

IN THE COURT OF APPEALS

ADMINISTRATIVE ORDER APPROVING GENERAL RECORDS RETENTION AND DISPOSAL

SCHEDULE 2330 AND

CONFORMING PROVISIONS AS TO COURT REPORTING NOTES

WHEREAS, By letter dated July 22, 2005, the Records Retention Committee forwarded a proposed Schedule No. 2330, to replace current General Schedules Nos. 655, 655A-1, 655A-2, and 1044, governing records of the Circuit Courts of Maryland; and

WHEREAS, The proposed Schedule was submitted for comment to the Conference of Circuit Judges, the Conference of Circuit Court Clerks, the Conference of Court Administrators, and the Circuit Court Clerks' Association and approved unanimously by each of those organizations; and

WHEREAS, After review, I concur in adoption of the proposed Schedule as set forth in the attachment and also amend the Administrative Order Setting Minimum Requirements for Court Reporting and Transcription in Maryland Courts, date February 16, 2005, to alter the provisions on record retention pending final recommendations on concomitant rule changes to be made by the Standing Committee on Rules of Practice and Procedure in conjunction with the Standing Committee on Court Reporting; and

WHEREAS, On final authorization of the Schedule by the State Archivist, the Schedule should be made available on the Judiciary's website and otherwise disseminated as the State Court Administrator considers appropriate;

NOW, THEREFORE, I, Robert M. Bell, Chief Judge of the Court of Appeals and the administrative head of the Judicial Branch of this State, pursuant to the authority conferred by Article IV, §18 of the Maryland Constitution, Maryland Code, State Government Article § 10-632, Code of Maryland Regulations 14.18.02F, and Maryland Rules 16-404 and 16-818, do, this 29th day of

September, 2005:

(1) Rescind General Retention Schedules No. 655, 655A-1, 655A-2, and 1044 and approval General Retention and Disposal Schedule No. 2033, to be effective on authorization of the latter by the State Archivist;

(2) Order that Schedule No. 2033 be made available on the Judiciary's website and otherwise disseminated as the State Court Administrator considers appropriate on final authorization as above; and

(3) Amend the Administrative Order Setting Minimum Requirements for Court Reporting and Transcription in Maryland Courts, date February 16, 2005, in part as follows:

9. a. Scope. This Section [does not apply to:

(1)] **APPLIES ONLY TO** a recording of a grand jury proceeding];

or

(2) an electronic tape recording made by or for a master] **OF WHICH THE JUDICIAL BRANCH HAS CUSTODY.**

b. Retention Periods. Subject to the limitations **AND PROCEDURES** in [this Section, with the written approval of a Circuit Administrative Judge] **GENERAL RECORDS RETENTION AND DISPOSAL SCHEDULE 2330**, [a clerk of court] **AN OFFICIAL CUSTODIAN, AS DEFINED IN MARYLAND CODE, STATE GOVERNMENT ARTICLE, § 10-611(C)** may dispose of notes [at any time after the expiration of the following periods:

(1) in a civil case, 5 years after the notes are taken; and

(2) in a criminal case, 12 years after the notes are taken] **IN THE CUSTODY OF THE OFFICIAL CUSTODIAN AND DIRECT OTHER CUSTODIANS TO DISPOSE OF OTHER NOTES.**

[c. Disposition Schedule.

(1) At intervals set by a Circuit Administrative Judge, each individual providing court reporting services in the circuit or a designee of the Circuit Administrative Judge shall draft a schedule for disposal of notes.

(2) The supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall submit:

(i) a schedule for a circuit to the State Archives for its recommendations; and

(ii) a schedule and the recommendations of the State Archives to the Circuit Administrative Judge.

(3) A Circuit Administrative Judge may approve or disapprove a schedule. Approval of a schedule shall be in writing and shall be deemed a court order for disposal of the notes in accordance with the schedule.

(4) As approved, each schedule shall:

(i) identify the notes, by case name and number, or by reference to permanent source documents such as the court's dockets and minutes of proceedings;

(ii) state the date on which, or the inclusive dates during which, the notes were taken;

(iii) state whether the State Archives accepts or declines to accept the notes for preservation;

(iv) state the manner in which notes that the State Archives has declined to accept will be disposed of; and

(v) state the place to which notes that the State Archives has accepted will be removed.

d. Removal. Notes that the State Archives accepts shall be removed in accordance with the procedures for the Archives.

e. Disposal Certificate. After disposal of notes, the supervisory court reporter or, if none, the individual providing court reporting services or the Circuit Administrative Judge's designee, shall send a certificate of disposal to the State Archives.]

10. Application.

C. THE AMENDMENT TO SECTION 9 OF THIS ORDER DOES NOT AFFECT ANY DISPOSITION OF NOTES AUTHORIZED OR EFFECTED BEFORE THE EFFECTIVE DATE OF THE AMENDMENT.

12. Effective Dates.

Sections 1 and 3 of this Order shall take effect immediately. **THE AMENDMENT TO SECTIONS 9 AND 12 AND THE ADDITION OF SECTION 10C SHALL TAKE EFFECT ON AUTHORIZATION OF GENERAL RECORDS RETENTION AND DISPOSAL SCHEDULE 2330 BY THE STATE ARCHIVIST.** The balance of this Order shall take effect on April 18, 2005.

/s/ Robert M. Bell

Robert M. Bell

Chief Judge for the Court of Appeals

Filed: September 29, 2005

/s/ Alexander L. Cummings

Alexander L. Cummings

Clerk

Court of Appeals of Maryland