



The Supreme Court of Texas

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August 11, 2004

Mr. Charles L. Babcock
Bank of America Plaza
901 Main Street, Suite 6000
Dallas, TX 75202

Re: Retention and Disposition of Exhibits and Depositions

Dear Chip,

Justice Hecht requests that the advisory committee study the retention and disposition of exhibits and deposition transcripts. This purpose of this letter is to provide some context and background to this request. Two procedural rules are relevant to this discussion:

The clerk of the court in which the exhibits are filed shall retain and dispose of the same as directed by the supreme court.

TEX. R. CIV. P. 14b.

The clerk of the court shall retain and dispose of deposition transcripts and depositions upon written questions as directed by the Supreme Court.

TEX. R. CIV. P. 191.4(e) (formerly rule 209).

The Court has issued two identical orders related to retention of these court documents.¹ These orders permit clerks to destroy exhibits and deposition transcripts in case one year after final judgment (two years if service was by publication) upon notice to the attorneys of record.

¹ A copy of one of these orders—currently reprinted in the Texas Rules of Civil Procedure following Rule 14b—is attached. The subject matter of former Rule 209 is covered now by Rule 191.4(e); however, the Court's related order is not reprinted as it was under Rule 209.

Additionally, retention of court records other than depositions and exhibits are governed by statute. Record retention in the courts of appeals is governed partly by Texas Government Code section 51.205.² Retention of most trial court records is governed by retention schedules promulgated by the State Library and Archives Commission pursuant to Texas Government Code section 441.158.³

District court clerks have complained about these procedures for some time. Their concerns are primarily with the notice provision and are essentially two-fold: (1) compliance is expensive, especially in larger counties; and (2) compliance, especially in long disposed cases, is very difficult because attorneys have often either passed away or moved. They add that courthouses are running out of record storage space and storage costs are high and increasing.

In response to these complaints, the Court created a Task Force on the Retention of Court Records—a multidisciplinary group of judges, archivists, and clerks—to study the issue. The Task Force was charged with devising a retention system that, on one hand, addressed the clerks' concerns and the practical problems of storage and disposal, yet, at the same time, also considered the potential need for the records in the judicial process and their potential historical significance.

The Task Force never made any formal recommendations to the Court. However, (then Rules Attorney) Bob Pemberton drafted a rule based on discussions during the Task Force meetings.⁴ In the end, the Court never promulgated any rule related to exhibit and deposition retention. The Court's primary concern was its uncertainty about how such a rule might affect smaller counties.

Recognizing that the ability to preserve files has undoubtedly gotten less expensive since the late Nineties, Justice Hecht is now open to revisiting this important issue. Accordingly, he met recently with Charles Bacarisse, Harris County District Clerk, to discuss a draft rule his office proposed in January 2003.⁵ Mr. Bacarisse hopes that a rule that allows for notice by publication will meet the spirit of Rule 14b while eliminating the cumbersome, expensive process of personal notification. Justice Hecht is sympathetic to his position.

Kind Regards,



Lisa Hobbs

² A copy of a letter to the Court from the Office of Court Administration concerning section 51.205 is attached.

³ Copies of current schedules DC, pertaining to district clerks, is attached. The schedules pertaining to county clerks and justice and municipal courts are substantially similar, in relevant part, and are available online at <http://www.tsl.state.tx.us/slrn/recordspubs/index.html>.

⁴ A copy of that draft rule ("Rule 13") is attached.

⁵ A copy of a letter to the Court from Mr. Bacarisse, with a proposed rule, is attached.

Rule 13. Effect of Signing of Pleadings, Motions and Other Papers; Sanctions

The signatures of attorneys or parties constitute a certificate by them that they have read the pleading, motion, or other paper; that to the best of their knowledge, information, and belief formed after reasonable inquiry the instrument is not groundless and brought in bad faith or groundless and brought for the purpose of harassment. Attorneys or parties who shall bring a fictitious suit as an experiment to get an opinion of the court, or who shall file any fictitious pleading in a cause for such a purpose, or shall make statements in pleading which they know to be groundless and false, for the purpose of securing a delay of the trial of the cause, shall be held guilty of a contempt. If a pleading, motion or other paper is signed in violation of this rule, the court, upon motion or upon its own initiative, after notice and hearing, shall impose an appropriate sanctions available under Rule 215-2b, upon the person who signed it, a represented party, or both.

Courts shall presume that pleadings, motions, and other papers are filed in good faith. No sanctions under this rule may be imposed except for good cause, the particulars of which must be stated in the sanction order. "Groundless" for purposes of this rule means no basis in law or fact and not warranted by good faith argument for the extension, modification, or reversal of existing law. A general denial does not constitute a violation of this rule. The amount requested for damages does not constitute a violation of this rule.

Oct. 29, 1940, eff. Sept. 1, 1941. Amended by orders of July 15, 1987, eff. Jan. 1, 1988; April 24, 1990, eff. Sept. 1, 1990.

Comment—1990

To require notice and hearing before a court determines to impose sanctions, to specify that any sanction imposed be appropriate, and to eliminate the 90-day "grace" period provided in the former version of the rule.

Historical Notes

Source

District and County Court Rule 51, unchanged.

Rule 14. Affidavit by Agent

Whenever it may be necessary or proper for any party to a civil suit or proceeding to make an affidavit, it may be made by either the party or his agent or his attorney.

Oct. 29, 1940, eff. Sept. 1, 1941.

Historical Notes

Source

Vernon's Ann.Civ.St. art. 24, unchanged.

Rule 14a. Repealed by Order of April 10, 1986, eff. Sept. 1, 1986

Historical Notes

The repealed rule, which provided that the provisions of Rules 430 and 437 were to apply to appellate procedure in all other courts of the state, was added by order dated Oct. 10, 1945.

Rule 14b. Return or Other Disposition of Exhibits

The clerk of the court in which the exhibits are filed shall retain and dispose of the same as directed by the Supreme Court.

Added by order of July 20, 1966, eff. Jan. 1, 1967. Amended by order of July 15, 1987, eff. Jan. 1, 1988.

Supreme Court Order Relating to Retention and Disposition of Exhibits

In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.

If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.

Effective Jan. 1, 1988.

Rule 14c. Deposit in Lieu of Surety Bond

Wherever these rules provide for the filing of a surety bond, the party may in lieu of filing the bond deposit cash or other negotiable obligation of the government of the United States of America or any agency thereof, or with leave of court, deposit a negotiable obligation of any bank or savings and loan association chartered by the government of the United States of America or any state thereof that is insured by the government of the United States of America or any agency thereof, in the amount fixed for the surety bond, conditioned in the same manner as would be a surety bond for the protection of other parties. Any interest thereon shall constitute a part of the deposit. Added by order of June 10, 1980, eff. Jan. 1, 1981.



OFFICE OF COURT ADMINISTRATION

JERRY L. BENEDICT
Administrative Director

TO: Chief Justice, Supreme Court of Texas
Presiding Judge, Court of Criminal Appeals
Chief Justices, Courts of Appeals

FROM: Jeffrey M. Vice

CC: Clerk, Supreme Court of Texas
Clerk, Court of Criminal Appeals
Clerks, Courts of Appeals

DATE: April 7, 1998

SUBJECT: Funding for Records Storage in the Intermediate Appellate Courts

Jerry Benedict has asked that funding for records storage in the intermediate appellate courts be included as an agenda item for your meeting on April 16, 1998. As you may be aware, our office has been researching records management in the intermediate appellate courts, and as a result, we have drafted and are enclosing for your review the following:

- Project overview on records storage in the intermediate appellate courts,
- Cost estimates for microfilming appellate records (Attachments 1 and 1.1),
- States' retention periods for appellate records (Attachment 2),
- Estimated annual appellate records storage costs (Attachment 3), and
- Compiled results of January 1998 survey of the appellate clerks.

In the project overview's Actions for Consideration, we have identified possible approaches to address the records storage problem. These include:

- Changing the storage medium for some or all of the records from paper to microfilm (estimates provided),
- Reducing, through statute, the retention period for criminal records from permanent to some lesser period (criminal records retention periods for other states provided for comparison), and
- Ensuring budgets for the 2000-2001 biennium are sufficient to handle current costs, plus projected increases in storage costs or costs associated with developing and implementing records purging projects (current costs estimates provided; projected storage or purging project costs not identified at this time).

Should you have any questions or comments, please do not hesitate to contact me at (512) 936-0197.

Project Overview: Records Storage in the Intermediate Appellate Courts

The Problem:

Storage, assessment, and disposal of an ever increasing number of intermediate appellate court records and the costs associated with those activities.

Background:

Texas Government Code §51.204 requires appellate civil case files to be destroyed ten years after final disposition, except for: (1) records containing "highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers;" (2) indexes, original opinions, minutes, and general court dockets; and, (3) records determined to be of historical value. However, the clerks have not universally exercised their authority to assess civil case files for historical or other value and purge the dated files deemed of no value.

In addition, appellate criminal case files are to be kept permanently. By the end of the next biennium, the courts will be storing two decades worth of criminal records. Due to the volume of civil and criminal records, most of the appellate courts are encountering difficulty in locating space to house those records, and the current space being used does not always meet records retention standards.

Storage situations vary for each appellate court, but some similarities exist. Many of the courts have received considerable, cost-free space and services from the county where they are located. However, several counties are encouraging the clerks to utilize their retention schedules to destroy some of the court records, particularly as the county facilities become space constrained. Also, several courts have transferred many of their older files to the state Archives in Austin or at regional depositories during a time when the Archives were able and willing to take ownership of the court records. Now, the State Library and Archives Commission is unable to serve as a general repository for appellate court records, except in unique situations.

Actions for Consideration:

1. **Change the storage medium from paper to microfilm.** If criminal records must be kept permanently, converting paper documents to microfilm rolls would alleviate space constraints. Attachment 1 provides microfilming cost estimates based on the clerks' responses to two surveys conducted by the OCA.
2. **Change the statute to reduce the retention period of criminal records.** Reducing the retention period of criminal records would create an essentially finite amount of records to be stored. Twelve of the appellate clerks advocate such a statutory change. Attachment 2 presents an overview of other states' retention periods for criminal records for comparative purposes.

3. **Budget for increasing records storage costs.** Certain courts are facing the possibility of having to seek new or additional storage space from private vendors, particularly if microfilming or a statutory change in the retention period for criminal records does not occur. Cost estimates have not been developed, but monthly fees at the State Records Center run \$.1874 per cubic foot (i.e., per box). Attachment 3 presents current estimated annual appellate records storage costs.
4. **Budget for records assessment and purge projects.** To eliminate backlogs, the OCA could assist interested courts in developing projects to assess their backlogged cases for historical or other value as dictated above. As a benchmark, the 5th Court conducted such a project, taking approximately one year to complete, at a cost around \$10,000.
5. **Develop or modify, and then implement, records management procedures.** The OCA is working with the appellate clerks and State Library consultants to identify and present "best practices" associated with records management.

