

Records Management

Directive #3-01 March 16, 2001
(Supersedes Directives
#7-71; #13-71; #19-79
and #6-80)
Issued by: Richard J. Williams
 Administrative Director

There has been a major initiative over the past several years to establish a sound Judiciary records management program. Part of that initiative has been to revise and update all of our records retention schedules covering judicial, as well as, administrative records. This Directive was approved by the Supreme Court at its January 16, 2001 Administrative Conference.

N.J.S.A. 2B:1-2 cites the general authority of the Supreme Court over the preservation and disposal of court records. The statute provides, "The Supreme Court may adopt regulations governing the retention, copying and disposal of records and files of any court or court support office." With the enactment of Title 2B, the prior specific statutory provisions dealing with retention, microfilming, and destruction of court papers (previously found in Title 2A) were repealed, leaving the specifics up to the Court. Accordingly, the Court in 1994 amended Court Rule 1:32-2, "Books and Records," to be consistent with the statute. That rule now provides that records retention schedules are to be adopted by administrative directive. This Directive thus addresses the operational details by setting forth the records retention schedules and procedures for the destruction and microfilming of Judiciary records.

Adopted by this Directive, Section I of the appended material includes thirty-eight retention schedules that cover the disposition of records in the Supreme Court, Superior Court (Appellate, Law, and Chancery Divisions), the Municipal Courts, other Judiciary divisions and offices at both the vicinage level and at the central office. These schedules have been built on the premise -- endorsed by the Supreme Court at its January 3, 1995 Administrative Conference -- that retention of court records should be based on the use of the record following final case disposition, in conjunction with information available from court dockets. The policy states as follows:

The preservation of court records is important both to litigants and the public generally. The Supreme Court believes that a sound approach to the preservation of records in a modern court system must be based on three principles -- retention of an appropriate combination of automated and hard copy case information; a sound program of purging papers which are deemed unnecessary for permanent retention; and a system that begins the purging process by eliminating extraneous papers as early in the process as possible. The retention process must not burden strained resources and budgets with

the need to Asave everything.@"

Therefore, the Supreme Court directs that retention of court case files be governed by the likely use of the files after disposition and that appropriate retention schedules and purging lists are developed to establish the preservation of court records based on a process that utilizes automated case information and retains hard copy case information only as necessary and permits the elimination of extraneous papers in accordance with the provisions of Rule 1:32-2.

Docket and proceeding information residing in the automated case management and docketing systems, e.g., ACMS, FACTS, and PROMIS/GAVEL will be retained in accordance with the applicable individual court retention schedule.

Where appropriate, Apurging lists@accompany retention schedules. The purpose of the purging lists is to allow for the elimination of unnecessary documents as early as practicable. Case management staff should make themselves familiar with the purging lists and should adhere to those time frames as diligently as possible so that extraneous papers are removed from case file jackets in a timely manner.

Section II of the appended material sets forth the procedures to be followed when the custodian of the records seeks to destroy case files or other materials because either the maximum retention period for the files and/or documents has expired or the documents have been microfilmed. All requests to microfilm and/or destroy files or documents covered by these retention schedules must be first approved by the Clerk of the Superior Court. The Clerk of the Superior Court will maintain a permanent registry of all requests to microfilm and/or destroy Judiciary records made under this Directive.

Section III establishes microfilming standards to be followed when Judiciary records require long-term or permanent retention and there is thus a need to microfilm those records. The standards are similar to those microfilming standards previously developed by the Division of Archives and Records Management in the Executive Branch which have proven over the years to ensure a high quality microfilm result.

Any questions relating to the policies and procedures set forth herein should be directed to the Clerk of the Superior Court at 609-292-4987.