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A. Filing and Storage of Records. All court records shall be maintained to facilitate access and retrieval while in the physical custody of the court and to facilitate transfer to NARA for ultimate disposition.

B. Permanent Records. Records classified as "Permanent" may not be destroyed under any circumstances. They are transferred to the legal custody of NARA in accordance with the records disposition schedule. Dockets, order books, and indices should be transferred to the National Archives after all related permanent case files have been transferred. Permanent records more than 30 years old must be transferred to NARA unless the clerk of court or unit head certifies in writing to NARA that they must be retained for the conduct of regular current business. This written certification must include a comprehensive description and location of the records to be retained; cite the records schedule item number which covers these records; describe the current business for which the records are required; estimate the length of time the records will be needed by the court to conduct current business (if no date is provided, approved certification requests will be effective for a maximum of five years); and explain why the current needs of the court cannot be met by the services NARA provides for records deposited with the National Archives of the United States. See 36 CFR 1228.183. (All offices should be aware that records accessioned by NARA will not be destroyed or otherwise disposed of without the written consent of the court that transferred them.) Court officials should exercise particular care in order to accurately identify permanent case files. They should also work closely with local FRC and National Archives personnel to identify and preserve any permanent case files which may have been retired to an FRC as temporary records.

C. Disposal Not Authorized. These records may be retained at the court, if space permits, or sent to the Federal Records Center (FRC) for storage. These records may not be destroyed.

D. Disposable Records. Disposable records which are eligible for destruction in three years or less should be retained at the court location and disposed of by the court. Disposable records with a longer retention schedule should be transferred periodically to a FRC for disposal.

E. Duplicate Records. Duplicate copies of official records should be destroyed by the court when no longer needed and may not be transferred to the FRCs.

F. Microform Records. Creation and disposition of microform records are governed by the provisions of 36 CFR 1230. Offices which have created permanent microfilm and can not meet the storage requirements of 36 CFR 1230 should immediately transfer the silver original of such microfilm to the National Archives. Neither the microform nor the original paper records are to be disposed of by the court as nonrecord material. Authority to destroy the paper original or the microform must be requested by submitting an SF 115, Request for Records Disposition Authority, to the Information Management and Resources Office for review and forwarding to NARA for approval. If the court intends to use the microform copy as the official record, and the hard copy has been authorized for disposal by NARA, the disposition of the official microform record copy will be governed by the appropriate item in the record schedule.

G. Arrangement and Shipment of Case Files. Each shipment of case files to the FRC must be in docket number order. Shipments approved by the FRC may be made at any time after cases are closed. Generally, closed case files should be transferred to a FRC no more than three years after being closed.

H. Court Reporters' Notes and Recordings. In accordance with 28 U.S.C. section 753, court reporters' certified original shorthand notes and other original records should be maintained by the clerk in the public records of the court for not less than 10 years.

I. Transcripts. Transcriptions of court proceedings become a part of a case file, and are to be retained for the same period as the case file.

J. Sealed Records. Sealed records should be maintained separately from other records in a secure area at the court location. The courts are urged to vacate seals promptly to coincide with their normal

cycle for transferring other records to the FRCs. When the seal is vacated, the record should be interfiled with related records. If the previously sealed documents can not be interfiled with related case files, transfer these documents separately in accordance with the pertinent provisions of the records schedule. Documents which have been alienated from their related case file in this manner should be cross referenced with their related case file.

Only temporary records which have been sealed, and sealed records relating to a permanent case file which includes the date the seal may be vacated, may be transferred to FRCs. Record boxes containing sealed records must be taped shut and marked "sealed records" and "whole box reference only." SFs 135 transmitting sealed records must also bear these annotations as well as instructions limiting access solely to court personnel. SFs 135 transmitting sealed records relating to a permanent case file must contain the date the seal may be vacated. Whenever court personnel retrieve sealed records from an FRC they must be returned to the FRC in a new, sealed box. NARA SF 135, *Accessions of Sealed Records*, should clearly indicate that the records are sealed and include the date when seals may be vacated. Sealed records that relate to permanent case files are not to be retired in the same accessions as temporary records.

