

1993


## The Case of the Disappearing Briefs: A Study in Preservation Strategy

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### Recommended Citation

Leary, Margaret A. "The Case of the Disappearing Briefs: A Study in Preservation Strategy." *Law Libr. J.* 85 (1993): 357-83.

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# The Case of the Disappearing Briefs: A Study in Preservation Strategy\*

Margaret A. Leary\*\*

*Federal appellate court records and briefs are significant to researchers in many disciplines, but academic law libraries are discarding them. Ms. Leary chronicles the demise of paper holdings in law libraries, the rise of microforms, and the contents and usage of the National Archives and Records Administration's files. She then derives principles for preservation strategies that may apply to other categories of legal material.*

The records and briefs of intermediate federal appellate courts<sup>1</sup> can easily elude scholars, and they present special preservation problems as well. The root of both difficulties is that law libraries and archives have never faced the question of which type of institution ought to house and service federal appellate briefs. Two qualities of these materials produce confusion. First, court records and briefs are not truly “published”; they are produced in relatively small quantities—usually fewer than fifty copies—and are not offered for sale, but rather are “deposited” with selected libraries. Second, the importance of the material to most of the legal community fades quickly once the appeal is resolved, while scholars in other disciplines, to whom the materials might have lasting meaning, may not even know about them. Only the most persistent nonlegal scholar knows that the briefs exist; only the best-supported scholar can travel to the material.

In this article, I describe the current and historical holdings of records and briefs in libraries and archives, and the microform solution now being used to preserve material produced since the mid-1980s. I then offer several lessons in preservation strategies, learned from “the case of the disappearing federal records and briefs.”

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1. Federal district court records and briefs, Record Group 21, are either still with the court of jurisdiction, at a Federal Record Center, or in a regional archive. To locate them, start with the Clerk of the Court. U.S. Supreme Court Records and Briefs are currently available from CIS, Rockville, Maryland. The originals are in Record Group 267.

## I. History and Importance of the Federal Appellate Courts

Whether a particular lawsuit is brought in a state or federal court depends on the subject matter of the lawsuit, the amount of money involved, the citizenship of the parties, the place where the cause of action occurred, and the judgment of the lawyers as to which court might give the best result. Statutes, case law, and practice have evolved since passage of the Judiciary Act of 1789;<sup>2</sup> this complex interaction makes it impossible to state a general rule about which kinds of cases are heard in federal courts and which in state courts.

State and federal court systems have similar general structures: a lowest trial court, in which the facts are ascertained by a sole judge or a jury, and one or more appellate courts, in which the facts are usually assumed as found in the trial and the legal issues are reviewed for accuracy. In the federal system, the method of appeal varied for the first hundred years under the Constitution. Only in 1891 did a statute clearly create a separate appellate level of courts in between the trial courts (called district courts) and the court of last resort, the United States Supreme Court.<sup>3</sup> These circuit appellate courts now number thirteen: one for the District of Columbia; eleven for the numbered circuits, which include anywhere from three to ten states and territories; and the Court of Appeals for the Federal Circuit, created in 1982.<sup>4</sup>

Federal courts have special significance because cases tried there involve larger amounts of money, diversity of state citizenship between the parties, and questions of federal constitutional law. The academic legal community generally is more interested in federal court cases than in state court cases. The records and briefs this article describes consist of selections from the record of the trial and the written arguments filed with the various federal appellate courts since the date when each circuit was given a circuit court of appeals consisting of three judges.

The number of cases handled by the courts of appeals has escalated as the country has become more populous and litigious: in 1942, 3,880 cases were commenced; in 1970, 11,662 cases were commenced; and in 1986, 34,292 were commenced.<sup>5</sup> The primary work of circuit appellate courts is to review district court decisions. The circuit appellate courts also have jurisdiction to review orders of many administrative agencies and to issue original writs in appropriate cases.

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2. Act of Sept. 24, 1789, ch. 20, 1 Stat. 73.

3. Act of Mar. 3, 1891, ch. 517, 26 Stat. 826.

4. CHARLES A. WRIGHT, *THE LAW OF FEDERAL COURTS* 10 (4th ed. 1983).

5. 1942 ADMIN. OFF. U.S. CTS. ANN. REP. DIRECTOR [1]; 1970 ADMIN. OFF. U.S. CTS. ANN. REP. DIRECTOR 94; 1986 ADMIN. OFF. U.S. CTS. ANN. REP. DIRECTOR 1.

## II. The Records

The complete record of the trial in the district court includes the official collection of all the trial pleadings, exhibits, orders, and word-for-word testimony during the trial, as well as pleadings, proof of service of process, the verdict, the judgment, and "such other matters as by some statutory or other recognized method have been made a part of it."<sup>6</sup> The collected records and briefs for a particular case contains only selected material from the trial court record, the contents of which vary from case to case. In virtually all instances, however, the record contains historically significant factual information in many possible forms: text, photographs, charts, graphs, or any other format chosen to communicate to the court the information the parties felt would be most persuasive.

The variety of information in the records and briefs is almost unlimited. In labor relations cases, for example, it might be descriptions of specific allegedly unfair labor practices; in a copyright case, the text of allegedly infringing material (prose, poetry, or music); in a criminal case, details of the crime and the individuals affected by it; in a patent case, details of the item sought to be patented, including substantial details about American manufacturing at the time. A tort case involving an aircraft accident might include specific facts about the likelihood of a species of bird flying at a given altitude during a particular month of the year, as well as about standard operating procedure for the type of aircraft under existing weather conditions. Similarly, cases related to banking, brokering, doctoring, or lawyering might reveal not only standard practices but the daily work in those professions at the time of the lawsuit. These facts seldom make their way into the published opinion of the court. Often, cases are disposed of on legal technicalities, which prevents the court from reaching the substantive issues in a case. And when the court does reach the merits, the issues are—by the very nature of the appeal process—legal rather than factual.

## III. The Briefs

Briefs are the written arguments submitted to the court by counsel for each party and (with the court's leave) by friends of the court. The briefs, making the best arguments and citing legal authority, are the main information base for the judges who ultimately decide the case, and may provide the foundation for the opinion. Those opinions deemed by the court to be legally significant are published in the *Federal Reporter* and the *Federal Reporter 2d*. The briefs are important for practitioners and legal scholars

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6. C.J. Tower & Sons of Buffalo, Inc. v. United States, 347 F. Supp. 1388, 1389 (Cust. Ct. 1972) (citing *Clune v. United States*, 159 U.S. 590 (1895)).

because they describe, and cite authority for, the legal basis for the decision. The briefs necessarily describe both the winning and losing arguments.