Attachment 1: Cost Estimates for Microfilming Intermediate Appellate Court Records

Court	Filming Records Backlog (Based on Jan 98 Clerks' Estimates)			Filming Annual Accumulation of Records (Based on Jan 98 Clerks' Estimates)			Filming Annual Accumulation of Records (Based on FY97/98 Annual Rpts. Total Cases Disposed)		
	Criminal	Civil	TOTAL	Criminal	Civil	TOTAL	Criminal	Civil	TOTAL
1ST COA	\$364,875	\$241,078	\$605,953	\$27,366	\$11,728	\$39,094	\$23,114	\$18,570	\$41,684
2ND COA	\$25,198	\$542,216	\$567,413	\$22,805	\$9,773	\$32,578	\$20,931	\$11,191	\$32,122
3RD COA	\$148,068	\$134,841	\$282,908	\$13,683	\$15,638	\$29,320	\$11,533	\$13,357	\$24,890
4TH COA	\$224,659	\$220,228	\$444,887	\$18,244	\$18,244	\$36,488	\$16,729	\$17,413	\$34,142
5TH COA	\$221,531	\$71,672	\$293,203	\$61,898	\$19,547	\$81,445	\$43,231	\$18,716	\$61,947
6TH COA	\$41,961	\$49,160	\$91,121	\$3,909	\$5,213	\$9,122	\$4,626	\$3,698	\$8,324
7TH COA	\$92,652	\$83,270	\$175,922	\$4,691	\$4,040	\$8,731	\$9,285	\$5,750	\$15,035
8TH COA	\$111,189	\$314,705	\$425,894	\$10,555	\$8,959	\$19,514	\$7,916	\$6,825	\$14,742
9TH COA	\$38,703	\$58,119	\$96,822	\$9,773	\$16,289	\$26,063	\$7,167	\$7,330	\$14,497
10TH COA	\$45,192	\$33,060	\$78,253	\$2,606	\$1,955	\$4,561	\$6,271	\$5,066	\$11,337
11TH COA	\$94,346	\$44,404	\$138,750	\$8,340	\$2,867	\$11,207	\$9,920	\$3,356	\$13,276
12TH COA	\$43,003	\$51,473	\$94,477	\$5,213	\$5,213	\$10,425	\$5,278	\$5,946	\$11,223
13TH COA	\$130,313	\$65,156	\$195,469	\$9,773	\$9,773	\$19,547	\$11,044	\$10,946	\$21,990
14TH COA	\$173,967	\$232,087	\$406,054	\$19,547	\$17,918	\$37,465	\$25,444	\$18,146	\$43,590
TOTALS	\$1,755,656	\$2,141,469	\$3,897,126	\$218,404	\$147,155	\$365,559	\$202,489	\$146,308	\$348,798

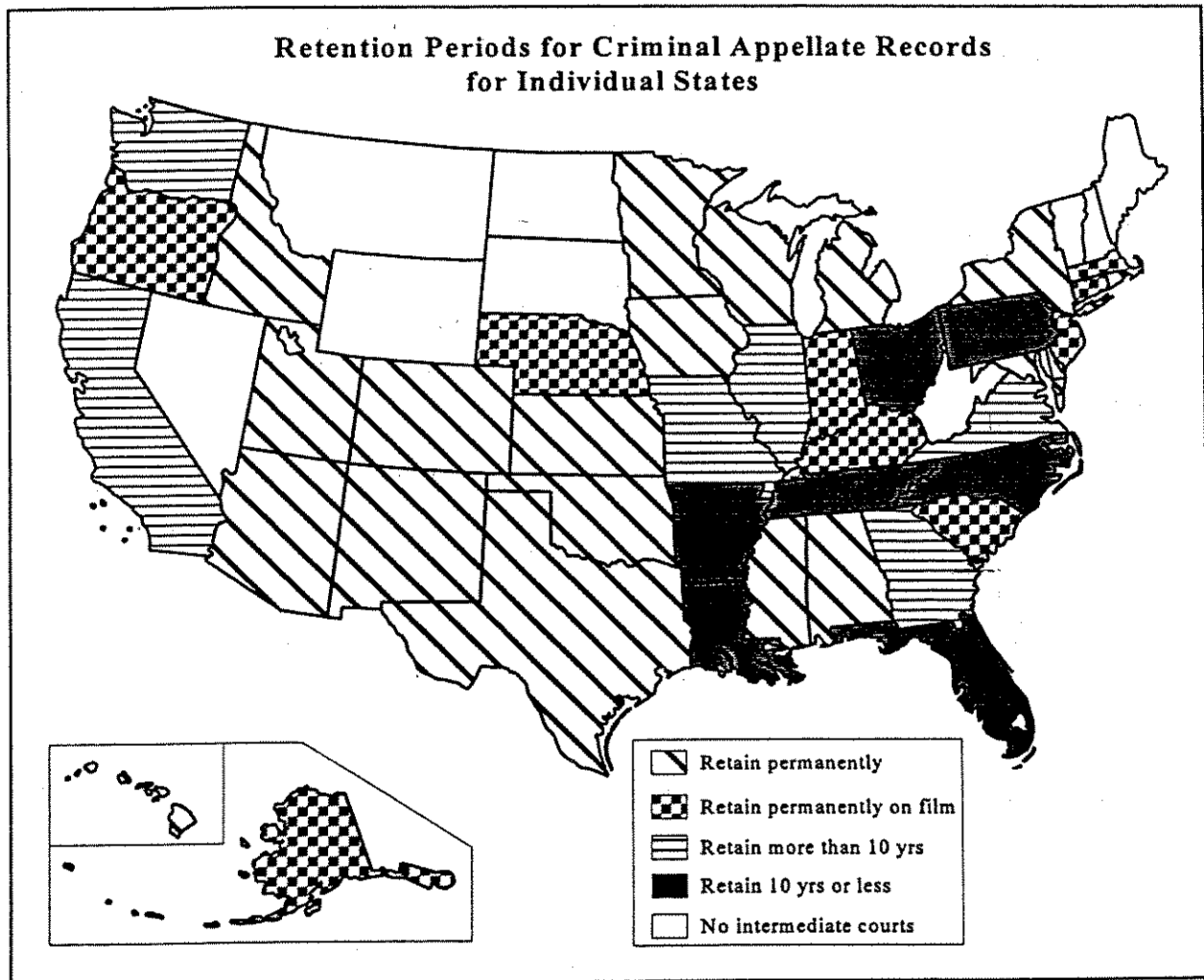
Sources: Survey of Texas' Clerks of Courts of Appeals, Office of Court Administration, 1998
Texas Judicial System Annual Reports, Office of Court Administration, FY 1997 & FY 1996
Microfilming Cost Estimate Formulas, Texas State Library and Archives Commission, 1998

**Attachment 1.1: Assumptions Used in Developing
Cost Estimates for Microfilming Intermediate Appellate Court Records**

1. Cost estimates for filming intermediate appellate records backlogs are based on inventory estimates provided by the appellate clerks in their January 1998 survey responses. Two cost estimates for filming annual records accumulations are presented: one is based on inventory estimates provided by the appellate clerks in their January 1998 survey responses, and the other is based on the average of FY97 and FY96 total cases disposed for each court.
2. If a clerk solely provided estimated number of case files (e.g., files kept in shucks), the totals were converted to number of boxes by using a four cases per box ratio.
3. The 2nd COA provided a case file count not segregated into civil or criminal. First, the case file count was converted using Assumption 2.; then, since cases counted were from 1921-86, 95% were assigned to civil and 5% to criminal.
4. The cost estimates do not reflect several courts' records reduction activities since the beginning of the year (e.g., the 2nd COA has shipped several hundred boxes of pre-1920 cases to the Archives and destroyed hundreds more).
5. The 7th COA's cost estimates reflect approximately 3000 case files, from 1991 to 1998, which were not identified in their January 1998 survey response, but are housed on-site.
6. The 13th COA's cost estimates do not reflect that approximately 2,000 of the 6,000 case files have previously been microfilmed, per the clerk; consequently, the estimate should be reduced by one-third.
7. Calculation formulas were based on State Library and Archives Commission figures:
 - Total # Documents/Images: 2500 images per box
 - Total # Original/Duplicate Rolls: 4000 images per roll
 - Total # Document Preparation Hours: 1000 images per hour
 - Total # Months to Complete Project: 1 roll prepared and filmed per day by one person (project length proportionate to number of preparers and photographers)
 - Total Filming Cost: \$.04 per image
 - Total Duplication Cost: \$8.50 per roll
 - Total Document Preparation Cost: \$10 per preparation hour
8. Document preparation includes removal of all fasteners, mending of torn pages, visual inspection, sorting of documents and creation of targets.
9. Cost estimates do not include the cost of microfilm readers/printers, which can average \$6,000 per Ken Hensley, Manager of Micrographics Services at the Texas State Library.
10. Cost estimates do not include any shipping or transportation costs.

Attachment 2: States' Retention Periods for Intermediate Appellate Court Records

Retention Period for States with Intermediate Appellate Courts	Number of States by Case Type	
	Criminal Cases	Civil Cases
Permanently	17	16
Permanently on microfilm	9	9
Retain more than 10 years	6	3
Retain 10 years or less	7	11
Subtotal	39	39
States without intermediate appellate courts	11	11
Total	50	50



Source: National Survey Regarding Retention of Appellate Records, Office of Court Administration, 1998.

Attachment 3: Estimated (May '97) Annual Intermediate Appellate Records Storage Costs

Court	Cost¹	Comments
1 st COA	None	Harris County provides free storage, but is encouraging retention schedule implementation. The court has responded, initiating a records purging project.
2 nd COA	\$10,000	This amount has already been greatly diminished by the court's current records purging project. Pre-1920 case files have been transferred to the state Archives, and many civil records deemed valueless by the court are being destroyed.
3 rd COA	\$4,200	This amount reflects cost-recovery fees from the State Records Center enacted September 1997. Starting in 2002, storage will be needed for the return each year of one year's worth of criminal records.
4 th COA	\$9,852	\$3,444 is actual current court cost, with remainder subsidized by the county, but subsidy under dispute. Pre-1981 civil records transferred to Archives, but still require historical value assessment/file purging.
5 th COA	None	Dallas County provides free storage. During this and last fiscal year, the court spent approximately \$10,000 to review, retain, re-file, and purge court records. Pre-1920 case files have been transferred to the state Archives.
6 th COA	\$1,200	This amount reflects charges from a private storage vendor.
7 th COA	None	County provides free storage. Pre-1920 case files have been transferred to the state Archives.
8 th COA	None	El Paso County provides free storage, but has inquired about retention schedules.
9 th COA	\$1,000	This amount for purchasing boxes. Special relationship with Archives regional depository enables court to transfer files to Liberty location.
10 th COA	\$1,380	This amount reflects charges from a private storage vendor.
11 th COA	None	On-site storage only.
12 th COA	None	On-site storage only.
13 th COA	None	On-site storage only.
14 th COA	None	Harris County provides court free storage, but is encouraging retention schedule implementation.
Total	\$27,632	

1. Costs based on clerks' May 1997 responses to OCA survey on records retention (figures were not verified; nor were peripheral costs identified (except by 9th COA), such as staff time, jackets, boxes, or shelves)). Costs indicated are per year.

