



# IN THE SUPREME COURT OF ALABAMA

December 20, 2024

SC-ADM-ORD-0012

In re: State of Alabama Unified Judicial System Records Retention Schedule

## ORDER

WHEREAS, on December 6, 1982, this Court adopted a “Records Retention Schedule—One A” as the official records retention schedule to be observed by the Unified Judicial System; and

WHEREAS, since its adoption, the records retention schedule has been amended several times; and

WHEREAS, the Unified Judicial System Records Retention Committee has recommended further revision to that schedule;

IT IS THEREFORE ORDERED that the Records Retention Schedule attached as an appendix to this order be adopted as the records retention schedule for the trial courts within the Unified Judicial System;

IT IS FURTHER ORDERED that the adoption of this schedule be effective immediately.

**Parker, C.J., and Shaw, Wise, Bryan, Sellers, Mendheim, Stewart, Mitchell, and Cook, JJ., concur.**

**Witness my hand and seal this 20th day of December, 2024.**

*Megan B. Rhodeseuk*

**Clerk of Court,  
Supreme Court of Alabama**

**FILED  
December 20, 2024**

**Clerk of Court  
Supreme Court of Alabama**



**STATE OF ALABAMA**  
**UNIFIED JUDICIAL SYSTEM**  
**RECORDS RETENTION SCHEDULE**

**ADMINISTRATIVE OFFICE OF COURTS**  
**300 DEXTER AVENUE**  
**MONTGOMERY, ALABAMA 36104**

**DECEMBER, 2024**

## PREFACE

The State of Alabama “Unified Judicial System Records Retention Committee” (“Committee”) was appointed by Administrative Director of Courts Dr. Rich Hobson to review and suggest changes to the “2009 Revised Record Retention Schedule” approved by the Alabama Supreme Court on March 29, 2009. No significant changes have been made to the 2009 Records Retention Schedule since it was implemented.

The Committee was made up of the following individuals:

|                           |  |
|---------------------------|--|
| Judge Ben Bowden, Chair   | Circuit Judge, 22 <sup>nd</sup> Circuit  |
| Judge Claude Hundley      | Circuit Judge, 23 <sup>rd</sup> Circuit  |
| Judge Joanne Jannik       | District Judge, Tuscaloosa County        |
| The Honorable Mary Harris | Circuit Clerk, Shelby County             |
| The Honorable Brian York  | Circuit Clerk, Talladega County          |
| Ms. Jennifer Kissic       | Court Reporter, 29 <sup>th</sup> Circuit |
| Dr. Rich Hobson           | Administrative Director of Courts        |
| Robert Barclay            | AOC, IT Security Manager                 |
| Alicia Cannon             | AOC, Asst. Director, Finance Div.        |
| Sharon Edwards            | AOC, Asst. Director, IT Div.             |
| Tommy Harris              | AOC, IT Programming Manager              |
| Scott Hoyem               | AOC, Staff Attorney                      |
| Joey Hunt                 | AOC, IT Project Manager                  |
| Bob Maddox                | AOC, Staff Attorney                      |
| Keisha Thomas             | AOC, Director, IT Div.                   |
| Allen Williams            | AOC, Property Manager                    |

The Committee met in-person on March 22, April 19, May 31, and July 19, 2024. The Committee held one remote meeting (via “Zoom”) on September 3, 2024.

The Committee engaged in spirited debate about the way forward in records retention. This resulted in a recommendation that all digital court records stored in the AlacourtPlus filing system (or a successor system) should be retained permanently. The primary driver of this decision was practicality. The cost of digital storage has grown increasingly affordable. In addition, parsing out records for destruction from stored data was problematic and not worth the cost for the minimal space created by the destruction.

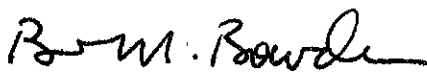
A second notable recommendation is the creation of a standing committee on records retention. This will allow review of the records retention policy on a more consistent basis.

Ala. Code § 41-13-21 states “that records of the courts within the Unified Judicial System may be disposed of in the manner and in accordance with such procedures as may be prescribed by rule of the Supreme Court, after consultation with the State Records Commission.”

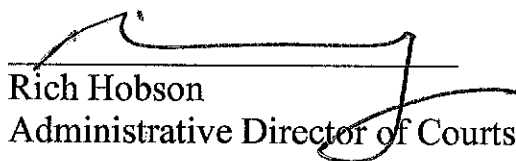
To meet the “consultation” requirement of Ala. Code § 41-13-21, subject matter experts from the Alabama Department of Archives and History attended two Committee meetings. In addition, Dr. Hobson and Judge Bowden attended a State Records Commission meeting on October 16, 2024, to present the Committee’s revised schedule. Dr. Hobson had additional discussions with Mr. Steve Murray, Director of the Alabama Department of Archives and History. Finally, Judge Bowden attended a second meeting of the State Records Commission on November 12, 2024, to receive specific input from the Commission. This process resulted in many helpful suggestions, some of which were implemented into this revised schedule.