As legal arguments, the briefs have obvious value for legal historians. In addition, the briefs describe extralegal factors influencing the legal process as it applied to each case. How much was the work of sociologists, psychologists, and historians cited? What attention did the courts pay to those citations? What nonlegal evidence was brought to court or cited? Did the court pay attention? These questions matter to anyone concerned with the administration of justice, the adversary process, and the developing relationship between law and the social sciences, humanities, and sciences.

#### IV. Law Library Holdings

##### A. Theory

Law librarians have never agreed on the importance to their collections of the records and briefs of federal appellate courts. Are they archival material for which the federal court system should be responsible; grist for future scholars and essential to great collections of legal research material; or ephemera best collected in a few locations to which only truly interested scholars would travel?

This lack of agreement is evident in the differences between the descriptions of briefs in standard legal research texts and the actual collecting practices of law librarians. According to *How To Find the Law*, for example:

Appellate records and briefs are documents of substantial research value. . . . Appellate decisions can therefore be best understood in light of the briefs and the record of the case below.

. . . . [Most of the federal intermediate courts' briefs are] distribute[d] . . . to a few law libraries in their region. Microfiche editions for the Second Circuit and the District of Columbia Circuit have expanded the distribution of their records and briefs considerably, but attempts to provide complete coverage of the Courts of Appeals briefs on microfiche have not been succeeded [sic].<sup>7</sup>

The American Bar Association's law school accreditation standards do not require an academic law library to own any records and briefs. The ABA does require reports of the United States Supreme Court, lower federal courts, and courts of the state in which the law school is located, as well as

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7. MORRIS COHEN ET AL., *HOW TO FIND THE LAW* 427-29 (9th ed. 1989).

the National Reporter System and a collection of pre-National Reporter System reports.<sup>8</sup>

The lack of agreement on the importance of federal appellate briefs is also evident in the coincidence of the publication of an updated union list of holdings with the almost simultaneous withdrawal of that same material from such collections as Harvard and Michigan's law libraries and the Center for Research Libraries. Teitelbaum's 1983 union list stated that the Center for Research Libraries held briefs for the District of Columbia, Second, Third, Sixth, and Ninth Circuits.<sup>9</sup> The March-April 1985 issue of the Center's newsletter, *Focus*, however, reported that the Center had stopped collecting any briefs and had distributed the Second Circuit's briefs to the University of Iowa Law Library, the Sixth Circuit's to the University of Tennessee, the Ninth Circuit's to the Law Library at the Library of Congress, and the Third and District of Columbia's circuits to the recyclers, since no one had stepped forward to claim them.

Similarly, the University of Michigan Law Library in the late 1970s sent its Sixth Circuit briefs to Northern Kentucky's Law School Library, which subsequently sold them to the University of Akron, which then recycled them. Michigan sold its D.C. Circuit material to George Mason Law School, which still has them. Harvard has withdrawn its First and Fifth Circuit holdings.

The schizophrenia continued into the 1980s, in yet another form. From 1985 to 1987, the Law Library Microform Consortium (LLMC), a nonprofit organization based at the University of Hawaii, put great efforts into locating the best collections of the material and soliciting purchasers for cooperative microfilming of all federal appellate briefs. The study showed a market not quite strong enough to support the project, which would have filmed seventy-five million pages at a cost of nearly three million dollars. Again the irony appears: the very unavailability of the material contributes to the lack of demand.

### B. Practice

Research done by A. Jerome Dupont, LLMC's Executive Director, shows that the best collection for 1891-1940 is at the Association of the Bar

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8. AMERICAN BAR ASSOCIATION, STANDARDS FOR APPROVAL OF LAW SCHOOLS AND INTERPRETATIONS annex II (1992).

9. Gene Teitelbaum, *United States Courts of Appeals Briefs and Records: An Updated Union List*, LEGAL REFERENCE SERVICES Q., Vol. 3, No. 3, Fall 1983, at 67, 71, 74, 77, 81, 83.

of the City of New York.<sup>10</sup> The Association is storing the paper in a Manhattan warehouse at a cost it may not be able to bear much longer. The best post-1940 collection is at the Law Library of Congress. Should either or both of these collections be harmed or discarded, the only other comprehensive collections are those housed by the National Archives and Records Administration (NARA). There the briefs are safe, but are much less accessible than the standard published court opinions written about each case, which are easy to find in any academic law library and virtually all private and government law libraries. Appendix A shows law library holdings, based on RLIN records and inquiries to libraries listed in Teitelbaum's article.

## V. Microform Projects

The future of records and briefs in academic libraries lies in microform. A commercial vendor has contracted with most circuits to convert paper to microform; the Association of the Bar of the City of New York is optimistic that a project to film its retrospective collection will take care of material from 1891 to the time the vendor began filming for each circuit.

### A. Current Records and Briefs

Although other vendors may have been involved with individual circuits, one vendor, Microform, Inc., now offers current subscriptions to the records and briefs of all but the D.C., Tenth, and Third Circuits as follows:

Federal Circuit from 1983

First Circuit from 1987

Second Circuit from 1983

Fourth Circuit from 1987

Fifth Circuit from 1983

Sixth Circuit under contract starting to film 1990 in 1992

Seventh Circuit under contract, nothing filmed yet

Eighth Circuit from 1984

Ninth Circuit from 1986

Eleventh Circuit from 1989<sup>11</sup>

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10. The work is unpublished, but was discussed with me in a telephone conversation with Mr. Dupont in November 1988. Mr. Dupont described the research in correspondence to LLMC members in 1988 and 1989.

11. Telephone conversations with Ms. Jackie Gooding, Microform, Inc. (Nov. 20, 1991, and Dec. 2, 1991). For more information, contact Microform, Inc., Frankford Arsenal-Building 28, Tacony and Bridge Street, Philadelphia, PA 19137-0907, 215-289-5700. 800-253-4207. As of this writing, negotiations to film the briefs of the D.C. Circuit and the Tenth Circuit are underway; Third Circuit briefs are being filmed by the Jenkins Library.

### B. *Retrospective Records and Briefs*

Conrad K. Harper, President of the Association of the Bar of the City of New York, has announced the start of a \$1.5 million campaign to microfilm the Association's collection from 1891-1975: 43,000 volumes, more than 54,000,000 pages. Enough money is in hand to begin filming the records and briefs of the Second Circuit.<sup>12</sup> All law librarians should support this effort, which will benefit patrons from all disciplines and has the potential to benefit the National Archives as well. Appropriately, the first year of the campaign marks the Centennial Year of the United States Circuit Courts of Appeals.