§ 51.204

SUBCHAPTER C. CLERKS OF COURTS OF APPEALS

JUDICIAL BRANCH Title 2

§ 51.204. Records of Court

- (a) The clerk of a court of appeals shall:
- (1) file and carefully preserve records certified to the court and papers relative to the record;
 - (2) docket causes in the order in which they are filed;
 - (3) record the proceedings of the court except opinions and orders on motions; and
 - (4) certify the judgments of the court to the proper courts.
- (b) Upon the issuance of the mandate in each case, the clerk shall notify the attorneys of record in the case that:
- (1) exhibits submitted to the court by a party may be withdrawn by that party or the party's attorney of record; and
 - (2) exhibits on file with the court will be destroyed 10 years after final disposition of the case or at an earlier date if ordered by the court.
- (c) Not sooner than the 60th day and not later than the 90th day after the date of final disposition of a case, the clerk shall remove and destroy all duplicate papers in the file on record of that case.
- (d) Ten years after the final disposition of a civil case in the court, the clerk shall destroy all records filed in the court related to the case except:
- (1) records that, in the opinion of the clerk or other person designated by the court, contain highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers;
 - (2) indexes, original opinions, minutes, and general court dockets unless the documents are microfilmed in accordance with this section for permanent retention, in which case the original document shall be destroyed; and
 - (3) other records of the court determined to be archival state records under Section 441.186.
- (e) The clerk shall retain other records of the court, such as financial records, administrative correspondence, and other materials not related to particular cases in accordance with Section 441.185.
- (f) Before microfilming records, the clerk must submit a plan in writing to the justices of a court of appeals for that purpose. If a majority of the justices of a court of appeals determines that the plan meets the requirements of Section 441.183, rules adopted under that section, and any additional standards and procedures the justices may require, the justices shall inform the clerk in writing and the clerk may adopt the plan. The decision of the justices must be entered in the minutes of the court.

Amended by Acts 1997, 75th Leg., ch. 873, § 2, eff. Sept. 1, 1997.

Historical and Statutory Notes

1997 Legislation
Acts 1997, 75th Leg., ch. 873, in the section heading, substituted "Records of Court" for "Duties"; in subsec. (d), in subd. (2), substituted "in accordance with this section" for "or otherwise reduced", and added subd. (3); deleted subsec. (e); redesignated former subsec. (f) as subsec. (e), and therein substituted "in accordance with Section

441.185" for "for the time period specified by order of the court"; and added subsec. (f). Prior to amendment, subsec. (e) read:

"A record described in Subsection (d)(1) may be transferred to a public or private library or other agency concerned with the preservation of historical documents to be preserved or disposed of as the library or agency may determine."

§ 51.205. Repealed by Acts 1997, 75th Leg., ch. 873, § 8(1), eff. Sept. 1, 1997

Historical and Statutory Notes

The repealed section, relating to preservation of records, was derived from:

Acts 1977, 65th Leg., p. 342, ch. 169.
Acts 1981, 67th Leg., p. 793, ch. 291, § 46.

JUDICIAL BRANCH Title 2

Acts 1985, 69th Leg., ch. 480, § 1.

§ 51.207. Fees and Costs

[See main vol.]

(b) The fees are:

(b) The fees are:

- (1) for cases appealed to and fil district and county courts
- (2) motion for leave to file petitio injunction, and other similar of appeals
- (3) additional fee if the motion ur
- (4) motion to file or to extend district or county court

Amended by Acts 1997, 75th Leg., ch. 1080, § 1.

Historical a

1997 Legislation

Acts 1997, 75th Leg., ch. 1080, in subd. (1) substituted "\$100" for "\$50"; in subd. (2), substituted "\$50" for "\$20"; in subd. (3), substituted "\$75" for "\$30"; and in subd. (4), substituted "\$1" for "\$5".

Section 2 of Acts 1997, 75th Leg., ch. 10 provides:

Notes

Criminal proceedings 2

2. Criminal proceedings

Although proceeding for forfeiture of appea ance bond is criminal proceeding, costs on appe

SUBCHAPTER D

§ 51.302. Bond; Oath; Insurance

[See main vol.]

(c) Each district clerk shall obtain an governmental pool operating under Chap district clerk and any deputy clerk against the performance of official duties. The am the maximum amount of fees collected in preceding the term for which the insurance or other coverage document may not be for policy or other coverage document provides the policy must be at least \$1 million.

[See main vol]

Amended by Acts 1993, 73rd Leg., ch. 561, § 2, eff

SPECIAL SUPPLEMENT TO

TEXAS
RULES OF COURT
STATE

1997

CONTAINING
AMENDMENTS TO
TEXAS RULES OF APPELLATE PROCEDURE

WEST GROUP

RULES OF APPELLATE PROCEDURE

SUPREME COURT ORDER REGARDING DISPOSITION
OF COURT PAPERS IN CIVIL CASES

IN THE SUPREME COURT OF TEXAS

ORDER REGARDING DISPOSITION OF COURT PAPERS IN CIVIL CASES

ORDERED that:

A. Definitions.

1. *Court records or records* means:

- (a) the clerk's record;
- (b) the reporter's record; and
- (c) any other documents or items filed, or presented for filing and received in an appellate court in a particular case.

2. *Appellate record* means the clerk's record and the reporter's record and any supplements.

B. In the Courts of Appeals. The following paragraphs govern disposing of court records by the courts of appeals:

1. *Determination of permanent preservation.* Before any court records are destroyed, the court of appeals must—under Section 51.205 of the Government Code and State Archives guidelines—determine whether the records should be permanently preserved.

2. *Initial determination.* Immediately after final disposition of an appeal or other proceeding, the panel that decided the case must determine whether the case's records should be permanently preserved and must file with the records a statement declaring that the records should or should not be permanently preserved.

3. *Later determination.* After its initial determination, but before any court records are destroyed, the court of appeals may reexamine its initial determination under 2 and may change its designation.

4. *Original papers and exhibits in appeals.* Whatever the court determines concerning permanent preservation of a case's records, any original documents or exhibits must, within 30 days after final disposition of an appeal or other proceeding, be returned to the trial court in accordance with any trial court order entered under Rules 34.5(f) and 34.6(g). The court of appeals may, but need not, copy those documents and exhibits before returning them to the trial court. The court of appeals may dispose of copies of nondocumentary exhibits after the case is final on appeal.

5. *All other papers and exhibits.* Subject to paragraph 4., the court of appeals must keep and preserve all records of a case (except duplicates) until they are ultimately disposed of under this rule.

6. *Ultimate disposition.* After the period prescribed by Section 51.204 of the Government Code or other applicable statute has expired, the court of appeals must:

(a) destroy those records the court has determined need not be permanently preserved; and

(b) turn over to the State Archives or other repository allowed by law those records the court has determined should be permanently preserved.

C. In the Supreme Court. The following paragraphs govern disposing of court records by the Supreme Court:


1. *If case reversed and remanded to court of appeals.* If the Supreme Court grants review and remands the case to the court of appeals, the Supreme Court will return the appellate record to the court of appeals. The court of appeals will then dispose of the court records in accordance with subdivision B. The Supreme Court will keep and preserve all remaining items (except duplicates) until they are turned over to the State Archives as provided by law.

APPENDIX

2. *If case affirmed or reversed and remanded to trial court.* If the Supreme Court grants review and either affirms the court of appeals or reverses and remands to the trial court, the Supreme Court will not return the appellate record but will keep and preserve all records of the case (except duplicates) until those records are turned over to the State Archives as provided by law.

3. *In all other cases.* In all other cases, the Supreme Court will return the appellate record to the court of appeals and keep and preserve all remaining records of the case (except duplicates) until they are turned over to the State Archives as provided by law.

(Effective September 1, 1997.)



Records Storage in the Intermediate Appellate Courts

Appellate Court
Clerks' Meeting
May 14, 1998



The Problem


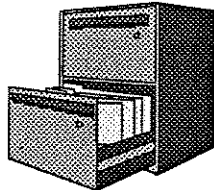
Although court costs for records storage are currently nominal, the likelihood exists that costs will increase as

- the number of records increases
- costs are shifted to the courts



Current Situation

- Differences between the COAs
 - records backlogs
 - storage venues
 - ◆ county
 - ◆ state
 - ◆ private vendors
 - storage costs
- Similarities between the COAs
 - files accessed infrequently, except for OAG



Texas Government Code §51.204

- Retain civil case records for 10 years, except
 - records with "...highly concentrated, unique, and valuable information unlikely to be found in any other source available to researchers"
 - indexes, original opinions, minutes, and general court dockets
 - records determined to be archival state records (i.e., historical value)



Texas Government Code §51.204

- Retain criminal case records permanently
 - retention period dictated by omission and subsequent interpretation
 - district court retention periods are linked to judgment length



Effects of §51.204

- Civil records accumulation
 - to date - at minimum, 10 years worth
 - ◆ problem - value assessment clause
 - ◆ response - initial retention determination
 - projected - 10 years worth
- Criminal records accumulation
 - to date - almost 20 years worth
 - projected - infinite amount

Main Actions to Consider

- Change statute to reduce retention period of criminal records
 - ▶ Pro - cost effective
 - ▶ Con - may need criminal records
 - ▶ Cost - none

States' Criminal Case Retention Periods



Criminal Case Retention Period	Number of States
Retain permanently (on microfilm)	25 (9)
More than 10 yrs	7
10 yrs or less	7

- 39 states have intermediate appellate courts
- Nearly two-thirds retain records permanently

States' Criminal Case Retention Periods

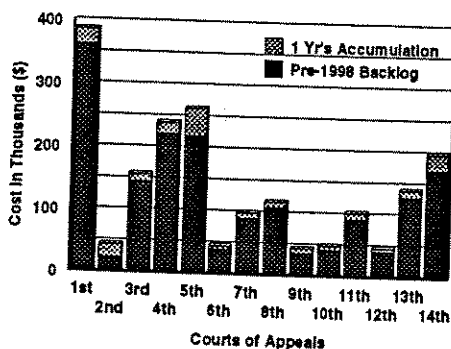
Retention periods for the 10 most populous states

Rank	State	Retention Period (Yrs)	Rank	State	Retention Period (Yrs)
1	CA	10	6	IL	21
2	TX	Permanent	7	OH	2
3	NY	Permanent	8	MI	20
4	FL	5	9	NJ	Perm - film
5	PA	1	10	GA	20

Main Actions to Consider

- Change records storage medium from paper to microfilm
 - ▶ pro - better access; approved archive medium
 - ▶ con - expensive; not cost effective
 - ▶ cost - \$202,500 annually

Microfilm Cost Estimates (Criminal Records Only)



Microfilm Cost Estimates (Criminal Records Only)

For all intermediate appellate courts...

1998 Cost for Microfilming 1 Yr's Worth of Criminal Records	2008 Projected Cost for Storing Cumulative Criminal Records in Paper Format
\$202,500	\$97,000



Effective October 20, 1997

TEXAS STATE LIBRARY AND ARCHIVES COMMISSION

LOCAL SCHEDULE DC (2nd Edition)

RETENTION SCHEDULE FOR RECORDS OF DISTRICT CLERKS

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule DC sets mandatory minimum retention periods for records series (identified in the Records Series Title column) maintained by district clerks. If the retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is *less than permanent* may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is *permanent* on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

AMENDMENT NOTICE

An item number that is preceded by an asterisk (*) indicates either that the retention period or the description of the record series has been changed from that which appeared in the edition of Local Schedule DC, effective November 1, 1994, or the records series is new to this schedule. An asterisk is also used before a retention note that has been amended or added at the beginning of the schedule or any of its parts or sections. Changes to legal citations or non-substantive editorial changes are not noted.

