

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: NC1-321-83-01

All items in this schedule are inactive. Items are either obsolete or have been superseded by newer NARA approved records schedules.

Description:

N1-321-83-001 is completely superseded by N1-021-86-001.

Date Reported: 4/23/2020

INACTIVE - ALL ITEMS SUPERSEDED OR OBSOLETE

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

TO GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1 FROM (AGENCY OR ESTABLISHMENT)

Federal Judiciary

2 MAJOR SUBDIVISION

U.S. Circuit, District, Bank, & other Federal Courts

3 MINOR SUBDIVISION

4 NAME OF PERSON WITH WHOM TO CONFER

Charles Summers

5 TEL EXT

633-6057

LEAVE BLANK

JOB NO NCL-21-83-1
NCL-123-83-1
NCL-276-83-1
NCL-321-83-1

DATE RECEIVED

10-13-82

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10

10-21-82
Date

Robert M. Jones
Archivist of the United States

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 20 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

☐ A Request for immediate disposal.

☒ B Request for disposal after a specified period of time or request for permanent retention.

C. DATE

05/4/982

D. SIGNATURE OF AGENCY REPRESENTATIVE

Robert R. Lone

E. TITLE

Records Management Officer

7. ITEM NO

8. DESCRIPTION OF ITEM
(With Inclusive Dates or Retention Periods)

9. SAMPLE OR
JOB NO

10. ACTION TAKEN

Records of the Federal Courts

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, U. S. bankruptcy courts, 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.

28
42-100

Closed out: 10/25/82:cm
Copies to Agency, NNF, NNBR & NNIB

original

SF 115 is attached to Disposition Job NCI-21-83-1.

NCI-321-83-1

28 items

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, 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, 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 personal files of judges, and United States Magistrates; and all the records of Federal public defenders. 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 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.

<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.

<u>Type of Record</u>	<u>Disposition</u>
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 NARS 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 cases files not included above.	Dispose 20 years after transfer to a FARC.

<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.	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 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 FARC.

<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, counter-vailing duty issues, trade adjustment assistance, and cases which NARS in consultation with court officials have determined to have historical value.	Permanent.
(2) All other cases.	Dispose 20 years after transfer to a FARC.
b. Non-trial cases.	
(1) Cases decided by abandonment or dismissal.	Dispose 5 years after transfer to a FARC.
(2) Cases decided as a result of stipulation or agreement between parties.	Dispose 10 years after transfer to a FARC.
10. United States Claims Court.	Disposal Not Authorized.
11. Special Court, Rail Reorganization Act of 1973.	Disposal Not Authorized.
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.

<u>Type of Record</u>	<u>Disposition</u>
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),	
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	

Type of Records

Disposition

~~Chapter II, Subchapter~~
IV (Railroad Reorgan-
ization) of the Bank-
ruptcy 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.

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|-----|--|--|
| (2) | Additional bankruptcy cases will be selected by the regional archivist of NARS in consultation with judges, clerks of courts, other court officials, and other interested parties. | Permanent. |
| a | | |
| c. | Case files exclusive of those described in items 10(a) and 10(b), created under Chapter XII of the Bankruptcy Act of 1898, and all other case files created under the Act containing judgments or orders affecting title to real property, and case files created under Chapters 7 and 11 of the Bankruptcy Act of 1978 containing orders or judgments affecting title to real property. | Disposal Not Authorized. |
| d. | Case files created under Chapters I-VII of the Bankruptcy Act of 1898 and Chapter 7 of the Bankruptcy Act of 1978 in which there were no assets available for distribution to general unsecured creditors | Dispose 3 years after transfer to a FARC unless court directs a longer retention period for a specific file. |

<u>Type of Record</u>	<u>Disposition</u>
e. Case files in which the petition for adjudication of bankruptcy or for an order for relief was dismissed, or files of cases under Chapter XIII of the Bankruptcy Act of 1898 or Chapter 13 of the Bankruptcy Act of 1978 which were dismissed prior to confirmation of a plan.	Dispose 3 years after transfer to a FARC unless court directs a longer retention period for a specific file.
f. Case files exclusive of items 10(a), (b), (c), (d), and (e).	Dispose 20 years after transfer to a FARC.
g. Adversary proceedings files.	
a	
(1) Proceedings terminated during or after trial, or containing judgments or orders affecting title to real property.	Permanent.
(2) Proceedings files determined by NARS in consultation with court officials to have historical value.	Permanent.
(3) All other proceedings files.	Dispose 20 years after transfer to a FARC.

<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 a FARC.
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 FARC.
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.	Dispose 20 years after transfer to a FARC.
(2) All other original notes or recordings.	Dispose when 10 years old.
b. Electronic sound recordings used as back-up to reporters' notetaking.	Dispose when 6 months old (tape may be erased and reused thereafter)a

<u>Type of Records</u>	<u>Disposition</u>
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)a
(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. Jury records. All records and papers compiled and maintained by the jury commission or clerk before the master wheel is emptied. 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 a FARC.
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>
4. 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.
5. Naturalization records.	Permanent.
 Petitions for naturalization, declarations of intention, naturalization certifications, and index to certificates, 8 U.S.C. 1450.	
6. Notices of Federal tax liens.	Disposal Not Authorized.
7. Appointments of process agents by surety companies.	Dispose 7 years after date of revocation.

<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.
5. Records Transmittal and Receipt (SF 135).	Disposal Not Authorized.

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 in consultation with court officials and other historical and academic parties.

ADMINISTRATIVE OFFICE OF THE
UNITED STATES COURTS

WASHINGTON, D.C. 20544

WILLIAM E. FOLEY
DIRECTOR

JOSEPH F. SPANIOL, JR.
DEPUTY DIRECTOR

October 4, 1982

RECEIVED
NOV 11 1982

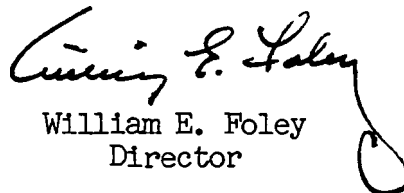
Dr. Robert M. Warner
Archivist of the United States
General Services Administration
National Archives and Records Service
Washington, DC 20408

Dear Dr. Warner:

Enclosed are our SF 115 and attached records disposition schedules for the courts. One schedule covers the records of the U.S. courts of appeals, Court of Customs and Patent Appeals, Temporary Emergency Court of Appeals, circuit judicial councils, and circuit judicial conferences. The other schedule covers the records of the U.S. district courts, territorial district courts, Court of Claims, Court of International Trade, United States Claims Court, Special Court, Regional Rail Reorganization Act of 1973, and the bankruptcy courts. The Judicial Conference of the United States approved these two records schedules for the courts at its September 22-23, 1982, session and authorized their transmission to NARS for approval.

We are prepared to issue these records schedules to the courts as soon as we receive your signature on the enclosed SF 115. Therefore, we would appreciate anything you can do to expedite this matter. Once again, I would like to thank you for the cooperation and assistance provided by you and your staff.

Sincerely yours,


William E. Foley
Director

Enclosures

cc: Mr. Raymond A. Mosley
Director, Records Disposition Division
NARS