

# **Schedule 161**

## **NEBRASKA COMMISSION ON PUBLIC ADVOCACY**

November 16, 2006

Nebraska Records Management Division  
440 South 8<sup>th</sup> Street, Suite 210  
Lincoln, NE 68508  
(402) 471-2559

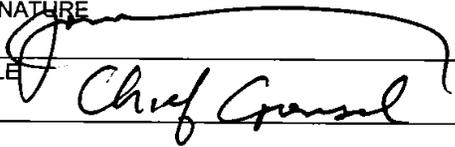
**REQUEST FOR APPROVAL  
OF RECORDS RETENTION  
AND DISPOSITION SCHEDULE**

SCHEDULE	161
AGENCY, BOARD OR COMMISSION	Nebraska Commission on Public Advocacy
DIVISION, BUREAU OR OTHER UNIT	

**TO: STATE RECORDS ADMINISTRATOR  
STATE OF NEBRASKA**

**PART I -- AGENCY STATEMENT**

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE	
TITLE	Chief Counsel
DATE	11/09/2006

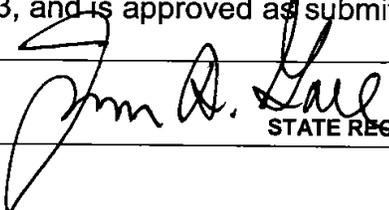
**PART II - ARCHIVAL APPROVAL**

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE		DATE	11/14/06
STATE ARCHIVES			

**PART III -- APPROVAL BY STATE RECORDS ADMINISTRATOR**

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE		DATE	11/14/06
STATE RECORDS ADMINISTRATOR			

## **INSTRUCTIONS FOR USING THIS SCHEDULE**

Records retention and disposition schedules are designed to serve as your records management guidelines for storing and disposing of agency records, ***regardless of the media on which they reside***, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

### **DISPOSING OF RECORDS**

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

**Please remember to retain the blank form for future use.**

### **NON-SCHEDULED RECORDS**

Contact a Records Management Consultant in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

### **SCHEDULE UPDATE**

It is the responsibility of each agency to periodically update their schedule. A Records Management Consultant in Records Management can assist you with the schedule update, which involves adding new records and making revisions to existing items. Keeping your schedule current will ensure that you have the ongoing authority to discard records when their useful life has ended.

### **QUESTIONS**

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Consultant in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or State Archives, microfilming records, scanning records, etc.

**Records Management Division  
440 South 8th Street, Suite 210  
Lincoln, NE 68508-2294  
402-471-2559**

# INDEX

## SCHEDULE 161 NEBRASKA COMMISSION ON PUBLIC ADVOCACY

	Item	Page
<b><u>APPELLATE SECTION</u></b> .....	<b>161-1</b>	<b>5</b>
APPEALS TO THE EIGHTH CIRCUIT COURT OF APPEALS ...	161-1-1	5
DEATH PENALTY CASES .....	161-1-2	5
NEBRASKA SUPREME COURT/COURT OF APPEALS CASE FILES.....	161-1-3	5
U.S. SUPREME COURT APPEALS .....	161-1-4	5
<b><u>GENERAL OFFICE RECORDS</u></b> .....	<b>161-2</b>	<b>5</b>
BYRNE GRANT FILES .....	161-2-1	5
COMMISSION (RE-) APPOINTMENTS FILES.....	161-2-5	6
LEGAL AID & SERVICES FUND GRANT FILES.....	161-2-7	6
<b><u>LITIGATION DIVISION</u></b> .....	<b>161-3</b>	<b>6</b>
DNA CASE FILES.....	161-3-1	6
DRUG OFFENSE CASE FILES.....	161-3-2	6
VIOLENT FELONY CASE FILES.....	161-3-3	6
<b><u>MISCELLANEOUS</u></b> .....		<b>7</b>
RECORDS DISPOSITION REPORT .....		7

## **SCHEDULE 161 – NEBRASKA COMMISSION ON PUBLIC ADVOCACY**

### **161-1      APPELLATE SECTION**

*The following records are not considered public record due to attorney/client privilege.*

#### **161-1-1      APPEALS TO THE EIGHTH CIRCUIT COURT OF APPEALS**

Appeals to the 8<sup>th</sup> Circuit. These files may include pleadings, briefs, correspondence, opinions, etc.

