

NR 97-034

ADMINISTRATIVE OFFICE OF THE  
UNITED STATES COURTS

WASHINGTON, D.C. 20544

November 6, 1995 -

TRANSMITTAL 3 VOLUME XIII CHAPTER XVII

FOR THE GUIDE TO JUDICIARY POLICIES AND PROCEDURES

TO: CHIEF JUDGES, UNITED STATES COURTS  
 CIRCUIT EXECUTIVES  
 FEDERAL PUBLIC/COMMUNITY DEFENDERS  
 DISTRICT COURT EXECUTIVES  
 CLERKS, UNITED STATES COURTS  
 CHIEF PROBATION OFFICERS  
 CHIEF PRETRIAL SERVICES OFFICERS  
 SENIOR STAFF/CHIEF PREARGUMENT ATTORNEYS  
 BANKRUPTCY ADMINISTRATORS  
 CIRCUIT LIBRARIANS  
 AUTOMATION SUPPORT MANAGERS

FROM: L. Ralph Mechem *L. Ralph Mechem*

SUBJECT: New Chapter for Volume XIII, IRM Manual

This transmittal provides a new Chapter XVII, Records Management Policies, for the Information Resources Management (IRM) Manual, Volume XIII of the Guide. This information was previously published in Volume I, the Administrative Manual; it is being moved to more accurately reflect records management's position as a component of IRM. The information in the new chapter has been completely updated, with revisions indicated by a vertical line in the left margin. Additional guidance on electronic records and micrographics management is being developed and will be issued at a later date.

FILING INSTRUCTIONS.

In Volume I, Administrative Manual:

Remove and Discard - Chapter IV, Records Management (Keep Tab)

Insert - Attached Reference Sheet, dated 11/6/95

In Volume XIII, IRM Manual:

Insert Attached - New Chapter XVII, Records Management Policies, dated 11/6/95, and new tab.

Questions regarding the attached material may be directed to the Printing and Records Management Branch at (202) 273-1480.

This transmittal sheet may be placed in the front of Volume XIII after it has been logged and the attached material filed.

## CHAPTER XVII. Records Management Policies.

CONTENTS	<u>Page</u>
Part A. Records Disposition Program and Records Disposition Schedules.	1
Part B. (Reserved for Electronic Records Management Program).	39
Part C. Mail Management Program	95
Part D. Printing Management Program.	127
Part E. Forms Management Program.	149
Part F. (Reserved for Micrographics Management Program).	169

## ELECTRONIC RECORDS

Guidance on the management of electronic records will be published in Part B. That part will provide detailed information on the creation, maintenance, and disposition of electronic records capable of being read by a computer.

## MICROGRAPHIC RECORDS

Guidance on the management of micrographic records will be published in Part F. That part will provide instructions on the creation, maintenance and disposition of records on micrographic media.

14. Records Disposition Schedules.

SCHEDULE FOR THE DISPOSITION OF THE RECORDS OF THE  
UNITED STATES COURTS OF APPEALS, CIRCUIT JUDICIAL  
COUNCILS AND CIRCUIT JUDICIAL CONFERENCES

Introduction:

This schedule covers the disposition of the records of the United States Courts of Appeals, including the Court of Appeals for the Federal Circuit, Court of Customs and Patent Appeals, Temporary Emergency Court of Appeals, circuit judicial councils, and circuit judicial conferences. This schedule has been established by the Judicial Conference of the United States and is mandatory. It applies to all existing records of these courts, councils, and conferences, except the personal files of judges. It does not supersede any provision of law requiring the retention of a document or record for a specified period. To the extent that the retention period specified in this schedule may vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, shall apply. Records of historical value are designated "Permanent" in this schedule.

The National Archives and Records Administration (NARA) will review all records previously transferred to determine which of those records have historical value and should be retained permanently. NARA will obtain the approval of the courts prior to the disposal of records previously transferred which are no longer considered to have value.