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ABBREVIATIONS USED IN THIS SCHEDULE

AR - After release, replacement, termination, or cancellation of
the instrument; or, if recorded, of all instruments in volume

AV - As long as administratively valuable

FE - Fiscal year end

US - Until superseded

RECORDS OF DISTRICT CLERKS

Retention Notes: a) **TEXAS COUNTY RECORDS MANUAL RENDERED WITHOUT EFFECT** - The adoption and issuance of the first edition of this schedule by the Texas State Library and Archives Commission rendered without effect Section 2 of Volume II of the Texas County Records Manual as amended through February 15, 1993. District clerks should not use any part of the Texas County Records Manual to determine minimum retention periods or the requirements of local government records laws.

b) **USE OF LOCAL SCHEDULE GR (Records Common to All Governments)** - Class 1000 (General Records), which was part of Volume II of the Texas County Records Manual, is not included in this schedule. District clerks should use Local Schedule GR for determining minimum retention periods for administrative, personnel, financial, and support service records not included in this schedule.

c) **DESTROY AT OPTION** - The term "destroy at option" as used throughout this schedule indicates that the record is an obsolete record no longer required by law to be maintained by district clerks. We recommend that district clerks who wish to retain these records rather than destroy them assign definite retention periods for the records on their records control schedules.

d) **SCOPE OF THIS PART** - In some counties, the district clerk, by law, serves either as the exclusive clerk to one or more statutory county courts, as clerk in cases concerning family law only, or as clerk in cases concerning family law and in civil and/or criminal cases in which the court has concurrent jurisdiction with district courts. The district clerk must follow the minimum retention periods in Local Schedule CC (Records of County Clerks) for records of any county court at law to which he or she is clerk that are not covered in this schedule. The district clerk must follow the retention periods in this volume for records relating to family law matters heard in a county court at law to which he is clerk.

e) **MEANING OF FINAL JUDGMENT** - For retention dating purposes, the use of the term "final judgment" in retention periods, unless otherwise qualified, means:

1) **Civil and Family Law Cases** - From the date judgment signed in a district court or the court of jurisdiction if a foreign judgment; or if new trial or further proceedings granted on motion or mandated on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed, modified, or rendered as it should have been rendered, or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.

2) **Criminal Cases** - From the date judgment signed in a district court; or if new trial or further proceedings granted on motion or mandated by reversal on appeal, from date judgment rendered and signed in new trial or further proceedings; or if appealed and judgment of trial court affirmed or judgment of acquittal issued or appeal dismissed, from date mandate or notice of dismissal received from appeals court; whichever applicable.

3) **Juvenile Cases** - State laws provide that appeals from decisions in these types of hearings shall be governed by the Rules of Civil Procedure and the Rules of Appellate Procedure, and the dating of final judgment should follow the guidelines set out in (e)(1) above.

f) **PRE-1876 RECORDS AND RETENTION RECOMMENDATIONS** - Notwithstanding the retention periods set down in this schedule, the following records must be retained permanently:

- 1) all case papers dated 1876 or earlier and trial dockets containing entries dated 1876 or earlier; and
- 2) case papers and trial dockets from any period if the minutes of the case have been lost or destroyed.

In addition, with regard only to case papers in which final judgment has been rendered, this manual recommends, but does not require that consideration be given to retaining:

- 1) all case papers dated from 1877 to 1920 PERMANENTLY; and
- 2) papers in a case from any period that, because of its notoriety or significance, might possess enduring value.

* g) **FINGERPRINTS** - Code of Criminal Procedure, art. 38.33, requires that the fingerprint of a person convicted of a Class A misdemeanor or a felony be placed on the judgment or docket sheet. The fingerprint is meant to serve as an aid to the identification of a person for use as evidence of prior convictions. The amended article applies only to convictions had on or after 1 September 1987. Because of the long retention periods set for the various records concerning felony cases in this section, this note is concerned only with misdemeanor records in district courts.

If the fingerprint appears on a misdemeanor judgment sheet or an order for probation that is incorporated directly into the Criminal Minutes [2125-08] or the District Court Minutes [2150-07] none of the retention periods listed in this manual is affected, but if the only copy of the fingerprint appears on a document in either of the following two categories, then the document must be retained 20 years after final judgment or after last entry as applicable.

Category 1 - On a misdemeanor docket sheet in the Criminal Docket [2125-06] or the Criminal File Docket - Type IV [2125-07], or on a separate docket sheet filed with the Criminal Case Papers [2125-05].

Category 2 - On a misdemeanor judgment or an order for probation filed with the Criminal Case Papers [2125-05] and not directly incorporated into the Criminal Minutes [2125-08] or the District Court Minutes [2150-07].

The 20 year retention required for documents in Categories 1 and 2 apply only to those documents or portions of a docket, judgment, or order created on or after 1 September 1987 and containing the only copy of the fingerprints of convicted persons. It does not apply to any documents in the same categories created on or before 31 August 1987.

h) **RETENTION OF CIVIL EXHIBITS AND DEPOSITIONS** - Exhibits and depositions in civil cases must be retained and disposed of in accordance with the following orders of the Texas Supreme Court, unless a county has obtained a modified order from the Supreme Court amending the procedure for that county.

1) **Exhibits:** In compliance with the provisions of Rule 14b, the Supreme Court hereby directs that exhibits offered or admitted into evidence shall be retained and disposed of by the clerk of the court in which the exhibits are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all attorneys of record thirty days written notice that they have an opportunity to claim and withdraw the trial exhibits, the clerk, unless otherwise directed by the court, may dispose of the exhibits. If any such exhibit is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the exhibit.

If the exhibit is not a document or otherwise capable of reproduction, the party who offered the exhibit shall be entitled to claim same; provided, however, that the party claiming the exhibit shall provide a photograph of said exhibit to any other party upon request and payment of the reasonable cost thereof by the other party.

2) **Deposition Transcripts and Depositions Upon Written Questions:** In compliance with the provisions of Rule 209, the Supreme Court hereby directs that deposition transcripts and depositions upon written questions be retained and disposed of by the clerk of the court in which the same are filed upon the following basis.

This order shall apply only to: (1) those cases in which judgment has been rendered on service of process by publication and in which no motion for new trial was filed within two years after judgment was signed; and, (2) all other cases in which judgment has been signed for one year and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by a final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

After first giving all attorneys of record written notice that they have an opportunity to claim and withdraw the same, the clerk, unless otherwise directed by the court, may dispose of them thirty days after giving such notice. If any such document is desired by more than one attorney, the clerk shall make the necessary copies and prorate the cost among all the attorneys desiring the document.

* i) **RETENTION OF CRIMINAL EXHIBITS** - Exhibits in criminal cases in which a person was convicted must be retained and disposed of in accordance with the following provisions of the Code of Criminal Procedure, art. 2.21:

- 1) To be eligible for disposal the exhibit must not be contraband or a firearm, must not have been ordered by the court to be returned to its owner, and is not an exhibit in another pending criminal action.
- 2) An eligible exhibit may be disposed of on or after the first anniversary of the date on which a conviction becomes final in the case, if the case is a misdemeanor or a felony for which the sentence imposed by the court is five years or less; or on or after the second anniversary of the date on which a conviction becomes final in the case, if the case is a non-capital felony for which the sentence imposed by the court is greater than 5 years.
- 3) Prior to disposal, county and district clerks in a county with a population of less than 1.7 million must provide written notice by mail to the attorney representing the state and the attorney representing the defendant of the intent to dispose. If a request for return is not received from either attorney before the 31st day after the date of notice, the clerk may dispose of the exhibit.
- 4) County and district clerks in a county with a population of 1.7 million or more may dispose of an eligible exhibit on the date provided in (2) if on that date the clerk has not received a request for the exhibit from either the attorney representing the state or the attorney representing the defendant.

PART 1: CIVIL CASE RECORDS

2025-01 **APPEARANCE DOCKET (CALL DOCKET)** - Docket books or sheets of civil suits filed in a district court used to call cases on appearance day. RETENTION: 3 years.

2025-02 **CIVIL BAR DOCKET** - Docket books or sheets of civil suits filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2025-03 **CIVIL CASE PAPERS** - Documents relating to civil proceedings (including pre-trial, preliminary, or interlocutory proceedings or hearings) and of scire facias and ancillary civil proceedings, *except* condemnation, family law, and juvenile delinquency cases, heard or received as a foreign judgment.

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

* b) All other cases. (See retention note.)

Retention Notes: a) Final judgment + 20 years or, if applicable to the case, 12 years from date judgment revived, whichever longer, provided that at the time of disposal (1) no discovery proceedings are underway in the case and (2) the judgment and mandate (if applicable) have been entered of record in a permanent minute book of the court.

b) Prior to disposal, civil case papers shall be appraised by the records management officer for historical value and those determined by the records management officer to merit retention for historical reasons must be retained permanently. Some civil case papers may merit permanent retention because they provide significant documentation of the history of the local community or the state.

c) Exhibits and depositions. RETENTION: See retention note (h) on page 5. (Exempt from destruction request to the Texas State Library)

* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

* e) Transcripts and statements of fact from the district court on appeal. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof.
RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2025-04 CIVIL DOCKET (CIVIL DOCKET-DISPOSED). RETENTION: PERMANENT.

2025-05 CIVIL FILE DOCKET (CIVIL DOCKET-PENDING) - Original entry docket books or sheets of civil cases.

a) TYPE I - File docket, which *does not contain* an account of fees due, whose contents are *transcribed* into a docket of disposed cases after adjudication. RETENTION: AV after transcription. (Exempt from destruction request to the Texas State Library)

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* those relating to fees, are *transcribed* into a docket of disposed cases after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of a file docket, which *does not contain* an account of fees due, whose sheets are *transferred* to a docket of disposed cases as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *may or may not contain* an account of fees due, whose contents are not transcribed or whose sheets are not transferred, but which serves as a combination pending and disposed docket. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2025-06 CIVIL MINUTES. RETENTION: PERMANENT.

2025-07 CONDEMNATION CASE PAPERS (EMINENT DOMAIN CASE PAPERS)

a) Cases dismissed on motion of plaintiff, for want of prosecution, or for other reasons within the court's power.
RETENTION: Dismissal + 3 years.

b) All other cases. (See retention note.)

Retention Note: Condemnation case papers must be retained for 10 years after entry of judgment approving award of special commissioners on the minutes of the court in the absence of objection or after final judgment rendered or proceedings otherwise terminated in court in trial of the cause, whichever applicable, except if suit is dismissed on motion of condemnor, the award of the special commissioners must be retained PERMANENTLY or, if it is entered of record in any subsequent suit, until the expiration of the retention period applicable to the records of that suit, whichever sooner.

c) Exhibits and depositions. RETENTION: See retention note (h) on page 5. (Exempt from destruction request to the Texas State Library)

* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process.
RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof.
RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2025-08 JURY DOCKET (JURY TRIAL DOCKET) - Docket books or sheets of civil suits in which juries have been requested. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2025-09 SUBPOENAS - Stub books, copies, or recorded copies of civil subpoenas issued. RETENTION: 2 years.

PART 2: TAX SUIT RECORDS

2050-01 **CIVIL BAR DOCKET** - Docket books or sheets of delinquent tax suits filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2050-02 **DELINQUENT TAX CASE PAPERS** - Documents relating to delinquent tax cases. RETENTION: *Follow retention periods for Civil Case Papers [2025-03].*

2050-03 **DELINQUENT TAX DOCKET (DELINQUENT TAX DOCKET-DISPOSED)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2050-04 **DELINQUENT TAX FILE DOCKET (DELINQUENT TAX DOCKET-PENDING)** - Original entry docket books or sheets of delinquent tax cases. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

2050-05 **DELINQUENT TAX MINUTES**. RETENTION: PERMANENT.

2050-06 **ORDER OF SALE RECORD (ORDER OF SALE DOCKET)** - Recorded orders of sale arising from judgments in delinquent tax suits. RETENTION: PERMANENT.

