

STATE OF VERMONT SPECIFIC RECORD SCHEDULE

Issued to: Supreme Court

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Vermont State Archives and Records Administration

Vermont Office of the Secretary of State

SPECIFIC RECORD SCHEDULE FOR: Supreme Court

- Authority:** A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule, as defined in 3 V.S.A. § 117(a)(6), that has been approved by the State Archivist. (1 V.S.A. § 317a). Pursuant to 4 V.S.A. § 1 and Chapter II, § 30, of the Vermont Constitution, the Judiciary shall be a unified court system under the administrative control of the Supreme Court.
- Scope:** This specific record schedule is applicable only to the records listed on this record schedule that are produced or acquired during the course of agency business. Records are any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)
- Use:** This is a specific record schedule (SRS). The Judiciary may develop its own internal policies and procedures to assure that the requirements outlined in this record schedule are being consistently applied. Records that need to be retained until OBSOLETE must be supported by an internal policy that clearly states a specific retention requirement that best meets the Judiciary's administrative needs. Specific Record Schedule (SRS) numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a.
- Exemptions:** It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on this record schedule may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.
- Retention:** This specific record schedule reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the Judiciary that are used for specific legal, fiscal, or administrative purposes shall be retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Duplicates or copies of records shall not be retained longer than the original records.

Adopted by:

Signature on file. Adopted by Court Administrator Patricia Gabel on 12/21/2021.

Patricia Gabel, Court Administrator / Court Administrator's Office

Date

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SRS-1711.1000: Judiciary Transitory Records Schedule

SRS-1711.1000: This schedule is reserved for records that are created and received in the course of business by the Judiciary that are transitory in nature meaning that they are: (1) are only needed for a limited period of time in order to complete a routine action or prepare or update a formal or ongoing record; (2) not subject to any legal recordkeeping requirements, explicit or implied; and (3) administratively obsolete after a specific action or process is complete.

Classification: Judiciary (GENERAL)

Retention: Transitory records are only needed for a limited period of time in order to complete a routine action or prepare or update a formal or ongoing record. Transitory records are usually not incorporated into formal filing or records management systems because their usefulness is temporary. SRS-1711.1000 is a list of common record types that often meet the criteria of a transitory record. The record types listed here may have specific recordkeeping requirements in certain contexts, therefore the Judiciary must develop internal policies on when and how SRS-1711.1000 may be applied.

Public Access: Review

SPECIFIC RECORDKEEPING REQUIREMENTS for SRS-1711.1000 (see APPENDIX E for related legal references)

Record Category/Type:	Applicability/Use:	Appraised Value:	Retention/Disposition:
SRS-1711.1000.187 Blanks Public Access: <i>Review</i>	Use for blank forms or other pre-printed worksheets that have no markings, are not written or printed on and have not been filled out.	Temporary (Administrative)	RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)
SRS-1711.1000.28 Correspondence (Routine) Public Access: <i>Review</i>	Use for any correspondence, produced or received, that is routine in nature and not subject to any specific legal requirements. Includes transmittal letters that do not add information to that contained in the transmitted material and correspondence from other agencies that is received for general information purposes only.	Temporary (Administrative)	RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)
SRS-1711.1000.37 Drafts Public Access: <i>Review</i>	Use for preliminary or tentative versions of a document. Drafts that are acted upon or put into practice must be retained according to their intended record type (i.e. policies) as listed in another general record schedule or an agency-specific record schedule.	Temporary (Administrative)	RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)

