



JUDICIAL COUNCIL  
OF CALIFORNIA

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## FACT SHEET

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July 2016

# Court Records Management Sampling Program

The superior court records sampling program, established by California Rules of Court, rule 10.855<sup>1</sup>, is a program to preserve in perpetuity for study by historians and other researchers all superior court records filed before 1911 and a sample of superior court records filed after December 31, 1910, to document the progress and development of the judicial system, and to preserve evidence of significant events and social trends. Superior court records, as used in this context, do not include records of limited civil, small claims, misdemeanor, or infraction cases. The Judicial Council amended rule 10.855, effective July 1, 2016.

### Sampling Technique

Three superior courts are assigned in rotation by the Judicial Council each calendar year to preserve sample court records. (Cal. Rules of Court, rule 10.855(f).) For the assigned calendar year, courts must preserve a random sample of 25 percent of their court records, with the exception of the Superior Court of Los Angeles County, which must preserve 10 percent of its court records. (Cal. Rules of Court, rule 10.855(f).) In addition, all courts must preserve the following comprehensive and significant court records:

- All records filed before 1911;
- If practicable, all records filed after 1910 and before 1950;
- All case indexes; and
- All noncapital cases in which the California Supreme Court has issued a written opinion. (Id., rule 10.855(c).)<sup>2</sup>

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<sup>1</sup> Rule 10.855 was originally adopted as rule 243.5, effective July 1, 1992; effective January 1, 2001, rule 243.5 was renumbered as rule 6.755, which, in turn, was renumbered as rule 10.855, effective January 1, 2007.

<sup>2</sup> Records in capital cases are not included in the rule because the records in all such cases are retained permanently under Government Code section 68152(c)(1).

The new records sampling program applies retroactively to all superior courts. (Cal. Rules of Court, rule 10.855(k).) The rotation assignments are posted on the Judicial Resource Network's Court Records Management page.

#### Reporting Requirement

Under rule 10.855(j) of the California Rules of Court, superior courts are required to provide semiannually to the Judicial Council a list by year of filing of court records destroyed, filing and location of the court records of the comprehensive and sample court records reserved, and filing and location of the court records transferred to entities under rule 10.856 of the California Rules of Court. The council adopted form REC-003, *Report to the Judicial Council: Superior Court Records Destroyed, Preserved, and Transferred*, effective January 1, 2007, to implement the reporting requirements.

#### Notice Requirement

Under rule 10.856(b) of the California Rules of Court, superior courts are required to give 30 days' written notice of intent to destroy court records open to public inspection. The notice is sent to entities maintained on the council's master list and to others that directly requested notification.

#### Records Management Clearinghouse

As a result of the actions outlined above, a Records Management Clearinghouse was established to: receive superior court records disposition reports required under legislation and council rule; keep courts informed of their responsibilities under the records management statutes and rules; serve as a referral center for historians and researchers seeking to study court records in superior courts; and respond to questions on the standards, rules, reporting forms, and new records management legislation. The address for the Records Management Clearinghouse is:

Records Management Clearinghouse  
c/o Judicial Council of California  
Legal Services Office  
455 Golden Gate Avenue  
San Francisco, CA 94102-3688