

Alabama State Bar

**Functional Analysis
&
Records Disposition Authority**

**Revision
Presented to the
State Records Commission
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Functional and Organizational Analysis of the Alabama State Bar

Sources of Information

Representatives of the Alabama State Bar

Code of Alabama, 1975, Sections 34-3-1 through 34-3-108

Code of Alabama, 1907, Chapter 57, Sections 2972 through 3009

Code of Alabama, 1896, Chapter 12, Sections 579 through 611

Code of Alabama, 1867, Title IX, Chapters 10 and 11, Sections 769 through 779 and 780 through 814

Code of Alabama, 1867 Revised, Title IX, Chapter 10, Sections 861 through 896

Code of Alabama, 1852, Section 729

Acts of Alabama 1987, No. 87-158

Acts of Alabama 1995, No. 95-197

Acts of Alabama 1927, p. 669

Acts of Alabama 1821, June Session, p. 31

Acts of Alabama 1819, p.68

Alabama Rules of Disciplinary Procedure (as amended June 1996), Volume 23A, Code of Alabama

Alabama Government Manual (2006), p. 466

“Membership in the Alabama State Bar. . . All You Need to Know” brochure

The Alabama Lawyer, vol. 58, no. 4, Bar Directory Edition, 1997

Grace v. State, 445 So. 2d 976 (Ala. Crim. App. 1983)

Berk v. State, 225 Ala. 324, 142 So. 832 (1932)

Sullivan v. Alabama State Bar, 295 F. Supp. 1216 (M.D. Ala.)

Simpson v. Alabama State Bar, 294 Ala. 52, 311 So. 2d 307 (1975)

Ex parte Dozier, 262 Ala. 197, 77 So. 2d 903 (1953)

Board of Bar Commissioners of the Alabama State Bar v. State ex. rel. William J. Baxley, Attorney General, et al. 324 So. 2d 256 (Supreme Court of Ala. 1975)

84 ALR 740 (1932)

64 ALR4th 1217

83 ALR3d 749

Pruitt, Paul M., Jr. “The Life and Times of Legal Education in Alabama, 1819-1897: Bar Admissions, Law Schools, and the Profession,” Alabama Law Review, vol. 49:1:281.

Marston, Allison. “Guiding the Profession: The 1887 Code of Ethics of the Alabama State Bar Association,” Alabama Law Review, vol. 49:2:471.

“Functional Analysis of Alabama Government” (1998)

Government Records Division, State Agency Files (1985-ongoing)

Government Records Division, State Agency Control Files (1985-ongoing)

Holdings of the Department of Archives and History for the Alabama State Bar

Historical Context

From territorial days, Alabama law defined an attorney as a person of good character who could produce a valid license to practice. An 1819 statute required applicants to pass an unspecified examination before the Alabama Supreme Court. Two years later, in 1821, the legislature decreed that any two circuit judges could license a candidate to practice in the circuit or county courts of the state. This law did not require an examination, although it implied one.

Trial court judges oversaw most examinations with the Supreme Court retaining control over its own admissions. In 1852, the legislature established minimum standards of knowledge for would-be attorneys through an examination of candidates in defined legal fields (real property and personal property, pleading and evidence, commercial, criminal and chancery law, and Alabama statutes). In addition, the Code of Alabama 1852 required new attorneys to abide by a list of ethical duties and simplified the admissions process so that any circuit or chancery judge could issue licenses to practice in trial courts. An 1858 statute gave the Supreme Court the authority to conduct examinations for licensure by means of exam committees.

Founded in December 1878, the Alabama State Bar Association began as a coalition of about forty attorneys, many of whom practiced in areas with a growing urban or corporate bar. In 1879, the official charter of the State Bar Association was issued to Senator Edmund W. Pettus, Judge Leroy P. Walker, and Judge Peter Hamilton. The bar served as a professional association for attorneys and solicitors licensed to practice in the state of Alabama. While the legislature required all attorneys in the state to be licensed in order to practice, attorneys were not required to be members of the State Bar Association. In 1887, the Alabama State Bar Association adopted a code of ethics for practicing attorneys. The first of its kind in the United States, it was later used as a model for the American Bar Association's Model Code of Professional Responsibility and Model Rules of Professional Conduct.

The licensure of attorneys and solicitors was the responsibility of the courts. The requirements for licensure under this system were simple: any man of twenty-one years of age, of good moral character, and who possessed the requisite qualifications of learning and ability, was entitled to admission to practice in the courts of the state. Upon application and approval, licensed attorneys could practice only in the courts authorized by their license. An 1896 act required all would-be attorneys to apply to the circuit, chancery, or city court of his home county. The judge, having first passed upon the moral character of the applicant, administered a written examination on the fields of knowledge (real and personal property, pleading, evidence, commercial and criminal law, chancery law and pleading, statutes and constitutions). The judge sent the examination to a justice of the Supreme Court, who, with two of his colleagues, would grade it. If two of the three gave the paper a passing grade, the candidate was licensed to practice law in the state courts.

In 1907, the legislature created the Board of Examiners on Admission to the Bar. The board consisted of three members, who were practicing attorneys before the supreme court and inferior courts of the state, appointed by the chief justice of the supreme court. The duties of the board included the examination and approval of applications for admission to the bar. The board met twice

a year in order to test applicants on their knowledge of the following topics: real property law, personal property law, pleading and evidence law, commercial law, criminal law, chancery and chancery pleadings, statute law of the state, professional ethics, constitutions of the United States and of Alabama, and political history of the United States and the formation of the constitutional governments therein. After the conclusion of the bar examination, the board presented a list of approved applicants to the chief justice of the supreme court. The supreme court granted the applicants their licenses based on the recommendation of the board.

