

REQUEST FOR RECORDS DISPOSITION AUTHORITY <i>(See Instructions on reverse)</i>		LEAVE BLANK	
TO GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO N1-21-86-1	DATE RECEIVED 10-11-85
1 FROM (Agency or establishment) <u>Federal Judiciary</u>		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION <u>U.S. Circuit, District, Bkcy., & other Federal Courts</u>		In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER Charles Summers	5 TELEPHONE EXT 633-6057	DATE 1-31-86	ARCHIVIST OF THE UNITED STATES <i>Frank S. Bunker</i>
6 CERTIFICATE OF AGENCY REPRESENTATIVE			

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records, that the records proposed for disposal in this Request of 22 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A GAO concurrence is attached, or is unnecessary.

B DATE 10/8/85	C SIGNATURE OF AGENCY REPRESENTATIVE <i>Albert R. Lane</i>	D TITLE Records Management Officer
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7 ITEM NO	8 DESCRIPTION OF ITEM <i>(With Inclusive Dates or Retention Periods)</i>	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN <i>(NARS USE ONLY)</i>
	<p align="center"><u>Records of the Federal Courts</u></p> <p>This request for records disposition authority covers the records of the U.S. Courts of Appeals, Court of Customs and Patent Appeals, Temporary Emergency Court of Appeals, U.S. and territorial district courts, Court of Claims, Court of International Trade, United States Claims Court, Special Court, Regional Rail Reorganization Act of 1973, circuit judicial councils, and circuit judicial conferences but excludes the personal files of Federal judges and the records of Federal public defenders. The attached schedules, as approved by the Judicial Conference of the United States, supersede all previously approved disposition schedules.</p> <p>NARS Job Nos.</p> <p>N1-21-83-1 N1-123-83-1 N1-276-83-1 N1-321-83-1</p>	See Below	(2 items)

SCHEDULE FOR THE DISPOSITION OF THE RECORDS OF THE
UNITED STATES COURTS OF APPEALS, COURT OF CUSTOMS AND
PATENT APPEALS, TEMPORARY EMERGENCY COURT 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 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.

The National Archives will obtain the approval of the courts prior to the disposal of records previously transferred which are no longer considered to have historical value.

DISPOSITION SCHEDULE

<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.

<u>Type of Record</u>	<u>Disposition</u>
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.
<u>B. Case-Associated Records</u>	
1. Calendars.	Dispose 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.

<u>Type of Record</u>	<u>Disposition</u>
3. Staff attorney records relating to cases.	Dispose as directed by the court. Do not transfer to an NAC.
 C. <u>Administrative Records.</u>	
1. Judicial Council of the Circuit.	
a. Minutes, final reports, and other documents relating 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.	Disposal Not Authorized (28 USC 295).
4. Personnel.	
a. Leave slips.	Dispose when 1 year old.
b. Leave charts and records.	Dispose 3 years after date of record.

<u>Type of Record</u>	<u>Disposition</u>
c. Working files for court personnel.	Dispose 1 year after separation of employee.
5. Financial records.	Dispose 7 years after date of final transaction.
6. Personal property records, including documents relating to acquisition and disposition of personal property.	Dispose 7 years after date of final transaction.
7. Records Transmittal and Receipt (SF 135).	Disposal Not Authorized. Maintain at the court for 50 years. Do not transfer to an NAC.
8. General correspondence files, including all other administrative records.	Dispose 5 years after close of correspondence.
9. Records of Special Prosecutors Appointed by a Court of Appeals. (28 U.S.C. §593).	Permanent.

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, SPECIAL COURT, AND THE REGIONAL RAIL REORGANIZATION ACT OF 1973, AND BANKRUPTCY COURTS.

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, Special Court, ~~and the Regional Rail Reorganization Act of 1973. and the bankruptcy courts.~~ 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 judges and United States Magistrates. 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 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.

Since magistrates are judicial officers of the district court, case files, tapes, and other records of proceedings conducted by United States magistrates are to be retained in accordance with times provided for district court records, unless otherwise specified in this schedule.

The ~~Federal Archives and Records Centers~~ **National Archives Centers** will review all records previously transferred to determine which of those records have historical value and should be retained permanently.

The National Archives will obtain the approval of the courts prior to the disposal of records previously transferred which are not considered to have historical value.

DISPOSITION SCHEDULE

<u>Type of Record</u>	<u>Disposition</u>
A. <u>Case Records.</u>	
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. Keep all sealed records at the court unless the court otherwise directs.	Disposal not authorized, unless order sealing records (1) is vacated by the court, or (2) provides for disposal in accordance with the provisions of this schedule.
a. Records sealed for the 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 an NAC.
b. Other sealed records.	Maintain separately from the related case file. When order sealing records is vacated by the court, dispose of in accordance with the pertinent provisions of this schedule for the related case file. (See Part II, para. B.9.)

<u>Type of Record</u>	<u>Disposition</u>
3. Docket sheets. a. Dockets of U.S. Commissioners in petty offense cases.	Dispose 5 years after final action. (NOTE: U.S. Commissioners were replaced by U.S. Magistrates in 1969-1970.)
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.

<u>Type of Record</u>	<u>Disposition</u>
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 NARS NARA has determined in consultation with court officials to have historical value.	Permanent.
d. Misdemeanor and petty offense proceedings conducted by U.S. magistrates 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 Magistrate Act of 1979.).	Dispose 5 years after date of closing.
e. All other case files not included above.	Dispose 20 years after transfer to an FARG NAC .