DISPOSITION SCHEDULE 1

<u>Type of Record</u>	<u>Disposition</u>
A. <u>Case Records.</u>	
1. Case index.	Permanent.
2. Docket sheets.	Permanent.
3. Briefs and appendices.	Permanent.

Type of Record

Disposition

- |  |  |
|--|--|
| 4. Case files, mandate, opinions, and dispositive orders.  | Permanent.   |
| 5. Case correspondence files containing transmittals and miscellaneous correspondence relating to attorneys, calendar, filing of papers and other administrative matters of the case, if maintained outside the case file. | Dispose 2 years after case closing.                              |
| 6. Minutes of the court, journals, or order books, if any.   | Permanent.   |
| <b>B. <u>Case-Associated Records.</u></b>  |  |
| 1. Calendars.  | Dispose of 1 year after calendar period unless otherwise needed. |
| 2. Attorney admission records.   |  |
| a. Rolls of attorneys admitted to practice.  | Disposal Not Authorized.   |
| b. Records relative to disciplinary actions.   | Disposal Not Authorized.   |
| c. Other records, including applications and certificates.   | Dispose when 5 years old.  |
| 3. Staff attorney records relating to cases.   | Dispose as directed by the court. Do not transfer to a FRC.      |

Type of Record

Disposition

C. Administrative Records.

1. Judicial Council of the  
Circuit.

a. Minutes, final reports,  
and other documents  
related to council  
action.

Permanent.

b. All other council  
records.

Dispose when  
5 years old.

2. Judicial Conference of  
the Circuit.

a. Formal actions and  
minutes, if any.

Disposal Not  
Authorized.

b. All other records.

Dispose when  
5 years old.

3. Judicial assignments  
and designations to  
and from the courts  
of appeals.  
(28 U.S.C. 295).

Disposal Not  
Authorized.

4. Personnel.

a. Leave slips.

Dispose when  
1 year old.

b. Leave charts and  
records.

Dispose 3 years  
after date of  
record.

c. Working files for court  
personnel.

Dispose 1 year  
after separation  
of employee.

5. Financial records.

Dispose 7 years  
after the date of  
final transaction.

Type of Record

Disposition

- |   |   |
|---|---|
| 6. Personal property records, including documents relating to acquisition and disposition of personal property. | Dispose 7 years after date of final trans- action.            |
| 7. Records Transmittal and Receipt (SF 135).  | Maintain at the court for 50 years. Do not transfer to a FRC. |
| 8. General correspondence files, including all other administrative records.                                    | Dispose 5 years after close of correspondence.                |
| 9. Records of Special Counsel Appointed by a Court of Appeals. (28 U.S.C. 593).                                 | Permanent.  |

Court personnel may also consult the General Records Schedule (GRS) for the appropriate disposition periods for administrative records.

**NOTE:** The Archivist of the United States retains the authority to accession as part of the National Archives of the United States any records having historical or other value upon the expiration of the retention period specified in this schedule. See Chapter 21 of Title 44, United States Code.

SCHEDULE FOR THE DISPOSITION OF THE RECORDS OF  
UNITED STATES DISTRICT COURTS, TERRITORIAL DISTRICT COURTS,  
COURT OF CLAIMS, COURT OF INTERNATIONAL TRADE,  
UNITED STATES CLAIMS COURT, AND THE SPECIAL COURT,  
REGIONAL RAIL REORGANIZATION ACT OF 1973

Introduction:

This schedule covers the disposition of the records of the United States district courts, territorial district courts, Court of Claims, Court of International Trade, United States Claims Court, and the Special Court, Regional Rail Reorganization Act of 1973. This schedule has been established by the Judicial Conference of the United States and is mandatory. It applies to all existing records of these courts, except the records of Federal public defenders and the personal files of United States judges and United States magistrate judges. It does not supersede any provision of law requiring the retention of a document or record for a specific period. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, shall apply. Records of historical value are designated "Permanent" in this schedule.

DISPOSITION SCHEDULE 2

Type of Record

Disposition

A. Case Records.

All records resulting from the docketing and processing of a case in a court that pertain to that particular case.