In 1923, the legislature created the Alabama State Bar. The Board of Commissioners of the State Bar governed the business of the State Bar and supervised the work of the state bar. The board of examiners became part of the Alabama State Bar with oversight by the board of commissioners. By this act, every lawyer licensed to practice law in the state became a member of the Alabama State Bar, thus ‘unifying’ the practice of law with membership in the state bar association. The legislature gave the board, and through it, the association, the authority to promulgate and enforce rules relating to admission to the bar, rules of ethics, and rules of discipline for its members, subject only to the approval of the Alabama Supreme Court. In this new organization, the board of commissioners appointed the three member Board of Examiners on Admission to the Bar. The State Bar, through the board of commissioners, was also given the authority to conduct educational and social meetings and to publish a journal. The organization and function of the State Bar have changed little since this 1923 revision of the code.

Agency Organization

The organizational structure of the Alabama State Bar (ASB) consists of the Board of Bar Commissioners, the executive director and administrative staff, the general counsel, the Board of Bar Examiners, the Mandatory Continuing Legal Education Commission, disciplinary boards, and the Disciplinary Commission. The Alabama State Bar also supports a mandatory continuing legal education (CLE) program for members of the bar.

The Board of Bar Commissioners governs the State Bar. Its members are licensed attorneys in good standing with the bar, who are elected by the licensed attorneys with law offices located within the judicial circuit represented by the member. The board elects a secretary annually. The secretary serves as the executive director of the staff of the State Bar. The Board of Bar Commissioners appoints seven panels of five members each to serve as disciplinary boards. An additional four member Disciplinary Commission is also appointed by the board. The State Bar employs 44 non-merit system employees, including the executive director.

Agency Function and Subfunctions

The mandated function of the Alabama State Bar is to exercise general control over the conduct of all attorneys and to stimulate interest in improving the administration of justice in Alabama. The bar is the sole agency responsible for licensing and regulating the practice of law in Alabama, subject to the Rules of the Alabama Supreme Court and the Code of Alabama. As such, it is one of the

agencies responsible for performing the Regulatory function of Alabama government as described in the “Functional Analysis of Alabama Government,” chapter 3. The State Bar also functions as a professional organization for the development and education of attorneys statewide. In the performance of its mandated function, the Alabama State Bar may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** Subject only to the approval of the Alabama Supreme Court, the Alabama State Bar has the authority to promulgate and enforce rules relating to admissions, rules of ethics, and discipline of its membership. This subfunction encompasses all activities relating to this authority of the Alabama State Bar. Through its board of commissioners and other committees and boards, the State Bar reviews the Alabama Rules of Professional Conduct and the Rules of Disciplinary Procedure and recommends amendments for approval by the supreme court and inclusion in the Rules of the Alabama Supreme Court. The board of commissioners also reviews, recommends, and certifies for supreme court approval rules and requirements governing mandatory continuing education, admissions requirements, standards of character and fitness to practice, rules on legal specialization, and rules for appointment to agency boards and committees.

- **Evaluating and Examining.** Bar examinations are given in February and July of each year. Candidates for the bar are required to register with the Alabama State Bar within six weeks of beginning law school, declaring their intention to sit for the bar examination in the future. Upon completion of law school, a candidate must apply to sit for the bar exam. The admissions office of the State Bar evaluates each applicant for admission to the bar exam. If there are no problems with the application, the office certifies the candidate for examination. Applications which lack information or contain questionable information are referred to the Committee on Character and Fitness. The committee is empowered to investigate, require production of affidavits, and examine applicants in person, as necessary to determine the character and fitness for admission. After evaluating the candidates, the committee compiles a list of individuals eligible to sit for the bar exam. The Board of Examiners administers the bar examination. The names of examinees passing the examination are certified by the Supreme Court. The board certifies this list to the courts. (Code of Alabama 1975, Section 34-3-2) Upon passing the bar exam, attorneys pay licensure fees and dues to the State Bar to maintain active membership standing.

Out-of-state attorneys representing a client before an Alabama court are not required to take the bar exam but must apply for Pro Hac Vice membership, or temporary bar membership.

The Board of Examiners on Admission to the Bar develops and maintains the bar exam, subject to rules approved by the board of commissioners and promulgated by the Supreme Court.

- **Licensing and Accrediting.** By law (Code of Alabama 1975, Sections 34-3-1 through

108) all individuals practicing law in the state are required to be licensed by the Alabama State Bar. Two classifications of licensure exist: 1) regular members actively practicing law, and 2) special members who meet the qualifications to practice law but are currently not practicing. Once an individual passes the bar exam, he or she becomes a member of the State Bar Association. All members holding an active license participate in a mandatory continuing legal education program and pay annual renewal fees in order to maintain licensure.

A licensed attorney may specialize in one or more areas of law practice and may choose to be certified in these areas. The State Bar's accreditation board oversees the operation of law specialty organizations. The Alabama State Bar Board of Legal Specialization reviews the applications of these organizations seeking accreditation in Alabama as certifying agencies. Once accredited, the organization may then certify attorneys as specialists in that organization's specialty area. The State Bar tracks the operation of these agencies and maintains listings of organization members.

