

Guide to Judiciary Policy

Vol 10: Public Access and Records Management
Ch 6: Records Management

Appx 6A: Records Disposition Schedule 1

This schedule covers the disposition of the records of the United States courts of appeals (including the Court of Appeals for the Federal Circuit), the former Court of Customs and Patent Appeals, the former Temporary Emergency Court of Appeals, circuit judicial councils, bankruptcy appellate panels, and circuit judicial conferences.

This schedule has been approved by the Judicial Conference of the United States and the Archivist of the United States and is mandatory. It applies to existing records of these courts, councils, and conferences, except the personal files of judges. The Archivist of the United States retains the authority to accession, as part of the National Archives and Records Administration (NARA), any records having historical or other value upon the expiration of the retention period specified in this schedule. **See:** 44 U.S.C. chapter 21. Selection criteria for historical preservation will be developed and revised by NARA in consultation with court officials and other historical and academic parties.

To the extent that the retention period specified in this schedule may vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, applies. Records of historical value are designated "Permanent" in this schedule. Court officials should also consult the General Records Schedule (GRS) issued by NARA for the appropriate retention periods for general/other non-case file administrative records that are not addressed in the following schedule.

The Federal Records Centers (FRC) are facilities operated by NARA for the storage and servicing of records of federal agencies pending their disposal or permanent transfer to NARA. Court records stored in FRCs remain in the legal custody of the judiciary. Once court records are transferred to NARA, they are in the Archivist's legal custody. Temporary records with a disposition of five years or less should be stored at the courthouse.

Records Disposition Schedule 1	
Type of Record	Disposition
A. NON-ELECTRONIC APPELLATE CASE FILES applicable to all U.S. courts of appeals and bankruptcy appellate panels.	
1. Case file records. Docket-related items such as case indices, docket sheets, briefs and appendices, mandates, opinions, disposition orders, minutes of the court, journals, and order books.	Permanent. Transfer paper records to NARA in 5-year blocks when the oldest FRC transfer is 20 years old, such as: Prior to 1996: Transfer in 2011 1996 – 2000: Transfer in 2016 2001 – 2005: Transfer in 2021 2006 – 2010: Transfer in 2026
2. Case administrative (correspondence) files. Case correspondence and miscellaneous files relating to attorneys, calendars, filing of papers and other administrative matters of the case, maintained outside the case file.	Temporary. Destroy 2 years after close of case.
3. Sealed records. Those case records which have been sealed by court order while such order is in effect.	
a. Records sealed for protection of the defendant under 18 U.S.C. § 5038 or 21 U.S.C. § 844(b) [repealed].	Temporary. Destroy as directed by the court. Do not transfer to an FRC.
b. Permanently sealed records.	Maintain at the court location in a separate file from the related case file. When the order sealing the records is vacated by the court, dispose of in accordance with the pertinent provisions of this schedule for the related case file.

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B. CASE ASSOCIATED RECORDS.	
1. Calendars.	Temporary. Destroy 1 year after calendar period, unless otherwise needed.
2. Attorney admission records.	
a. Rolls of attorneys admitted to practice. Records may consist of application letters, admission cards or computer listings, background materials, and records of court proceedings.	Permanent. Transfer to an FRC when 5 years old. Transfer to NARA when 25 years old.
b. Records relative to disciplinary actions. Records may consist of orders from another state or federal court, correspondence, orders, motions, notices to the attorney, notice of hearings, and briefs.	Temporary. Transfer to an FRC when 5 years old. Destroy when 50 years old.
c. Other records, including applications and certificates.	Temporary. Destroy when 5 years old.
3. Staff attorney records and circuit mediation records relating to cases.	Temporary. Destroy as directed by the court. Do not transfer to an FRC.
4. Attorney disbarment proceedings. Records may be reciprocal or original. Records may consist of orders from another state or federal court, correspondence, orders, motions, notices to the attorney, notices of hearings and briefs.	Permanent. Transfer to an FRC when 5 years old. Transfer to NARA when 25 years old.
C. ADMINISTRATIVE RECORDS.	
1. Judicial Council of the Circuit.	
a. Minutes, final reports, and other documents related to council action.	Permanent.