## VI. National Archives and Record Administration (NARA)

### A. *Purpose and Structure of NARA*

As collections in libraries disappear, it becomes more important for law librarians to know about the holdings in the National Archives and Record Administration (NARA) Regional Archives and Federal Records Centers.<sup>13</sup> The National Archives and Records Administration establishes policies and procedures for managing U.S. government records. It helps federal agencies document their activities, administer records management programs, schedule records, and retire noncurrent records to Federal Records Centers.<sup>14</sup> NARA also accessions, arranges, describes, preserves, and makes available to the public the historically valuable records of the three branches of government. Court files in NARA's possession are more complete than any collections held by libraries. Figure 1 shows NARA's organization.<sup>15</sup>

Most of the Agency's historically valuable records are maintained in Washington, D.C. Records primarily of regional or local interest (including federal appellate court records and briefs) are maintained in NARA's twelve Regional Archives, which are located in the following cities: Anchorage,

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12. Letter from Conrad Harper, President, Board of Directors, Association of the Bar of the City of New York, to Margaret Leary (Nov. 19, 1991).

13. The National Archives maintains the historically valuable records of the U.S. Government dating from the Revolutionary War era to the recent past; arranges and preserves records and prepares finding aids to facilitate their use; makes records available for use in research rooms in all of its facilities; answers written and oral requests for information contained in its holdings; and, for a fee, provides copies of records. In addition, many important records are available on microfilm. 1992-1993 UNITED STATES GOVERNMENT MANUAL 658 (1992) [hereinafter U.S. GOVERNMENT MANUAL].

14. 44 U.S.C. §§ 2101-2118 (1988). For a detailed description of the National Archives and its entire holdings, see *Guide to the National Archives of the United States* (1987) and the eleven regional guides that supplement it.

15. U.S. GOVERNMENT MANUAL, *supra* note 13, at 657.



Alaska; New York, New York; Chicago, Illinois; Denver, Colorado; East Point, Georgia; Fort Worth, Texas; Kansas City, Missouri; Laguna Niguel, California; Philadelphia, Pennsylvania; San Bruno, California; Seattle, Washington; and Waltham, Massachusetts. Addresses, telephone numbers, and the names of current directors can be found in the *United States Government Manual*.<sup>16</sup>

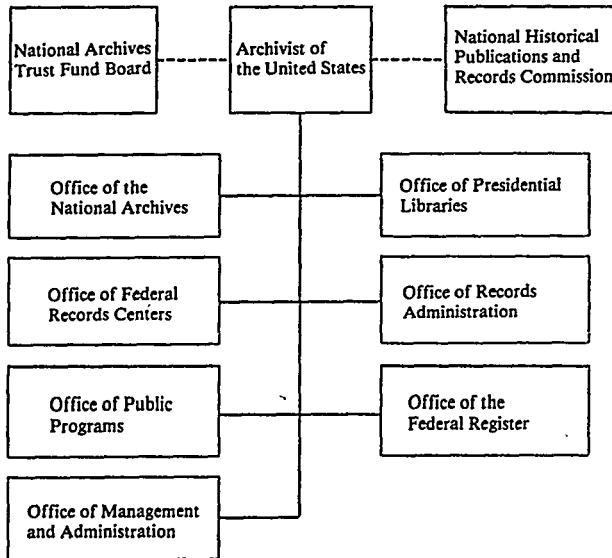


Fig. 1. National Archives and Records Administration Organizational Chart.

Noncurrent records that federal agencies wish to retire are stored in Federal Records Centers, which

provide reference services, including loan or return of records to the agency of origin; prepare authenticated reproductions of documents; and furnish information from records. The Federal records centers dispose of records of transitory value and transfer to the Office of the National Archives those that have enduring value. . . . Reimbursable microfilming services are available from most centers.<sup>17</sup>

The Federal Records Centers are located in the following cities: Bayonne, New Jersey; Chicago, Illinois; Dayton, Ohio; Denver, Colorado; East Point, Georgia; Fort Worth, Texas; Kansas City, Missouri; Laguna Niguel, California; Philadelphia, Pennsylvania; San Bruno, California; Seattle, Washington; St. Louis, Missouri; Suitland, Maryland; and Waltham, Massachusetts. Again, addresses, telephone numbers, and the names of current directors are in the current *United States Government Manual*.<sup>18</sup>

16. *Id.* at 658.

17. *Id.* at 659.

18. *Id.*

The Regional Archives and the Federal Records Centers are often in the same building, but under the control of different individuals. Material in the Regional Archives belongs to NARA; title to material in the Federal Records Centers is still with the originating agency.

### *B. NARA Holdings*

Records and briefs for the District of Columbia Circuit are still in the Federal Records Center in Suitland, Maryland; those for the Federal Circuit are still in the possession of that court's library in the District of Columbia.<sup>19</sup> The other circuits' materials are in the following locations: First Circuit, Waltham, Massachusetts; Second Circuit, Bayonne, New Jersey; Third and Fourth Circuits, Philadelphia, Pennsylvania; Fifth Circuit, Fort Worth, Texas; Sixth and Seventh Circuits, Chicago, Illinois; Eighth Circuit, Kansas City, Missouri; Ninth Circuit, San Bruno, California; Tenth Circuit, Denver, Colorado; and Eleventh Circuit, East Point, Georgia.

Should law librarians wonder about the commitment of NARA to preserve and provide access to this material, the words of Kent Carter, responsible for Record Group 276, are reassuring:

Lawyers and scholars can rest assured that regardless of what other institutions may decide to do with their copies of the records and briefs, the National Archives will continue to save the originals which were filed with the various Courts of Appeals. The primary mission of the National Archives, which was established in 1934, is to preserve all of the historically valuable records of the three branches of the Federal Government including those of the Supreme Court and all of the lower federal courts. NARA maintains more than 1.5 million cubic feet of records in a nationwide system of depositories including the National Archives Building and other buildings in the Washington D.C. area, eleven Regional Archives, and nine Presidential Libraries.

Each of the eleven Regional Archives preserves the records created by the U.S. Federal Courts and field offices of federal agencies in its geographic area of responsibility. The records and briefs of the various Courts of Appeal are maintained in numerical order by docket number as part of Record Group 276 which also includes the docket and minute books, opinions, and other material. The holdings of the Regional Archives vary slightly depending on what the courts have elected to send them, but each has the case files and the related "records and briefs" going back to the establishment of each circuit.<sup>20</sup>

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19. Telephone conversation with Pat McDermott, Librarian, District of Columbia Circuit Court (Nov. 20, 1991).

20. Letter from Kent Carter to Margaret Leary (Dec. 1989).

The National Archives has no plans to film these records, but they are in acid-free storage containers and in temperature- and humidity-controlled space with fire protection.<sup>21</sup>

Generally, the Regional Archives are open to the public Monday through Friday for eight hours per day with no restrictions. This access does not equal that which a microfiched and nationally distributed program, such as that proposed by LLMC, would provide. However, the usefulness of the briefs is enhanced by their collocation with all other court records, including the records of the lower federal courts where the cases originated.