Out-of-state attorneys representing a client before an Alabama court must apply for Pro Hac Vice membership, or temporary bar membership. The attorney submits a licensure application to the court he/she is to practice before and to the membership office of the State Bar for review. The State Bar grants temporary membership, or Pro Hac Vice membership, to out-of-state attorneys (in good standing in their 'home' bar organization) who are representing a client in Alabama's courts. The court notifies the State Bar of acceptance of the application by issuing an order of the court allowing the attorney admittance. If there are no problems on the attorney's application, the State Bar will issue a Pro Hac Vice membership to the attorney for the duration of the case.

Lawyers who serve as house counsel in Alabama and are not licensed members of the Alabama State Bar (ASB) must register to become Authorized House Counsel. The foreign attorney submits an application, a filing fee, a certificate of good standing and a statement of discipline from the jurisdiction where the attorney is licensed to practice law. The ASB reviews the application and files the name and address of the applicant with the Supreme Court of Alabama for certification as Authorized House Counsel. The applicant is required to register and pay a fee annually. An Authorized House Counsel may only provide legal services to the business organization by which he/she is employed and may not make appearances as counsel in any Alabama court unless he/she is admitted Pro Hac Vice.

- **Disciplining.** Members of the State Bar are expected to adhere to codes of professional ethics and conduct. These codes are stated in the Alabama Rules of Professional Conduct, adopted by the Alabama Supreme Court and included in the Rules of the Alabama Supreme Court. A four-member disciplinary commission administers the rules governing conduct of lawyers and rules of disciplinary procedure. Complaints against attorneys are investigated by staff members of the Center for Professional Responsibility or approved local bar association grievance committees. Results and recommendations from these investigations

are forwarded to the disciplinary commission. If charges are recommended, one of five disciplinary panels or boards hears the case and takes appropriate action to carry out the purposes of the Alabama Rules of Professional Conduct. Types of discipline, in decreasing order of severity, are disbarment, suspension, interim suspension, public reprimand, private reprimand, and probation.

- **Educating.** The State Bar requires active licensed attorneys to complete minimum continuing legal education (MCLE) requirements. The MCLE Commission of the Alabama State Bar accredits programs and sponsors, grants waivers and exemptions to MCLE requirements, and makes policy decisions consistent with the rules adopted by the court. Attorneys who fail to timely comply with the MCLE rules and regulations may ultimately be subject to disciplinary action.

The State Bar seeks to educate its membership and the public on the activities of the State Bar by conducting outreach and in-service programs, supporting participation in professional associations, and participating in educational projects. Examples of educational programs in which the State Bar participates include: National Law Day, and Bar Leadership Forum.

- **Editing and Publishing.** As a service to its membership, the State Bar publishes several publications available to both non-members and members through subscription and as part of membership. The Alabama Lawyer is one of the two official printed publications of the bar; the others is the “ADDENDUM.” The State Bar also publishes several informational brochures for the benefit of the public as well as its members.
- **Providing Services to the Public.** As a service to the public, the State Bar operates a lawyer referral service and a volunteer lawyers program. Non-indigent individuals needing an attorney are referred to a service member in their county who handles the needed type of legal matter. Attorneys participating in the service pay an annual member fee and must maintain professional liability insurance. Members provide individuals a thirty minute consultation for a nominal fee to determine if legal services are needed. Indigent individuals needing legal assistance and representation are referred to an attorney participating in the State Bar’s volunteer lawyer program for pro bono services.

The Fee Dispute Resolution Program serves as a volunteer mediation and arbitration service between licensed attorneys and their clients. The Fee Dispute Resolution Committee hears complaints and seeks to resolve payment issues between two parties. If mediation does not produce a resolution to the issue, the parties may enter into arbitration.

An additional service to the public provided by the State Bar is the administration of the Client Security Fund. The Client Security Fund allows clients of an attorney to apply for reimbursement of money or property lost due to the dishonest conduct, death, bankruptcy, or disbarment of the attorney. A seven member committee administers the fund, evaluates and pays claims, and promulgates procedures. The State Bar assesses a fee over a four year

period to all active licensed attorneys to support the fund.

- **Providing Services to Members.** As a service to its membership, the State Bar monitors key legislation of interest to its members and provides specialty sections or groups in which attorneys may participate. Each session, the legislative counsel of the State Bar monitors legislation of particular interest to the membership as a whole or to one section. A report, in the form of a newsletter, is posted on the State Bar's website to keep members up-to-date on the legislative session.

Law specialty sections include administrative law, bankruptcy and commercial law; business torts and antitrust law; communications law; corporate counsel; corporate law; criminal law; disabilities law; elder law; environmental law; family law; health law; international law; labor and employment law; litigation; oil, gas and mineral law; professional economics and technology; real property, probate and trust law; taxation; workers' compensation law; and young lawyers. The State Bar creates additional sections for legal specialties as interests are identified (potential new sections include: military law, women in the law, and intellectual property). Many sections present programs during the annual meeting of the State Bar. Others hold special program meetings separate from the annual meeting.

The State Bar provides assistance with the nuts and bolts of daily operation of a law practice to solo practitioners and small firms. Solo practitioners and small firms without the resources or training to handle the business aspects of their practices may utilize clearinghouse information provided by the Practice Management Assistance Program (PMAP). PMAP provides a lending library of practice management related materials, forms, discounts on books, articles and magazines, lists of software, and sources for insurance.

