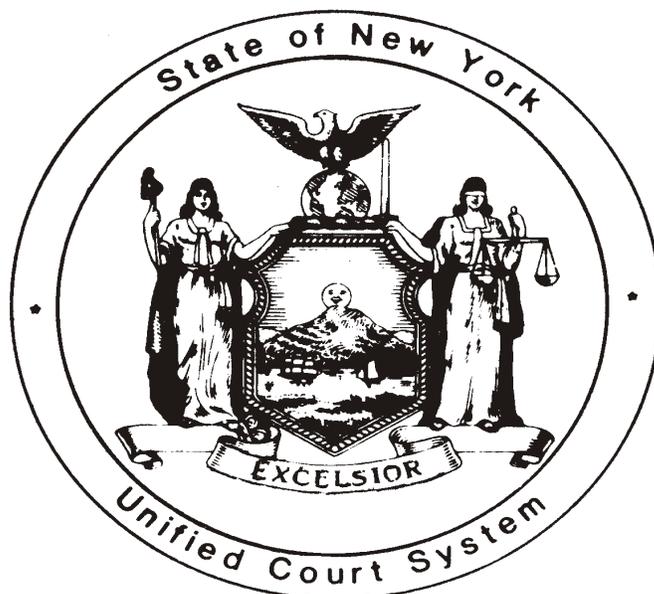


# **RECORDS RETENTION AND DISPOSITION SCHEDULE**



## **RECORDS OF THE COURT OF CLAIMS**

**DIVISION OF COURT OPERATIONS  
OFFICE OF RECORDS MANAGEMENT**

Rev. October 2005

**ADMINISTRATIVE ORDER OF THE  
CHIEF ADMINISTRATOR OF THE COURTS**

Pursuant to the authority vested in me, upon consultation with the Administrative Board of the Courts, and with the approval of the Chief Judge of the Court of Appeals and the Presiding Justices of the Appellate Divisions for the records in their respective courts, I hereby promulgate, effective immediately, the attached schedules for the retention and disposition of court records. Disposition of records pursuant to these schedules shall be in accordance with Part 104 of the Rules of the Chief Administrator.

**Jonathan Lippman**  
**CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Dated: July 5, 1989

AO/241/89

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**NEW YORK STATE UNIFIED COURT SYSTEM**

**RECORDS OF THE COURT OF CLAIMS**

**RECORDS RETENTION AND DISPOSITION SCHEDULE**

The following record series refer to records of the Court of Claims and predecessor court records.

**ALL RECORDS DATING PRIOR TO 1950 ARE TO BE RETAINED PERMANENTLY.**

CASE FILES

Documentary record of a proceeding before the Court of Claims. Filed papers include Claim, Note of Issue, Bill of Particulars, Affidavits, Motions, Judgments, Orders, Transcripts, Decision, Notice of Appeal, Record on Appeal, and all other papers which must be filed with the court.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
60010	CLAIMS FILES  Records of proceedings of claims against the state, from commencement of action to final determination. Contains all papers and documents related to a case.	a. Retain claim, notice of intention, decision, judgment, order and answer permanently.  b. Retain remainder of claim file for twenty-five years, then destroy.

## SUPPLEMENTAL CASE RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
60020.	APPRAISAL REPORTS  Reports filed by claimant and the state assessing damages in an appropriation claim.	a. Retain for thirty days after disposition, then destroy, unless return is requested by owner. If requested, return to owner.  b. Retain other appraisal reports for one year or until no longer needed, whichever is shorter, then destroy.
60030.	COURT REPORTER NOTES  Stenographic tapes, pads, audio tapes or machine-readable systems that record the proceedings of the court.	Retain for five years, then destroy.
60040.	COURT REPORTER TRANSCRIPTS  Transcripts of the court reporter notes of court proceedings.	Considered part of the claim file. File in claim file. If maintained separately, retain for same length of time as claim file.

