

RECORD SCHEDULE FOR: Professional Responsibility Board

This is an agency-specific record schedule that satisfies the requirements of 1 V.S.A. § 317a and, where mandated, 3 V.S.A. § 218. It is subject to annual certification and may be amended by mutual consent at any time. If not otherwise listed, all other agency records are addressed by general record schedules.

Public agencies are responsible for developing their own internal policies and procedures to assure that the requirements outlined in this record schedule are being applied across the the agency. Records listed on the record schedule that need to be retained until OBSOLETE must be supported by an internal policy that clearly states a specific retention requirement that best meets the agency or department's administrative needs.

Transferring records to the State Records Center or State Archives requires a transfer agreement from the Vermont State Archives and Records Administration and additional documentation. See the ARCHIVES AND RECORDS MANAGEMENT HANDBOOK for related forms, definitions and additional procedures.

SIGNATURES ON FILE.
APPROVED AND SIGNED BY
THE VERMONT STATE
ARCHIVIST ON: 4/1/2009

George Nostrand, Chair / Professional Responsibility Board *Date*

Gregory Sanford, Vermont State Archivist *Date*

1246.1063: CDC 9 AND CDC 11 CASES

Classification: Attorneys at law (Monitoring)

Scope: Complaint is dismissed following an investigation but the respondent was disciplined in another case (CDC-9) or transferred to disability/ inactive status (CDC-11).

Directive: Retain until the attorney is reinstated to active status or has passed away; or 50 years from the date of the case was dismissed, whichever is less. Destroy by shredding.

Exemption: **Yes** *If yes, see below for specific records that may be exempt from public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Appraised Value:	Retention/Disposition:
Case files <i>ID: 1246.1063.20</i>	Use for entire file related to a case.	Temporary (Administrative) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 50 Year(s) THEN: Destroy (Shred)
Dockets <i>ID: 1246.1063.117</i>	Use for the Board's electronic docketing system.	Permanent (Archival) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives

1246.1075: PRB HEARING FILES

Classification: Attorneys at law (Disciplining)

Scope: Case hearing held; Decision issued.

Directive: Retain docket and signed decision permanently. Retain petitions, pleadings, notices, letters, and other records in the files for 10 years from date of final decision or the date of which the requirements imposed in the decision have been satisfied, whichever is greater. Destroy by shredding

Exemption: **No** *If yes, see below for specific records that may be exempt from public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Appraised Value:	Retention/Disposition:
Decisions <i>ID: 1246.1075.133</i>	Use for signed decisions.	Permanent (Archival) Exempt? No	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Archives
Dockets <i>ID: 1246.1075.117</i>	Use for the Board's electronic docketing system.	Permanent (Archival) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives
Notices, Legal <i>ID: 1246.1075.50</i>	Use for notices, certified mail receipts, and other returns of service.	Temporary (Administrative) Exempt? No	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
Pleadings <i>ID: 1246.1075.126</i>	Use for petition, pleadings, letters and other records in the file not otherwise specified in this records schedule.	Temporary (Administrative) Exempt? No	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)

1246.1100: COMPLAINTS DISMISSED AT SCREENING OR DISMISSED FOR ANY REASON OTHER THAN CDC-9 OR CDC-11.

- Classification:** Attorneys at law (Investigating)
- Scope:** Complaint is dismissed at screening or for any reason other than CDC-9 or CDC-11.
- Directive:** Retain for 1 year from date of dismissal; Destroy by shredding. Any other records related to the complaint kept elsewhere will also apply this retention with the exception of a docket, which is to be kept permanently.
- Exemption:** **Yes** *If yes, see below for specific records that may be exempt from public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Appraised Value:	Retention/Disposition:
Case files <i>ID: 1246.1100.20</i>	Use for entire file related to a complaint.	Temporary (Administrative) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (Shred)
Dockets <i>ID: 1246.1100.117</i>	Use for the Board's electronic docketing system.	Permanent (Archival) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives

1246.1102: BOARD MINUTES

- Classification:** Attorneys at law (Administrating)
- Scope:** Full board meeting held; minutes taken.
- Directive:** Retain permanently.
- Exemption:** **No** *If yes, see below for specific records that may be exempt from public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Appraised Value:	Retention/Disposition:
Minutes <i>ID: 1246.1102.59</i>	Use for final, approved Board meeting minutes.	Permanent (Archival) Exempt? No	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives

1246.1129: PROSECUTION / LITIGATION FILES

Classification: Attorneys at law (Prosecuting)

Scope: Complaint results in the imposition of discipline or transfer to disability status.