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<p>SRS-1711.1000.60 Notes Public Access: <i>Review</i></p>	<p>Use for brief statements of a fact or experience, written down for review, or as an aid to memory, or to inform someone else. Includes short, informal notes such as phone messages.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)</p>
<p>SRS-1711.1000.74 Publications Public Access: <i>Review</i></p>	<p>Use for reproduced or published material received from other offices which require no action and are not required for documentary purposes. Includes catalogues, trade journals, other publications or papers received which require no action and are not part of a case upon which action is being taken or will be taken.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)</p>
<p>SRS-1711.1000.80 Reference sources Public Access: <i>Review</i></p>	<p>Use for sources of information that were intended primarily for consultation and, if used to prepare or update a formal or ongoing record, are cited as needed. Includes duplicate, informational, extra, unofficial, or informal copies of records that were kept only for convenience or quick reference.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)</p>
<p>SRS-1711.1000.139 Requests Public Access: <i>Review</i></p>	<p>Use for requests and responses for forms, publications, records, and other agency information that do not require administration review before, or further action after, the form, publication, record, or other agency information is provided.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)</p>
<p>SRS-1711.1000.104 Worksheets Public Access: <i>Review</i></p>	<p>Use for forms, checklists and other worksheets used to prepare or update a formal or ongoing record or informally track workflow.</p>	<p>Temporary (Administrative)</p>	<p>RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (General)</p>

SRS-1711.1000 was approved by the Vermont State Archivist on 1/30/2020.

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SRS-1824.1108: Original jurisdiction cases

SRS-1824.1108: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, hearing and resolving legal matters for which original jurisdiction resides with the Supreme Court of Vermont.

Classification: Original jurisdiction (Adjudicating)

Retention: Retain decisions, orders, petitions, pleadings, and supporting material until case is completed/closed, plus an additional five (5) years, then retain permanently at the Supreme Court or transfer to the Vermont State Archives and Records Administration.

Dockets, recording books, databases, and similar records and systems that provide for the systematic and regular recording of proceedings shall be retained until superseded and then permanently preserved. Other records shall be retained as specified in this schedule.

Public Access: Redact

SPECIFIC RECORDKEEPING REQUIREMENTS for SRS-1824.1108 (see APPENDIX E for related legal references)

Record Category/Type:	Applicability/Use:	Appraised Value:	Retention/Disposition:
SRS-1824.1108.133 Decisions Public Access: <i>General</i>	Use for written evidence of final decisions of the Supreme Court. Includes final orders, agreements, or stipulations and supporting opinions. For directions or commands delivered during the course of a proceeding that do not serve as final orders, use "Orders."	Permanent (Archival)	RETAIN UNTIL: Completed/Closed PLUS: 5 Year(s) THEN: Archives
SRS-1824.1108.117 Dockets Public Access: <i>Redact</i>	Use for dockets, recording books, databases, and similar records and systems that provide for the systematic and regular recording of proceedings.	Permanent (Archival)	RETAIN UNTIL: Superseded PLUS: 0 Year(s) THEN: Archives
SRS-1824.1108.60 Notes Public Access: <i>Exempt</i>	Use for judges' notes.	Temporary (Administrative)	RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (Shred)
SRS-1824.1108.50 Notices, Legal Public Access: <i>Redact</i>	Use for certificates of service, notices of filings, and other notices required by law. Includes returned certified mail.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (Shred)

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<p>SRS-1824.1108.63 Orders Public Access: <i>Redact</i></p>	<p>Use for directions or commands, delivered during the course of a proceeding that do not serve as final decisions. Includes scheduling orders, evidentiary rulings, and similar temporary or provisional rulings. For final orders, agreements, or stipulations, use "Decisions."</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 5 Year(s) THEN: Archives</p>
<p>SRS-1824.1108.67 Petitions Public Access: <i>Redact</i></p>	<p>Use for the first document filed in a proceeding. Includes written complaints, grievances and similar records that initiate the adjudication process.</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 5 Year(s) THEN: Archives</p>
<p>SRS-1824.1108.126 Pleadings Public Access: <i>Redact</i></p>	<p>Use for all written statements, claims, and defenses made by parties. Includes answers, counterclaims, briefs, memoranda, motions, relevant documentary exhibits or similar filings by either party.</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 5 Year(s) THEN: Archives</p>
<p>SRS-1824.1108.36 Supporting material Public Access: <i>Redact</i></p>	<p>Use for supplemental records created or received during the course of a proceeding. Includes pre-trial testimony, additional filings, certifications, hearing recordings, transcripts, receipts, and similar records.</p>	<p>Permanent (Archival)</p>	<p>RETAIN UNTIL: Completed/Closed PLUS: 5 Year(s) THEN: Archives</p>

SRS-1824.1108 was approved by the Vermont State Archivist on 12/17/2019.

