STATE EDUCATION DEPARTMENT NEW YORK STATE ARCHIVES RECORDS SERIES DESCRIPTION REC-5

AGENCY NUMBER (8 character limit)	DISPOSITION AUTHORIZATION NUMBER (LEAVE BLANK)
HBR-09	23049

INSTRUCTIONS: Complete one form for each records series where a new/revised records disposition authorization is requested.

1. AGENCY Hudson River – Black River Regulating District	2. PROGRAM UNIT Legal		
3. RECORDS SERIES TITLE Litigation Records			
4. DESCRIPTION OF RECORDS SERIES Records document judicial proceedings involving the regulating district, including appeals. Case file may include research notes, reference materials, subpoenas, depositions, exhibits, and correspondence, as well as drafts and copies of documents that are part of the court record, such as pleadings, notices, orders, transcripts of testimony, documentary exhibits, briefs, final determinations, and records on appeal.			
5. BEGINNING DATE (year only) 1919	6. ENDING DATE (year only; if series is ongoing, use "Current") Current		
7. VOLUME OF EXISTING RECORDS BY RECORD TYPE			
PAPER RECORDS: <u>71</u> CU. FT. COMPUTER READABLE: ITEMS			
MICROFICHE:ITEMS AUDIO-VISUAL:ITEMS			
MICROFILM:ROLLS OTHER (specify type and volume):			
8. ESTIMATED ANNUAL GROWTH (paper records only): 1 CU. FT.			
9. FILES MANAGEMENT ACTION, IF ANY (i.e., action to separate inactive records from active records or to implement final disposition)			
10. EVENT THAT COMMENCES RETENTION PERIOD (e.g., case closure, end of calendar year, etc.) Case closure or transcription of hearing recording ("case closure" occurs after determination by trial court, and conclusion of any appeals and enforcement actions).			
11. PROPOSED RETENTION PERIOD AFTER EVENT (i.e., period of time after event in item #10)			
RETAIN IN AGENCY FORYEARSMONTHS RETAIN IN STATE RECORDS CENTER FORYEARSMONTHS REFORMAT (i.e., how & when records transferred to microfilm, digital images or other media): REFORMAT (i.e., non-time-based retention period): Retain records related to cases meeting attached criteria for 10 years. Retain recordings of hearings for four months. Retain records related to all other cases for three years.			
12. FINAL DISPOSITION			
DESTROYTRANSFER TO STATE ARCHIVESX_OTHER (specify): Transfer records meeting attached criteria to the State Archives. Destroy hearing recordings and all other case records.			
13. REASONS FOR PROPOSED RETENTION AND DISPOSITION Records needed for at least 3 years for any follow-up action and as reference for future litigation. Case files that meet any of the attached criteria have long-term research, administrative, and legal value as they document the interpretation or application of law and thereby may establish precedent. In addition, these case files are to be transferred to the State Archives because they may supplement records for those cases held by the Office of the Attorney General and the trial and appellate courts.			
14. MODIFICATION TO EXISTING RETENTION AND DISPOSITION AUTHORIZATION New series.			

Archival Review Criteria for Legal Case Files

Legal case files include records documenting the legal process followed by agencies from receipt of complaints or petitions to possible judicial proceedings. For each step of the process, actions include settlement or withdrawal by either party, or denial or no investigation by the agency.

The State Archives has established the following criteria for identifying archival case files:

Cases that are:

- landmark,
- policy setting,
- newsworthy,
- older than 1950,
- designated in statute or regulation as permanent,
- appealed but whose record on appeal is not publicly accessible from any source, or
- relate to the Agency's oversight functions or that relate to their core mission where documentation is not preserved in another agency. Agencies may contact the State Archives for more assistance in identifying such records.

Note: Subpoenaed records or exhibits should be disposed of under the Agency # HBR-10.