Appendix B reproduces the "Schedule for the Disposition of the Records" of various courts, including the courts of appeals. This schedule is from the internal manual, "Guide to Judicial Policy and Procedures," issued by the Administrative Office of the U.S. Courts. Appendix C reproduces the inventory of records dated April 10, 1989, stripped of various internal control numbers.

## VII. Preservation Strategy Lessons

Three main reasons that the preservation of federal appellate records and briefs have presented particular problems are (1) law libraries failed to collect the material, (2) there was no accessible body of information about where to find the briefs, and (3) the National Archives gave federal court materials very low priority for preservation microfilming. However, if the retrospective filming project of the Association of the Bar of the City of New York and the current commercial filming by Microform, Inc., are successful, the material will have been better preserved than most other categories of legal documentation. There will be microfilm backed up by original court files held in the National Archives and Record Administration.

The following strategic lessons can be learned from the fate of the courts of appeals records and briefs:

1. *Someone must recognize that the material is a candidate for preservation.* For the federal records and briefs, NARA took responsibility for the complete paper court files: law librarians were for the most part passive, discarding paper without substituting microforms and largely ignoring the need to identify holdings. Two individuals did see the preservation need: A. Jerome Dupont, Executive Director of the Law Library Microform Consortium, and Fred Baum, Director of the Library of the Association of the Bar of the City of New York.

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21. Some court records have been filmed. See generally NATIONAL ARCHIVES TRUST FUND BOARD, NATIONAL ARCHIVES AND RECORDS ADMINISTRATION, FEDERAL COURT RECORDS: A SELECT CATALOG OF NATIONAL MICROFILM PUBLICATIONS (1987).

2. *Someone must describe and quantify the material to be preserved.* Both Dupont and Baum quantified, although their estimates varied from fifty-four to seventy-five million pages.

3. *The material must be located and holdings assessed for completeness.* This will probably never be done thoroughly for records and briefs, since the inventory for each individual case is with the court's records in NARA and was not supplied to depository libraries. To compare collections document by document would exceed all reasonable cost.

4. *Finding tools should ensure access to preserved material, even if the format changes from print to microform or to machine-readable formats.* For the records and briefs, the same finding tools that work for the published opinions will give fundamental access to the records and briefs, i.e., digests, citators, and references in secondary resources.

From these four steps, it should be possible to derive the best preservation format (deacidify the original, convert to microform, convert to computer format) and to estimate the cost. The next step is to identify those who need or want to use the material; those who want, and are financially able, to preserve it; and those who want and are able to house the preserved material. Subsidiary questions include providing bibliographic access, distributing finding tools, and deciding whether multiple copies or a single warehouse is more appropriate. Only after these steps are taken can a specific preservation technique realistically be developed.

In the case of federal appellate records and briefs, this process was probably not consciously undertaken even by those who worked the hardest on solutions. Nevertheless, the successful result should inform further attempts to preserve legal material.

**Appendix A**  
**Law Library Holdings of Federal Appellate Court Records**

<u>Circuit</u>	<u>Library</u>	<u>Holdings</u>	
D.C.	American U.*	1972-date	fiche
	ABCNY	1891-1975	paper
		1975-date	fiche
	Boston U.*	1974-1984	fiche
	Cornell U.*	1976-date	fiche
	George Mason*	1972-1985	fiche
	Georgetown*	1893-1983	paper
		1985-date	paper
		1972-date	fiche
	Harvard	1972-date	fiche
	LC*	1896-date	paper
	Iowa*	1928-1972	paper
		1972-date	fiche
Federal	ABCNY	Yes	
		Library of the Federal Circuit	Complete set including predecessor courts paper Some 1983 rec'd 1989
	LC*		
First	ABCNY	1891-date	
	LC*	1907-date	
	Maine***	1987-date	fiche
	Social Law Lib.***	1987-date	fiche
Second	Albany*	1981-date	fiche
	ABCNY	1891-1974	paper
		1974-date	fiche
	Boston U.*	1975-1984	fiche
	Brooklyn*	1974-date	fiche
	Cornell U.*	1974-date	fiche
	Fordham*	1982-date	fiche
	Georgetown*	1974-date	fiche
	Harvard	1974-date	fiche
	Hofstra*	1982-date	fiche
	LC*	1891-1974	paper
		1974-date	fiche
	N.Y. App. Div.	1909-1973	paper 140 vols. missing
		1976-date	fiche

\* Confirmed in 1990 as different from Teitelbaum.

\*\* Unconfirmed, from Teitelbaum.

\*\*\* From RLIN, not otherwise confirmed.

	N.Y. County*	1928-1975	paper
		1974-date	fiche
	N.Y. Law Inst.*	1939-1976	paper
		1976-date	fiche
	New York L.S.*	Jan.-June	1982
	N.Y.U.***	1976-date	fiche
	SUNY Buffalo*	1977-date	fiche
	U. Florida*	1974-1980	fiche
	U. Iowa*	1942-1975	paper
		1974-date	fiche
	Yale*	1935-1976	paper
		1976-date	fiche
	Yeshiva*	1974-date	fiche
Third	Allegheny Cty.**	1912-1971	paper
	ABCNY	1891-1972	paper
	LC*	1911-1972	paper
	Theo. Jenkins*	1891-date	fiche
	U. Penn.*	1950-1970	paper
Fourth	ABCNY	1891-date	paper
	Duke*	1891-1989	paper
		1989-date	fiche
	LC*	1892-date	paper
	U. North Car.*	1892-1989	paper
		1989-date	fiche
	U. South Car.*	1892-1989	paper
		1989-date	fiche
	U. Virginia*	1892-1989	paper
	Wake Forest*	1902-1979	film
		1987-date	fiche
	William & Mary	1892-date	paper
Fifth	ABCNY	1891-1978	paper
	LC*	1910-date	paper
	U. Alabama*	1965-1978	paper
	U. Mississippi*	1983-1984	fiche
	U. Texas*	Late 1960s-1980	paper
Sixth	ABCNY	1891-date	paper
	LC*	1895-date	paper
Seventh	ABCNY	1891-date	
	Chicago Bar*	1900-date	paper
	LC*		Only Dept. of Justice briefs
	U. Illinois**	1926-date	paper
Eighth	ABCNY	1891-1978	paper
	LC*	1891-1974	paper
	U. Iowa*	1893-date	paper
Ninth	ABCNY	1891-date	paper
	Harvard	1985-1988	fiche
	LC***	1985-date	fiche
	LA County*	1900-date	paper

	Harvard	1985-1988	fiche
	LC***	1985-date	fiche
	LA County*	1900-date	paper
	Santa Clara***	1986-	fiche
	San Diego County*	1985-1988	paper
	UC Davis***	1986-	fiche
	U. Washington*	1916-date	paper
			Scattered
			holdings
	Yale*	1985-date	fiche
Tenth	ABCNY	1928-1977	paper
	Brigham Young*	1950-1970	paper
	LC*		Only Dept. of Justice briefs
Eleventh	ABCNY	Yes	
	LC*		Received some in 1989