Directive: Retain file for 10 years from date of final decision; Destroy by shredding with the exception of a docket, which is to be kept permanently.

Exemption: **Yes** *If yes, see below for specific records that may be exempt from public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Appraised Value:	Retention/Disposition:
Case files <i>ID: 1246.1129.20</i>	Use for entire file related to a case.	Temporary (Administrative) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
Dockets <i>ID: 1246.1129.117</i>	Use for the Board's electronic docketing system.	Permanent (Archival) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives

1246.1130: ASSISTANCE PANEL FILES

Classification: Attorneys at law (Remediating)

Scope: Complaint is dismissed following successful completion of any required corrective actions.

Directive: Retain for 1 year from date of dismissal; Destroy by shredding. Any other records related to the complaint kept elsewhere will also apply this retention with the exception of a docket, which is to be kept permanently.

Exemption: **Yes** *If yes, see below for specific records that may be exempt from public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Appraised Value:	Retention/Disposition:
Case files <i>ID: 1246.1130.20</i>	Use for entire file related to a case.	Temporary (Administrative) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (Shred)
Dockets <i>ID: 1246.1130.117</i>	Use for the Board's electronic docketing system.	Permanent (Archival) Exempt? Yes	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives

See attached APPENDIX for legal references.

LEGAL RESOURCES

APPENDIX TO THE RECORD SCHEDULE FOR: Professional Responsibility Board

1246.1063: CDC 9 AND CDC 11 CASES

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| > Administrative Order No. 41 (Licensing of attorneys) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 1 (Professional responsibility board) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 12 (Access to disciplinary information) | <i>Review for Exemption:</i> Yes |
| > Administrative Order No. 9, Rule 13 (Dissemination of disciplinary information) | <i>Review for Exemption:</i> No |

1246.1075: PRB HEARING FILES

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| > Administrative Order No. 41 (Licensing of attorneys) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 1 (Professional responsibility board) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 11 (Disciplinary and disability proceedings) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 12 (Access to disciplinary information) | <i>Review for Exemption:</i> Yes |
| > Administrative Order No. 9, Rule 16 (Additional rules of procedure) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 21 (Proceedings in which lawyer is declared to be incompetent or alleged to be incapacitated.) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 8 (Sanctions) | <i>Review for Exemption:</i> No |

1246.1100: COMPLAINTS DISMISSED AT SCREENING OR DISMISSED FOR ANY REASON OTHER THAN CDC-9 OR CDC-11.

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| > Administrative Order No. 41 (Licensing of attorneys) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 1 (Professional responsibility board) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 10 (Filing and review of complaints) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 11 (Disciplinary and disability proceedings) | <i>Review for Exemption:</i> No |
| > Administrative Order No. 9, Rule 12 (Access to disciplinary information) | <i>Review for Exemption:</i> Yes |
| > Administrative Order No. 9, Rule 15 (Subpoena power; discover; testimony) | <i>Review for Exemption:</i> No |

1246.1102: BOARD MINUTES

- > Administrative Order No. 9, Rule 1 (Professional responsibility board) *Review for Exemption:* No

1246.1129: PROSECUTION / LITIGATION FILES

- > Administrative Order No. 41 (Licensing of attorneys) *Review for Exemption:* No
- > Administrative Order No. 9, Rule 1 (Professional responsibility board) *Review for Exemption:* No
- > Administrative Order No. 9, Rule 11 (Disciplinary and disability proceedings) *Review for Exemption:* No
- > Administrative Order No. 9, Rule 12 (Access to disciplinary information) *Review for Exemption:* Yes

1246.1130: ASSISTANCE PANEL FILES

- > Administrative Order No. 9, Rule 1 (Professional responsibility board) *Review for Exemption:* No
- > Administrative Order No. 9, Rule 12 (Access to disciplinary information) *Review for Exemption:* Yes
- > Administrative Order No. 9, Rule 4 (Assistance panels) *Review for Exemption:* No