<b><u>SERIES #</u></b>	<b><u>RECORD SERIES TITLE</u></b>	<b><u>RETENTION</u></b>
<b>60050.</b>	<b>EXHIBITS</b>  <b>Exhibits presented as evidence in a case.</b>	<b>Retain for thirty days after disposition, then destroy, unless return is requested by owner. If requested, return to owner.</b>
<b>60055</b>	<b>FILED ANSWERS TO UNFILED CLAIMS</b>  <b>Filed answers of the State of New York to claims not filed with the Court of Claims.</b>	<b>Retain for ten years, then destroy.</b>
<b>60060.</b>	<b>NOTICES OF INTENTION</b>  <b>Optional statements notifying the court of a claimant's intention to bring a claim against the state. May include nature of claim, time of and location where claim arose and the alleged amount of damages or injuries. This record is the first document received by the court when a claim is filed.</b>	<ul style="list-style-type: none"> <li><b>a. If subsequent claim is filed, considered part of the claim file. File in claim file. Retain permanently.</b></li> <li><b>b. If no subsequent claim is filed, retain for twenty-five years, then destroy.</b></li> </ul>
<b>60070.</b>	<b>RECORD ON APPEAL</b>  <b>Court of Claims copy of the record on appeal which the appellant submitted to the Appellate Division or the Court of Appeals. This record outlines the nature of the appeal and provides supporting documentation.</b>	<b>Considered part of the claim file. File in claim file. If maintained separately, retain for same length of time as claim file.</b>

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
60080.	SUBPOENAED RECORDS  Records which have been subpoenaed by the court from an outside agency, organization or individual.	Retain for thirty days after disposition, then destroy, unless return is requested by owner. If requested, return to owner.

## CASE MANAGEMENT RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
60090.	APPRAISAL CARDS  Card files documenting the filing and status of appraisal reports in claims cases.	Retain until claim is disposed, then destroy.
60100.	CALENDAR CALLS  Case review calendars to assess the status of cases. Includes calendar number, claim number, names of claimant and attorney, and amount claimed. Report is used to determine if case is ready for trial, settlement or removal.	Retain permanently for research purposes.
60110.	CALENDARS  Schedules of cases to be heard before the court.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
60120.	CALENDARS - BI-ANNUAL  Bi-annual lists of claims filed with the court. Includes claimant name, claim number, date of claim and amount claimed.	Retain permanently for research purposes.

<b><u>SERIES #</u></b>	<b><u>RECORD SERIES TITLE</u></b>	<b><u>RETENTION</u></b>
<b>60130.</b>	<b>CALENDARS - BI-ANNUAL INDEX</b>	
	<b>Any indexing material which provides information on access to the bi-annual calendars.</b>	<b>Retain permanently for research purposes.</b>
<b>60140.</b>	<b>CASELOAD ACTIVITY REPORTS - OFFICE OF COURT ADMINISTRATION</b>	
	<b>Court copies of caseload activity reports filed with the Office of Court Administration.</b>	<b>File original with Office of Court Administration. Retain court copy for one year, then destroy.</b>
<b>60150.</b>	<b>CLAIMS BOOKS</b>	
	<b>File and entry books listing papers submitted with claims. May include order, motions and decisions. Books also log the types of papers and dates of filing.</b>	<b>Retain permanently.</b>

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
60160.	<p>CLAIMS: INDEX (also known as CLAIM CARD and PRISONER PRO SE INDEX)</p> <p>Indexing material which provides information on access to the claims files. Includes name of claimant, claim number, note of issue number and date of filing, name of claimant's attorney and address, nature of claim and date of occurrence, date claim heard, findings and judgment.</p>	Retain permanently.
60170.	<p>CORRESPONDENCE: PRISONER</p> <p>Correspondence from prisoners requesting information on filing claims, transfers to other facilities, representation by an attorney and notices of intention to file claims.</p>	Retain for three years, then destroy.