The Alabama Lawyer Assistance Program provides educational, intervention, referral, and monitoring services to Alabama lawyers, judges, and law students suffering from drug additions and/or other types of mental health problems. Intervening early before matters of misconduct arise protects the interest of public safety and ensures that members committed to public services, are themselves, offered help in time of need.

- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas including:

Managing the agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating, scheduling, meeting, documenting policy and procedures, reporting, litigating, legislating (drafting, tracking), publicizing and providing information, managing records, and managing information systems and technology.

Managing finances: Activities include budgeting (preparing and reviewing budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accounting for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Managing human resources: Activities include recruiting and hiring eligible individuals to fill positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits; supervising employees by evaluating performance, granting leave, and monitoring the accumulation of leave; training and providing continuing education for employees; and disciplining.

Managing properties, facilities, and resources: Activities include inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing security for property managed by the agency; insuring property; and assigning, inspecting and maintaining agency property.

Analysis of Record Keeping System and Records Appraisal of the Alabama State Bar

Agency Record Keeping System

The Alabama State Bar operates a hybrid record keeping system composed of paper and electronic records.

Computer Systems: The State Bar utilizes a hybrid network of a LAN (Local Area Network) and a SAN (Storage Area Network) to provide computing capabilities for the staff. The personal computers within the agency are networked via a 1 gigabyte copper Ethernet. The LAN/SAN has approximately 140 devices attached to it, including 60 personal computers (PC), 35 printers, 9 servers, 7 switches, 1 router, 1 firewall and 1 SAN attached storage. The servers provide application services such as web services, user authentication, domain naming services, file storage, email, instant messaging, database, and portals. The system is backed-up daily and the tape media is stored offsite weekly.

The State Bar maintains a database that contains the following components on the agency's server: (1) Membership Database--used to maintain data on active and deceased members; and to track Pro Hac Vice admissions and Authorized House Counsel certifications;(2) several Post Office Databases--used to maintain postage paid fees and sums; (3) Convention Database--used to maintain organizational and mailout information for the annual convention;(4) Continuing Legal Education (CLE) Database-- used to maintain compliance reporting information and CLE sponsor data;(5) Exhibitor Database--used to maintain exhibitor attendance information for the annual meeting; and (6) Admissions Database – used to maintain data on law students and individuals who have applied to take the bar exam, exam results, and statistics.

The agency maintains a web site managed by the ASB webmaster at www.alabar.org. The information on the web site is available in the publications of the bar.

Paper-based System: Staff members still create and maintain some of the agency's records in paper form. The State Bar does not have a paper records management procedural manual for guiding staff in records storage, transfer, and disposition activities.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the board: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the board are discussed below:

- **Pro Hac Vice Member Files.** An attorney who is not licensed to practice law in Alabama, but who is currently a member in good standing of the bar of another state, the District of Columbia, or other United States jurisdiction, may apply for temporary membership in the Alabama State Bar. The attorney may appear as counsel pro hac vice before any court of the state and represent a client before the court in a specific case or matter. These records document out-of-state attorneys who have complied with Rules Governing Admission to the Alabama State Bar, Admission of Foreign Attorneys Pro Hac Vice. These records do not have the same historical value as the Deceased Member Files discussed below. A Pro Hac Vice member applies for membership each time he/she represents a client on a specific matter. Membership may be for a solo practitioner or for a member of a firm representing a client in Alabama's courts.

- **Authorized House Counsel Files.** Attorneys who are not admitted to practice in Alabama, but are serving as house counsel to companies in Alabama must register with the Alabama State Bar and be recognized as "Authorized House Counsel." The attorney must be in good standing in all jurisdictions where he/she is admitted to practice law and must not be subject to any disciplinary proceedings in any jurisdiction at the time of application. An Authorized House Counsel must renew his/her registration annually by paying a renewal fee and certifying that he/she remains in good standing with no disciplinary proceedings in any jurisdiction until termination or withdrawal of registration.

- **Unauthorized Practice of Law Files.** The definition of the practice of law is established by law and varies from one jurisdiction to another. Whatever the definition, limiting the practice of law to members of the bar protects the public against the rendering of legal services by unqualified individuals. These files document disciplinary actions against both member and non-members of the bar who have violated Rule 5.5 of the Rules of Professional Conduct by: (1) practicing law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction, or (2) assisting a person who is not a member of the bar in practicing law. Because future disciplinary actions may refer to past discipline, these records must be retained for the career of a member.

- **Client Security Funds Files** (referred for disciplinary action). An attorney who is subject to the assessment of a fee pursuant to Rule 8 of the Client Security Fund Rules and who fails to pay the fee is not in compliance and is subject to disciplinary action. These files document such non-compliance by bar members and record the disciplinary hearings and actions taken by the Disciplinary Commission. Because future disciplinary actions may refer to past discipline, these records must be retained for the career of a member.

- **Continuing Legal Education Files** (referred for disciplinary action). An attorney is subject the continuing legal education requirements outlined in the Mandatory Continuing Legal Education (MCLE) Rules and Regulations. If an attorney fails to acquire the minimum hours of approved credits during the year or fails to file required paperwork, the attorney is not compliant. These files serve as documentation of an attorney's non-compliance and a record

of the disciplinary hearings and actions of the Disciplinary Commission. Because future disciplinary actions may refer to past discipline, these records must be retained for the career of a member.