<u>Type of Record</u>	<u>Disposition</u>
7. Civil case files, including transcripts and minutes.	
a. Domestic relations, adoption, mental incompetency, and probate files of the District of Columbia which are not the responsibility of the Superior Court 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 were terminated during or after trial.	Permanent.
(3) Any civil case file which NARS 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 an FARS NAC .

<u>Type of Record</u>	<u>Disposition</u>
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, countervailing duty issues, trade adjustment assistance, and cases which NARS NARA in consultation with court officials have determined to have historical value.	Permanent.
(2) All other cases.	Dispose 20 years after transfer to an FARG. NAC.
b. Non-trial cases.	
(1) Cases decided by abandonment or dismissal.	Dispose 5 years after transfer to an FARG. NAC.
(2) Cases decided as a result of stipulation or agreement between parties.	Dispose 10 years after transfer to an FARG. NAC.
10. Case files of the United States Claims Court (including cases transferred from the Court of Claims).	Disposal not authorized.
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.	Disposal not authorized. Permanent.

<u>Type of Record</u>	<u>Disposition</u>
12. Territorial district court case files.	Permanent.
13. Miscellaneous case files such as foreign depositions, denial of prisoner in forma pauperis, and grand jury witness immunity proceedings.	Disposal not authorized.
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 historic 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.</u> <u>Rule 6(e)(1), F.R.Cr.P.</u>	Dispose as directed by the court.

<u>Type of Record</u>	<u>Disposition</u>
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 after date 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 Act of 1898 and the Bankruptcy Act of 1978.	
(1) Case files created under the following chapters or sub-chapters are included:	Permanent.
Chapter VIII, Section 75 (Agricultural Compositions and Extensions),	
Chapter VIII, Section 77 (Reorganization of Railroads Engaged in Interstate Commerce),	

Type of Record

Disposition

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; and

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

Chapter 9 (Adjustment of Debts of a Municipality), and

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

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.

<u>Type of Record</u>	<u>Disposition</u>
(2) Additional bankruptcy cases will be selected by the regional archivist of NARS NARA in consultation with judges, clerks of courts, 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, and case files for cases commenced prior to August 1, 1983, which were created under Chapters 7 and 11 of the Bankruptcy Act of 1978 containing judgments or orders affecting title to real property. and case files created under Chapter 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.	Dispose 40 years after transfer to an FAFC NAC unless court directs a longer retention period for a specific file.

<u>Type of Record</u>	<u>Disposition</u>
e. Case files exclusive of items 14a, b, c, d.	Dispose 20 years after transfer to an FARG NAC .
f. Adversary proceedings files.	
(1) Proceedings terminated during or after trial, or containing judgments or orders affecting title to real property, or by settlement.	Permanent.
(2) Proceedings files determined by NARS NARA in consultation with court officials to have historical value not included under item f(1), above.	Permanent.
(3) Proceedings files containing orders or judgments 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 an NAC unless court directs longer retention period for a specific file.
(4) All other proceedings files.	Dispose 20 years after transfer to an FARG NAC .

<u>Type of Record</u>	<u>Disposition</u>
15. Other bankruptcy Court records.	
a. Bankruptcy claims registers if maintained separately.	Dispose 20 years after transfer to an FARG NAC.
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 an FARG NAC.
c. Judgment and order records, if kept separately.	Permanent.
d. Orders of court directing deposit of monies in the Treasury of the United States in the name and to the credit 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 dismissal.

<u>Type of Record</u>	<u>Disposition</u>
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.
18. Records of hearings.	
a. Original court reporter's notes of proceedings, 28 U.S.C. §753(b). and 773(a).	
(1) Electronic sound recordings of proceedings on arraignments, pleas, and sentences in criminal cases assigned district court docket numbers and placed in case files. 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 an FARC .NAC.
(2) All other original notes or recordings.	Dispose when 10 years old.

<u>Type of Records</u>	<u>Disposition</u>
b. Electronic sound recordings used as back-up to reporters' notetaking.	Dispose when 6 months old (tape may be erased and reused thereafter).
b. Tape logs.	File with original tape recordings of the proceedings and dispose of when tapes are disposed of.
c. Electronic sound recordings of magistrates 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 §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.

<u>Type of Record</u>	<u>Disposition</u>
B. <u>Miscellaneous Records of Proceedings.</u>	
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 before the master wheel is emptied. 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. These records are not to be transferred to an FARC NAC.
3. Grand jury records. Note: The recording or reporters' notes, or any transcript prepared therefrom, 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.	Dispose as directed by the court.

<u>Type of Record</u>	<u>Disposition</u>
3. Attorney admission records.	
a. Rolls of Attorneys.	
(1) Records dated 1911 or earlier.	Permanent.
(2) Records post-dating 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. Notices of Federal tax liens.	Disposal Not Authorized.
6. Appointments 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.

<u>Type of Record</u>	<u>Disposition</u>
C. <u>Administrative Records.</u>	
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 record.
c. Working files for court personnel.	Dispose 1 year after separation of employee.
2. Financial records.	Dispose 7 years after date of final transaction.
3. Personal property records, including documents relating to acquisition and disposition of property.	Dispose 7 years after date of final transaction.
4. General correspondence files, including all other administrative records.	Dispose 5 years after close of file.

<u>Type of Record</u>	<u>Disposition</u>
5. Records Transmittal and Receipt (SF 135).	Disposal not authorized. Maintain at the court for 50 years Do not transfer to an NAC.

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. Selection criteria described in this schedule will be developed by ~~NARS~~ **NARA** in consultation with court officials and other historical and academic parties.