## Appendix B

### Schedule for the Disposition of the Records of the United States Courts of Appeals, Court of Customs and Patent Appeals, Temporary Emergency Court of Appeals, Circuit Judicial Councils, and Circuit Judicial Conferences\*

#### Introduction

This schedule covers the disposition of the records of the United States Courts of Appeals, including the Court of Appeals for the Federal Circuit, Court of Customs and Patent Appeals, Temporary Emergency Court of Appeals, circuit judicial councils, and circuit judicial conferences. This schedule has been established by the Judicial Conference of the United States and is mandatory. It applies to all existing records of these courts, councils, and conferences, except the personal files of judges. It does not supersede any provision of law requiring the retention of a document or record for a specified period. To the extent that the retention periods specified in this schedule vary from any statutory provision, the longer period of retention, whether in the statute or in the schedule, shall apply. Records of historical value are designated "Permanent" in this schedule. The National Archives will obtain the approval of the courts prior to the disposal of records previously transferred, which are no longer considered to have historical value.

#### Disposition Schedule

The Archivist of the United States retains the authority to accession as part of the National Archives of the United States any records having historical or other value upon the expiration of the retention period specified in this schedule. See Chapter 21 of Title 44, United States Code.

##### A. Case Records

1. Case index: Permanent
2. Docket sheets: Permanent

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\* The information in appendices B and C, courtesy of Kent Carter of the NARA, is from an internal United States Court manual, "Guide to Judicial Policy and Procedures" (GJPP), issued by the Administrative Office of the U.S. Courts. Chapter IV of the GJPP covers records management. Appendix B reproduces the "Schedule for the disposition of the records" of various courts including the courts of appeals. Appendix C reproduces the inventory of records dated April 10, 1989, stripped of various internal control numbers. The content of Appendix C will change with time, and anyone who needs to rely on this list should verify it with the appropriate Regional Archive.



3. Briefs and appendices: Permanent
4. Case files, mandate, opinions and dispositive orders: Permanent
5. Case correspondence files containing transmittal and miscellaneous correspondence relating to attorneys, calendar, filing of papers, and other administrative matters of the case, if maintained outside the case file: Dispose 2 years after case closing.
6. Minutes of the court, journals, or order books, if any: Permanent

### ***B. Case-Associated Records***

1. Calendars: Dispose 1 year after calendar period unless otherwise needed.
2. Attorney admission records:
  - a. Rolls of attorneys admitted to practice: Disposal not authorized
  - b. Records relative to disciplinary action: Disposal not authorized
  - c. Other records, including applications and certificates: Dispose when 5 years old
3. Staff attorney records relating to cases: Dispose as directed by the court. Do not transfer to a Federal Records Center.

### ***C. Administrative Records***

1. Judicial Council of the Circuit
  - a. Minutes, final reports, and other documents relating to council action: Permanent
  - b. All other council records: Dispose when 5 years old
2. Judicial Conference of the Circuit
  - a. Formal actions and minutes, if any: Disposal not authorized
  - b. All other records: Dispose when 5 years old
3. Judicial assignments and designations to and from the courts of appeals: Disposal not authorized
4. Personnel
  - a. Leave slips: Dispose when 1 year old
  - b. Leave charts and records: Dispose 3 years after date of record
  - c. Working files for court personnel: Dispose 1 year after separation of employee
5. Financial records: Dispose 7 years after date of final transaction.
6. Personal property records, including documents relating to acquisition and disposition of personal property: Dispose 7 years after date of final transaction
7. Records Transmittal and Receipt (SF 135): Maintain at the court for 50 years. Do not transfer to a Federal Records Center.
8. General correspondence files, including all other administrative records: Dispose 5 years after close of correspondence
9. Records of Special Prosecutors appointed by a Court of Appeals (28 USC 593): Permanent

## Appendix C

### **Inventory of the Records of the U.S. Courts of Appeals Held by Regional Archives\***

The United States courts of appeals (known as circuit courts of appeals from 1891-1948) are intermediate courts created by an act of March 3, 1891. An important purpose of this act was to reduce the burden on the Supreme Court of considering appeals by substituting an intermediate court where most appeals could be heard. The United States is divided into eleven judicial circuits, in each of which there is a United States court of appeals.

The courts of appeals are empowered to review final decisions and certain interlocutory decisions of district courts, except in those few situations where the law provides for direct review by the Supreme Court. The Court of Appeals for the Second Circuit has jurisdiction of appeals from reviewable decisions of the district courts in the second circuit. These are the District Courts for Vermont and Connecticut and the District Courts for the Northern, Southern, Eastern, and Western Districts of New York.

Courts of appeals also review actions of the United States Tax Court and various administrative agencies, such as the National Labor Relations Board, the Immigration and Naturalization Service, and the Securities and Exchange Commission. Jurisdiction of the courts of appeals to review orders of administrative agencies in each case is to be found in the provisions of the applicable statute.

The decisions of the courts of appeals are final except as they are subject to review by the Supreme Court in its discretion by writ of certiorari and on rare occasions by appeal as of right.

#### **I. Records of the U.S. Court of Appeals for the First Circuit 1891-1961**

The United States Circuit Court of Appeals for the First Circuit exercises jurisdiction over the State of Massachusetts, Rhode Island, New Hampshire, and Maine, and the Commonwealth of Puerto Rico. The court has maintained its headquarters in Boston since it began functioning in June 1891, in accordance with an act of Congress of March 3, 1891. Another act of Congress, on January 8, 1925, provided that the court should also hold special sessions in San Juan, Puerto Rico, when required in the island's public interest.

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\* Editor's note: The material in Appendix C has been reorganized slightly to improve its readability, and some redundant material has been removed from the original document supplied to Ms. Leary.

*Case Files*

1891-1957                      114.5 m, 375 ft.

Arranged numerically by case number (1-5383).

These appellate case files, both civil and criminal, are consolidations of three separate parts. The first consists of the original "transcript of record"—typescript or printed copies of significant documents and proceedings of the lower court from which the case was appealed. Included are the original complaint or libel and answers thereto; extracts of testimony, depositions, and affidavits; motions, decrees, judgments, and opinions; and documentary exhibits. Accompanying the transcript are the writ of error, citation on appeal, and clerk's certificate on the accuracy of the record.

The second part consists of printed copies of petitions, briefs, answers, and other records submitted to the appellate court by parties to the proceedings.

The third part consists of documents or "case papers," relating to processing of the case at the appellate level and includes appearances of attorneys; motions, stipulations, and petitions; agreements; and judgments, orders, and decrees.