- **Alabama Lawyers Assistance Program Referral Files.** This series contains records regarding treatment, compliance, and discipline of individual lawyer's substance abuse problems. The agency staff maintains this series for reference in case the individual has problems again. The self or third party referrals are made by the individual or family members and there is no permanent discipline imposed on these individuals.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations:

- **Commission Meeting Agendas, Minutes, Packets and Annotated Rules and Regulations.** The meeting agendas, minutes, packets, rules, and regulations of the Mandatory Continuing Legal Education Commission, the Disciplinary Commission, and other commissions and committees of the State Bar provide documentation of the development and implementation of the policies and rules governing the legal profession in Alabama. (RDA page 3-2) **(Bibliographic Title: Meeting Minutes of the [Name of Commission]; Rules and Regulations of the [Name of Commission])**
- **Committee and Task Force Meeting Agendas, Minutes, Packets, and Reports.** The forty-plus committees and task forces of the State Bar are charged with the responsibility of recommending rules and procedures governing admission to and participation in the bar association. These records document actions of these committees and task forces in implementing policies of the Board of Bar Commissioners. (RDA page 3-2) **(Bibliographic Title: Records of Committees and Task Forces)**
- **Board of Bar Commissioners Meeting Agendas, Minutes, and Packets.** The Board of Bar Commissioners is charged with administering the work of the State Bar. It promulgates and approves rules of professional conduct, discipline, and admission to the bar. It reviews and approves the contents of the bar exam and establishes the criteria for character and fitness within the state profession. These records document the actions of the board and provide high level documentation of the administration of the agency's work. (RDA page 3-2) **(Bibliographic Title: Meeting Files of the Board of Bar Commissioners)**

Evaluating and Examining:

- **Copies of Past Bar Examinations.** Applicants for licensure as attorneys must pass a bar examination. A Board of Bar Examiners, appointed by the Board of Bar Commissioners, is responsible for developing and maintaining a bar exam. The State Bar maintains copies of

each bar exam for reference and historical purposes. These exams document the changes in the legal profession in the state through the addition and changes within the exam itself.

- **Master Files for Each Bar Examination.** These files consist of the attendance lists with exam scores for each session of the bar examination. These files serve as an academic record for future reference and provide the State Bar with historical documentation on the administration of the bar exam.

Licensing and Accrediting:

- **Membership Statistics.** These reports provide statistical information on the membership of the State Bar. Examples of statistics collected include: race, education, and locality.(RDA page 3-3) (**Bibliographic Title: Membership Statistics**)
- **Member Files.** Under Code of Alabama 1975, Sections 34-3-1 through 108, the State Bar is obligated to screen applicants and issue licenses to qualified attorneys who have met all the bar certification requirements. Because the legal profession has historically been a profession from which to enter politics in the state, these files provide biographical and professional documentation of Supreme Court justices, governors, legislators, and other prominent Alabama citizens. (RDA page 3-4) (**Bibliographic Title: State Bar Membership Files**)

Disciplining:

- **Alabama State Bar Disciplinary Files, Cases Resulting in Disciplinary Action.** These records have permanent value providing a disciplinary history of individual members and historical documentation on the disciplinary procedures and occurrence of discipline within the membership of the State Bar.

Educating:

Records documenting this subfunction are found in the Promulgating Rules and Editing and Publishing subfunctions.

Editing and Publishing:

- **“ADDENDUM” Newsletter.** Published on a bi-monthly basis, this newsletter contains a variety of professional information ranging from office management techniques to local bar activities and public service projects. (RDA page 3-5) (**Bibliographic Title: Periodical: ADDENDUM**)
- **THE ALABAMA LAWYER Magazine.** The State Bar edits and publishes this magazine six times a year as a service to its membership. The magazine provides an arena for

professional debate and development, and contains articles by members, editorials, and advertisements. (RDA page 3-5) (**Bibliographic Title: Periodical: THE ALABAMA LAWYER**)

- **History of the ALABAMA LAWYER.** This consists of a research paper documenting the creation of the ALABAMA LAWYER and providing context to its publishing and editorial view-point. (RDA page 3-6) (**Bibliographic Title: Monograph: History of THE ALABAMA LAWYER**)
- **Informational and Promotional Publications.** The State Bar publishes a variety of brochures, flyers, and other publications designed to assist the public in selecting an attorney, to provide advice on legal matters, and to provide instruction on bar policy and procedure. (RDA page 3-6) (**Bibliographic Title: Informational and Promotional Publications**)
- **News Releases.** These records document news releases of the department, its divisions and staff, and the Board of Bar Commissioners on a variety of law topics including National Law Day activities, continuing education opportunities, award and contest announcements, and policy decisions. (RDA page 3-6) (**Bibliographic Title: News Releases**)
- **Video/Audio Tapes.** These records provide documentation of video/audio presentations produced by the State Bar on the legal profession. (RDA page 3-7) (**Bibliographic Title: Vide/Audio Tapes**)

Providing Services to the Public:

- **Lawyer Referral Service (LRS) and Volunteer Lawyer Program (VLP) Committee Minutes.** The minutes of these committees document policy and procedural development of these community service programs. These records serve as primary documentation of the public or community service activities of the State Bar Association. (RDA 3-7) (**Bibliographic Title: Lawyer Referral Service and Volunteer Lawyer Program Committee Minutes**)
- **LRS and VLP Statistics.** These reports provide statistical information on the participation of the membership in the LRS and VLP programs. Examples of statistics collected include: law specialty, locality, types and number of cases, and number of members participating. (RDA page 3-7) (**Bibliographic Title: LRS and VLP Statistics**)

