Data Dissemination Committee (DDC) was established by Article 7 of the JISC Bylaws and acts on the behalf of the Judicial Information System Committee (JISC) in addressing issues regarding the access to the JIS and the dissemination of information from the database. This includes proposing changes to JIS policy and to statutes or court rules regarding access to court records. Additionally, the JISC may make recommendations to the Administrative Office of the Courts (AOC) in establishing a retention schedule policy for JIS court records pursuant to JISCR 8.

During its October 25, 2013 meeting, the JISC approved a retention schedule for the Courts of Limited Jurisdiction JIS records. The Committee also established a policy allowing a judicial officer to flag individual cases for permanent retention using certain criteria in April 2014. The JISC then recommended the schedule and case flagging guidelines to the AOC as a retention policy pursuant to JISCR 8. The AOC accepted the JISC's recommendations and made the policy effective on September 21, 2015 in anticipation of the upcoming implementation of IT Governance (ITG) 41 Iteration 2.[1]

Prior to implementation of Iteration 2, the DDC reviewed the retention period for small claims cases during its August 28 and October 23, 2015 meetings. The DDC proposes an amendment to the schedule that extends small claims case retention from five years to ten years. This change would correlate with the life of a judgment and also be consistent with the Office of the Secretary of State's District and Municipal Court Records Retention Schedule. The DDC presents this amendment to the JISC for approval and recommends forwarding the change on to the AOC to implement in its retention policy.

[1] ITG 41 Iteration 1 implemented most of the destruction rules decided by the JISC in 2008; Iteration 2 implements any remaining 2008 rules, as well as the Committee's 2013 and 2014 decisions.

II. DATA DISSEMINATION COMMITTEE RECOMMENDATION

The Data Dissemination Committee recommends to the Judicial Information System Committee to approve the amendment to the Courts of Limited Jurisdiction JIS retention schedule that changes the retention of small claims cases from five to ten years, and to recommend to the AOC to also amend its retention schedule policy.

III. OUTCOME IF NOT PASSED

There would be a difference between the AOC policy and the Office of the Secretary of State's District and Municipal Court Records Retention Schedule regarding small claims cases.