<b><u>SERIES #</u></b>	<b><u>RECORD SERIES TITLE</u></b>	<b><u>RETENTION</u></b>
60180.	DAILY REPORTS (also known as COURT STENOGRAPHER'S MINUTES)  Reports prepared by the court stenographer of daily activity in each part.	a. Retain pre-1986 Daily Reports permanently.  b. Retain post-1985 Daily Reports for one year or until no longer needed, whichever is shorter, then destroy.
60190.	JUDGMENT BOOKS  Books containing copies of all judgments rendered by the court.	Retain permanently.
60200.	JUDGMENT BOOKS: INDEX  Indexing material which provides information on access to the judgment books.	Retain permanently.
60210.	JUDGMENTS: DAILY LISTING  Lists prepared daily of judgments rendered by the court. Includes type of claim, claim number, name of claimant, date judgment entered, amount of award plus interest and total award.	Retain for one year or until no longer needed, whichever is shorter, then destroy.

<b><u>SERIES #</u></b>	<b><u>RECORD SERIES TITLE</u></b>	<b><u>RETENTION</u></b>
<b>60220.</b>	<b>MOTION BOOKS</b>  <b>Log books recording the filing of motions with the court.</b>	<b>Retain for five years from date of last entry, then destroy.</b>
<b>60230.</b>	<b>MOTION CARDS</b>  <b>Card files documenting the filing and status of motions with the court.</b>	<b>Retain until decision is filed, then destroy.</b>
<b>60240.</b>	<b>MOTIONS (NO CLAIM)</b>  <b>Applications to the court requesting an order or rule in favor of the applicant. These motion papers do not relate to an existing claims case and are not part of claims case files.</b>	<b>Retain for five years from date of disposition, then destroy.</b>
<b>60250.</b>	<b>MOTIONS INDEX</b>  <b>Any indexing material which provides information on access to motions. This record is also used to record motion numbers.</b>	<b>Retain for five years from date of disposition, then destroy.</b>
<b>60260.</b>	<b>NOTICES OF INTENTION CARD FILES</b>  <b>Card files recording information found on Notices of Intention.</b>	<b>Retain permanently.</b>

<b><u>SERIES #</u></b>	<b><u>RECORD SERIES TITLE</u></b>	<b><u>RETENTION</u></b>
<b>60270.</b>	<b>NOTICES OF INTENTION LOG BOOKS</b>	
	<b>Log books which record the filing of Notices of Intentions with the court.</b>	<b>Retain permanently.</b>
<b>60280.</b>	<b>OFFICE RECORD BLANK FOR CASES ON APPEAL</b>	
	<b>Forms used by the court to monitor the status of cases appealed to the Appellate Division and Court of Appeals.</b>	<b>Retain for one year after appellate decision, then destroy.</b>
<b>60290.</b>	<b>OFFICE RECORD BLANK FOR STENOGRAPHER'S MINUTES</b>	
	<b>Forms used by the court to monitor the ordering and distribution of transcripts from the court reporter.</b>	<b>Retain for one year or until no longer needed, whichever is shorter, then destroy.</b>
<b>60300.</b>	<b>ORDER BOOKS</b>	
	<b>Books containing copies of all orders rendered by the court.</b>	<b>Retain permanently.</b>

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
60310.	ORDER BOOKS: INDEX  Any indexing material which provides information on access to the order books.	Retain permanently.
60320.	RECEPTIONIST RECORD BOOKS  Log book recording the date and time of in-person claims filings.	Retain for six years from date of last entry, then destroy.
60330.	UNDECIDED TRIAL BOOKS  Log books tracking undecided trials, using the form "Office Record for Briefs and Requests to Find."	Retain until decision is filed, then destroy.

## PREDECESSOR COURT RECORDS

The predecessor courts of the Court of Claims include Canal Appraisers (1817-1821), Canal Commissioners and Canal Board (1821-1870), Board of Canal Appraisers (1870-1878), State Board of Audit (1876-1878), Board of Claims (1878-1897), Court of Claims (1897-1911), and Board of Claims (1911-1915).

