

RECORDS RETENTION AND DISPOSITION SCHEDULE



CIVIL RECORDS OF THE CIVIL COURT OF THE CITY OF NEW YORK, CITY COURTS, DISTRICT COURTS AND TOWN AND VILLAGE COURTS

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

Rev. October 2005

**ADMINISTRATIVE ORDER OF THE
CHIEF ADMINISTRATIVE JUDGE OF THE COURTS**

Pursuant to the authority vested in me, I hereby repeal the July 1989 schedule for the retention and disposition of records of the Civil Court of the City of New York, City Courts, District Courts and Town and Village Courts and substitute the attached schedule, effective immediately. 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: March 27,1997

AO/360/97

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**NOTE: FISCAL RECORDS: see Records Retention Schedule for Administrative
Records - FISCAL RECORDS on the internet:
http://www.courts.state.ny.us/admin/recordsmanagement/sch_admin_records.shtml**

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NEW YORK STATE UNIFIED COURT SYSTEM

CIVIL RECORDS OF THE CIVIL COURT OF THE CITY OF NEW YORK, CITY COURTS, DISTRICT COURTS, AND TOWN AND VILLAGE COURTS

RECORDS RETENTION AND DISPOSITION SCHEDULE

The following record series refer to civil case records created in 1920 and after in the Town, Village, City, and District Courts outside New York City and the Civil Court of the City of New York.

ALL RECORDS DATING PRIOR TO 1920 ARE TO BE RETAINED PERMANENTLY.

CASE FILES

A case file contains Summonses, Complaints, Affidavits of Service, Judgments, Replies, Motions, Orders, Decision, Transcripts, Executions, Records of Appeal, and all other papers filed with the court. The case file may also be called the Judgment Roll. Note that some courts currently store some of the documents listed above separately from the case file. These documents have been distinguished as separate record series in these schedules, but have the same retention requirements as the related case files.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70010.	CHANGE OF NAME Records of change of name case proceedings.	Retain permanently.
70020.	CIVIL Records of all civil case proceedings, other than change of name cases including landlord and tenant, small claims, commercial claims and arbitration.	Retain for twenty-five years from date of initiation, then destroy.

SUPPLEMENTAL CASE RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70030.	ARBITRATION REPORTS Court copy of arbitration report filed with the court by the arbitration commissioner.	Considered part of the case file. File in case file. If filed separately, maintain for same length of time as case file.
70040.	COURT REPORTER NOTES Stenographic tapes, pads, audio tapes or machine-readable materials which record court proceedings.	Retain for two years, then destroy.
70050.	COURT REPORTER TRANSCRIPTS Transcripts of the court reporter notes.	Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.
70060.	EXHIBITS Exhibits presented as evidence in a case.	Return to party who introduced it immediately after disposition unless otherwise directed by the court. If not claimed, retain for thirty days, then destroy provided express notice has been given.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70070.	<p>POSTAL RECEIPTS</p> <p>Court copy of postal receipt documenting service of summons and complaint on defendant (certified mail green card).</p>	<p>a. <u>Small Claims:</u> Retain for three years from date of initiation, then destroy.</p> <p>b. <u>All Other Civil Cases:</u> Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.</p>
70080.	<p>SUBPOENAED RECORDS</p> <p>Records which have been subpoenaed by the court from an agency, organization, or individual.</p>	<p>Return to party who introduced it immediately after disposition unless otherwise directed by the court. If not claimed, retain for thirty days, then destroy provided express notice has been given.</p>
70090.	<p>SUPPLEMENTAL PROCEEDINGS (also known as ENFORCEMENT PROCEEDINGS)</p> <p>Record of actions taken by judgment creditors to seek enforcement of the judgment.</p>	<p>Considered part of the case file. File in case file. If maintained separately, retain for same length of time as case file.</p>

