

COMMITTEE ON COURT ADMINISTRATION AND CASE MANAGEMENT

DESTRUCTION OF COURT-ORDERED WIRETAPS

Title III of the Omnibus Criminal Control and Safe Streets Act of 1968, 18 U.S.C. § 2518, requires federal law enforcement agencies to obtain a court order to intercept wire, oral, and electronic communications and provides for how records related to the interception should be maintained. Judges must seal applications and orders granting or denying wiretaps, as well as the original recordings of the intercepted communications, and must designate who retains custody of these records. The custodian must retain the applications, orders and recordings for ten years and they may not be destroyed thereafter except upon order of the denying or issuing judge. In response to a request from a judge, the Committee on Court Administration and Case Management, after consulting with the Executive Office for U.S. Attorneys and the Committee on Defender Services, recommended proposed guidance for judges on how to process applications for destruction of court-ordered wiretap applications, orders, and recordings, including (1) how to determine the commencement of the ten-year retention period; (2) what criteria to consider when reviewing a motion to destroy a wiretap application, order or recording; (3) who should consider the motion if the denying or issuing judge is no longer on the bench; and (4) what procedures should be used to ensure that the custodian of the record is notified of a court-ordered destruction. The Judicial Conference approved the proposed guidance.

CONSOLIDATION OF THE DISTRICT AND BANKRUPTCY COURT CLERKS' OFFICES IN THE DISTRICT OF MONTANA

The district and bankruptcy courts in the District of Montana submitted a joint proposal, endorsed by the Ninth Circuit Judicial Council, to consolidate the district and bankruptcy clerks' offices pursuant to 28 U.S.C. § 156(d) and Judicial Conference Procedures for Combining Functions of the Clerks' Offices in the District Courts and Bankruptcy Courts (JCUS-MAR 98, pp.10-11; *Guide*, Vol. 4, Ch. 2). The Committee on Court Administration and Case Management and the Bankruptcy Committee both reviewed the proposal and determined that it met the Conference requirements, including that the consolidation is voluntary and is expected to produce cost savings without decreasing the quality of services to judges, the bar, and the public. On recommendation of the Committee on Court Administration and Case