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Appendix A: Appraisal Values

An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."

Appraisal Value	Description	Usage
Conditional Archival	Records may have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" under special conditions.
Permanent (Archival)	Records have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records.
Temporary (Administrative)	Records have temporary administrative value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons.
Temporary (Legal)	Records have temporary legal value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.

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Appendix B: Public Access Requirements

A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records or information within a record are exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.

Access	Description	Usage
Exempt	Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317.
General	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317.
Redact	Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying.
Review	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies.	Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required.

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Appendix C: Retention Requirements

A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 Years.

Retention	Description	Usage
Audit Complete	Retain until an audit or verification is complete.	Assigned to records that are actively used or needed until the information contained therein has been audited or verified.
Calendar Year Ends	Retain until the end of the calendar year.	Assigned to records that are actively used or needed until the end of the calendar year.
Completed/Closed	Retain until the activity or process supported by the record is completed.	Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals).
Expired	Retain until the conditions or requirements supported by the record are satisfied and no further action is needed.	Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete.
Fiscal Year Ends	Retain until the end of the fiscal year.	Assigned to records that are actively used or needed until the end of the fiscal year.
Life of Asset Ends	Retain for the life of the person, structure, object, organization, etc. that is the subject of the record.	Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc.
Obsolete	Retain until the record is no longer needed and is valueless.	Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value.
Superseded	Retain until the record is superseded, updated, or revised.	Assigned to records that will be superseded, updated, or revised.

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Appendix D: Disposition Requirements

A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.

Disposition	Description	Usage
Archives	Retain permanently. These records are eligible for transfer to the State Archives or agency archives.	Assigned to records that have been appraised as having archival value and are therefore permanent records.
Confirm	Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met.	Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival.
Destroy (General)	Destroy by recycling or deleting the record.	Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules.
Destroy (Shred)	Destroy by shredding (includes electronic shredding).	Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.
Weed	Separate records that meet the conditions of a "Vermont Archival Record" from those that do not (temporary).	Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to Archives and destroy temporary records.

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Appendix E: Legal References

SRS-1711.1000: Judiciary Transitory Records Schedule		<i>Review for Exemption?</i>
1 V.S.A. § 315	Statement of policy; short title [related to access to public records]	Yes
1 V.S.A. § 316	Access to public records and documents	No
1 V.S.A. § 317	Definitions; public agency; public records and documents	Yes
1 V.S.A. § 317a	Management of public records	No
1 V.S.A. § 318	Procedure [related to access to public records]	No
1 V.S.A. § 319	Enforcement [related to access to public records]	No
1 V.S.A. § 320	Penalties [related to access to public records]	No
SRS-1824.1108: Original jurisdiction cases		<i>Review for Exemption?</i>
1 V.S.A. § 317	Definitions; public agency; public records and documents	Yes
12 V.S.A. § 2383	Time for filing notice of appeal [related to court procedure]	No
12 V.S.A. § 2386	Passing causes before final judgment [related to court procedure]	No
12 V.S.A. § 3953	Authority to grant writ; complaint [related to habeas corpus]	No
12 V.S.A. § 3971	Pleading; hearing [related to habeas corpus]	No
17 V.S.A. § 1909	Periodic reapportionment [related to elections]	No
4 V.S.A. § 18	Opinions; filing and preservation; copies	No
4 V.S.A. § 3	Judicial officers; administrative and disciplinary control	No
Administrative Order No. 9, Rule 11	Disciplinary and disability proceedings	No
Administrative Order No. 9, Rule 12	Access to disciplinary information	Yes