Courts should consider establishing a practice for judges, when sealing records, to specify a date when a seal may be vacated, or to state that a record should be sealed permanently. Courts are encouraged to review and consider unsealing older bodies of sealed material, particularly in cases sealed by judges no longer on the bench, and set a presumptive time-frame after a record has been sealed when it may be unsealed, with the burden on the litigants to establish why the seal should be maintained. Courts are also encouraged to review their sealed records and transfer to temporary storage any that belong to temporary case files.

K. Naturalization Records. District clerks offices should maintain all records of naturalization respecting petitions filed prior to October 1, 1991. Records concerning petitions filed prior to that time should not be transferred to the Immigration and Naturalization Service. Under the Immigration Act of 1990 and the 1991 amendments, the clerk's office should also maintain evidence of each document issued pertaining to naturalization. 8 U.S.C. §1450(a)(3). Consult the *Clerks Manual for United States District Courts* for additional information on naturalization records.

L. Unscheduled Records. Court personnel should notify the AO Information Management and Resources Office if their offices accumulate any records series not covered by approved schedules (federal judiciary schedules or the GRS).

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[Back to Graphical Site](#)**CHAPTER 12: RECORDS MANAGEMENT POLICIES****14. Records Disposition Schedule 1.**

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**

<b><u>Type of Record</u></b>	<b><u>Disposition</u></b>
<b>A. <u>Case Records.</u></b>	
(1) Case index.	Permanent.
(2) Docket sheets	Permanent.
(3) Briefs and appendices.	Permanent.
(4) Case files, mandate, opinions, and dispositive orders.	Permanent.
(5) Case correspondence files 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 containing transmittals 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. Roles 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.

#### 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 council 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 (including travel vouchers). Dispose 6 years 3 months after the date of final transaction.

(6) Personal property records, including documents relating to acquisition and disposition of personal property. Dispose 7 years after the date of the final transaction.

(7) Records Transmittal and Receipt (SF 135). Maintain at the court for 50 years. Do not transfer

(8) General correspondence files, including all other administrative records.

to a FRC.

Dispose 5 years after close of correspondence.

(9) Records of Special Counsel Appointed by a Court of Appeals (28 U.S.C. 593).

Permanent.

(10) Noncommercial, Reimbursable Travel Files

See General Records Schedule 9, part 3.

Court personnel should 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.

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[Back to Graphical Site](#)**CHAPTER 12: RECORDS MANAGEMENT POLICIES****15. Records Disposition Schedule 2.**

This schedule covers the disposition of the records of the United States district courts, territorial district courts, Court of Federal 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 court or 21 U.S.C. 844(b).

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

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



(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 counterduty issues, trade adjustment assistance, and cases which NARA in consultation with court officials have determined to have historical value.

Permanent.

(2) All other cases.

Dispose 20 years after transfer to a FRC.

b. Non-trial cases.

(1) Cases decided by abandonment or dismissal.

Dispose 5 years after transfer to a FRC.

(2) Cases decided as a result of stipulation or agreement between parties.	Dispose 10 years after transfer to a FRC.
(10) Case files of the United States Claims Court (including cases transferred from the Court of Federal Claims).	
a. Cases dealing with Indian claims.	Permanent.
b. All other cases.	Dispose when 50 years old.
(11) Case files of the Special Court, Regional Rail Reorganization Act of 1973.	
(12) Territorial district court case files.	Permanent.
(13) Miscellaneous case files.	
Ancillary and supplementary proceedings not defined as civil actions including but not restricted to papers relating to foreign depositions, denial of prisoner in forma pauperis, grand jury witness immunity proceedings, and actions to enforce administrative subpoenas, <u>filed separately from civil and criminal files.</u>	
a. Any miscellaneous case file which NARA has determined in consultation with court officials to have historical value.	Permanent.
b. Grand jury proceedings. 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. 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	Dispose 10 years after date

not specifically mentioned in a.  
through d. above.

of last action.