PART 3: FAMILY LAW CASE RECORDS

2075-01 **ADOPTION CASE PAPERS** - Documents relating to adoption, annulment of adoption, and revocation of adoption proceedings.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) All other cases. RETENTION: PERMANENT.

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2075-02 **ADOPTION DOCKET (ADOPTION DOCKET-DISPOSED)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2075-03 **ADOPTION FILE DOCKET (ADOPTION DOCKET-PENDING)** - Original entry docket books or sheets of adoption, annulment of adoption, and revocation of adoption cases. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

2075-04 **ADOPTION MINUTES (ADOPTION RECORD)**. RETENTION: PERMANENT.

2075-05 CHILD SUPPORT CASE PAPERS - Documents relating to proceedings involving child support, the enforcement of child support, or custody of a child.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) All other cases. (See retention note.)

Retention Note: Final judgment + 20 years or 3 years after date on which child support obligation ends pursuant to decree of order, whichever later; except if a judgment is rendered against obligor for arrearages, follow the retention period for Civil Case Papers [2025-03(b)].

c) Exhibits and depositions. RETENTION: See retention note (h) on page 5. (Exempt from destruction request to the Texas State Library)

* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2075-06 CHILD SUPPORT DOCKET (CHILD SUPPORT DOCKET-DISPOSED). RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2075-07 CHILD SUPPORT FILE DOCKET - Original entry docket books or sheets of cases involving child support, enforcement of child support, or custody of a child. RETENTION: Follow retention periods for Civil File Docket [2025-05].

2075-08 CHILD SUPPORT MINUTES. RETENTION: PERMANENT.

2075-09 COMMUNITY PROPERTY MANAGEMENT PETITIONS - Ex parte petitions of one spouse for the sole management of community property or the sale without joinder of homesteads.

a) Granted petitions. RETENTION: PERMANENT.

b) Denied petitions. RETENTION: 10 years.

2075-10 DIVORCE CASE PAPERS - Documents relating to divorce or annulment suits.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) Cases in which a final decree is rendered.

1) Custody of support of a minor child is not at issue. RETENTION: Follow retention period for Civil Case Papers [2025-03b].

2) Custody or support of minor child is at issue. RETENTION: Follow retention period for Child Support Case Papers [2075-05b].

c) Cases in which petition for divorce or annulment denied. RETENTION: Final judgment + 10 years.

d) Exhibits and depositions. RETENTION: See retention note (h) on page 5. (Exempt from destruction request to the Texas State Library)

* e) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

* f) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* g) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2075-11 **DIVORCE DOCKET (DIVORCE DOCKET-DISPOSED)**. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2075-12 **DIVORCE FILE DOCKET (DIVORCE DOCKET-PENDING)** - Original entry docket books or sheets of divorce and annulment suits. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

2075-13 **DIVORCE MINUTES**. RETENTION: PERMANENT.

2075-14 **NAME CHANGE PETITIONS**

a) Granted petitions. RETENTION: PERMANENT.

b) Denied petitions. RETENTION: 10 years.

2075-15 **NEGLECTED CHILDREN CASE PAPERS (CHILD WELFARE CASE PAPERS)** - Documents relating to proceedings involving neglected, abandoned, and abused children. RETENTION: *Follow retention periods for Child Support Case Papers [2075-05].*

2075-16 **NEGLECTED CHILDREN DOCKET (NEGLECTED CHILDREN DOCKET-DISPOSED)** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]

2075-17 **NEGLECTED CHILDREN FILE DOCKET (CHILD WELFARE FILE DOCKET)** - Original entry docket books or sheets of cases involving neglected, abandoned, or abused children. RETENTION: *Follow retention periods for Civil File Docket [2025-05].*

2075-18 **NEGLECTED CHILDREN MINUTES (CHILD WELFARE MINUTES)**. RETENTION: PERMANENT.

2075-19 **STATE CUSTODY DECREE RECORDS** - Certified copies of out-of-state custody decrees, including any correspondence or other documentation concerning the pendency of custody proceedings in other states. RETENTION: Final judgment + 20 years or 3 years after child support obligations ends by order or decree, whichever later.

2075-20 **PATERNITY SUIT CASE PAPERS** - Documents relating to proceedings in pre-trial conferences and trials to determine paternity.

a) Cases dismissed on motion of petitioner, for want of prosecution, or for other reasons within the court's power. RETENTION: Dismissal + 3 years.

b) Cases in which final judgment is rendered.

1) Alleged father is determined to be the father of the child. RETENTION: PERMANENT.

2) Alleged father is determined not to be the father of the child. RETENTION: Final judgment + 10 years.

c) Exhibits and depositions. RETENTION: *See retention note (h) on page 5.* (Exempt from destruction request to the Texas State Library)

* d) Bills of cost under both (a) and (b). RETENTION: FE of final payment + 3 years.

* e) Citations, waivers of citation, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* f) Appeal, cost, supersedeas, or similar surety bonds or certificates of deposit or affidavits in lieu thereof.
RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2075-21 **REMOVAL OF DISABILITIES PETITIONS** - Ex parte petitions for the removal of the disabilities of minority. RETENTION: 10 years.

2075-22 **VOLUNTARY LEGITIMATION PETITIONS AND STATEMENTS** - Ex parte petitions and statements of paternity for the voluntary legitimation of a child. RETENTION: PERMANENT.

* PART 4: JUVENILE RECORDS

* **SPECIAL NOTE:** This section remains in effect until the effective date of adoption of Local Schedule JR (Juvenile Records) by the Texas State Library and Archives Commission by an amendment to 13 TAC 7.125.

Prefatory Note: Juvenile court records are subject to sealing pursuant to Texas Family Code, Section 51.16. While sealing restricts access to the records, it does not affect the minimum retention periods set down in this section nor the destruction of such records following the expiration of those periods.

2100-01 **JUVENILE CASE PAPERS** - Documents relating to juvenile detention, transfer, adjudication, or disposition proceedings, including all records transferred to the court by law enforcement or other agencies under sealing order issued by the court.

Retention Note: The retention periods set out below are divided into two groups - those dealing with records arising from a juvenile delinquency or offense committed on or before 31 August 1987 and those dealing with records arising from a juvenile delinquency or offense committed on or after 1 September 1987. The Texas Legislature has determined that an offense occurs on or after 1 September 1987 if all the elements of the offense occur on or after that date.

a) Records concerning delinquent conduct or offenses committed on or before 31 August 1987:

1) Fingerprint cards and photographs only:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, the juvenile is found not to have engaged in the alleged conduct, or the juvenile is found to have engaged in the conduct but has reached the age of 18 and there is *no* record that he or she committed a criminal offense after reaching the age of 17. RETENTION: Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e) before 1987 amendment.] (Exempt from destruction request to the Texas State Library)

B) If the juvenile is found to have engaged in the conduct, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. RETENTION: Follow the retention period for (a)(2)(A) or (B), as applicable.

2) All other case papers:

A) If the person has reached the age of 23 and has *not* been convicted of a felony as an adult. RETENTION: See retention note. [By law - Family Code, Section 51.16(i). (Exempt from destruction request to the Texas State Library)]

Retention Note: State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. District clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. District clerks may dispose of

juvenile case papers on their own initiative only according to the retention period set out in (a)(2)(B).

B) If the person has reached the age of 23 and he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. **RETENTION:** Until the individual is 33.

b) Records concerning delinquent conduct or offenses committed on or after 1 September 1987:

1) Fingerprint cards and photographs *only*:

A) If a petition alleging that the juvenile engaged in delinquent conduct or conduct indicating a need for supervision is not filed, the proceedings are dismissed, or the juvenile is found not to have engaged in the alleged conduct; or the juvenile is found to have engaged in the conduct but has reached the age of 18, is not subject to commitment to the Texas Youth Commission or to transfer under a determinate sentence to the Texas Department of Corrections and there is *no* record that he or she committed a criminal offense after reaching the age of 17; or the person is older than 18 years, at least three years have elapsed after the person's release from commitment, and there is no evidence that he or she committed a criminal offense after the release. **RETENTION:** Must be destroyed immediately upon fulfillment of any of the conditions listed. [By law - Family Code, Section 51.15(e).] (Exempt from destruction request to the Texas State Library)

B) If the juvenile is found to have engaged in conduct involving a violation of the penal code of a grade other than a felony, has reached the age of 18, but there is a record that he or she committed an offense after reaching the age of 17. **RETENTION:** *Follow the retention periods in (b)(2)(A) or (B), as applicable.*

C) If the juvenile is found to have engaged in conduct involving a violation of the penal code of the grade of felony. **RETENTION:** *Follow the retention period in (b)(2)(C).*

2) All other case papers:

A) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, and has *not* been convicted of a felony as an adult. **RETENTION:** *See retention note.* [By law - Family Code, Section 51.16(i).] (Exempt from destruction request to the Texas State Library)

Retention Note: State law requires that the records can only be destroyed at this point by the court's own motion or upon a motion by the person in whose name the files or records are kept. District clerks wishing to dispose of juvenile case papers at the expiration of the retention period prescribed under these circumstances should petition the court for an order directing that the records be destroyed. District clerks may dispose of juvenile case papers on their own initiative only according to the retention period set out in (2)(B) or (C).

B) If the person has reached the age of 23, was adjudged delinquent based on the violation of a penal law other than the grade of felony, but he or she has been convicted of a felony as an adult; or if the person has reached the age of 23, has *not* been convicted of a felony as an adult, but the court on its own or another's motion has not ordered the destruction of the papers. **RETENTION:** Until the individual is 33.

C) If the case papers concern an adjudication of delinquency based on the violation of a penal law of the grade of felony. **RETENTION:** Date of judgment in disposition hearing + 25 years.

3) Audio or videotapes of release hearings. **RETENTION:** Date of final judgment in release hearing + 2 years. [By law - Family Code, Section 54.11(g).]

2100-02 JUVENILE DOCKET. RETENTION: 5 years.

2100-03 JUVENILE FILE DOCKET (JUVENILE DOCKET-PENDING) - Original entry docket books or sheets of juvenile detention, transfer, adjudication, and disposition hearings. (See retention note.)

Retention Note: Follow retention periods for Civil File Docket [2025-05], except that Type IV dockets need be kept only FE + 5 years rather than permanently.

2100-04 JUVENILE MINUTES. RETENTION: PERMANENT.

PART 5: CRIMINAL CASE RECORDS

2125-01 BAIL BOND RECORD - Record of bail or recognizance bonds set or taken. RETENTION: 3 years.

2125-02 BENCH WARRANTS - Stub books or copies of bench warrants issued. RETENTION: 2 years.

2125-03 CAPIASES - Stub books or copies of capaises and summonses issued. RETENTION: 2 years.

2125-04 CRIMINAL BAR DOCKET (STATE BAR DOCKET) - Docket books or sheets of criminal cases filed for the use of attorneys. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2125-05 CRIMINAL CASE PAPERS - Documents relating to criminal cases, including those concerning habeas corpus and extradition.

a) Misdemeanor cases, including those reduced to misdemeanor under Penal Code, Section 12.44 (except DWI and DUID). RETENTION: Date of dismissal or final judgment + 5 years, as applicable, but see retention note (g) on page 5.

b) DWI and DUID cases. (See retention note.)

