

# IN THE SUPREME COURT OF TEXAS

Misc. Docket No. 97- 9143

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## ORDER REGARDING DISPOSITION OF COURT PAPERS IN CIVIL CASES

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**ORDERED** that:

**A. Definitions.**

1. *Court records or records* means:
  - (a) the clerk's record;
  - (b) the reporter's record; and
  - (c) any other documents or items filed, or presented for filing and received in an appellate court in a particular case.
2. *Appellate record* means the clerk's record and the reporter's record and any supplements.

**B. In the Courts of Appeals.** The following paragraphs govern disposing of court records by the courts of appeals:

1. *Determination of permanent preservation.* Before any court records are destroyed, the court of appeals must — under Section 51.205 of the Government Code and State

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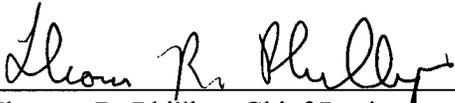
Archives guidelines — determine whether the records should be permanently preserved.

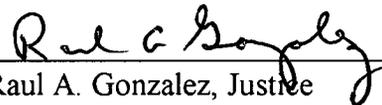
2. *Initial determination.* Immediately after final disposition of an appeal or other proceeding, the panel that decided the case must determine whether the case's records should be permanently preserved and must file with the records a statement declaring that the records should or should not be permanently preserved.
  3. *Later determination.* After its initial determination, but before any court records are destroyed, the court of appeals may reexamine its initial determination under 2 and may change its designation.
  4. *Original papers and exhibits in appeals.* Whatever the court determines concerning permanent preservation of a case's records, any original documents or exhibits must, within 30 days after final disposition of an appeal or other proceeding, be returned to the trial court in accordance with any trial court order entered under Rules 34.5(f) and 34.6(g). The court of appeals may, but need not, copy those documents and exhibits before returning them to the trial court. The court of appeals may dispose of copies of nondocumentary exhibits after the case is final on appeal.
  5. *All other papers and exhibits.* Subject to paragraph 4., the court of appeals must keep and preserve all records of a case (except duplicates) until they are ultimately disposed of under this rule.
  6. *Ultimate disposition.* After the period prescribed by Section 51.204 of the Government Code or other applicable statute has expired, the court of appeals must:
    - (a) destroy those records the court has determined need not be permanently preserved; and
    - (b) turn over to the State Archives or other repository allowed by law those records the court has determined should be permanently preserved.
- C. **In the Supreme Court.** The following paragraphs govern disposing of court records by the Supreme Court:
1. *If case reversed and remanded to court of appeals.* If the Supreme Court grants review and remands the case to the court of appeals, the Supreme Court will return

the appellate record to the court of appeals. The court of appeals will then dispose of the court records in accordance with subdivision B. The Supreme Court will keep and preserve all remaining items (except duplicates) until they are turned over to the State Archives as provided by law.

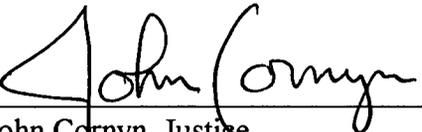
2. *If case affirmed or reversed and remanded to trial court.* If the Supreme Court grants review and either affirms the court of appeals or reverses and remands to the trial court, the Supreme Court will not return the appellate record but will keep and preserve all records of the case (except duplicates) until those records are turned over to the State Archives as provided by law.
3. *In all other cases.* In all other cases, the Supreme court will return the appellate record to the court of appeals and keep and preserve all remaining records of the case (except duplicates) until they are turned over to the State Archives as provided by law.

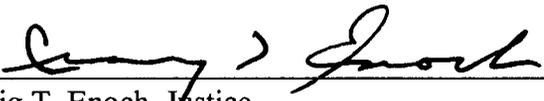
SIGNED AND ENTERED this 15<sup>th</sup> day of August, 1997.

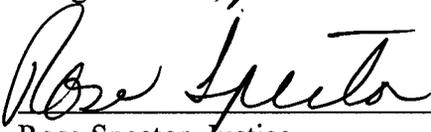
  
Thomas R. Phillips, Chief Justice

  
Raul A. Gonzalez, Justice

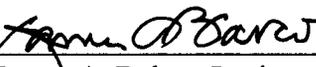
  
Nathan L. Hecht, Justice

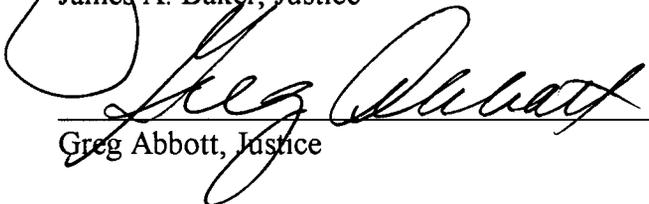
  
John Cornyn, Justice

  
Craig T. Enoch, Justice

  
Rose Spector, Justice

  
Priscilla R. Owen, Justice

  
James A. Baker, Justice

  
Greg Abbott, Justice