The Supreme Court of Alabama approved this records retention schedule for the trial courts on 12/20/24.

A heartfelt thank you to the members of the Committee and others who assisted in this project.



Benjamin M. Bowden  
Circuit Judge and Chair



Rich Hobson  
Administrative Director of Courts

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# UNIFIED JUDICIAL SYSTEM

## RECORDS RETENTION SCHEDULE

This document shall govern the retention and destruction of all trial court records and shall be referred to as the “State of Alabama Unified Judicial System Records Retention Schedule.”

### I. DEFINITIONS

**ADMINISTRATIVE OFFICE OF COURTS (“AOC”):** The State entity primarily charged with the administrative functions of the trial courts and other local court systems of the State.

**ADMINISTRATIVE DIRECTOR OF COURTS (“ADC”):** The individual who assists the Chief Justice of the Supreme Court of Alabama in connection with the Chief Justice’s duties as the administrative head of the judicial system of Alabama. Ala. Code § 12-5-4.

**RECORD:** Information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form. Ala. Code § 8-1A-2(14) (Uniform Electronic Transactions Act).

**COURT RECORD:** Any record that is filed in any format with the trial courts (including municipal courts) of the Unified Judicial System in connection with a specific court case. It shall include a record generated by AlacourtPlus or any other AOC-approved case management software in connection with a specific court case, an official transcript, and a general, administrative, standing, or independent order issued by a judge of a court of the Unified Judicial System.

**DIGITAL COURT RECORDS:** All court records, including trial exhibits, that have been converted to a digital format and filed in the AlacourtPlus court management system (or any successor system).

**OFFICIAL TRANSCRIPT:** The official written record (in paper or digital format) of the verbatim words spoken in a court proceeding certified by the appropriate authority.

**PROTECTED COURT RECORD:** Any court record that has been designated as “protected” (i.e., “confidential,” “private,” or “sealed”) by a court. This term shall also include a court record required to be kept confidential by law. A protected

court record must maintain its protected status regardless of its retention status or storage medium.

**EXHIBITS:** Any record, photograph, or other demonstrative evidence scanned into a digital or electronic format and filed or otherwise made a part of any court case file of a specific court case. An exhibit (for record retention purposes) does not include any tangible object or physical item of evidence that has not been reduced to a digital or electronic format. The destruction or retention of tangible objects or physical items of evidence are not governed by this Schedule.

## II. RETENTION SCHEDULE – DIGITAL COURT RECORDS

- A. All digital court records shall be retained permanently.
- B. Digital court records stored by a third-party shall remain the property of the State of Alabama. The ADC shall use Criminal Justice Information Services and National Institute of Standards and Technology standards for the permanent storage of digital court records. These systems shall include an active preservation process to ensure the records in the system remain intact and safe. If the two standards are in conflict, then the standard with the most stringent requirement should be met.
- C. The ADC, in consultation with the Unified Judicial System Records Retention Committee, shall have the discretion to order the deletion from electronic storage any category of municipal or district court records twenty-five (25) years after final disposition of these cases in the court system.
- D. The ADC, in consultation with the Unified Judicial System Records Retention Committee, is authorized from time-to-time to transfer court records to the Alabama Department of Archives and History (“Archives”) for permanent storage. This transfer may include original court records or copies of the records. The ADC shall enter into a “Memorandum of Understanding” with Archives prior to the transfer of any court records ensuring the safety and access of the records. No protected court records may be transferred to Archives under the authority of this paragraph.
- E. Court records which have been ordered by a circuit judge to be expunged pursuant to Ala. Code § 15-27-6, and juvenile records ordered to be destroyed pursuant to Ala. Code § 12-15-137, shall be deleted from permanent storage.
- F. Notwithstanding the above:
  - 1. Section “F”, “Court Reporter Records” of the “Revised Records Retention Schedule” adopted on March 23, 2009, (Appendix “A”) is eliminated. Court records and audio files in the possession of a licensed court reporter in the Unified Judicial System shall be managed as follows:

a. Stenographic Notes:

Stenographic notes, regardless of format, shall be retained for one (1) year from the filing of an official transcript prepared from those notes.

If no official transcript is prepared and filed, then the stenographic notes shall be maintained for twenty (20) years for Capital Murder cases and ten (10) years for all other cases.

b. Audio Files:

Audio recordings, regardless of format, shall be retained for one (1) year from the filing of an official transcript prepared from the recording.