Retention Note: 5 years after dismissal or acquittal, 10 years after final judgment in convictions for a first and second offense or in convictions for a third or subsequent offense if the sentence is 2 years or less, or follow retention period under (d) if the sentence in a third or subsequent offense is more than 2 years. See also retention note (g) on page 5.

c) Felony cases in which charges are dismissed or the defendant is found not guilty. (See retention note.)

Retention Note: 10 years after dismissal or final judgment, as applicable, except (1) if proceedings are dismissed as the result of the satisfactory completion of a term of probation under deferred adjudication, follow the retention period in (d); or (2) if the defendant is acquitted by reason of insanity follow the retention period in (g).

d) Felony cases in which the sentence (or suspended sentence), term of probation, combined sentence and term of probation, cumulative sentences or terms of probation, or the longest sentence or term of probation of two or more sentences or terms of probation to be served concurrently is more than 2 but less than 20 years. RETENTION: Final judgment + 25 years.

e) Felony cases in which the sentence, cumulative sentences, or the longest sentence of two or more sentences to be served concurrently is more than 20 years, including cases in which the sentence is life imprisonment or the death penalty. RETENTION: PERMANENT.

f) Misdemeanor or felony cases in which proceedings are discontinued for civil commitment proceedings under Section 6, Article 46.02, Code of Criminal Procedure. (See retention note.)

Retention Note: If at any time the defendant is found competent to stand trial and proceedings are continued to final judgment, follow the appropriate retention period for adjudicated cases in (a) through (f); if at any time the defendant is discharged by the court or the charges are dismissed and the defendant bound

over to a court of appropriate jurisdiction for civil commitment, follow the retention period in (a) or (c), as applicable; or if the defendant is neither found competent to stand trial, discharged by the court, nor are charges against the defendant dismissed preparatory to transfer to an appropriate court for civil commitment, 50 years.

g) Felony cases in which the defendant is acquitted by reason of insanity and in which the district court retains jurisdiction of the case for civil commitment under Section 4(d), Article 46.03, Code of Criminal Procedure. (See retention note.)

Retention Note: If at any time the court finds that the person does not meet the criteria for involuntary commitment, 10 years from date of release; otherwise, 10 years after the death or discharge of the person from a mental health or mental retardation facility, if known, or if not known, 50 years after date of initial order of commitment.

h) Habeas corpus proceedings. (See retention note.)

Retention Note: 5 years from issuance or denial of writ in pre-conviction proceedings unless the court issuing the writ is the same court having jurisdiction of the offense with which the applicant is charged, in which case the records should be kept for the same period as the case papers to which they relate. Post-conviction habeas corpus proceedings records should be retained for the same period as the case papers to which they are ancillary, except if the proceedings arise from an extradition demand, the retention period under (i) should be followed.

i) Extradition proceedings. RETENTION: Date of decision on extradition demand + 5 years.

j) Exhibits. RETENTION: See retention note (i) on page 6. (Exempt from destruction request to the Texas State Library)

* k) Bills of cost in criminal cases. RETENTION: FE of final payment + 5 years.

* l) Transcripts and statements of fact from the district court on appeal. RETENTION: Receipt of mandate + 3 years.

* m) Pre-sentence investigation reports (misdemeanors). RETENTION: Final judgment + 2 years.

* n) Pre-sentence investigation reports (felonies). RETENTION: Final judgment + 10 years.

* o) Warrants, capiases, summonses, subpoenas, witness attachments, returns, and applications for such process. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

* p) Bail, personal, appeal, peace, cost, and other surety bonds, or certificates of deposit or affidavits in lieu thereof. RETENTION: 3 years after final judgment rendered or proceedings otherwise terminated in the case.

2125-06 CRIMINAL DOCKET (CRIMINAL DOCKET-DISPOSED)

a) Docket of misdemeanor cases only. RETENTION: FE + 5 years, but see retention note (g) on page 5.

b) Docket of habeas corpus filing only. RETENTION: 5 years.

c) All other criminal dockets of disposed cases. RETENTION: 20 years.

2125-07 CRIMINAL FILE DOCKET (CRIMINAL DOCKET-PENDING) - Original entry docket books or sheets of criminal cases.

a) TYPE I - File docket, which does not contain an account of fees due, whose contents are transcribed into a Criminal Docket [2125-06] after adjudication. RETENTION: AV after transcription.

b) TYPE II - File docket, which *does contain* an account of fees due, whose contents, *except* that relating to fees, are transcribed into a Criminal Docket [2125-06] after adjudication. RETENTION: FE + 5 years.

c) TYPE III - Non-transferred sheets of file docket, which *does not contain* an account of fees due, whose sheets are transferred to a Criminal Docket [2125-06] as the case moves from pending to disposed. RETENTION: 3 years.

d) TYPE IV - File docket, which *does contain* an account of fees due, whose contents *are not transcribed* or whose sheets *are not transferred*, but which serves as a combination file docket, criminal docket, and fee book. RETENTION: Follow retention periods for Criminal Docket [2125-06].

2125-08 CRIMINAL MINUTES. RETENTION: PERMANENT.

2125-09 EVIDENCE DOCKET - Docket recording evidentiary material filed in criminal cases.

a) If receipt of evidentiary material is *also* noted in the Criminal File Docket [2125-07]. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) If receipt of evidentiary material is *not* noted in Criminal File Docket [2125-07]. RETENTION: Follow retention periods for Criminal File Docket [2125-07].

2125-10 EXPUNGED CRIMINAL RECORDS - All criminal records and files, expunged pursuant to court order, transmitted by other agencies to the district clerk or already in his possession, including petitions for expunction, copies of court orders, and return receipts.

(a) Expunged records arising from arrests for offenses committed on or before August 31, 1989. RETENTION: Date of issuance of order + 1 year. (Exempt from destruction request to the Texas State Library)

(b) Expunged records arising from arrests for offenses committed on or after September 1, 1989 that are not given to the petitioner. RETENTION: Must be destroyed on first anniversary date of date of issuance of order. [By law - Code of Criminal Procedure, Section 55.02(d).] (Exempt from destruction request to the Texas State Library)

2125-11 PROBATION MINUTES. RETENTION: PERMANENT.

2125-12 SEARCH WARRANTS - Search warrants with returns, issued by a district judge, including inventories of property and any other associated documents.

a) If the judge is not satisfied that there was good ground for the issuance of the warrant. RETENTION: Date of issuance + 10 years.

b) If the judge is satisfied that there was good ground for the issuance of the warrant. (See retention note.)

Retention Note: The warrant, inventory of property, and any other associated documents are forwarded to the clerk of the court having jurisdiction of the case. If transferred to the district clerk, see Examining Trial Case Papers [2225-01].

2125-13 SUBPOENAS (CRIMINAL) - Stub books, copies, or recorded copies of subpoenas issued. RETENTION: 2 years.

2125-14 WITNESS ATTACHMENTS - Stub books, copies, or recorded copies of attachment writs issued. RETENTION: 2 years.

2125-15 WITNESS RECORD (WITNESS DOCKET) - Register of witnesses subpoenaed, attached, or recognized in criminal cases. RETENTION: 3 years.

PART 6: MULTI-CASE/MULTI-COURT RECORDS

- 2150-01 **APPEAL RECORD (TRANSCRIPT DOCKET)** - Record or register of civil or criminal appealed to a higher court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 2150-02 **ATTORNEYS' ORDER BOOK (CITATION RECORD)** - Record of attorneys' requests for the issuance of legal papers. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 2150-03 **ATTORNEYS' RECEIPT BOOK** - Attorneys' receipts for documents temporarily withdrawn from custody of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 2150-04 **DEPOSITION RECORD** - Record or register of depositions filed in civil or criminal cases. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 2150-05 **DISTRICT COURT DOCKET** - Combined form of the Civil Docket [2025-04] and the Criminal Docket [2125-06]. RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
- 2150-06 **DISTRICT COURT FILE DOCKET (DISTRICT COURT DOCKET-PENDING)** - Original entry docket books or sheets of civil and criminal cases. RETENTION: *Follow retention period for Civil File Docket [2025-05].*
- 2150-07 **DISTRICT COURT MINUTES (CIVIL AND CRIMINAL MINUTES).** RETENTION: PERMANENT.
- 2150-08 **EXECUTION DOCKET** - Record of executions issued to enforce judgments rendered in all manner of cases. RETENTION: PERMANENT.
- 2150-09 **MOTION DOCKET** - Docket books or sheets recording motions filed by attorneys.
- a) Combined civil/criminal motion docket. RETENTION: PERMANENT.
 - b) Separate civil motion docket. RETENTION: PERMANENT.
 - c) Separate criminal motion docket. RETENTION: 20 years.
- 2150-10 **PROCESS LOG (DAY BOOK)** - Chronological daily log of process and other instruments issued or received. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
- 2150-11 **SCIRE FACIAS DOCKET (BOND FORFEITURE DOCKET).** RETENTION: PERMANENT. [By rule of court - Rules of Civil Procedure, Rule 26.]
- 2150-12 **SCIRE FACIAS MINUTES (BOND FORFEITURE MINUTES).** RETENTION: PERMANENT.

PART 7: MISCELLANEOUS COURT RECORDS

- 2175-01 **ADMINISTRATIVE ORDERS** - Administrative orders issued by a district judge appointing special judges, court reporters, bailiffs, temporary clerks, and other court officers; admitting attorneys to practice before the bar; setting date and time of court sessions; and establishing other matters relating to the administrative functioning of a district court.
- a) Original orders that *have been recorded* in a minute book of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)
 - b) Original orders that *have not been recorded* in a minute book of the court. RETENTION: PERMANENT.
- 2175-02 **ATTORNEY GENERAL, REPORTS TO** - Copies of periodic reports by district clerk to the attorney general on criminal matters. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-03 COURT REPORTER REPORTS - Reports submitted by court reporters to district court on the amount and nature of the business pending in the court reporter's office. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

2175-04 COURT REPORTER EXAMINATION RECORDS - Records of competency examinations given to prospective court reporters. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2175-05 DRUG-RELATED CONVICTIONS, RECORD OF - Copies of lists of persons convicted of a drug-related felony in the county. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-06 FIRE INQUEST CASE PAPERS - Reports and verdicts of fire inquest juries, testimony of witnesses, and all other documentary evidence relating to fire inquests held by a justice of the peace. RETENTION: Date of filing with district clerk + 10 years.

Retention Note: Fire inquest case papers entered as evidence in a criminal or other proceeding should be retained for the same period as the corresponding case papers. See Criminal Case Papers [2125-05] and Civil Case Papers [2025-03].

2175-07 GRIEVANCE COMMITTEE JUDGMENTS - Copies of judgments issued by State Bar grievance committees concerning the disbarment, suspension, or reprimand of attorneys.

a) Original judgments that have been recorded in a minute book of the court. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

b) Original judgments that have not been recorded in a minute book of the court. RETENTION: PERMANENT.

2175-08 INDUSTRIAL ACCIDENT BOARD, NOTICES TO - Copies of notices sent to the Industrial Accident Board notifying the board of the filing of appeals from decisions of the board. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-09 INQUIRY COURT CASE PAPERS - Transcriptions of evidence and other papers arising from a court of inquiry held by a district judge.

Retention Note: Any inquiry court case papers transferred to Criminal Case Papers [2125-05] as the result of an arrest and prosecution arising from the court of inquiry should be retained for the same period as the appropriate category of Criminal Case Papers. RETENTION: 10 years.