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<p>b. Judicial conduct and disability records. Complaints filed under the Judicial Conduct and Disability Act (28 U.S.C. §§ 351-364), alleging that a judge committed misconduct or is disabled. Items C.1.b.(1) and C.1.b.(2) relating to proceedings under the Judicial Conduct and Disability Act are confidential, and therefore disclosure-restricted, to the extent required by 28 U.S.C. § 360 and by Rules 23 and 24 of the Judicial Conference Rules for Judicial-Conduct and Judicial-Disability Proceedings.</p>	
<p>(1) Orders, memoranda of decision, and any reports or other items included therewith, issued by a Chief Judge, a Circuit Judicial Council, the United States Judicial Conference Committee on Judicial Conduct and Disability and its predecessors and successors, or the Judicial Conference of the United States, in any proceeding under the Judicial Conduct and Disability Act (as codified in 28 U.S.C. §§ 351-364 or elsewhere), the Judicial Conference Rules for Judicial-Conduct and Judicial-Disability Proceedings, and any other associated rules.</p>	<p>Permanent. Transfer paper records to NARA 10 years after final decision or action or when no longer needed for reference purposes, whichever is later.</p>

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<p>(2) Interim and miscellaneous materials not listed in item (1) nor attached to a document listed in item (1), that are created or received in any proceedings under the Judicial Conduct and Disability Act (as codified in 28 U.S.C. §§ 351-364 or elsewhere), the Judicial Conference Rules for Judicial-Conduct and Judicial-Disability Proceedings, and any other associated rules. These materials may include but are not limited to: complaints, petitions for review and associated responses, special committee reports, notes, correspondence, and other items created or received during an inquiry or investigation.</p>	<p>Temporary. Destroy 5 years after final disposition of complaint or when no longer needed for reference purposes, whichever is later.</p>
<p>c. All other council records.</p>	<p>Temporary. Destroy when 5 years old.</p>
<p>2. Judicial Conference of the Circuit.</p>	
<p>a. Formal actions and minutes, if any. Records may consist of reports, agendas, correspondence, meeting summaries, minutes, reports of council actions, and subcommittee reports.</p>	<p>Permanent. Transfer to an FRC when 5 years old. Transfer to NARA when 25 years old.</p>
<p>b. All other circuit conference records.</p>	<p>Temporary. Destroy when 5 years old.</p>
<p>3. Judicial assignments and designations to and from the courts of appeals (28 U.S.C. § 295). Records may consist of correspondence, requests for judicial assignments, and orders.</p>	<p>Temporary. Transfer to an FRC when no longer needed for reference. Destroy when 50 years old.</p>

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4. Human resources.	
a. OPF. The Official Personnel Folder (OPF) is the official record of an employee’s tenure with the court, including any previous federal government service that is maintained by the Administrative Office. See Human Resources Manual and the Office of Personnel Management’s Guide to Personnel Recordkeeping Operating Manual.	Temporary. Transfer to the National Personnel Records Center 30 days after separation. Destroy 65 years after separation from federal service.
b. Classification files. Court copies of: <ul style="list-style-type: none"> • Position Description and Position, Classification Certification Form (AO 194), • Organization chart at the time of position approval for supervisory or managerial positions, and • Other classification related documentation. 	Temporary. Destroy 2 years after position is abolished.
c. Recruitment Files. Court recruitment files consisting of: <ul style="list-style-type: none"> • Copy of the vacancy announcement, job analysis, if applicable, • Copy of newspaper advertisements (or other forms of advertising), • List of recruitment sources, • Application materials with date of receipt, • Ranking or rating criteria, if applicable (to include rating/scoring definitions and/or methodology), • List of applicants with designation of not qualified, qualified, and best qualified, • List of applicants interviewed, • List of interview questions used, • New Appointment Applicants and Interviewees Worksheet (Part D of the AO 78A), and • Other relevant recruitment documentation. 	Temporary. Destroy 2 years after appointment.