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V.R.A.P. 10	The record on appeal	No
V.R.A.P. 12	Docketing the appeal; filing of the record	No
V.R.A.P. 13	Record in direct appeals from the probate division and administrative agencies	No
V.R.A.P. 14	Certification of questions of law by federal courts to the supreme court [related to rules of appellate procedure]	No
V.R.A.P. 2	Suspension of rules [related to rules of appellate procedure]	No
V.R.A.P. 21	Extraordinary relief	No
V.R.A.P. 24	Proceeding in forma pauperis [related to rules of appellate procedure]	No
V.R.A.P. 25	Filing and service [related to rules of appellate procedure]	No
V.R.A.P. 26	Computing and extending time [related to rules of appellate procedure]	No
V.R.A.P. 27	Motions [related to rules of appellate procedure]	No
V.R.A.P. 27.1	Disqualification of supreme court justices [related to rules of civil procedure]	No
V.R.A.P. 28	Briefs [related to rules of appellate procedure]	No
V.R.A.P. 29	Amicus curiae brief [related to rules of appellate procedure]	No
V.R.A.P. 3	Appeal as of right--how taken	No
V.R.A.P. 30	Printed case [related to rules of appellate procedure]	No
V.R.A.P. 31	Serving and filing briefs [related to rules of appellate procedure]	No
V.R.A.P. 32	Form of briefs, printed case, and other papers [related to rules of appellate procedure]	No
V.R.A.P. 33	Prehearing conference and settlement procedures [related to rules of appellate procedure]	No
V.R.A.P. 33.1	Summary procedures on appeal	No
V.R.A.P. 36	Entry of judgement [related to rules of appellate procedure]	No
V.R.A.P. 40	Motion for reargument [related to rules of appellate procedure]	No

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V.R.A.P. 41	Mandate and execution [related to rules of appellate procedure]	No
V.R.A.P. 42	Dismissal [related to rules of appellate procedure]	No
V.R.A.P. 44	Case involving a constitutional question when the state of Vermont is not a party [related to rules of appellate procedure]	No
V.R.A.P. 45	Clerk's duties [related to rules of appellate procedure]	No
V.R.A.P. 45.1	Appearance and withdrawal of attorneys [related to rules of appellate procedure]	No
V.R.A.P. 5	Appeals before final judgment	No
V.R.A.P. 6	Discretionary appeals	No
V.R.C.P. 11	Signing of pleadings, motions, and other papers; representations to court; sanctions [related to rules of civil procedure]	No
V.R.C.P. 12	Defenses and objections--when and how presented--by pleading or motion--motion for judgment on the pleadings [related to rules of civil procedure]	No
V.R.C.P. 16.2	Scheduling orders [related to rules of civil procedure]	No
V.R.C.P. 7	Pleadings allowed; form of motions	No
V.R.C.P. 79	Books and records kept by the clerk and entries therein [related to rules of civil procedure]	No
V.R.C.P. 79.1	Appearance and withdrawal of attorneys [related to rules of civil procedure]	No
V.R.C.P. 79.2	Recording court proceedings [related to rules of civil procedure]	No
V.R.M.C.L.E. 9	Procedure [related to rules for mandatory continuing legal education]	No
Vt. Bar Adm. 18	Panel's decision after hearing [related to character and fitness review rule]	No
Vt. Bar Adm. 25	Appeal to court; original jurisdiction [related to the rules of admission]	No
Vt. Const. Ch. II, § 30	[Supreme court; jurisdiction]	No
Vt. Disciplinary Control 10	Disposition report after formal hearing [related to rules of supreme court for disciplinary control of judges]	No

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Vt. Disciplinary Control 12	Review by the supreme court	No
Vt. Disciplinary Control 13	Complaint against a member of the supreme court	No
Vt. Pub. Acc. Ct. Rec. Rule 6	Case records [related to public access to court records]	Yes