

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

<p>Chapter 11 Subchapter IV (Railroad Reorganization) of the Bankruptcy Act of 1978</p> <p>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</p>	
<p>(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</p>	<p>Permanent</p>
<p>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</p>	<p>Disposal Not Authorized</p>
<p>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.</p>	<p>Dispose 3 years after transfer to a FARC unless court directs a longer retention period for a specific file</p>

<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	
(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)

<u>Type of Records</u>	<u>Disposition</u>
e. 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 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. 1459.	
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