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d. Performance Management Files.	
(1) Performance management plan, if applicable, including compensation strategy and appraisal tool with rating levels or tiers, and payout date for discretionary step increases maintained by the court.	Temporary. Destroy 2 years after superseded, obsolete, or no longer needed for reference.
(2) Individual records of employee performance including performance evaluation, performance plan upon which it is based, and rating, among other performance related materials maintained by the court.	Temporary. Destroy when 4 years old or after AO audit, whichever is later.
e. Awards and Bonuses Files.	
(1) Employee recognition and/or bonus plans, as applicable, maintained by the court.	Temporary. Destroy when 4 years old, after AO audit, or when no longer needed for reference, whichever is later.
(2) For each employee recognition award recipient, a court maintains documentation that includes: name or ID, amount or cost of award, category or criteria, supporting justification, aggregate amount or cost of all awards received by the employee per year, and other related documentation.	Temporary. Destroy when 4 years old, after AO audit, or when no longer needed for reference, whichever is later.
(3) For each recruitment, retention, or relocation bonus, a court maintains documentation that includes name or ID, amount of bonus, service agreement, authorization, and other related documentation.	Temporary. Destroy when 4 years old, after AO audit, or when no longer needed for reference, whichever is later.

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f. Telework Files.	
(1) Court's local telework plan, if applicable, including coverage; e.g., any lists of eligible or non-eligible positions or employees and related documentation maintained by the court.	Temporary. Destroy 2 years after superseded, obsolete, or no longer needed for reference.
(2) Telework agreement for each employee who is eligible for telework, and duty station documentation if applicable maintained by the court.	Temporary. Destroy 1 year after telework agreement is terminated, obsolete, or no longer needed, whichever is applicable.
g. Leave and Attendance Files.	
(1) Leave request forms maintained by the court.	Temporary. Destroy 1 year after the end of the leave year.
(2) Time and attendance records maintained by the court upon which leave record is based, including compensatory time, time on military leave, or using the Voluntary Leave Transfer Program (VLTP) donated leave.	Temporary. Destroy when 6 years old or after AO audit, whichever is later.
(3) Leave Record: leave balances and documentation of accrual and use that is used as the basis for the SF-1150, Record of Leave Data maintained by the court.	Temporary. Destroy after separation and preparation of SF-1150 for OPF.
h. Adverse or Disciplinary Action and Grievance Files.	
(1) Local adverse action and/or grievance plan or procedure maintained by the court.	Temporary. Destroy 2 years after superseded, obsolete, or no longer needed for reference.
(2) Documents, memoranda, or other records related to an adverse action, disciplinary action, or grievance maintained by the court.	Temporary. Destroy 7 years after case is closed.

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<p>(3) Copies of adverse action documents that are maintained in the OPF may also be maintained in a supervisor's local personnel folder; e.g., Request for Personnel Action, Remote Data Entry Notice of Action, or Notification of Personnel Action.</p>	<p>Temporary. Destroy when obsolete or no later than 5 years after separation.</p>
<p>i. Medical Files.</p>	
<p>(1) Employee medical records maintained by the court. Includes any medical records that are maintained by a court related to Family and Medical Leave Act (FMLA), serious health condition for sick leave, medical emergency for VLTP donated leave, reasonable accommodation for a disability, workplace injury not reported as or related to an Office of Workers' Compensation Programs (OWCP) claim, or counseling records related to alcohol or drug treatment programs.</p>	<p>Temporary. Destroy 1 year after separation.</p>
<p>(2) Law Enforcement Officer (LEO) medical examination record maintained by the court. Includes any medical records related to a LEO pre-employment suitability or fitness-for-duty evaluation that are in the possession of the court pending a suitability or fitness-for-duty determination.</p>	<p>Temporary. Destroy 1 year after separation.</p>
<p>(3) OWCP claim maintained by the court. When the employing court retains documents related to an OWCP claim (including medical reports, copies of letters and decisions, and any other material which is part of the case file, regardless of its source), these documents are considered an alternate location for OWCP claim records, and under the jurisdiction of OWCP.</p>	<p>See: Guide, Vol 12, § 750.30 (Workers' Compensation).</p>