Providing Services to Members:

- **Section Records and Bylaws.** These record document the administration and organization of the specialty law groups/sections within the State Bar. (RDA page 3-8) (**Bibliographic Title: Records of Specialty Law Groups and Sections**)

Administering Internal Operations:

- **Website.** The agency has a website at www.alabar.org. Information on the website includes board of bar commissioners, news releases, rules and regulations, staff directory, searchable bar membership directory, various programs and services, online publications, statistics, and forms. The website should be preserved as it serves as an important medium for communication with the public. (RDA page 3-3) **(Bibliographic Title: Website)**
- **Legal Opinions of the General Counsel.** These records document the general counsel's activities in issuing opinions interpreting state law, bar rules, and procedure implementation. (RDA page 3-9) **(Bibliographic Title: Legal Opinions of the General Counsel)**
- **Approved Annual Budget.** This record is a core financial document of the State Bar documenting the accounts and annual budget of the agency. (RDA page 3-9) **(Bibliographic Title: Approved Annual Budget)**
- **General Ledgers.** This record is a core financial document of the State Bar. It provides evidence of the disbursement and expenditure of funds of the State Bar. (RDA page 3-10) **(Bibliographic Title: General Ledgers)**
- **Deeds and Mortgage Papers.** These records have long-term legal value documenting property ownership and construction of the State Bar building by the Alabama State Bar Foundation.

Permanent Records List Alabama State Bar

Promulgating Rules and Regulations:

- *1. Commission Meeting Agendas, Minutes, Packets, and Annotated Rules and Regulations
- *2. Committee and Task Force Meeting Agendas, Minutes, Packets, and Reports
- 3. Board of Bar Commissioners Meeting Agendas, Minutes, and Packets

Evaluating and Examining:

- *1. Copies of Past Bar Examinations
- *2. Master Files for Each Bar Examination

Licensing and Accrediting:

- *1. Membership Statistics
- 2. Member Files

Disciplining:

- *1. Alabama State Bar Disciplinary Files

Editing and Publishing:

- 1. ADDENDUM Newsletter
- 2. Alabama Lawyer Magazine
- 3. History of the ALABAMA LAWYER
- 4. Informational and Promotional Brochures
- 5. News Releases
- 6. Video/Audio Tapes

Providing Services to the Public:

- *1. Lawyer Referral Service and Volunteer Lawyer Program Committee Minutes
- 2. LRS and VLP Statistics

Providing Services to Members:

- *1. Section Records and Bylaws

Administering Internal Operations:

1. Website
- *2. Legal Opinions of the General Counsel
- *3. Approved Annual Budget
- *4. General Ledgers
- *5. Deeds and Mortgage Papers

*indicates records that ADAH anticipates will remain in the care and custody of the creating agency. ADAH staff is available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.

Alabama State Bar Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Alabama State Bar. The RDA lists records created and maintained by the Alabama State Bar in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the board to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Section 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Alabama State Bar records. Copies of superseded schedules are no longer valid and may not be used for records disposition.
- This RDA establishes retention and disposition instructions for records listed below, regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Certain other record-like materials are not actually regarded as official records and may be disposed of under this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete; (4) transitory records, which are temporary records created for short-term internal purposes that may include, but are not limited to, telephone call-back messages; drafts of ordinary documents not needed for their evidential value; copies of material sent for information purposes but not needed by the receiving office for future business; and internal communications about social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama State Bar and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ Promulgating Rules and Regulations

COMMISSION MEETING AGENDAS, MINUTES, PACKETS, AND ANNOTATED RULES AND REGULATIONS (includes the minutes and regulations of all State Bar commissions--MCLE, Disciplinary, etc.)

Disposition: PERMANENT RECORD.

COMMITTEE AND TASK FORCE MEETING AGENDAS, MINUTES, PACKETS, AND REPORTS

Disposition: PERMANENT RECORD.

BOARD OF BAR COMMISSIONERS MEETING AGENDAS, MINUTES, AND PACKETS (includes minutes of meetings and annual business meeting)

Disposition: PERMANENT RECORD.

Recordings of Meetings

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administrative Rules File

Disposition: Temporary Record. Retain for useful life.

Register of Administrative Rules

Disposition: Retain in Office (Code of Alabama 1975, Section 41-22-6).

■ Evaluating and Examining

Pending Files

Disposition: Temporary Record. Retain until the applicant completes the bar examination process or fails to communicate with the State Bar for a ~~10~~ 5 year period, whichever comes first.

Current Bar Examination Applicant Lists
Disposition: Temporary Record. Retain 6 months.

Failed Applicant Files
Disposition: Temporary Record. Retain 5 years if the applicant does not re-apply for examination.

Bar Examination Failure Lists
Disposition: Temporary Record. Retain 10 years.

COPIES OF PAST BAR EXAMINATIONS (questions & model answers)
Disposition: PERMANENT RECORD.

MASTER FILES FOR EACH BAR EXAMINATION
Disposition: PERMANENT RECORD.

Bar Examination - Failed Examinees Answers (only if reviewed)
Disposition: Temporary Record. Retain 3 years.

Bar Examination - Failed Examinees Answers (not reviewed)
Disposition: Temporary Record. Retain 60 days after results are mailed.

