

1 Rule 4-203. Designating a case as historically significant.

2 Intent:

3 To establish a process by which records of a historically significant case can be
4 assembled and retained permanently.

5 Applicability:

6 This rule applies to all case records.

7 This rule does not affect rules governing the expungement of records or the
8 classification of records as not public.

9 This rule does not affect rules governing the disposition of exhibits.

10 Statement of the Rule:

11 (1) Any case appealed to the United States Supreme Court or any case in which the
12 United States Supreme Court has issued a writ of certiorari is designated as historically
13 significant.

14 (2) Any time before a case is destroyed, any person may file in the court of origin a
15 motion to designate the case as historically significant. The motion shall identify the
16 reasons for designating the case as historically significant. The motion shall identify all
17 courts that have records directly related to the case, and the clerk of the court of origin
18 shall immediately notify those clerks of court not to destroy any such records. The
19 motion shall be decided by the Presiding Judge. Any judge may designate a case as
20 historically significant without a motion.

21 (3) In deciding whether to designate the case as historically significant, the court
22 may consider any relevant factor, including whether the case:

23 (3)(A) has been frequently cited;

24 (3)(B) presented a rare legal issue or controversy;

25 (3)(C) caused a change in law or policy;

26 (3)(D) had long term or wide spread legal significance;

27 (3)(E) affected a large portion of the community;

28 (3)(F) was well-known in the community;

29 (3)(G) was controversial in the community;

30 (3)(H) was generally viewed in the community as important;

31 (3)(I) involved a well-known person; or

32 (3)(J) was the subject of a well-known book or film.

33 (4) If a case is designated as historically significant, the clerk of the court of origin

34 shall:

35 (4)(A) record the designation in the register of actions;

36 (4)(B) consolidate all directly related records from all courts; and

37 (4)(C) transfer the records to the State Archives for permanent retention.

38