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<p>j. Voluntary Separation Incentive Payment (VSIP) and Voluntary Early Retirement Authority (VERA) Files. VSIP or VERA restructuring plans, including target universe and selection criteria, organizational charts, offer notices, acceptance notices, VSIP payment calculations, documentation of how selection criteria was applied (if applicable). Retention is based on 5-year repayment requirements, and the records are maintained by the court.</p>	<p>Temporary. Destroy when 5 years old.</p>
<p>k. Benefits Files.</p>	
<p>(1) Documentation related to denied health benefits, requests denied under spouse equity benefits, and denials or appeals maintained by the court.</p>	<p>Temporary. Destroy 3 years after denial.</p>
<p>(2) Documentation related to retirement assistance that includes correspondence, memoranda, annuity estimates, and other records used to assist retiring employees maintained by the court.</p>	<p>Temporary. Retain as long as the employee is in active status. Destroy 1 year after employee is placed in inactive status.</p>
<p>l. Reasonable Accommodation Files.</p>	
<p>(1) Documentation related to reasonable accommodation for an employee with a disability. Includes information created while receiving, coordinating, reviewing, processing, approving, and reporting requests for reasonable accommodation. These documents are maintained by the court.</p>	<p>Temporary. Destroy 3 years after separation.</p>
<p>(2) Case file on appointment of individual with a disability. Includes position description, essential functions, report, accommodation, acceptance or refusal, among other related documentation. Maintain any medical records in a separate secure file. These documents are maintained by the court.</p>	<p>Temporary. Destroy 5 years following selection or denial of appointment.</p>

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m. Drug Testing Files. Drug testing files maintained by the court that include:	
(1) LEO applicant drug testing records (hires and non-hires).	Temporary. Destroy when 3 years old or when employee separates, whichever is later.
(2) Random LEO workplace drug testing “notification of results only”, negative or positive. (The AO maintains all other LEO random workplace drug testing records.)	Temporary. Destroy when 3 years old or when employee separates, whichever is later.
(3) Drug testing records based on reasonable suspicion (non-LEO).	Temporary. Destroy when 3 years old or when employee separates, whichever is later.
n. Fair Employment Practices.	
(1) Copy of circuit or local court Employment Dispute Resolution or Employee Equal Opportunity (EDR or EEO) Plans maintained by the court.	Temporary. Destroy 2 years after superseded, obsolete, or no longer needed for reference.
(2) All records of, or related to, EDR or EEO informal and formal papers, notes, documents, and records including, but not limited to, requests for counseling and mediation, formal complaints, hearings and transcripts, final decisions by the chief judge or presiding judicial officer, petitions for review by respective circuit judicial counsels, and final decisions by the circuit judicial council. These records are maintained by the court.	Temporary. Destroy 5 years after resolution of the case.

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o. Local Personnel Files. Local personnel files including: correspondence, forms, and other records relating to positions, authorizations, pending actions, position descriptions, requests for personnel action; fingerprint and background check records; and other records on individual employees duplicated in or not appropriate for the OPF.	Temporary. Destroy when obsolete or no later than 1 year after separation.
5. Financial records.	Temporary. Destroy 6 years 3 months after the date of the final transaction.
6. Personal property records , including documents relating to acquisition and disposition of personal property.	Temporary. Destroy 7 years after the date of the final transaction.
7. Records Transmittal and Receipt (SF 135).	Temporary. Maintain at the court for 50 years. Do not transfer to an FRC.
8. General correspondence files , including all other administrative records.	Temporary. Destroy 5 years after closing date of correspondence.
9. Records of independent counsel appointed by a Court of Appeals (28 U.S.C. § 593).	Permanent.
10. Reimbursable travel files. Copies of records relating to reimbursing individuals, such as travel orders, per diem vouchers, and all other supporting documents relating to official travel by officers, employees, dependents, or others authorized by law to travel.	See: General Records Schedule 9, item 3.
a. Travel administrative office files.	Temporary. Destroy when 6 years old.
b. Obligation copies.	Temporary. Destroy when funds are obligated.

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11. Surveillance records.	
a. Routine. Courtroom security surveillance video/film of transmissions of courtroom proceedings.	Temporary. Maintain video at court location for not less than 14 days nor more than 30 days. Media may be reused after expiration of retention period.
b. Security incident. Courtroom security surveillance video/film of a security incident during a courtroom proceeding.	Temporary. Maintain video until conclusion of investigation or such time as determined by order of the chief judge of the court. Media may be reused.