2175-10 INQUEST CASE PAPERS - Autopsy reports, testimony of witnesses, laboratory reports, reports of death, and other documentary evidence or summaries of findings relating to inquests held by a justice of the peace. RETENTION: Date of filing with district clerk + 10 years, but see retention note. [By law - Code of Criminal Procedure, art. 49.15(d).]

Retention Note: An order of the district court must be obtained by the district clerk to destroy this record after the expiration of its retention period. Original inquest case papers or summary reports entered as evidence in a criminal or other proceeding should be retained for the same period as the corresponding case papers. See Criminal Case Papers [2125-05] and Civil Case Papers [2025-03].

2175-11 JUDICIAL ADMINISTRATION REPORTS - Reports by district clerk to the county administrative judge or the presiding judge of an administrative judicial region. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-12 MOTOR CARRIER CONVICTIONS, REPORTS OF RECORD OF - Copies of reports to the State Comptroller of fines assessed and collected for violations of the Motor Carrier Act. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-13 SHORTHAND NOTES OF OFFICIAL COURT REPORTERS - Shorthand notes of official court reporters.

- a) Notes taken in a criminal case in which a person is convicted and sentenced to a term of more than two years and an appeal is not taken. RETENTION: Length of sentence or 15 years, whichever sooner. [By rule of court - Rules of Appellate Procedure, Rule 11(d).]
- b) Notes in all other manner of cases. RETENTION: Date notes taken + 3 years. [By law - Government Code, Section 52.046(a)(4).]
- c) Copies of transcripts and statements of fact.

Retention Note: While the responsibility for preserving notes under (b) lies with the court reporter, reporters may have left office and left their notes with the district clerk or in storage in county buildings. These notes may be disposed of after the expiration of the retention period given. State law also does not require that court reporters retain copies of any transcripts or statements of fact they prepare, but most do so for reference. Again, copies of these documents may have been left with the district clerk or in storage in county buildings. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-14 TEXAS JUDICIAL COUNCIL, STATISTICAL REPORTS TO. RETENTION: 3 years.

2175-15 TRAFFIC CONVICTION ABSTRACTS - Copies of abstracts submitted to the Department of Public Safety pertaining to traffic violations. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2175-16 WIRE AND ORAL COMMUNICATIONS INTERCEPTION RECORDS - Sealed sound recordings, applications, and court orders of wire and oral communications interceptions ordered by a district judge.

- * a) Recordings. RETENTION: Expiration of order or last extension of order, if applicable + 10 years. [By law - Code of Criminal Procedure, art. 18.20(10)(b).] (Exempt from destruction request to the Texas State Library)
- b) Applications and orders. RETENTION: Date of sealing + 10 years. [By law - Code of Criminal Procedure, art. 18.20(11).] (Exempt from destruction request to the Texas State Library)

Retention Note: The destruction of recordings, applications, and orders at the expiration of the retention period for each can be carried out only by order of the judge of competent jurisdiction in each administrative district.

PART 8: JURY RECORDS

* **2200-01 JURY LISTS** - Lists of persons chosen for service in district, county, or justice courts or on grand juries, including lists of persons whose service has been postponed and defendants' and plaintiffs' lists. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

* **2200-02 JURY TIME BOOK (JURY RECORD)** - Record of persons serving on district court juries or grand juries. RETENTION: FE + 3 years.

2200-03 SPECIAL VENIRE JURY LISTS - Lists of jurors summoned by writs of special venire for capital cases tried in a district court. RETENTION: 5 years.

2200-04 STATEMENTS OF EXEMPTION FROM JURY DUTY - Statements by persons claiming temporary or permanent exemption from jury duty on statutory grounds, including any statements of rescission of such claims.

- a) Statements requesting permanent exemption. RETENTION: AV after notification sent to tax assessor-collector. (Exempt from destruction request to the Texas State Library)
- b) Statements requesting temporary exemption. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

* 2200-05 **JUROR QUESTIONNAIRES** - Forms completed by jurors reporting for jury duty. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

PART 9: GRAND JURY RECORDS

2225-01 **EXAMINING TRIAL CASE PAPERS (CRIMINAL COMPLAINT FILES)**. RETENTION: 5 years.

2225-02 **EXAMINING TRIAL RECORD OR REGISTER** - Record or register of complaints or examining trial cases referred to the grand jury. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2225-03 **GRAND JURY DOCKET (GRAND JURY MINUTES)**. RETENTION: 10 years.

2225-04 **GRAND JURY FEE ACCOUNT REPORTS** - Annual reports to the district judge by the grand jury on the examination of officers' fee accounts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

2225-05 **GRAND JURY INDICTMENT REPORTS** - Reports to the district court by a grand jury showing indictments handed down by the grand jury during its term. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2225-07 **INDICTMENT RECORD OR REGISTER** - Register or card file logging indictments returned by grand jury. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2225-08 **JUSTICE COURT DOCKET TRANSCRIPTS** - Certified copies of justice court criminal and examining trial dockets filed by justices of the peace. RETENTION: Date of filing + 1 year. (Exempt from destruction request to the Texas State Library)

2225-09 **SUBPOENAS (GRAND JURY)** - Stub books, copies, or recorded copies of subpoenas issued. RETENTION: 2 years.

2225-10 **WITNESS RECORD (GRAND JURY)** - Register of witnesses subpoenaed, attached, or recognized before a grand jury. RETENTION: 2 years.

PART 10: NATURALIZATION RECORDS

2250-01 **DECLARATION OF INTENTION RECORD** - Bound or filed originals or recorded copies of declarations of intention to become citizens filed by aliens. RETENTION: PERMANENT.

2250-02 **NATURALIZATION PAPERS** - Petitions for naturalization, oaths of allegiance, witness affidavits, and orders granting or denying citizenship submitted by aliens or their witnesses. RETENTION: PERMANENT.

2250-03 **NATURALIZATION RECORD** - Proceedings involving naturalization. RETENTION: PERMANENT.

PART 11: ADMINISTRATIVE AND FINANCIAL RECORDS

2275-01 **ACKNOWLEDGMENT RECORD** - Record of acknowledgments or proofs of instruments taken by the district clerk as ex-officio notary public. RETENTION: 10 years.

2275-02 **ANNUAL FEE REPORTS**. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-03 APPLICATIONS FOR DEPUTIES - Copies of applications to commissioners court for deputies, assistants, or clerks. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-04 AUDITOR'S REPORTS - Reports of county finances submitted by the county auditor to the district court.

a) Monthly report. RETENTION: 1 year. (Exempt from destruction request to the Texas State Library)

b) Annual reports. RETENTION: 3 years.

* **2275-05 BANKING RECORDS** - Bank statements, canceled or digitized images of checks, check registers, deposit slips, debit and credit notices, reconciliations, notices of interest earned, etc. RETENTION: FE + 5 years.

2275-06 CASH RECEIPTS - Receipt books or copies of receipts upon payment of fees, fines, or costs in civil, criminal, probate or other cases; or for the deposit of trust funds.

a) Criminal receipts:

1) If county has an auditor. RETENTION: Transferred to auditor when all receipts issued. [By law - Code of Criminal Procedure, Section 103.011.]

2) If the county does not have an auditor. RETENTION: FE + 5 years.

b) All other district court receipts. RETENTION: FE + 3 years.

2275-07 CHILD SUPPORT PAYMENT LEDGER - Ledger showing the receipt and disbursement of monies from the child support payment fund. RETENTION: FE + 5 years.

2275-08 CHILD SUPPORT PAYMENT RECORD - Record of child support payments by case. RETENTION: End of support period + 10 years.

2275-09 COST DEPOSIT RECORD - Records of receipts to and disbursements from monies deposited with the district clerk to cover costs in civil proceedings. RETENTION: FE + 5 years.

2275-10 COUNTY AUDITOR, REPORTS TO - Reports not listed elsewhere in this schedule submitted to the county auditor on the receipt or disbursement of county funds or on cash balances in accounts of the district clerk. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-11 COURT REPORTER EXPENSE STATEMENTS - Copies of statements of expenses incurred by court reporters serving outside the county of their residence in a district court serving more than one county or for serving as a substitute reporter in a county other than that in which they are resident. RETENTION: FE + 3 years.

2275-12 DAILY CASH BOOK OR REPORTS. RETENTION: FE + 3 years.

2275-13 DAILY FILE RECORD - Daily record or register of papers received for filing. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-14 DEPOSIT WARRANTS - Copies of deposit warrants issued by the county clerk or the county treasurer for monies deposited in any funds or accounts of the district clerk. RETENTION: FE + 3 years.

2275-15 FEE BOOK - Fee books or sheets showing accounts of fees or costs accrued in cases heard in a district court. RETENTION: FE + 5 years.

2275-16 [Withdrawn, see 2275-15]

2275-17 INDEPENDENT AUDIT REPORTS - Special audit reports of county finances submitted by finance committees or special auditors appointed by a district court. RETENTION: PERMANENT.

2275-18 JURY CERTIFICATES - Stubs or copies of jury certificates issued. RETENTION: FE + 3 years.

2275-19 **LEGAL OPINIONS** - Copies of legal opinions rendered to the district clerk by the county attorney or the district attorney. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-20 **MINUTES OF OFFICERS' ACCOUNTS (OFFICERS' FEE BILLS DUE FROM STATE)** - Record of proceedings in district court approving expense claims or fees due from the state to various county or district officers for service in district court felony cases, before the grand jury, or in examining trials. RETENTION: FE + 3 years.

2275-21 **MINUTES OF WITNESS ACCOUNTS (WITNESS FEE CLAIMS)** - Record of proceedings in district court approving witness fee claims. RETENTION: FE + 3 years.

2275-22 **MONTHLY EXPENSE REPORTS.** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-23 *[Withdrawn]*

* 2275-24 **OPEN RECORDS REQUESTS** - Written open records requests, including those sent by electronic mail or facsimile, submitted to a district clerk, including correspondence and other documentation relating to the requests.

a) Approved requests. RETENTION: Approval of request + 1 year. [Exempt from destruction request to the Texas State Library]

b) Denied requests. RETENTION: Denial of request + 2 years.

2275-25 **PROBATION COLLECTION RECORD (PROBATION FILE RECORD)** - Documentation detailing the collection of probation fees. RETENTION: FE + 5 years.

2275-26 **RECORDS MANAGEMENT RECORDS**

a) Records control schedules (including all successive versions of or amendments to schedules). RETENTION: PERMANENT.

b) Records destruction documentation - Records documenting the destruction of records under records control schedules, including requests submitted to the Texas State Library and Archives Commission for authorization to destroy unscheduled records or the originals of permanent records that have been microfilmed. RETENTION: PERMANENT.

c) Records inventories - Lists or inventories of the active and inactive records created or received by a county office. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

d) Records management plans and policy documents - Plans and similar documents establishing the policies and procedures under which a records management program operates. RETENTION: US + 5 years.

2275-27 **REPORTS OF COLLECTIONS (MONTHLY FEE REPORTS).** RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2275-28 **TRUST FUND RECORD** - Journal, ledger, or similar record of receipts to and disbursements from trust funds. RETENTION: FE + 5 years.