<b>SERIES #</b>	<b>RECORD SERIES TITLE</b>	<b>RETENTION</b>
<b>60340.</b>	<b>CLAIMS FILES</b>  Records of the settlement of claims. Includes awards for the condemnation of property and for damages caused to property.	<b>Retain permanently for research purposes.</b>
<b>60350.</b>	<b>STATEMENT OF CANAL AWARDS</b>  Lists awards made by canal appraisers. Includes names of claimants, dates of award, nature of appropriation, amounts, towns and counties of origin.	<b>Retain permanently for research purposes.</b>

**RULES OF THE CHIEF JUDGE  
PART 38. RETENTION AND DISPOSITION OF THE RECORDS  
OF THE COURTS OF THE UNIFIED COURT SYSTEM**

**Section 38.1 Rules of the Chief Administrator of the Courts**

**(a) The Chief Administrator of the Courts, upon consultation with the Administrative Board of the Courts, shall adopt rules providing for the retention and disposition of the records of the courts of the Unified Court System, including (1) schedules for retention of each category of court record, (2) procedures for disposing of court records, (3) procedures for microphotography of court records, and (4) provisions to ensure the confidentiality of court records sealed or otherwise made confidential by law.**

**(b) Rules and schedules governing retention and disposition of records of the Court of Appeals and Appellate Divisions shall be adopted with the approval of the Chief Judge of the Court of Appeals and the presiding Justices of the Appellate Divisions for the records in their respective courts.**

**RULES OF THE CHIEF ADMINISTRATOR  
PART 104  
RETENTION AND DISPOSITION OF COURT RECORDS**

**Section 104.1 Application**

(a) These rules shall apply to court records of all the courts of the Unified Court System, including records of commissioners of jurors. Any action taken with respect to the records of the Court of Appeals and Appellate Divisions shall be subject to the approval of the Chief Judge of the Court of Appeals and the Presiding Justices of the Appellate Divisions for the records in their respective courts.

(b) The term “court records” shall include all documents and records that are part of the court files of each case and all books, papers, calendars, statistical schedules and reports and other records pertaining to the management of court cases.

(c) The term “alternative format” shall mean a format for the reproduction and maintenance of records, including microphotography and electronic formats, approved by the Deputy Chief Administrator for Management Support.

(d) References to the Deputy Chief Administrator for Management Support shall include a designee of the Deputy Chief Administrator for Management Support.

**Section 104.2 Retention Schedules**

(a) The Chief Administrator of the Courts shall promulgate schedules for the retention and disposition of court records. These schedules shall include a description of each record and the time period required for its retention. The time periods shall take into account the needs of both the court and the parties appearing before the court, and the historical value of the records for research purposes.

(b) Unless a permanent record in an alternative format first is made and permanently retained, judgment rolls and other records, books and papers that affect the mental illness or the sanity or competency of any person shall be retained for at least 50 years; and that the judgment rolls and other records, books and papers that affect the marital rights or status or the custody of lineage of any person and judgment rolls regardless of their age that affect title to real property shall be retained permanently.

### **Section 104.3 Procedure for Disposition of Court Records**

**(a) Any court seeking to dispose of court records shall make a written request for such disposal to the Deputy Chief Administrator for Management Support. The request shall describe in appropriate detail the records sought to be disposed of, including the nature of the records and the range of dates of their filing or creation.**

**(b) The Deputy Chief Administrator for Management Support shall determine the request based upon the retention schedules created pursuant to section 104.2 of this Part and in accordance with the needs of the courts. The Deputy Chief Administrator may require that a sampling of the records be made, based upon a methodology approved by the Deputy Chief Administrator, and that the sample be retained for research purposes.**

**(c) Suitability of arrangement for the storage of court records outside of court facilities, including any contracts entered in for such storage, shall be approved by the Deputy Chief Administrator for Management Support.**

**(d) Nothing in the retention schedules or these rules shall limit the authority of the Deputy Chief Administrator for Management Support to permit the disposition of any court records upon a showing of special circumstances and as permitted by law.**

**(e) In those actions or proceedings where the retention schedules provide that the period of retention shall commence at the date of disposition of the action or proceeding, where the clerk of any court has opened a case file for such action or proceeding, and where a continuous period of at least five years has elapsed during which such file is totally inactive, there being no additional papers filed therein nor any additional notations made therein or on the file jacket, the required period of retention for such file shall be deemed to have commenced at the end of such five year period and the file may be disposed of in accordance with these rules and the appropriate retention schedules. This provision shall have no effect upon the action or proceeding or any substantive or procedural rights of any of the parties.**