**Dispose of 13 years after appeal is closed, last action, or released by client request, whichever is sooner.**

#### **161-1-2      DEATH PENALTY CASES**

These files include pleadings, briefs, correspondence, etc., in all courts throughout the process of appeals once an individual is sentenced to death.

**Retain permanently, unless released by client request.**

#### **161-1-3      NEBRASKA SUPREME COURT/COURT OF APPEALS CASE FILES**

Appeals to the Nebraska Supreme Court/Court of appeals. These files may include pleadings, correspondence, briefs, opinions, etc.

**Dispose of 13 years after appeal is closed, last action, or released by client request, whichever is sooner, if conviction is less than first degree murder. If conviction is first degree murder, retain permanently unless released by client request.**

#### **161-1-4      U.S. SUPREME COURT APPEALS**

Appeals to the U.S. Supreme Court. These files may include briefs, correspondence, pleadings, opinions, etc.

**Dispose of 13 years after appeal is closed, last action, or released by client request, whichever is sooner.**

### **161-2      GENERAL OFFICE RECORDS**

#### **161-2-1      BYRNE GRANT FILES**

All correspondence, notes, applications, quarterly reports, audit results and ledgers related to agency receipt of Byrne grant funds.

**QUARTERLY REPORTS AND AUDIT RESULTS: Dispose of after 5 years, subject to review by the State Archivist for possible accession, provided audit has been completed.<sup>1</sup>**

**ALL OTHER BYRNE GRANT FILES: Dispose of after 5 years, provided audit has been completed.<sup>1</sup>**

**161-2-5 COMMISSION (RE-) APPOINTMENTS FILES**

All correspondence to/from Governor's Office and Commission candidates and appointees applying for re-appointment, including notification of appointment and copies of appointment certificates.

**Dispose of 3 years after final term expires.**

**161-2-7 LEGAL AID & SERVICES FUND GRANT FILES**

All grant applications and correspondence to/from applicants/recipients of grant awards, including quarterly activity reports and annual audits.

**QUARTERLY ACTIVITY REPORTS AND ANNUAL AUDITS: Dispose of after 5 years, subject to review by the State Archivist for possible accession, provided audit has been completed.<sup>1</sup>**

**ALL OTHER LEGAL AID & SERVICES FUND GRANT FILES: Dispose of after 5 years, provided audit has been completed.<sup>1</sup>**

**161-3 LITIGATION DIVISION**

*The following records are not considered public record due to attorney/client privilege.*

**161-3-1 DNA CASE FILES**

Cases before Nebraska District Courts after order of Nebraska higher courts. These files may include pleadings, briefs, correspondence, reports, final orders, etc.

**Dispose of 13 years after appeal is closed, last action, or released by client request, whichever is sooner.**

**161-3-2 DRUG OFFENSE COURT CASE FILES**

Cases before Nebraska County and District Courts. These files may include pleadings, briefs, correspondence, reports, final orders, etc.

**Dispose of 13 years after appeal is closed, last action, or released by client request, whichever is sooner.**

**161-3-3 VIOLENT FELONY COURT CASE FILES**

Cases before Nebraska County and District Courts. These files may include pleadings, briefs, correspondence, reports, final orders, etc.

**Dispose of 13 years after appeal is closed, last action, or released by client request, whichever is sooner, if conviction is less than first degree murder. If conviction is first degree murder, retain permanently unless released by client request.**

---

**NOTE**

1. These records may be disposed of after the required retention period provided the audit of the Comprehensive Annual Financial Report (CAFR) is complete and any required federal audit is complete *and all related audit comments have been resolved*. Check with the organization that performed the audit, either the Auditor of Public Accounts or the federal cognizant agency, if there is a question whether resolution is complete.

# RECORDS DISPOSITION REPORT

<b>TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8<sup>TH</sup> STREET SUITE 210 LINCOLN, NE 68508-2294</b>	AGENCY
	DIVISION
	SUB-DIVISION

## REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

## OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

--

DATE	SIGNATURE
------	-----------

**SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.**

RMA 03006D

## VOLUME ESTIMATING GUIDE

**(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)**

Vertical File Cabinet, 4 drawer letter-size .....	6 cubic feet
Vertical File Cabinet, 4 drawer legal-size.....	8 cubic feet
Lateral File, 4 drawer/shelf letter-size .....	9 cubic feet
Lateral File, 4 drawer/shelf legal-size.....	12 cubic feet
Records center carton.....	1 cubic foot
About a pickup load.....	50 cubic feet