If no official transcript is prepared and filed, then the audio recording shall be maintained for twenty (20) years for Capital Murder cases and ten (10) years for all other cases.

c. Official Transcripts Not Filed:

An official transcript prepared but not filed in a case (*e.g.*, transcript of a hearing or testimony requested by a litigant during a case) shall be maintained for one (1) year.

d. Trial Exhibits:

Exhibits admitted into evidence in a court proceeding become the responsibility of the court, and by extension, the clerk of that court.

As a matter of convenience, trial exhibits may be held temporarily by the court reporter. Physical trial exhibits should be turned over to the clerk of court. A trial exhibit that is converted to a digital format and included in the record of a specific court case shall be retained indefinitely. *See* Section II.

Please refer to the following resources for additional guidance on disposition of exhibits:

- i. Section “D”, “Exhibits”, of the “Revised Records Retention Schedule” adopted on March 23, 2009, (Appendix “A”).
- ii. Rule 11(e) of the Alabama Rules of Appellate Procedure.
- iii. Ala. Code § 12-21-8 (civil cases)

e. Juvenile Proceedings:

The audio or stenographic recording of a juvenile proceeding shall be preserved until the time for taking an appeal has expired. *See* Rule 20(A), Alabama Rules of Juvenile Procedure.

### **III. RETENTION SCHEDULE-PHYSICAL COURT RECORDS**

- A. All other court records generated on paper or some other tangible, non-digital medium, shall be handled according to the “Revised Records Retention Schedule” adopted on March 23, 2009. (Appendix “A”).
- B. Section “H”, “Publications, Periodicals, Leaflets, Etc.” of the “Revised Records Retention Schedule” adopted on March 23, 2009, (Appendix “A”) is eliminated from the “Unified Judicial System Records Retention Schedule.” The records listed in that Section are not considered court records.
- C. If there is a conflict between this retention schedule and some other authority (rule, statute, regulation, etc.), then the rule imposing the longer retention period shall be followed.

### **IV. RETENTION SCHEDULE-OTHER COURT RECORDS**

The ADC is the final destruction or retention authority for any court records that do not fit within the guidelines above. Any decision to destroy a court record not falling within these guidelines shall be made only after consultation with the Unified Judicial System Records Retention Committee and the State Records Commission.

#### **COMMENT**

This Records Retention Schedule was adopted by the Supreme Court of Alabama on 12/20/24 in accordance with Ala. Code § 41-13-21. It serves as the retention authority for all *court* records generated in the Unified Judicial System and implements Rule 31 of the Alabama Rules of Judicial Administration.

At the time this Schedule was approved, the probate and municipal courts of this State were not fully participating in the AOC-approved case management software. Until fully integrated, records generated by municipal courts shall be governed by Section “C” of the “Revised Records Retention Schedule” adopted on March 23, 2009. (Appendix “A”). Disposition of probate court records are governed by the Local Government Records Commission (Alabama Department of Archives and History). As those courts begin to store their respective records in the AOC-approved case management system, records from those courts stored in the system will be maintained permanently as described in this Records Retention Schedule.

## **UNIFIED JUDICIAL SYSTEM RECORDS RETENTION COMMITTEE**

There shall be a standing records retention committee known as the “Unified Judicial System Records Retention Committee” (“Committee”). The Committee shall be responsible for proposing amendments to the “State of Alabama Unified Judicial System Records Retention Schedule” to the Supreme Court of Alabama and otherwise fulfilling the requirements of Ala. Code § 41-13-21 and Rule 31 of the Alabama Rules of Judicial Administration.

The Committee shall be comprised of:

- Administrative Director of Courts (ADC) (Chair) (*ex officio*)
- Director, Information Technology Division, the Administrative Office of Courts (AOC) (*ex officio*)
- Director, Legal Division, Administrative Office of Courts (*ex officio*)
- Property Manager, Administrative Office of Courts (*ex officio*).
- Two Circuit Judges (Appointed by the President of the Alabama Circuit Judges Association)\*
- Two District Judges (Appointed by the President of the Alabama District Judges Association)\*
- One Juvenile Court Judge (Appointed by the President of the Alabama Juvenile Judges Association)\*
- Two Circuit Clerks (Appointed by the President of the Alabama Circuit Clerks Association)\*
- One Official Court Reporter (Appointed by the President of the Alabama Court Reporters Association)\*
- Two Members of Alabama State Bar Association in Good Standing (Appointed by the President of the Alabama State Bar Association)\*

The ADC shall assign additional staff members to the Committee from the AOC as needed.

The ADC shall include professional archivists and other subject-matter experts from the Alabama Department of Archives and History on the Committee as needed.

The Committee shall meet at least annually and at additional times at the call of the ADC.

\*These persons shall serve staggered terms of two (2) years.