(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.

(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  
Subdivisions 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.

(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.

Permanent.

c. Case files created under Chapter  
XII of the Bankruptcy Act of 1898.

Disposal Not Authorized.

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, for a  
specific file. Case containing  
judgments or orders files transferred  
to the affecting title to or lien on the  
real records center prior to property  
entered prior prior to 1984, dispose  
40 years after August 1, 1983. date  
closed.

Dispose 40 years after  
transfer to FRC unless the  
court directs a longer  
period.

e. Case files exclusive of items 14a,  
b, c, d.

Dispose 20 years after  
transfer to a FRC. Case  
Files transferred to the  
records center prior to  
1984, dispose 20 years  
after date closed.

f. Adversary proceedings files.

(1) Proceedings  
terminated during or  
after trial.

Permanent.

(2) Proceedings files  
determined by NARA  
in consultation with  
court officials to have

Permanent.

historical value not included under item f (1) above.

(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 retention f(1) or f(2), above.

Dispose 40 years after transfer to a FRC unless the court directs longer 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 to 1984, dispose 20 years after date closed.

(15) Other bankruptcy records.

a. Bankruptcy claims registers if maintained separately.

Dispose 20 years after transfer to a FRC.

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 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.

Disposed 90 days after posting and forfeiture of collateral 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

Dispose 20 years after completion of investigation.

office, including files of Pretrial Services Agencies.

c. Pretrial diversion case files.

Dispose 20 years after termination of supervision.

(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. b. Tape logs. File with original tape recordings of the proceedings and dispose of when tapes are disposed of.

Dispose when 10 years old.

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).

(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 jury by the jury commission or clerk for the purpose of filling and maintaining the master and qualified jury wheels 28 U.S.C. 1861 <u>et seq.</u> | 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.  |
| (2) Records postdating 1911.   | Disposal Not Authorized.  |
| b. Records relative to disciplinary actions.   |   |
| Disposal Not Authorized.   |   |
| c. Other records.  |   |
| Dispose when 5 years old.  |   |
| (4) Naturalization records. Petitions for naturalization, declarations of intention, naturalization certifications, and index to certificates, 8 U.S.C. 1450.  | Permanent.  |
| (5) Notice of federal tax liens.   | Dispose 6 years and 30 days after the date of assessment indicated on the notice.   |
| (6) Appointment of process agents by surety companies.   | Dispose 7 years after date of revocation.   |
| (7) Security copies of Certificates of Electors Voting for President and Vice President deposited with the judge of the district in which the electors assembled pursuant to 3 U.S.C. 11 and 13.                               | Dispose when 6 months old.  |

### C. Administrative Records.

All records relating to personnel, finance, and other administrative activities commonly performed by all federal agencies.

#### (1) Personnel.

- |                                       |  |
|---------------------------------------|--|
| a. Leave slips.                       | Dispose when 1 year old.                     |
| b. Leave charts and records           | Dispose 3 years after date of records.       |
| c. Working files for court personnel. | Dispose 1 year after separation of employee. |

(2) Financial records (including travel vouchers).	Dispose 6 years 3 months after date of final transaction.
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(3) Personal property records, including documents relating to acquisition and disposition of property.	Dispose 7 years after date of final transaction.
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(4) General correspondence files, including all other administrative records.	Dispose 5 years after close of file.
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(5) Records Transmittal and Receipt (SF 135).	Maintain at the court for 50 years. Do not transfer to a FRC.
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(6) Noncommercial, Reimbursable Travel Files	See General Records Schedule 9, part 3.
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Court officials should also consult the General Records Schedule (GRS) issued by NARA for the appropriate disposition periods for administrative records.

#### NOTE:

The Archivist of the United States retains the authority to access 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 or Title 44, United States Code. Selection criteria described in this schedule will be developed and revised by NARA in consultation with court officials and other historical and academic parties.