2275-29 **WITNESS FEE REPORTS** - Copies of reports submitted by the district clerk to the State Comptroller listing fee claims for out-county witnesses. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)

PART 12: BUSINESS AND PROFESSIONAL RECORDS

- 2300-01 **ATTORNEY LICENSING RECORDS** - Applications for license to practice law and reports of committees on applications for license to practice law. RETENTION: PERMANENT.
- 2300-02 **ATTORNEY RECORD** - Register or roster of attorneys licensed by a district court to practice in the county. RETENTION: PERMANENT.
- 2300-03 **CHIROPODY REGISTER (PODIATRY REGISTER)** - Recorded licenses of chiropodists or podiatrists issued by the state. RETENTION: PERMANENT.
- 2300-04 **CHIROPRACTIC REGISTER** - Recorded licenses of chiropractors issued by the state. RETENTION: PERMANENT.
- 2300-05 **MEDICAL REGISTER** - Register of physicians licensed by local boards or the state. RETENTION: PERMANENT.
- 2300-06 **PHARMACY REGISTER** - Register of pharmacists licensed by local boards. RETENTION: PERMANENT.
- 2300-07 *[Withdrawn]*
- 2300-08 **VETERINARY REGISTER** - Recorded licenses of veterinarians issued by the state. RETENTION: PERMANENT.

PART 13: MISCELLANEOUS RECORDS

- 2325-01 **BONDS AND DEPUTATIONS OF COUNTY CLERK** - Bonds, qualifying oaths, and deputations of county clerks and their deputies. RETENTION: AR + 5 years.
- 2325-03 *[Withdrawn]*
- 2325-03 **ESTRAY RECORD** - Recorded affidavits and bonds of takers-up of estrayed animals, affidavits of appraisal of the animals, and any accompanying reports of the death of estrays or affidavits of ownership of estrays, recorded with the district clerk under the Stock Law of 1874. RETENTION: PERMANENT.
- 2325-04 **LIQUOR PRESCRIPTIONS AND AFFIDAVITS** - Prescriptions, canceled prescriptions, and affidavits by druggists for the sale of liquor for medicinal purposes, for the purchase of liquor from out of state or from wholesalers for importation into prohibition territory and affidavits from clergy for the use of liquor for sacramental purposes. RETENTION: PERMANENT.
- 2325-05 **MARKS AND BRANDS RECORD** - Register of livestock marks and brands and their subsequent sale or transfer, recorded with the district clerk under the Stock Law of 1874. RETENTION: PERMANENT.
- 2325-06 **PASSPORT APPLICATION RECORDS** - Copies of passport applications and all other records related to the acceptance of such applications. RETENTION: Destroy at option.
- 2325-07 **PRESCRIPTION REGISTER** - Register of prescriptions and affidavits received from druggists and clergy for the use of liquor for medicinal or sacramental purposes. RETENTION: PERMANENT.
- 2325-08 **REGISTERED VOTERS, LISTS OF** - Lists or registers of voters qualified to vote. RETENTION: AV. (Exempt from destruction request to the Texas State Library)

2325-09 REPORTS OF LIQUOR SEIZED - Reports of liquor and associated property seized, and copies of receipts issued by the sheriff for goods if liquor or property was seized by officers other than the sheriff.

- a) Receipts. RETENTION: Destroy at option. (Exempt from destruction request to the Texas State Library)
- b) Reports. RETENTION: PERMANENT.

Comments or complaints regarding the programs and services of the Texas State Library and Archives Commission can be addressed to the Director and Librarian, PO Box 12927, Austin, TX 78711-2927.
512-463-5460 or 512-463-5436 Fax

Copies of this publication are available in alternative format upon request.

RULE 13. RETENTION AND DISPOSITION OF COURT RECORDS

13.1 Applicability. Except as otherwise provided by law, this rule governs the retention and disposition of court records by the clerk of the court in which the record is filed and maintained.

13.2 Retention Period. The clerk of the court in which the following categories of court records are filed and maintained must retain the records, under any method or medium permitted by law, for not less than the time periods set forth below:

(a) Generally.

- (1) *Citation.* Until four years after the date of final judgment.
- (2) *Judgments and court orders.* Permanently.
- (3) *Pleadings (petitions and answers).* Until 20 years after the date of final judgment.
- (4) *Motions.* Until 20 years after the date of final judgment.
- (5) *Discovery requests and responses.* Until one year after date of final judgment.
- (6) *Oral deposition transcripts and depositions upon written questions.* Until one year after date of final judgment.
- (7) *Exhibits offered and admitted into evidence.* Until one year after date of final judgment.

(b) Exceptions.

- (1) *Cases where no final judgment rendered.* In cases that are dismissed without a final judgment being rendered, the retention periods specified in subparagraph (a) run

from the date of dismissal.

- (2) *Cases involving minors.* In cases involving minors, the retention periods specified in subparagraph (a) run from the date the minor reaches the age of majority.
- (3) *Court order.* The court in which a particular record is filed and maintained may order the clerk to retain it for a period of time longer than retention periods specified in subparagraph (a). In so ordering, the court may consider, among other factors:
 - (A) The potential historical significance of the court paper;
 - (B) Other interests of the public in assuring and maintaining access to the court paper;
 - (C) The costs of storing and maintaining the court paper or other similar papers; and
 - (D) The availability of the same or equivalent information through other court papers or other sources.
- (4) *Service by publication.* If any defendant in a case was served by publication, the retention period specified in subparagraphs (a)(6) and (7) must be extended by one year.

13.3 Duties of Clerk During Retention Period; Disposal; Withdrawal.

- (a) *Generally.* During the retention period, the clerk must make the court records listed in Rule 13.2 available for inspection and copying as provided by law.

(b) Disposal.

- (1) *Exhibits and deposition transcripts.* The clerk may, without further notice, dispose of exhibits and oral or written deposition transcripts after thirty days following the end of the applicable retention period, except as provided in paragraph (c).
- (2) *Other types of court records.* The clerk may, without further notice, dispose of other types of court records listed in Rule 13.2(a) after the applicable retention period has expired.

(c) Procedures for withdrawing exhibits and depositions.

- (1) *Time to withdraw.* After the end of the applicable retention period but within thirty days after that date, a party may request the clerk to withdraw an exhibit or oral or written deposition transcript.
- (2) *Withdrawal.*
 - (A) Generally. If a party timely requests to withdraw an exhibit or deposition transcript, the clerk must tender the exhibit or transcript to the requesting party on the thirtieth day following the end of the applicable retention period.
 - (B) Multiple requests. If more than one party timely requests to withdraw an exhibit or transcript, the clerk must provide copies of the exhibit or transcript to all requesting parties and prorate the cost among all the parties or persons requesting the document.
 - (C) Exhibit not capable of reproduction. If an exhibit is not a

document or otherwise cannot be copied, the party claiming the exhibit must provide a photograph of the exhibit upon request and payment of the reasonable cost thereof by the requesting party.

- (3) *Additional time before disposal.* If a party has timely requested to withdraw an exhibit or deposition transcript or exhibit under subparagraph (2), the clerk must retain the exhibit or transcript for an additional three business days and, if not completed by that time, until the clerk has provided any copies of exhibits or transcripts the clerk is required to provide under subparagraph (2).



CHARLES BACARISSE
HARRIS COUNTY DISTRICT CLERK

January 22, 2003

The Honorable Thomas R. Phillips
Chief Justice
Supreme Court of Texas
P. O. Box 12248
Austin, Texas 78711

Dear Justice Phillips:

The intent of this letter is to seek temporary relief from the restrictions of Rules 14b and 209, Texas Rules of Civil Procedure. The rules state the District Clerk cannot dispose of exhibits and depositions in a civil case unless the attorneys in the case receive individual notice of the intent to destroy these documents from the District Clerk. This process is extraordinarily cumbersome, expensive and ineffective, especially in a county the size of Harris County.

The District Clerk of Harris County maintains the case records for 15 County Criminal Courts at Law, 59 District Courts and 3 Region IV-D Courts. We receive approximately 150,000 new case filings annually. We have an estimated 3.5 million case files, 106,500 civil exhibits and 19,100 civil depositions currently in inventory. The exhibits range from enlarged charts, texts and photographs to 55-gallon drums, automobile parts, torn clothing, etc. Within one year of case disposition, these records become obsolete - not accessed by the public.

In 1991, due to dwindling records storage space, the Harris County District Clerk requested and received signed orders from the Supreme Court of Texas allowing for the destruction of certain exhibits and depositions by posting a notice in the Texas Bar Journal. The records pertaining to those orders were destroyed. In 1997, this office contacted the Supreme Court of Texas regarding a possible rule change to allow for the systematic destruction of these records. We were told a Supreme Court Advisory Committee was formed to address the issue of the retention of court records - including case files, depositions and exhibits. Our expectation at that time was a rule change was to take place rather quickly as this appeared to be a common problem among all the larger Texas counties. Some 5 years later, we still do not have resolution to the on-going problem of storage of depositions and exhibits.

We are struggling with the lack of storage space. Maintaining obsolete records due to cumbersome destruction rules is neither economical nor operationally feasible. We have formulated a plan for consideration by the Supreme Court of Texas regarding the destruction of exhibits and depositions. We believe this plan meets the spirit of 14b and 209 while eliminating the cumbersome, expensive process of notification. If approved this process would remain in effect until official rule changes could be implemented.

The Honorable Thomas R. Phillips
January 9, 2003
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The Harris County District Clerk is requesting the Supreme Court of Texas consider the attached orders to the letter – Relating to the Retention and Disposition of Exhibits By the District Clerk of Harris County (Rule 14b) and Relating to the Retention and Disposition of Depositions By the District Clerk of Harris County. These orders give the Harris County District Clerk permission to dispose of all exhibits and depositions submitted in any case:

- one year after judgment in the case has been rendered, and in which no motion for new trial was filed within two years after judgment was signed or
- in which judgment was signed, and in which no appeal was perfected or in which a perfected appeal was dismissed or concluded by final judgment as to all parties and the issuance of the appellate court's mandate such that the case is no longer pending on appeal or in the trial court.

Notification to the attorneys of the intent to destroy the records (exhibits and depositions) would be made through publication in the Texas Bar Journal. The District Clerk of Harris County would dispose of all exhibits and depositions beginning in the third month after the month in which notice of the Clerk's intention to do so is published in the Texas Bar Journal. Attorneys desiring to withdraw exhibits must do so by a published date.

Your timely consideration of this matter would be greatly appreciated.

Sincerely,



CHARLES BACARISSE
District Clerk

CEB/dkr
Enclosures

IN THE SUPREME COURT OF TEXAS

Misc. Docket No. _____

RELATING TO THE RETENTION AND DISPOSITION OF EXHIBITS BY THE DISTRICT CLERK OF HARRIS COUNTY

ORDERED:

Pursuant to Rule 14b, Texas Rules of Civil Procedure, exhibits shall be retained by the District Clerk of Harris County as required by law, unless disposed of as allowed by this Order or this Court's general Order effective January 1, 1988, a copy of which is attached.

In any case—

- (1) in which one year has passed since judgment in the case was rendered and no motion for new trial was filed within two years after the judgment was signed, or
- (2) in which a judgment was signed, and no appeal was perfected or a perfected appeal was dismissed, or an appellate court has issued a final judgment as to all parties and the case is no longer pending on appeal or in the trial court.

the District Clerk of Harris County may dispose of all exhibits beginning in the third month after the month in which notice of the Clerk's intention to do so is published conspicuously in the *Texas Bar Journal*, except those materials which, prior to disposition, are withdrawn.

SIGNED AND ENTERED this _____ day of _____, 2003.

Thomas R. Phillips, Chief Justice

Nathan L. Hecht, Justice

Craig T. Enoch, Justice

Priscilla R. Owen, Justice

Harriet O'Neill, Justice

Wallace Jefferson, Justice

Michael Schneider, Justice

Steven W. Smith, Justice

Dale Wainwright, Justice