

COURT OF APPEALS

PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

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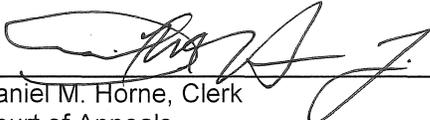
do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The Department of Natural and Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. The Court of Appeals agrees to comply with 07 NCAC 04M .0510 when deciding on a method of destruction. Electronic records will be destroyed so that the data and metadata are overwritten, deleted, or unlinked in such a way that the records may not be practicably reconstructed. Confidential records will be destroyed in such a manner that the records cannot be practicably read or reconstructed. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule.

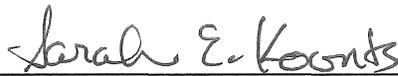
The Court of Appeals and the Department of Natural and Cultural Resources agree that certain records series possess only brief administrative, fiscal, legal, research, and reference value. These records series have been designated by retention periods which allow them to be destroyed when “*administrative/reference value ends.*” The Court of Appeals hereby agrees that it will establish and enforce internal policies setting minimum retention periods for records with this disposition instruction. Without the establishment of internal policies, the Court of Appeals is not authorized by the Department of Natural and Cultural Resources to destroy these records. For those record series scheduled to be microfilmed, the Court of Appeals will be responsible for cost of microfilm production.

The Court of Appeals and the Department of Natural and Cultural Resources concur that the long-term and/or permanent preservation of electronic records requires additional commitment and active management by the Court of Appeals. The Court of Appeals agrees to comply with all policies, standards, and best practices published by the Department of Natural and Cultural Resources regarding the creation and management of electronic records and to make electronic records accessible for the period of time prescribed in this schedule. Where the method of recording information changes (for example, to an electronic system), the retention periods governing the records listed herein still apply, provided the records document the same function. Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed.

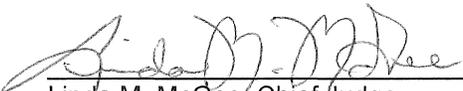
The Court of Appeals agrees to destroy, transfer or dispose of records in the manner and the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED


Daniel M. Horne, Clerk
Court of Appeals


Sarah E. Koonts, Director
Division of Archives and Records

APPROVED


Linda M. McGee, Chief Judge
Court of Appeals


Susan W. Kluttz, Secretary
Department of Natural and Cultural Resources

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ITEM 2329. PERMANENT RECORD FILE

Records in paper and electronic formats concerning trial court proceedings and legal arguments. Each case file includes records on appeal, which provide complaint, summons, evidence, judgments, and charge to jury; briefs, which contain legal arguments of attorneys; original opinions; correspondence relative to case; certifications; motions and petitions; exhibits; and certificate of satisfaction of costs.

DISPOSITION INSTRUCTIONS: Transfer original opinions, judgments, and certificate of satisfaction of costs to Judgments File (Item 39469) after 5 years. Destroy in office remaining records after 5 years.

ITEM 10507. EXHIBITS FILE

Exhibits submitted to Court of Appeals that are too large to be included in Permanent Record File (Item 2329). File includes photographs, printed materials, maps, plats, and diagrams.

DISPOSITION INSTRUCTIONS: Return exhibits to trial tribunal or to counsel of record when authorized by rules of Court. Destroy in office, or dispose of in accordance with instructions of Court, articles not returned to trial tribunal or parties or their attorneys within 3 years after Court mandate has been issued.

ITEM 10510. BOUND RECORDS ON APPEAL AND BRIEFS FILE

One bound set of each case in Records on Appeal and Briefs File dated prior to 1988. (Records are no longer being created as bound sets.)

DISPOSITION INSTRUCTIONS: Retain in office permanently.

ITEM 10511. PETITIONS AND MOTIONS FILE

Records in paper and electronic format concerning legal requests for action by the court on matters where no appeal lies of right (refers specifically to Petition for Writ of Certiorari) to the Court of Appeals or where no record on appeal is filed in the Court of Appeals. File also includes motions, petitions, court orders, and correspondence.

DISPOSITION INSTRUCTIONS: Destroy paper records in office after 5 years. Purge electronic records in office after 10 years. Destroy paper records stored in the State Records Center as of August 1, 2016 immediately.

ITEM 10516. STATE CLERK'S ACCOUNTS FILE

Records concerning monies collected for State Clerk's Accounts. File includes bonds and disbursements ledgers and receipts. Information entered into State Clerk's Accounts Database (Electronic) File (Item 39471).

DISPOSITION INSTRUCTIONS: Records no longer being created. Destroy records held in the State Records Center as of August 1, 2016 immediately. Function and records transferred to State Clerk's Accounts (Electronic) File (Item 39471).

ITEM 18627. PERSONNEL FILE

Official copy of personnel file maintained on each employee. Includes basic employee information and records and forms relating to the selection or non-selection, promotion, transfer, leave, salary, suspension, and termination of employment. (Comply with applicable provisions of G.S. 126-22, 126-23, and 126-24 regarding confidentiality of personnel records.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center 5 years after employee terminates service. Records will be held for agency in the State Records Center 25 additional years and then destroyed.