Character and Fitness Committee General Files
Disposition: Temporary Record. Retain 7 years.

Admissions Information Request Files
Disposition: Temporary Record. Retain 1 year.

■ **Licensing and Accrediting**

Annual Lists of Specialty Certified Attorneys
Disposition: Temporary Record. Retain 3 years.

Approvals of Certifying Agencies
Disposition: Temporary Record. Retain 3 years after certifying agency ceases to operate in the state.

Certifying Agency Annual Reports
Disposition: Temporary Record. Retain 3 years.

MEMBERSHIP STATISTICS
Disposition: PERMANENT RECORD.

Membership Database
Disposition: Retain in office.

Pro Hac Vice (PHV) Member Files

Attorney Applications

Disposition: Temporary Record. Retain 5 years.

Statements and Orders

Disposition: Temporary Record. Retain 20 years.

MEMBER FILES

Disposition: PERMANENT RECORD.

Authorized House Counsel Files (attorney applications and annual renewal forms)

Disposition: Temporary Record. Retain 5 years after termination or withdrawal.

■ **Disciplining**

Complaint Screening Procedure (CSP) Files

Disposition: Temporary Record. Retain 6 years after claim is dismissed.

Alabama State Bar Disciplinary Files (ASB Files)

Disposition: Cases dismissed without discipline: Temporary Record. Retain 6 years. CASES RESULTING IN DISCIPLINARY ACTION: PERMANENT RECORD.

Character and Fitness Appellate Files

Disposition: Individuals who attain licensure: Temporary Record. Retain until death of member.
Unlicensed Individuals: Temporary Record. Retain 50 years.

Unauthorized Practice of Law (UPL) Files

Disposition: Bar Members: Temporary Record.

- a. Retain until death of member (if disciplinary action taken).
- b. Retain 6 years ((if no disciplinary action taken).

Unlicensed Individuals: Temporary Record.

- a. Retain 6 years (if disciplinary action taken).
- b. Retain 1 year ((if no disciplinary action taken).

Client Security Funds Files (referred for disciplinary action)

Disposition: Temporary Record. Retain until death of member.

Continuing Legal Education (CLE) Files (referred for disciplinary action)

Disposition: Temporary Record.

- a. Retain until death of member (if disciplinary action taken).
- b. Retain 3 years after the end of the fiscal year in which the records were created (if no disciplinary action taken).

■ **Educating**

Mandatory Continuing Legal Education (MCLE) Returned Compliance Reports

Disposition: Temporary Record. Retain 10 years.

Mandatory Continuing Legal Education (MCLE) Processed Applications

Disposition: Temporary Record. Retain 1 year.

Professional Organization Records (ie. NABE/ABA, PRCA/ACAE, Kiwanis Club)

Disposition: Temporary Record. Retain 1 year.

Road Show Materials

Disposition: Temporary Record. Retain 3 years.

National Law Day Files

Disposition: Temporary Record. Retain 5 3 years.

Annual Convention and Other Conference/Retreat Records

Disposition: Temporary Record. Retain 5 years.

Convention Database

Disposition: Temporary Record. Retain until data is obsolete.

Exhibitor Database

Disposition: Temporary Record. Retain current exhibitor information.

■ **Editing and Publishing**

ADDENDUM NEWSLETTER

Disposition: PERMANENT RECORD. RETAIN 3 COPIES OF EACH ISSUE. Extra Copies:
Temporary Record. Retain for useful life.

Current Articles for the ADDENDUM

Disposition: Temporary Record. Retain 1 month after publication.

Post Office Backup

Disposition: Temporary Record. Retain 3 years.

ALABAMA LAWYER MAGAZINE

Disposition: PERMANENT RECORD. RETAIN 3 COPIES OF EACH ISSUE. Extra Copies:
Temporary Record. Retain for useful life.

Current Articles for ALABAMA LAWYER

Disposition: Temporary Record. Retain 1 month after publication.

Photographs for ALABAMA LAWYER

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Administrative Files of the ALABAMA LAWYER

Subscriptions and Claims

Disposition: Temporary Record. Retain until lapse of subscription then move to previous advertisers and subscribers file.

Previous Advertisers and Subscribers

Disposition: Temporary Record. Retain 6 years after settlement of any claims due.

Post Office Backup

Disposition: Temporary Record. Retain 3 years.

HISTORY OF THE ALABAMA LAWYER

Disposition: PERMANENT RECORD.

INFORMATIONAL AND PROMOTIONAL BROCHURES

Disposition: PERMANENT RECORD.

NEWS RELEASES

Disposition: PERMANENT RECORD.

Form, Pamphlet and Publication Working Files (computer file)

Disposition: Temporary Record. Retain for useful life.

Newspaper Clippings

Disposition: Temporary Record. Retain for useful life.

Media Contact Lists

Disposition: Temporary Record. Retain current contact information.

VIDEO/AUDIO TAPES

Disposition: PERMANENT RECORD.

■ **Providing Services to the Public**

LAWYER REFERRAL SERVICE (LRS) AND VOLUNTEER LAWYER PROGRAM (VLP)
COMMITTEE MINUTES

Disposition: PERMANENT RECORD.

Attorney Applications and Appointments

Disposition: Temporary Record. Retain 3 years.

Referral Forms

Disposition: Temporary Record. Retain 3 years.

Fee Dispute Resolution Mediation Records

Disposition: Temporary Record. Retain 2 years.