Also included are the original printed copy of the opinion of the court, a duplicate copy of the mandate sent to the lower court, and any orders of mandates received from the Supreme Court of the United States.

Included in this series are transcripts of hearings involving Federal regulatory agencies such as the National Labor Relations Board, Federal Trade Commission, and Securities and Exchange Commission. Most date from the 1940s.

## **II. Records of the U.S. Court of Appeals for the Second Circuit 1891-1960**

The Court of Appeals for the Second Circuit almost always sits in New York City, but it may hold special terms at any place within its circuit (Vermont, Connecticut, and New York). During the period July 1, 1976, to June 30, 1977, 87% of the filings in the Court were appeals from the six district courts of the Circuit. Because of its location in the nation's financial, commercial, and publishing center, the Court decides many important antitrust, copyright, patent, securities, and tax matters.

*Case Files ("Blue Side Records")*

1891-1968                      1,006.5 m, 3,302 ft.

These appellate case files are arranged numerically by case number.

The files include transcripts of records from lower courts and administrative agencies, opinions, orders, Supreme Court orders on petitions for writs of certiorari, bills of costs, and stipulation.

*Case Files ("Red Side Records")*

1891-1963                      626.0 m, 2,053 ft.

These case files are arranged numerically by case number.

This series consists almost entirely of printed materials and includes copies of transcripts of record from lower courts and administrative agencies, briefs of parties to the proceedings, and petitions for rehearings.

### III. Records of the U.S. Court of Appeals for the Third Circuit 1891-1961

#### *3-1 Case Files*

1891-1974                      365.8 m, 1,200 ft. 5,857 vols.

Arranged numerically by case number in two series, Nos. 1-19,561 and Nos. 71-1023-74-1193. There is also a set of Sundry Volumes, Nos. 1-106.

The case files contain procedural papers as well as all hearings before administrative regulatory agencies. These papers may include citations, notices, orders, motions, affidavits, and decrees and orders of the court. In some instances, the case file may contain a listing of the docket entries and the transcript of the trial from the lower court.

#### *3-2 Minute Books*

Jun. 16, 1891-Apr. 11, 1969      4.9 m, 16 ft. 44 vols.

Arranged chronologically.

A record of the activities of the third circuit court of appeals, showing dates of sessions, and judgments and orders of the court arising out of the litigation of cases in every area of jurisdiction. The minutes also record the admission of attorneys to practice before the court, findings and verdicts of the court, agreements for the settlement of the cases, appointments of clerks, memorials for deceased district and circuit judges, and adoption of procedural rules.

#### *3-3 Docket Books*

1891-1947                      2.1 m, 7 ft. 35 vols.

Arranged numerically by case number, 1-9549.

A record of papers filed and proceedings held in the conduct of each case from its initiation to its final disposition. Entries for each case show the names of the parties, the names of the attorneys, the court of origin, a chronological listing of the filings and proceedings, and a statement of the clerk's fees.

#### *3-4 Mandates and Related Correspondence*

1957-1988                      5.5 m, 18 ft.

Arranged numerically by case number, 12,138-12,536.

Included are stipulations, appeals to the Supreme Court, judgments, mandates of the court, and routine correspondence between the parties involved in the case, their attorneys and the clerk of the court.

### IV. Records of the Fourth Circuit Court of Appeals

A record of papers filed and proceedings held in the conduct of each case from its initiation to its final disposition. Entries for each case show the names of the parties, the names of the attorneys, the court of origin, a chronological listing of the filings and proceedings, and a statement of the clerk's fees.

#### *4-1 Records and Briefs*

1892-1966 11.3 m, 37 ft. 1,473 vols. 6.3 m, 20 ft.

Arranged numerically by case number 1-9341.

Printed copies of case records, generally including the transcript from the District Court trial, and the opinion of the Court of Appeals judges. The unbound records contain the legal papers filed to cases that were docketed by the Clerk of the Court but which were settled before a final decision was rendered by the judges.

#### *4-2 Records and Briefs—Patent Cases*

1892-1966 1.5 m, 4 ft. 183 vols.

Arranged numerically by case number 1-9866, with some gaps. A volume may contain one or more cases.

Printed copies of patent case records, generally including the transcripts from the District Court trial (briefs, answers, testimony and exhibits), and the decisions of the Court of Appeals.

#### *4-3 Opinions*

1892-1965 53 cm., 1 ft. 91 vols.

Arranged numerically by case number 1-9998 with some gaps. A volume may contain one or more cases.

Printed copies of opinions, which generally include a summary of the facts of the case and the basis for the court's opinion.

#### *4-4 Disbarment of Henry Winborn (Wineberg).*

Oct. 1933-Oct. 1933 3 cm, 1 in.

Arranged chronologically.

Papers concerning the disbarment of Henry Woodward Winborn (Wineberg). Included are the testimony taken by the 4th Circuit Court, the admission by the party in question, and the actions taken by the court to notify other courts of its action.

#### *4-5 Memorials*

1893-1952 23 cm, 9 in.

Arranged chronologically.

Memorial resolutions read into the record of the 4th Circuit Court of Appeals on the death of federal and state judges, prominent local attorneys, and clerks of the court. Memorials usually contain a brief biographical sketch of the deceased and note his or her contributions to the legal profession.

#### *4-6 Dockets*

1891-1983 16.5 m, 54 ft. 15 vols.

Arranged by term of court and thereunder by case number 1-6209, Volumes 1 through 15 (1891-1960). Docket sheets (1953-83) are arranged numerically by case number 6642 to 83-8275. The dockets for case number 6210-6641 are missing.

## V. Records of the U.S. Court of Appeals for the Fifth Circuit 1891-1969

The United States Circuit Court of Appeals for the Fifth Circuit exercises jurisdiction over the states of Georgia, Florida, Alabama, Mississippi, Louisiana, and Texas. The court has maintained its headquarters in New Orleans since it began functioning in June 1891, in accordance with an act of Congress of March 3, 1891.

### *5-1 Index to Appellants and Appellees*

1891-1960                      28 cm, 11 in. 4 vols.

Arranged in four chronological periods: 1891-1923, 1923-1929, 1929-1946, and 1946-1960. Names of appellants and appellees, respectively, are entered in each volume on facing pages; entries for each are arranged alphabetically by first letter of surname.

An index to individuals involved in cases heard by the court. The only information given is the individual's name and the docket number of the case.

### *5-2 Dockets*

1891-1950                      2.8 m, 9 ft. 46 vols.

Arranged numerically by the case numbers.

Each of the 46 volumes contains a complete record of a segment of the cases heard by the court (i.e. 1-579, 580-1150, etc.). Entries within each volume are arranged numerically by case number.