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ITEM 39467. CLOSED STATEMENT OF COSTS FILE

Cost Forms (COA-10) which provides an itemization of legal costs for each completed case. Forms list case numbers, names of plaintiffs, names of defendants, costs allowed, dates Certificate of Satisfaction of Costs issued, and other related data. File also includes reference copies of Certificate of Satisfaction of Costs.

DISPOSITION INSTRUCTIONS: Destroy in office after 6 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

ITEM 39468. DOCKET SHEETS (ELECTRONIC) FILE

Records in electronic format concerning each case. File includes case numbers, caption of cases, calendar dates, filing dates, docket dates, docket fees; dates the records, briefs, and motions filed, court orders, names and addresses of counsel, and other related data. (Electronic database systems are maintained by Information Services Division for Appellate Courts.)

DISPOSITION INSTRUCTIONS: Destroy in office after 10 years.

ITEM 39469. JUDGMENTS FILE

Judgments in paper and electronic formats concerning trial court proceedings and legal arguments. File also includes original opinions and certificate of satisfaction of costs. (Note: The judgment, original opinion, and certificate of satisfaction of costs for years 1986-1990 were transferred to the State Records Center incorrectly as Permanent Record File (Item 2329). As a result, these records were destroyed on February 12, 2002.)

DISPOSITION INSTRUCTIONS: Retain microfilm and electronic records in office permanently. Transfer paper records held in the State Records Center as of August 1, 2016 immediately to the custody of the Archives.

ITEM 39470. PERMANENT DOCKET SHEETS FILE

Docket sheets concerning each case from 1967-2009. Docket sheets include case numbers, caption of cases, calendar dates, filing dates, docket dates, docket fees; dates the records, briefs, and motion filed, names of counsels, and other related data. Information entered into Docket Sheets Database (Electronic) File (Item 39468).

DISPOSITION INSTRUCTIONS: Transfer records to the State Records Center after 5 years. Records will be held for agency in the State Records Center 50 additional years and then destroyed.

ITEM 39471. STATE CLERK'S ACCOUNTS (ELECTRONIC) FILE

Records in electronic format concerning monies collected for State Clerk's accounts. File includes dates money collected, case numbers, names of payees, check numbers, litigants' fees, amounts of bonds, and other related data. (Electronic database systems are maintained by Information Services Division for Appellate Courts.)

DISPOSITION INSTRUCTIONS: Purge in office after 3 years if no litigation, claim, audit, or other official action involving the records has been initiated. If official action has been initiated, destroy in office after completion of action and resolution of issues involved.

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All items hereafter are discontinued and remain for reference only.

ITEM 10508. ACTIVE CASE BOARD FILE

Current cases which are active and are to be heard. Case files includes the records and briefs. (Six copies are maintained in each file shuck for courtroom use.)

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Permanent Record File (Item 2329).

ITEM 10509. RECORDS ON APPEAL AND BRIEFS FILE

Records concerning trial court proceedings and legal arguments. File includes reference copies of records on appeal, which provide complaint, summons, evidence, judgments, and charge to jury. File also includes reference copies of briefs which contain legal arguments of attorneys.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Permanent Record File (Item 2329).

ITEM 10513. PRESS COPIES OF OPINIONS FILE

Case records which have been heard by the Court of Appeals and for which an opinion has been filed. File also includes reference copies of opinions. (File is utilized for reference by court attorneys and press.)

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Permanent Record File (Item 2329).

ITEM 10514. CORRESPONDENCE FILE

Correspondence, memorandums, and other related records concerning the organization and daily operation of the Court of Appeals.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records. [Superseded by G9 and G44 on the General Schedule dated May 1, 2015]

ITEM 10515. STATEMENT OF COSTS FILE

Cost Forms (COA-10) which provide an itemization of legal costs for each completed case where cost remains outstanding. Forms list case numbers, names of plaintiffs, names of defendants, costs allowed, dates Certificate of Satisfaction of Costs issued, and other related data.

DISPOSITION INSTRUCTIONS: Item discontinued. Function and records transferred to Closed Statement of Costs File (Item 39467).

ITEM 10518. FINANCIAL STATEMENTS FILE

Financial statements for State Clerk's Account. Statements list bank balances and disbursements for designated periods of times. (Statements also reflect receipts and disbursements through account.)

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records. [Superseded by G59 on the General Schedule dated May 1, 2015]

ITEM 10519. BANK STATEMENTS AND BOOKKEEPING RECEIPTS FILE

Bank statements and bookkeeping receipts for Clerk of Court's state account. File also includes cancelled checks, deposit slips, and itemized copies of daily receipts sent to Department of State Treasurer at end of each month.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records. [Superseded by G59 on the General Schedule dated May 1, 2015]

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ITEM 39472. STATE CLERK'S ACCOUNTS PRINTOUTS FILE

Computer generated printouts produced from State Clerk's Accounts Database (Electronic) File (Item 39471). Printouts list case numbers, dates money collected, check numbers, litigants' fees, amounts of bonds, and other related data.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for State Agency Records. [Superseded by G42 on the General Schedule dated May 1, 2015]