

COMMONWEALTH OF MASSACHUSETTS

SUFFOLK, SS.

SUPREME JUDICIAL COURT

Order Re: Sampling of Case Records
Pursuant to Section 6 of Supreme Judicial Court Rule 1:11,
Rule Relative to the Disposal of Court Papers and Records
G.L. c. 221, §27A, as amended

Case records not required to be retained pursuant to S.J.C. Rule 1:11 may be destroyed after they are sampled pursuant to this Order, which sets forth the sampling requirements for case records in all departments of the Trial Court.

All case record samples retained pursuant to this Order shall be stamped so as to be clearly visible on the front, "SAMPLED." All containers for such case records shall be labeled so as to be clearly visible on the front, "SAMPLED - SEE SELECTION CRITERIA IN CLERK'S OFFICE." Copies of the selection criteria shall be available on the court's website, in the storage area containing records, in the clerk's office, and in the State Archives.

Boston Municipal Court, District Court, Housing Court and Juvenile Court: Case records under the custody of the clerks of these departments not required to be retained pursuant to S.J.C. Rule 1:11 may be destroyed as long as the following samples are retained:

Minor violation records:¹ a random selection of 20 case records for each type of case record for each year of case records to be destroyed.

All other records: a systematic sample of case records consisting of

- 5% (docket numbers ending in "00," "20," "40," "60," and "80") of case records for the period from 1800 to 1969, and
- 2% (docket numbers ending in "00" and "50") of case records starting in 1970.²

¹ Section 2 of Rule 1:11 defines "minor violation records" as "case records, other than dockets, filed in or relating to a proceeding involving civil motor vehicle infractions, parking, littering, bicycles, pedestrians, municipal dog control, the decriminalized disposition of violations of municipal ordinances or by-laws or other decriminalized regulatory offenses."

² If a case included within the samples has no papers but has a card indicating that it was filed separately or was sent to the Superior Court, the card shall be retained as part of the sampled file.

Land Court: Case records under the custody of the recorder of the Land Court not required to be retained pursuant to S.J.C. Rule 1:11 may be destroyed as long as the following samples are retained:

Case records from proceedings to foreclose a mortgage pursuant to the federal Servicemembers Civil Relief Act may be destroyed ten years after final disposition of the case as long as a random sample of twenty case records is retained for each year of records to be destroyed.

All other records: a systematic sample of case records in all permit sessions and miscellaneous cases within the jurisdiction of the Land Court consisting of

- 5% (docket numbers ending in "00," "20," "40," "60," and "80") of case records for the period prior to 1970, and
- 2% (docket numbers ending in "00" and "50") of case records starting in 1970.

Probate and Family Court: [RESERVED]

Superior Court: Case records under the custody of the clerks of the Superior Court not required to be retained pursuant to S.J.C. Rule 1:11 may be selectively retained as long as the following are retained:

In Barnstable, Dukes, Essex, and Nantucket counties: all case records.

In Berkshire, Franklin and Hampshire counties, a systematic sample of case records consisting of

- 10% (docket numbers ending in "0") of case records for the period from 1860 to 1968, and
- 2% (docket numbers ending in "00" and "50") of case records starting in 1969.

In all other counties,³ a systematic sample of case records consisting of

- 20% (docket numbers ending in "0" and "5") of case records from 1860 to 1889,
- 10% (docket numbers ending in "0") of case records from 1890 to 1919,

³ In the period when law and equity files are separate, a 30% (docket numbers ending in "3," "6," and "9") sample of equity files shall be retained for the following years:

- Bristol County: entered 1897 - June 30, 1974, and
- Middlesex and Suffolk Counties: entered 1892 to June 30, 1974.

- 5% (docket numbers ending in "00," "20," "40," "60," and "80") of case records from 1920 to 1969, and
- 2% (docket numbers ending in "00" and "50") starting in 1970.

Witness our hands this 26th of September, two thousand and eighteen.

RALPH D. GANTS) Chief Justice
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BARBARA A. LENK)
)
FRANK M. GAZIANO) Justices
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DAVID A. LOWY)
)
KIMBERLY S. BUDD)
)
ELSPETH B. CYPHER)
)
SCOTT L. KAFKER)

Effective: October 1, 2018