FILES, RECORDS AND EXHIBITS

(a) **Custody and withdrawal**.

All files and records of the court, except those sealed by order of the court, shall remain in the custody of the clerk, subject to examination by the public without charge. No record, paper, or article belonging to the files of the court shall be taken from the custody of the clerk without a special order of the court and a receipt given by the party obtaining it, describing the item and date of receipt, except as otherwise provided in this rule. Withdrawal orders will be made only in exceptional circumstances.

(b) **Exhibits part of files**.

Every exhibit offered in evidence, whether admitted or not, becomes a part of the files.

(c) **Substitution of copies**.

Unless there is a special reason why original exhibits or depositions should be retained, the bankruptcy court may, on stipulation or application, order them returned to the party to whom they belong upon filing of a copy, either certified by the clerk or approved by counsel, for all parties concerned.

(d) **Disposition of exhibits**.

(1) Delivery to Person Entitled. In all proceedings in which final judgment has been entered, and the time for filing a motion for new trial or rehearing and for appeal has passed, or in which a final order on appeal has been entered, any party or person may withdraw any exhibit or deposition originally produced by such party without court order, upon fourteen (14) days written notice to all parties, unless within that time another party or person files notice of claim thereto with the clerk. In the event of competing claims, the court shall determine the person entitled and order delivery accordingly. For good cause shown, the court may allow withdrawal or determine competing claims in advance of the time above specified.

(2) Unclaimed Exhibits. If exhibits or depositions are not withdrawn within thirty (30) days of the time when notice may be given under subdivision (1) of this subdivision (d), the clerk may destroy them or make other disposition as appears proper.

(e) **Retention of electronic recordings**.

(1) Section 341(a) Meetings. Retention and preservation of electronic sound recordings of the § 341(a) meeting of creditors is the responsibility of the U.S. Trustee. Copies of the recordings may be obtained from the U.S. Trustee.

(2) Court Hearings and Proceedings. Electronic sound recording and/or court reporter's stenographic records of any bankruptcy court proceeding shall be retained and preserved by the clerk. Copies of the recordings may be obtained from the clerk upon payment of the duplication fee. Transcripts may be obtained upon written request. Requests for duplication or transcripts shall identify the name, address, and phone number of the requesting attorney, the case name and case number, and the date of the subject hearing or proceeding.

RELATED AUTHORITY

11 U.S.C. § 107
28 U.S.C. § 156(e)
Fed. R. Bankr. P. 5007 and 2003(c)

Advisory Committee Notes:

Subdivision (e) reflects the current administrative requirements that control the clerks and U.S. Trustee's retention of electronic recordings of meetings and proceedings. Transcription from the duplicate tape of the § 341(a) meeting of creditors is the responsibility of counsel, while the clerk will obtain the transcript

of court hearings and charge counsel therefor. The Advisory Committee determined not to address issues of "certification" or the evidentiary use of such transcriptions.