1. Expunged records.

Destroy upon entry of court order of expunction.

2. Sealed records. Those case records which have been sealed by court order while such court order is in effect.

a. Records sealed for protection of the defendant under 18 U.S.C. 5038 or 21 U.S.C. 844(b).

Dispose as directed by the court. Do not transfer to a FRC.

Type of Record

Disposition

b. Other temporary sealed records.

Maintain and transfer to an FRC in accordance with retention period for related case file. For sealed records later determined to be permanent, FRCs will apply the instructions in item c.

c. Permanent sealed records.

Maintain at the court location in a separate file from the related case file. When the order sealing the records is vacated by the court, dispose of in accordance with the pertinent provisions of this schedule for the related case file.

3. Docket sheets.

a. Dockets of U.S. commissioners in petty offense cases.

Dispose 5 years after final action.

b. All other docket sheets.

Permanent. Machine readable tapes of dockets are to be turned over to the National Archives with complete documentation when cases are closed and the records become inactive.



Type of Record

Disposition

- |  |  |
|--|--|
| 4. Case indices.   | Permanent.<br>Machine readable<br>tapes of indices are<br>to be turned<br>over to the National<br>Archives with<br>complete documenta-<br>tion when cases are<br>closed and the<br>records become<br>inactive. |
| 5. Judgment and order books.   | Permanent.   |
| 6. Criminal case files,<br>including transcripts<br>and minutes.   |  |
| a. Case files dated<br>1969 or earlier.  | Permanent.   |
| b. All felony case<br>files dated 1970<br>or later which were<br>terminated during or<br>after trial.  | Permanent.   |
| c. Any criminal case which<br>NARA has determined in<br>consultation with court<br>officials to have<br>historical value.  | Permanent.   |
| d. Misdemeanor and petty<br>offense proceedings<br>conducted by U.S. magistrate<br>judges in cases not assigned<br>a district court docket number.<br>(Note: As used in this schedule,<br>the term misdemeanor includes<br>minor offenses prior to<br>The Federal Magistrates Act<br>of 1979.) | Dispose 5 years<br>after date of<br>closing.   |
| e. All other case files<br>not included above.   | Dispose 20 years<br>after transfer to<br>a FRC.  |

Type of Record

Disposition

7. Civil case files, including transcripts and minutes.
- a. Domestic relations, adoption, mental incompetency, and probate files of the District of Columbia as defined in P.L. 91-358. Disposal Not Authorized.
  - b. Other civil case files.
    - (1) Case files dated 1969 or earlier. Permanent.
    - (2) Case files dated 1970 or later which terminated during or after trial. Permanent.
    - (3) Any civil case file which NARA has determined in consultation with court officials to have historical value. Permanent.
    - (4) All other case files not included above. Dispose 20 years after transfer to a FRC.
8. Case files of the Court of Claims. Permanent.
9. Case files of the Court of International Trade.
- a. Test or trial cases.
    - (1) Cases dealing with antidumping counter-duty issues, trade adjustment assistance, and cases which NARA in consultation with court officials have determined to have historical value. Permanent.

Type of Record

Disposition

- |   |   |
|---|---|
| (2) All other cases.  | Dispose 20 years<br>after transfer<br>to a FRC. |
| b. Non-trial cases.   |   |
| (1) Cases decided by<br>abandonment or<br>dismissal.  | Dispose 5 years<br>after transfer<br>to a FRC.  |
| (2) Cases decided as a<br>result of stipula-<br>tion or agreement<br>between parties.   | Dispose 10 years<br>after transfer<br>to a FRC. |
| 10. Case files of the United<br>States Claims Court<br>(including cases transferred<br>from the Court of Claims.)   |   |
| a. Cases dealing with<br>Indian claims.   | Permanent.                                      |
| b. All other cases.   | Dispose when 50<br>years old.                   |
| 11. Case files of the Special<br>Court, Regional Rail<br>Reorganization Act of 1973.  |   |
| Permanent.  |   |
| 12. Territorial district court<br>case files.   |   |
| Permanent.  |   |
| 13. Miscellaneous case files.   |   |
| Ancillary and supplementary<br>proceedings not defined as civil<br>actions including but not restricted<br>to papers relating to foreign<br>depositions, denial of prisoner in<br>forma pauperis, grand jury witness<br>immunity proceedings, and actions<br>to enforce administrative subpoenas,<br><u>filed separately from civil and<br/>criminal files.</u> |   |