CASE MANAGEMENT RECORDS

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70100.	ATTORNEY ROSTER Lists, card files, or other recording systems which document an attorney's availability and participation in the court's arbitration program.	Retain permanently.
70110.	CALENDAR Daily schedule of cases that are to be heard before the court. Includes defendant names, plaintiff names, case number and date of appearance.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
70120.	CALENDAR INDEX Indexing material which provides information on access to the court's calendars.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
70130.	CASE FILE INDEX: CHANGE OF NAME Any manual or machine-readable material which provides information on access to change of name case files.	Retain permanently.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70140.	CASE FILE INDEX: CIVIL (also known as INDEX TO ACTION) Any manual or machine-readable material which provides information on access to the civil case files.	Retain for twenty-five years, then destroy.
70150.	CASELOAD ACTIVITY REPORTS - OFFICE OF COURT ADMINISTRATION Court copies of the caseload activity reports (UCS-175) that are filed with the Office of Court Administration.	File original with the Office of Court Administration. Retain court copy for one year, then destroy.
70160.	COURT REPORTER NOTES - INDEX Indexing material which provides information on access to court reporter notes.	Retain for two years, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70170.	INDEX NUMBER DISTRIBUTION LOG BOOKS	
	Log books used to control the issuance of case numbers. Includes the names of the parties, dates of issuance, dates of appearance and case numbers.	Retain for one year or until no longer needed, whichever is shorter, then destroy.
70180.	JUDGMENT BOOKS (also known as DOCKET OF JUDGEMENTS)	
	Log books, card files, machine-readable systems, and any other recording systems listing the judgments entered by the court. Includes the names of the participants, attorney names, dates of judgment, amounts of judgment and costs. Judgment book is also used to record satisfactions of judgment.	<ul style="list-style-type: none"> a. If the court records judgments affecting title to real property, retain permanently. b. All others, retain for fifty years, then destroy.
70190.	JUDGMENT BOOKS - INDEX	
	Any indexing system which provides access to judgment books.	<ul style="list-style-type: none"> a. If judgment affects title to real property, retain permanently. b. All others, retain for fifty years, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70200.	MINUTE BOOKS (also known as LOG BOOK FOR TRIALS)	
	Record of the courtroom proceeding maintained by the part clerk. Includes names of participants, jurors, witnesses, attorneys, list of evidence, types of papers submitted and a log of activities occurring in the court room.	Retain permanently for research purposes.
70210.	NOTICE OF APPEAL LOG BOOKS	
	Log books recording the filing of Notice of Appeal with the court.	Retain for three years from date of last entry, then destroy.
70215.	NOTICE OF APPOINTMENT TO SERVE AS AN ARBITRATOR	
	Record containing information on arbitrator and arbitration cases. May include: date of assignment, panel number, arbitrators name and address and case to be heard.	Retain for six years, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70220.	<p>RECORD OF COURT ACTIVITY (including ARBITRATION CASE CARDS, DOCKET BOOKS, DOCKET SHEETS, GREAT LAKES DOCKET SYSTEM and any other record which serves as the principal court record of case activity and disposition)</p> <p>Manual or machine-readable records that indicate the title of all proceedings and includes summaries of case activity and dispositions.</p>	<p>a. If the court records judgments and/or satisfactions in the Record of Court Activity, retain for fifty years, then destroy.</p> <p>b. If the court does not record judgments and/or satisfactions in the Record of Court Activity, retain for twenty-five years, then destroy.</p> <p>c. If the court records judgments affecting title to real property in the Record of Court Activity, retain permanently.</p>

JURY SYSTEM RECORDS

Records which document the selection, attendance, and utilization of jurors.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70340.	ATTENDANCE RECORDS Cards, logs, or lists used to record juror attendance.	Retain for six years, then destroy.
70350.	BALLOT CARDS Juror identification cards used to select jurors for voir dire panels.	Retain until end of term, then destroy.
70360.	JUROR MASTER LIST List of residents of the city, town, or village who have been qualified to serve as jurors in the local court.	Retain until updated copy has been received, then destroy.
70370.	JUROR SUMMONS Documents used to notify jurors that they have been summoned to serve.	a. If used to note attendance, retain for six years, then destroy. b. If not used to note attendance, retain for one year or until no longer needed, whichever is shorter, then destroy.

<u>SERIES #</u>	<u>RECORD SERIES TITLE</u>	<u>RETENTION</u>
70380.	PANEL SHEETS (also known as MINUTES OF THE JURY DRAWINGS)	
	List of jurors summoned to jury pool.	Retain permanently for research purposes.

**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 of 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 (inches) divided by 1728 =</i>	
4" X 4" X 48" - map	0.4		

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