I.C.A.R. 40. Appellate Court Records

Idaho Court Administrative Rule 40. Appellate Court Records.

(a) Original Records Kept by Clerk of Supreme Court and Court of Appeals. The Clerk of the Supreme Court and Court of Appeals shall keep records of civil and criminal appeals and other proceedings, each to be known as a "Register of Actions," of a suitable form and style, with indexes, and such other records and systems as prescribed by the Administrative Director of the Courts. The Register of Actions shall be printed and placed in the case file on the date the case is finally closed, and in the discretion of the Clerk of the Supreme Court and Court of Appeals, the Register of Actions maintained electronically may be erased 10 years following date of remittitur.

(b) Preservation, Destruction or Disposition of Original Appellate Court Records, Civil Actions and Other Proceedings. The entire case file in civil actions and other proceedings shall be preserved for 10 years following date of remittitur. All documents of every nature, kind and description pertaining to civil appeals or other proceedings, and all reporter's transcripts of district court proceedings and district court clerk's records may be destroyed 10 years from date of remittitur.

(c) Preservation, Destruction or Disposition of Original Appellate Court Records, Criminal Actions. The entire case file in criminal actions shall be preserved for 10 years following date of remittitur. All documents of every nature, kind and description pertaining to criminal appeals, and all reporter's transcripts of district court proceedings and district court clerk's records may be destroyed 10 years from date of remittitur; except that the entire case file for all murder convictions shall be retained permanently by the Clerk of the Supreme Court and Court of Appeals.

(d) Notice to Idaho Historical Society. Provided, however, no document or property which has been filed or placed with the court shall be disposed of or destroyed without first giving the Idaho State Historical Society 120 days' notice as to the date upon which such documents or property were to be disposed of or destroyed. During such notice period, the Idaho State Historical Society shall be permitted to examine, copy, or take such documents or property subject to such limitations as ordered by the court to protect property of others and preserve confidential or privileged information.

(e) Copies of Appellate Records Provided to Research Facilities. Following the date the case is finally closed, the Clerk of the Supreme Court and Court of Appeals shall provide copies of the records of civil and criminal appeals and other proceedings, to the Idaho State Law Library and the Law Library of the University of Idaho College of Law. Records forwarded by the Clerk of the Supreme Court and Court of Appeals to the research facilities shall be retained by the facilities as determined by the records retention policies of the facilities.

(Adopted June 15, 1987, effective November 1, 1987.)

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