Type of Record

Disposition

- |  |   |
|--|---|
| a. Any miscellaneous case file which NARA has determined in consultation with court officials to have historical value.  | Permanent.  |
| b. Grand jury proceedings.<br>NOTE: The recordings or reporters' notes, or any transcript prepared therefrom, <u>remain in the custody or control of the attorney for the government unless otherwise ordered by the court in a particular case.</u><br><u>Rule 6(e)(1), F.R.Cr.P.</u> | Dispose as directed by the court.                 |
| c. Records concerning registration of documents to be used in foreign legal proceedings which have been assigned a miscellaneous case number.  | Disposal Not Authorized.                          |
| d. Attorney disbarment proceedings.  | Disposal Not Authorized.                          |
| e. All other miscellaneous case files not specifically mentioned in a. through d. above.   | Dispose 10 years years after date of last action. |
| <br>14. Bankruptcy case files.   |   |
| a. Cases filed under the Bankruptcy Acts of 1800, 1841, and 1867.  | Permanent.  |
| b. Cases filed under the Bankruptcy Acts of 1898 and 1978.   |   |

Type of Record

Disposition

- (1) Case files created under the following chapters or subchapters are included:

Permanent.

Chapter VIII, Section 75  
(Agricultural Compositions  
and Extensions),

Chapter VIII, Section 77  
(Reorganization of  
Railroads Engaged in  
Interstate Commerce),

Chapter IX (Adjustment of  
Debts of Political Sub-  
divisions and Public  
Agencies and  
Instrumentalities),

Chapter X (Corporate  
Reorganization), and Chapter XV  
(Railroad Adjustments) of the  
Bankruptcy Act of 1898,  
as amended,

Chapter 7, Subchapter III  
(Stockbroker Liquidation)  
and Subchapter IV  
(Commodity Broker Liquidation),

Chapter 9 (Adjustment of Debts  
of a Municipality),

Chapter 11, Subchapter IV  
(Railroad Reorganization) of  
the Bankruptcy Act of 1978,  
and

Case files containing orders  
issued by a court of  
bankruptcy pursuant to  
Chapter XIV of the Bankruptcy  
Act of 1898 or Section 908 of  
Title IX of the  
Merchant Marine Act.

Type of Record

Disposition

- |  |   |
|--|---|
| <p>(2) Additional bankruptcy cases will be selected by the regional archivist of NARA in consultation with judges, clerks of court, other court officials, and other interested parties.</p>   | <p>Permanent.</p>   |
| <p>c. Case files created under Chapter XII of the Bankruptcy Act of 1898.</p>  | <p>Disposal Not Authorized.</p>   |
| <p>d. Case files created under the Bankruptcy Act of 1898 containing judgments or orders affecting title to real property, case files created under Chapters 7 and 11 of the Bankruptcy Act of 1978, containing judgments or orders affecting title to or lien on real property entered prior to August 1, 1983.</p> | <p>Dispose 40 years after transfer to FRC unless the court directs a longer period for a specific file. Case files transferred to the records center prior to 1984, dispose 40 years after date closed.</p> |
| <p>e. Case files exclusive of items 14a, b, c, d.</p>  | <p>Dispose 20 years after transfer to to a FRC. Case files transferred to the records center prior to 1984, dispose 20 years after date closed.</p>   |
| <p>f. Adversary proceedings files.</p>   |   |