A complete record of the proceedings held and papers filed in each case heard by the court. The information given includes the names of the parties and their attorneys, the type of action and court of original jurisdiction, dates of actions and filings, and a brief summary of papers filed and actions taken. Beginning with case number 820 (approximately 1899), the docket entries include a record of fees charged.

### *5-3 Docket of Petitions (Leave Docket).*

1948-1983                      581.0 m, 3,120 ft.

Arranged numerically by docket number. The volume includes an index to petitioners.

A record of request for leave to file petitions with the court. The petitions request changes to the record, changes of venue, or the issuance of writs of mandamus, certiorari, or habeas corpus. The information given for each petition includes the name of the petitioner, date of filing, type of petition, and the action taken by the court. The majority of the petitions were denied.

### *5-4 Minutes*

1891-1959                      2.3 m, 7 ft. 33 vols.

Arranged by court term and thereunder chronologically.

A daily record of proceedings including appearances by attorneys and parties, the appointment of court officers, adoption of rules of procedure, admission of attorneys to practice, filing of papers, and issuance of orders. The minutes include the text of the oaths of office of court officers.

**5-5 Record of Opinions**

1891-1892 3 cm, 1 in. 1 vol.

Arranged numerically by case number.

A handwritten record of the text of the opinions issued by the court during the November 1891 term. The originals of the opinions are among the records described in entry 6.

**5-6 Opinions**

1891-1964 4.0 m, 13 ft.

Arranged by court term and thereunder alphabetically by first letter of the surname of the appellant, petitioner, or plaintiff in error.

Beginning in 1931, the opinions are bound in volumes in chronological order by the date of filing. There is an alphabetical index in each bound volume of opinions.

Original opinions issued by the court. The opinion generally provides a summary of the facts of the case and the basis for the court's decision.

**5-7 Case Files**

1891-1952 688.4 m, 2,160 ft.

Arranged numerically by case number.

Motions, stipulations, decrees, notices of appearance, mandates, copies of opinions, printed briefs and appendixes, record of fees, correspondence relating to the filing of documents and processing of cases, and related procedural documents.

**VI. Records of the U.S. Court of Appeals for the Sixth Circuit  
1891-1960**

Arranged numerically by case number, 4001-14484.

The case files contain mainly procedural papers in civil and criminal cases. Sessions of the court are held in Cincinnati, Ohio.

**6-1 Case Files**

1924-1958 26.4 m, 86 ft.

Arranged numerically by case number, 4001-13,814.

The case files contain mainly procedural papers in civil and criminal cases as well as copies of hearings before administrative regulatory agencies. These may include citations, notices, orders, motions, affidavits, and the decree or opinion of the court, and a record of appeal to the U.S. Supreme Court. Transcripts of the records from the original trial or hearing for most of the cases are described in entries 6-2 and 6-3.

**6-2 Transcripts of District Court Records**

1891-1952 211.2 m, 692 ft.

Arranged numerically by case number, 1-11779.

Certified transcripts of records from the original trial in District Court in civil and criminal cases. A transcript generally includes testimony and exhibits. Procedural papers and the ruling by the Court of Appeals are found in the Case Files (entry 6-1).

*6-3 Transcripts of Hearings Involving Federal Regulatory Agencies*

1937-1939 16.5 m, 54 ft.

Arranged numerically by case number, with irregularities, ranging from 8393 to 11233. Cases within this number group that are not in this series are part of Transcripts of District Court Records (entry 6-2). Transcripts of proceedings held before examiners involving mainly the National Labor Relations board, the Federal Trade Commission, and the Securities and Exchange Commission. The files generally include testimony, exhibits (such as business records, correspondence, photographs and printed material) and other evidentiary material produced during the hearing. Procedural court papers and the ruling of the Court of Appeals are found in the Case Files (see entry 6-1).

*6-4 Records Relating to the Career and Retirement of Chief Justice Florence E. Allen, Sixth Circuit Court of Appeals*

1958-1959 2 cm, 1/2 in. 3 items

Arranged chronologically.

The records consist of a copy of the New York University "Law Center Bulletin" containing a brief account of Judge Allen's career, and two copies (one bound) of programs honoring Judge Allen upon her retirement.

*6-5 Records and Briefs*

1897-1960 21,999.9 m, 72,178 ft. 4,816 vols.

Arranged numerically by case number, 500 to 14465. A volume may contain one or more case records.

Printed copies of cases, generally including pertinent filings from the U.S. District Court record, as well as briefs and other documents submitted to the U.S. Circuit Court of Appeals by both sides and the decision of the court.

## **VII. Records of the U.S. Court of Appeals for the Seventh Circuit 1891-1965**

The United States Circuit Court of Appeals for the Seventh Circuit has jurisdiction over the states of Illinois, Indiana, and Wisconsin. Sessions of the court are held in Chicago, Illinois.

*7-1 Case Files*

1945-1960 257.0 m, 843 ft.

Arranged numerically by case number, 9221, 9935-13233.

Files of civil and criminal cases, containing printed copies of briefs, testimony, exhibits, and other records created during the original court trial or hearing before an administrative agency. Also included are procedural papers such as motions, notices of appearance, orders and stipulations.



*7-2 Records and Briefs*

1891-1958(?) 260.0 m, 853 ft. 4,760 vols.

Arranged numerically by case number, 1-11854, some with irregularities.

A volume may contain one or more cases.

Printed copies of case records, generally including the transcript from the District Court trial (briefs, answers, testimony and exhibits), and the decisions of the Court of Appeals.

*7-3 Opinions*

1891-1956 12.2 m, 40 ft. 158 vols.

Arranged in two subseries: (a) by term of court, cases in each volume in order by date of publication; (b) by year, cases in each volume arranged by case number. Both subseries cover the period 1891-1956. Most volumes have either a register (cases listed as they appear in the volume) or an alphabetical index by case title.

Printed copies of opinions generally include a summary of the facts of the case and the basis for the court's opinion.

*7-4 General Index*

1891-1936 80 cm, 2 ft. 1 vol.

Arranged alphabetically by initial letter of surname, for both plaintiff and defendant, in case number sequence within a letter group.

Information includes the case number and names of the parties. Index contains cases 1-8299.

*7-5 Docket Books*

Aug. 1891-Dec. 1958(?) 2.1 m, 7 ft. 41 vols.

Arranged numerically by case number, cases 1-10580. An index for the period 1891-1936 is described in entry 7-04.

Information about a case includes the names of the parties, the name of the U.S. District Court where the case was initially heard, and a chronological listing of procedural and administrative activities (filings, orders, etc.). Also entered are Clerk's fees and amounts charged and credited to the accounts of plaintiff and defendant.

*7-6 Journals*

Oct. 1, 1894- Oct. 1960 3.4 m, 11 ft. 51 vols.

Arranged chronologically.