#### **Section 104.4 Reproduction of Court Records in an Alternative Format**

**(a) All contracts, processes, procedures and apparatus for the reproduction of court records in an alternative format shall be subject to prior approval by the Deputy Chief Administrator for Management Support.**

**(b) Court records that have been reproduced pursuant to subdivision (a) may be disposed of pursuant to section 104.3, provided that the reproductions are satisfactorily identified and indexed, are in a format that allows for accurate reproduction, and are stored in a facility approved by the Deputy Chief Administrator for Management Support.**

#### **Section 104.5 Confidentiality**

**Court records that are reproduced in an alternative format, retained for research purposes or designated for disposition remain subject to all statutory provisions pertaining to access and confidentiality that are applicable to the original records. Arrangements for the reproduction, retention or disposal of court records that are sealed or otherwise deemed confidential must preserve the level of protection and nonaccess required by law.**



## COURT RECORDS DISPOSITION REQUEST - INSTRUCTIONS

A "Court Records Disposition Request" must be submitted to and approved by the Office of Court Administration prior to the destruction or other disposition of any UCS record, including records that have been micro-photographed or are in electronic format. The disposition request form and procedure will insure that records are disposed or in accordance with 22 NYCRR Part 104, "Retention and Disposition of Court Records".

1. **Identifying Information** - Enter name and address of the court and the name, title, phone and fax number of the contact person (usually the Chief Clerk).
2. **Record Series Title** - *A separate form must be submitted for each record series.* The title should be as it appears on the schedule. If your court identified this record by a different title, include both the schedule title and your local title.
3. **Record Series Number** - The number that appears to the left of the title on the schedule. If there are multiple retention periods, enter the appropriate letter (a, b, c) or description.
4. **Dates** - Specify beginning and ending dates of the records.
5. **Record Copy or Non Record Copy** - Check appropriate box.
6. **Record Format** - Check appropriate box. If record is in Microfilm or Electronic Format attach MICROFILM QUALITY TESTING REPORT or RECORDS MANAGEMENT CERTIFICATION FOR ELECTRONIC RECORDS FORM. If Microfilm Quality Testing Report does not indicate the year of records filmed, indicate corresponding microfilm roll numbers.
7. **Volume of Records** - The volume of records should be expressed as a numeric in cubic feet. The table below reflects Cubic Foot Equivalents:

<u>FILE FOLDER DRAWERS</u>	<u>CUBIC FEET</u>	<u>CARD FILE DRAWERS</u>	<u>CUBIC FEET</u>
Letter	1.5	3" X 5" X 26" long	0.2
Letter Transfile	2.0	3" X 5" X 14" long	0.1
Legal	2.0	3.5" X 7.5" X 26" long	0.4
Legal Transfile	2.5	3.5" X 7.5" X 14" long	0.2
Ledger	3.0	4" X 6" X 26" long	0.6
Jumbo	4.0	4" X 6" X 14" long	0.2
<u>SHELF UNITS</u>	<u>CUBIC FEET</u>	5" X 8" X 26" long	0.6
Letter, 36" long	2.4	5" X 8" X 14" long	0.3
Legal, 36" long	3.0	6" X 9" X 26" long	0.8
<u>RECORDS CENTER CONTAINERS</u>	<u>CUBIC FEET</u>	6" X 9" X 14" long	0.4
10" X 12" X 15" - standard	1.0	8" X 8" X 26" long	1.0
3.5" X 8" X 14" - tab	0.2	8" X 8" X 14" long	0.5
3.5" X 8" X 24" - check	0.4		
6" X 6" X 36" - map	0.7	<u>OTHER SITUATIONS:</u>	<u>CUBIC FEET</u>
6" X 6" X 48" - map	1.0	<i>Length X Width X Height</i> (inches) divided by 1728 =	
4" X 4" X 48" - map	0.4		

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