Fee Dispute Resolution Arbitration Records

Disposition: Temporary Record. Retain 7 years after settlement of dispute.

LRS and VLP STATISTICS

Disposition: PERMANENT RECORD.

Client Security Fund Files

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

■ **Providing Services to Members**

Legislative Reports

Disposition: Retain for useful life.

SECTION RECORDS AND BYLAWS

Disposition: PERMANENT RECORD.

Educational Materials

Disposition: Temporary Record. Retain until obsolete.

Alabama Lawyer Assistance Program Referral Files (by the Office of General Counsel)

Disposition: Temporary Record. Retain for life of member.

Alabama Lawyer Assistance Program Referral Files (by the Character and Fitness Committee)

Disposition: Bar Members: Temporary Record. Retain for life of member.

Unlicensed Individuals: Temporary Record. Retain 7 years.

Alabama Lawyer Assistance Program Referral Files (by individual lawyer and third party)

Disposition: Temporary Record. Retain 10 years.

Project Files

Disposition: Temporary Record. Retain 6 years.

Practice Management Assistance Program Records

Library Materials

Disposition: Temporary Record. Retain until obsolete.

Firm Audits

Disposition: Temporary Record. Retain 6 years after the end of fiscal year in which the records were created.

Project Files

Disposition: Temporary Record. Retain 5 years.

Consultation Files

Disposition: Temporary Record. Retain 10 years.

Office of General Counsel (OGC) Referral Files

Disposition: Temporary Record. Retain 10 years.

■ **Administering Internal Operations**

Managing the Agency:

WEBSITE

Disposition: PERMANENT RECORD. PRESERVE A COMPLETE COPY OF WEBSITE ANNUALLY OR AS OFTEN AS SIGNIFICANT CHANGES ARE MADE.

ADMINISTRATIVE CORRESPONDENCE

Disposition: PERMANENT RECORD.

Election Files

Disposition: Temporary Record. Retain 2 years after the end of the fiscal year in which the election occurred.

LEGAL OPINIONS OF THE GENERAL COUNSEL

Disposition: PERMANENT RECORD.

Litigation Files

Disposition: Temporary Record. Retain 10 years after final disposition.

Alabama State Bar Foundation Contributor Pledge Cards and Letters

Disposition: Temporary Record. Retain 10 years.

Records documenting employee appeal of formal reprimands, demotions, transfers, or terminations

Disposition: Temporary Record. Retain 3 years following decision.

Records documenting Equal Employment Opportunity Commission (EEOC) complaints and lawsuits
Disposition: Temporary Record. Retain 5 years after final settlement.

Records documenting Board of Adjustment claims
Disposition: Temporary Record. Retain 5 years after final settlement.

Advertisement Review Files (Advertising Files)
Disposition: Temporary Record. Retain 63 years after the end of the fiscal year in which the records were created.

Routine Correspondence
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Public Requests for Information
Disposition: Temporary Record. Retain until request is addressed.

Administrative Reference Files
Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency's approved RDA (copies of transmittals forms to Archives or State Records Center, evidence of obsolete records destroyed, and annual reports to State Records Commission)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Copies of Approved RDA
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the RDA is superseded.

Computer systems documentation (hardware/software manuals and diskettes, warranties)
Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:

APPROVED ANNUAL BUDGET
Disposition: PERMANENT RECORD.

GENERAL LEDGERS
Disposition: PERMANENT RECORD.

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions, such as journals, registers, and ledgers, and records of funds deposited outside the state treasury
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting contracts for services or personal property
Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

- a. Original bid records maintained in the purchasing office of the agency for contracts over \$7500
Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.
- b. Duplicate copies of bid (originals are maintained by the Finance Department - Division of Purchasing)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Audit Reports

Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

Managing Human Resources:

Records documenting payroll (e.g. pre-payroll reports, payroll check registers)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting payroll deduction authorizations
Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes (including Form 941)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records

were created.

Records documenting an employee's work history - generally maintained as a case file
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Records documenting employees' daily and weekly work schedules
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records documenting sick leave donations
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Records of final leave status (cumulative leave)
Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

Employee Benefits Plan Files
Disposition: Temporary Record. General information -- Retain until superseded.
Other (applications, correspondence) -- Retain 6 years.

State Employee Injury Compensation Trust Fund Files
Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Managing Properties, Facilities, and Resources:

ALABAMA STATE BAR FOUNDATION CONTRIBUTOR PLEDGE CARDS AND LETTERS
Disposition: PERMANENT RECORD.

DEEDS AND MORTGAGE PAPERS
Disposition: PERMANENT RECORD.

Semiannual Inventory Lists
Disposition: Retain in office. (Code of Alabama 1975, Section 36-16-8 [1]).

Transfer of State Property Forms (SD-1) (Agency copies)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Property Inventory Computer Files
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the items were removed from inventory.

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Real Property Leasing/Renting Records

Disposition: Temporary Record. Retain 6 years after expiration of the lease.

Facilities/Building Security Records (including visitor logs)

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

Building Maintenance Work Orders

Disposition: Temporary Record. Retain 1 year.

Requirement and Recommendations for Implementing the Records Disposition Authority

Under the Code of Alabama 1975, Section 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Alabama State Bar (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in October of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit

requirements, or any legal notice or subpoena.

- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 24, 2007.

Edwin C. Bridges, Chairman, by Tracey Berezansky
State Records Commission

Date

Receipt acknowledged:

Keith Norman, Executive Director
Alabama State Bar

Date