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Supreme Court
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IN THE SUPREME COURT OF THE STATE OF HAWAII

In the Matter of the
RETENTION AND DISPOSITION OF JUDICIARY RECORDS

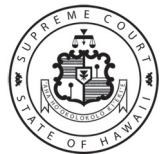
ORDER AMENDING THE RECORDS RETENTION SCHEDULE FOR
THE SUPREME COURT AND THE INTERMEDIATE COURT OF APPEALS
(By: Recktenwald, C.J., for the court¹)

IT IS HEREBY ORDERED, pursuant to HRS § 602-5.5, that
Records Control Schedule 1, Retention Schedule for the Supreme
Court and the Intermediate Court of Appeals is amended and
adopted in its entirety as set out in the attached Exhibit 1.

DATED: Honolulu, Hawai'i, February 23, 2011.

FOR THE COURT:

/s/ Mark E. Recktenwald
Chief Justice



¹ Considered by: Recktenwald, C.J., Nakayama, Acoba, and
Duffy, JJ., and Intermediate Court of Appeals Chief Judge
Nakamura, assigned by reason of vacancy.

**RETENTION SCHEDULE FOR THE SUPREME COURT
AND THE INTERMEDIATE COURT OF APPEALS**

(Adopted February 23, 2011)

A. Appellate Courts' Case Records

Content of the appellate courts' case records is governed by the Hawai'i Court Records Rules. Documents filed prior to September 27, 2010 may be retained on paper or microfilm or may be imaged and retained as electronic documents. Other than bar application records, documents in records filed on or after September 27, 2010 shall be retained as electronic documents. Bar application documents filed before July 1, 2011 may be retained on paper or may be imaged and retained as electronic documents.

B. Paper Records

The retention of case records created before September 27, 2010 is governed by Part 1 below, but the Clerk may elect to preserve any paper record in electronic form and maintain it in accordance with Part 2. Upon conversion to microfilm, image, or other electronic form, the microfilmed, imaged, or other electronic document is the official record of the court and the Clerk may certify a printed or electronic copy of any electronic document as a true and correct copy of the document in the record of the court.

From September 27, 2010 each paper document submitted for filing, other than a bar application or an exhibit that cannot be electronically converted, shall be imaged or otherwise converted to an electronic form upon receipt, unless the supreme court orders otherwise.

C. Electronic Records

Other than bar application records, from September 27, 2010, case records, including the docket and electronic documents, shall be maintained in an electronic case management system, with documents accessible through a user interface.

Bar application records, including the docket and electronic documents, created after July 1, 2011 shall be maintained in an electronic case management system.

Imaged and other electronic documents maintained in the electronic case management system are the official records of the court for all purposes under the law and rules of court. The Clerk may certify copies of imaged and other electronic documents as true and correct copies of documents in the record of the court.

RECORDS CONTROL SCHEDULE 1

1.0 Paper Case Records.		
Record Type	Paper Retention Period	Disposition
1.1 Appeal - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.2 Agreed Statement - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.3 Application for Admission to the Bar - before July 1, 2011	until earliest of death of applicant or 50 years	destroy
1.4 Attorney Discipline - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain until notice of death of attorney; then destroy
1.5 Certified Question - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.6 Election Contest - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.7 Judges' Assignment Records - before September 27, 2010	retain until 1 year after judge retires, resigns, dies, or is removed from office	destroy

RECORDS CONTROL SCHEDULE 1

1.0 Paper Case Records.		
Record Type	Paper Retention Period	Disposition
1.8 Judicial Discipline - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.9 Judicial Financial Disclosure Statement - before September 27, 2010	1 year after judge leaves office	destroy
1.10 Miscellaneous Filings - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.11 Petitions for Writ (Mandamus, Prohibition, Habeas Corpus, Certiorari, or Other Relief) - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.12 Petition to Resign and Surrender Law License - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain until notice of death of attorney; then destroy
1.13 Reserved Question - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court

RECORDS CONTROL SCHEDULE 1

1.0 Paper Case Records.		
Record Type	Paper Retention Period	Disposition
1.14 Rule - before September 27, 2010	at least 6 months after order is entered	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
1.15 Ex Officio filings for other courts - before September 27, 2010	60 days	destroy
1.16 Other case records - before September 27, 2010	6 months after case is closed	microfilm or convert to electronic document; retain microfilm or electronic document indefinitely unless otherwise ordered by the court
2.0 Electronic Case Records from September 27, 2010		
Record Type	Retention Period	Disposition
2.1 Appeal - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.2 Agreed Statement - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.3 Application for Admission to the Bar - from July 1, 2011	retain in production data base at least 6 months after date of admission or death of applicant	move to archive data base, delete/destroy upon notice of death of applicant or 50 years from date first application was submitted (whichever is earlier).

RECORDS CONTROL SCHEDULE 1

2.0 Electronic Case Records from September 27, 2010		
Record Type	Retention Period	Disposition
2.4 Application for Transfer - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.5 Application for Writ of Certiorari - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.6 Attorney Discipline - from September 27, 2010	retain in production data base until notice of death of attorney	delete/destroy
2.7 Certified Question - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.8 Election Contest - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.9 Judges' Assignment Records - from September 27, 2010	retain in production data base at least 1 year after judge retires, resigns, dies or is removed from office	delete/destroy
2.10 Judicial Discipline - from September 27, 2010	retain in production data base at least 6 months after judge leaves office	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.11 Judicial Financial Disclosure Statement - from September 27, 2010	retain in production data base at least 1 year after judge leaves office	delete/destroy

RECORDS CONTROL SCHEDULE 1

2.0 Electronic Case Records from September 27, 2010		
Record Type	Retention Period	Disposition
2.12 Miscellaneous Filings - from September 27, 2010	retain in production data base at least 6 months	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.13 Petitions for Writ (Mandamus, Prohibition, Habeas Corpus, or Other Relief) - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.14 Petition to Resign and Surrender Law License - from September 27, 2010	retain in production data base until notice of death of attorney	destroy
2.15 Reserved Question - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
2.16 Rule - from September 27, 2010	retain in production data base indefinitely	
2.17 Other case records - from September 27, 2010	retain in production data base at least 6 months after judgment or dismissal	move to archive data base, retain indefinitely unless otherwise ordered by the court
3.0 Other case related records - paper or digital		
Record Type	Retention Period	Disposition
3.1 Audio or Video Recording of Oral Argument or Hearing	retain until copied to portable storage media (e.g. CD, DVD, tape)	retain portable media indefinitely
3.2 Audio or Video Recording of Ceremonial Event	retain until copied to portable storage media (e.g. CD, DVD, tape)	retain portable media indefinitely
3.3 Judge & Justice Work Files (Confidential)	discretionary	destroy

RECORDS CONTROL SCHEDULE 1

3.0 Other case related records - paper or digital		
Record Type	Retention Period	Disposition
3.4 Staff Attorney Work Files (Confidential)	discretionary	destroy
3.5 Law Clerk Work Files (Confidential)	discretionary	destroy
3.6 Other Employee Work Files (e.g. notes, research, etc.) (Confidential)	discretionary	destroy
3.7 Minutes or other records of Boards and Commissions, if any	5 years	destroy
3.8 Miscellaneous correspondence & responses	discretionary	destroy
3.9 Ex Officio filings for other courts	60 days	destroy
3.10 Fiscal/Accounting records	Retain in accordance with the Judiciary's Financial Administration Manual (FAM)	retain or destroy in accordance with FAM
3.11 All other records	discretionary	delete/destroy