Journal entries include the date of hearing, case number and title, name of the court from which the appeal was made, name(s) of Circuit Court judge, and the action taken by the Court.

*7-7 Clerk's Memorandum Books*

1927-1946 46 cm, 1 ft. 12 vols.

Arranged numerically by case number, cases 3952-8992.

Entries for a case include the case number, names of the parties and attorneys, dates of filing of records and briefs, date of the hearing, judge's name, and the disposition of the case. Occasional memoranda may give information about appeals

to U.S. Supreme Court, disposition of exhibits, additional filings, and the binding of the record.

### **VIII. Records of the U.S. Court of Appeals for the Eighth Circuit 1891-1965**

#### *8-1 Court Record Books (Minutes)*

Jun. 16, 1891-Mar. 12, 1965                      3.4 m, 11 ft. 41 vols.

Arranged chronologically by the date of entry.

This series consists of bound, typescript (manuscript prior to 1917) records of proceedings held before the U.S. Court of Appeals for the Eighth Circuit. The cases heard by the court are primarily appellate cases filed on writs of error and cases of original jurisdiction involving the regulatory authorities of the federal government. Entries include the title (style) of case and case number, the lower court from which the case was appealed in appellate cases, actions taken by the court, orders and mandates issued by the court including the date of filing, and procedural entries.

#### *8-2 General Docket Books (Original Jurisdiction)*

Feb. 22, 1915-Nov. 14, 1944 13 cm, 5 in. 2 vols.

Arranged numerically by case number. Volume A indexed by the name of the petitioner.

This series consists of abstracts of proceedings in 8th Circuit Court cases of original jurisdiction brought under regulatory authorities of Federal agencies and on petitions to revise court orders of lower courts. Entries include the case title (style) and number, a chronological listing of case papers filed and actions taken, a record of the accounts of parties in litigation, a record of clerk's fees, and (in cases involving trial courts), the court in which the case originates.

#### *8-3 General Docket Books (Appellate Jurisdiction)*

Arranged numerically by case number.

This series consists of abstracts and proceedings in appellate cases, including a chronological listing of papers filed and actions taken, the case title (style) and number, records of the accounts of plaintiffs in litigation, and the trial court from which the case was appealed.

#### *8-4 Pleadings Case Files (Original Jurisdiction)*

Sept. 25, 1891-Dec. 10, 1941                      8.5 m, 28 ft.

Arranged numerically by case number.

This series consists of unbound case papers filed in proceedings held under the original jurisdiction of the 8th Circuit Court. The case papers consist chiefly of petitions, motions, affidavits, answers, orders and mandates, notices of appearance, bills for printing, receipts for costs and related case papers.

#### *8-5 Pleadings Case Files (Appellate Jurisdiction)*

Sept. 7, 1891-Dec. 28, 1956                      222.5 m, 730 ft.

Arranged numerically by case number.

This series consists of unbound case papers filed in appellate proceedings brought before the 8th Circuit Court. The papers consist chiefly of petitions, orders and

mandates, stipulations, judgements, motions, affidavits, notices of appearance, receipts for copies of the record and related papers.

*8-6 Transcripts of Records and Briefs*

Oct. 12, 1891-Dec. 31, 1956                      233.5 m, 766 ft. 2,054 vols.

Arranged chronologically by the term of court (in which the proceedings were concluded) with case papers bound together in one or more consecutively numbered volumes for each term of court. Each volume is indexed by the name of the appellant or the plaintiff.

Printed copies of records filed in the 8th Circuit court cases consisting chiefly of briefs on appeal, statements and briefs for the appellees, exhibits, U.S. District Court transcripts of records in cases of appellate jurisdiction, and transcripts of hearings in cases of original jurisdiction involving regulatory authorities of federal agencies.

*8-7 Record of Briefs*

Oct. 11, 1892-Jun. 15, 1939                      8 cm, 3 in. 2 vols.

Arranged numerically by case number.

This two-volume record contains a partial listing of briefs filed in appellate cases brought before the court on writs of error or appeal. The entries include citations for cases numbered 58 through 11,479, citing the title (style) of the case, the date the briefs were filed and sent to counsels for the appellant and appellee, and whether the case was filed on writ of error or appeal.

*8-8 Opinions*

Oct. 12, 1891-May 5, 1945                      7.6 m, 25 ft. 98 vols.

Arranged chronologically by the term of court. Each volume contains an alphabetical index of appellants and petitioners.

This series consists of opinions issued by the court in cases of appellate and original jurisdiction and provides a record of the court's interpretation of the main points of law involved in the case. Included with the text of the opinions are additional entries (consistent throughout the series) listing participants in the proceedings and the filing date of the opinion.

*8-9 Index to Reported Opinions*

Ca. 1891-1930                                      5 cm, 2 in. 1 vol.

Arranged alphabetically by the first letter of the plaintiff's name.

This series is a one-volume index to reported opinions issued by the U.S. Court of Appeals for the Eighth Circuit. Entries include the case number and title (style), and the volume and page number on which the opinion may be found in the Federal Reporter, the U.S. Circuit Court of Appeals Digest, and the U.S. Appeals Reports.

*8-10 Fee Books*

Ca. 1891-1913                                      61 cm, 2 ft. 8 vols.

Arranged numerically by case number. Each volume is indexed by the name of the appellant or plaintiff.

The fee books contain a record of the accounts of plaintiffs and appellants in cases heard by the 8th Circuit Court. Entries include the case number and title (style),

the date, fees and costs accrued, and a record of payment. This series serves as an index to cases heard by the court.

*8-11 Copies of Letters Sent by the Clerk of the Court*

Mar. 22, 1910-Jun. 24, 1927 2.1 m, 7 ft. 46 vols.

Arranged chronologically by the date of the letter. Each volume is indexed by the name of the addressee.

This series consists of letterpress copies of letters sent by the Clerk of the Court to litigants, attorneys, parties having interest in cases, and judges. The letters reflect the administrative function of the office of the clerk in providing notices of litigation, court procedure in filing case papers, court decisions, appointments of court officers, the admission of attorneys to practice, and related administrative matters. There are no letters for the years 1911-1913 and 1915-1919.

**IX. Records of the U.S. Circuit Court of Appeals for the Tenth Circuit  
1929-1952**

*10-1 Case Files*

1929-1952 60.1 m, 197 ft.

Arranged numerically by case file number, 1-4591.

Appeal case files may include a copy of the proceedings before the court of original jurisdiction, complaints and answers, various motions of plaintiff and defendant, court orders, testimony of witnesses.

*10-2 Correspondence Files*

1929-1952 39.6 m, 130 ft.

Arranged numerically by number of the case to which the correspondence pertains.

Letters received and copies of letters sent by the Clerk of the Court concerning cases 1-4591 being appealed.