Type of Record

Disposition

- |  |  |
|--|--|
| (1) Proceedings terminated during or after trial.  | Permanent.   |
| (2) Proceedings files determined by NARA in consultation with court officials to have historical value not included under item f(1) above.                                       | Permanent.   |
| (3) Proceedings files containing orders or judgements affecting title to or lien on real property entered prior to August 1, 1983, not included under items f(1) or f(2), above. | Dispose 40 years after transfer to a FRC unless the court directs longer retention period for a specific file. Case files transferred to the records center prior to 1984, dispose 40 years after date closed. |
| (4) All other proceedings files.   | Dispose 20 years after transfer to a FRC. Case files transferred to the records center prior 1984, dispose 20 years after date closed.   |
| <br>15. Other bankruptcy records.  |  |
| a. Bankruptcy claims registers if maintained separately.   | Dispose 20 years after transfer to a FRC.  |

Type of Record

Disposition

- |   |   |
|---|---|
| b. Records of the operations of trustees under Chapter XIII of the Bankruptcy Act of 1898 and Chapter 13 of the Bankruptcy Act of 1978 generated by computer whether or not maintained separately from the case file. | Dispose 20 years after transfer to to a FRC.                                |
| c. Judgment and order records, if kept separately.  | Permanent.  |
| d. Orders of court directing deposit of monies in the Treasury of the United States pursuant to 28 U.S.C. 2042, together with lists of the names and addresses of persons entitled to such monies.                    | Disposal Not Authorized.  |
| 16. Violation notices.  | Dispose 90 days after posting and forfeiture of collateral or or dismissal. |
| 17. Probation and Parole Files.   |   |
| a. Supervision case files including investigation and supervision data.   | Dispose 20 years after termination of supervision.                          |
| b. Investigation files on individuals not under supervision of probation office, including files of Pretrial Services Agencies.   | Dispose 20 years after completion of investigation.                         |
| c. Pretrial diversion case files.   | Dispose 20 years after termination of supervision.                          |



Type of Record

Disposition

18. Records of hearings.

a. Original court reporters' notes of proceedings, 28 U.S.C. 753(b).

- (1) Electronic sound recordings of arraignments, pleas, and proceedings in connection with the imposition of sentence in criminal cases assigned district court docket numbers and filed with the clerk of court in lieu of transcript.

Dispose 20 years after transfer to a FRC.

- (2) All other original notes or recordings.

Dispose when 10 years old.

b. Tape logs.

File with original tape recordings of the proceedings and dispose of when tapes are disposed of.

c. Electronic sound recordings of magistrate judge proceedings in:

- (1) Misdemeanor cases (above the level of petty offenses) not assigned district court docket numbers.

Dispose when 5 years old (tapes may be erased and reused thereafter.)

- (2) Petty offense cases not assigned district court docket numbers.

Dispose when 1 year old (tapes may be erased and reused

thereafter.)

Type of Record

Disposition

(3) Civil cases.

Dispose when 10 years old.

d. Electronic sound recordings of first meetings of creditors under the Bankruptcy Act of 1898 and sec. 341 meetings under the Bankruptcy Act of 1978.

Dispose when 6 months old (tapes may be erased thereafter and reused unless otherwise recommended by the presiding officer for a specific case.)

NOTE: When several types of cases or proceedings are included on a single tape, the recording should be retained for the longest period prescribed for any case or proceeding on the tape.

B. Miscellaneous Records of Proceedings.

1. Minute sheets. Courts are encouraged to file minute sheets in the case file.

Permanent, if maintained outside the case file.

2. Juror selection records. All records and papers compiled and maintained by the jury commission or clerk for the purpose of filling and maintaining the master and qualified jury wheels 28 U.S.C. 1861 et seq.

Dispose 4 years after the master jury wheel has been emptied and refilled and all persons selected have completed jury service, unless extended by the court. 28 U.S.C. 1868. FRCs will accept these records only if specific disposal dates are cited on the SF 135.

3. Attorney admission records.

a. Rolls of Attorneys.

(1) Records dated 1911 or earlier.

Permanent.