



Michigan Trial Court Case File Management Standards

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Case File Management Standards

Table of Contents

Introduction

Area 1: Active Case File Management

1.1	Case Initiation and Maintenance	1
1.1.1	Establishing and Maintaining Case Files.....	2
1.1.2	Establishing and Maintaining Register of Actions.....	24
1.1.3	Case Monitoring.....	26
1.1.4	Establishing and Maintaining Indexes to Case Files.....	28
1.1.5	Establishing and Maintaining Group Files.....	30
1.1.6	Providing Public Access to Records; Confidential Records.....	31
1.1.7	Receipt and Return of Exhibits.....	35
1.1.8	Establishing and Maintaining Juror Records.....	37
1.2	Case Disposition and Closing	38
1.2.1	Establishing and Maintaining Consolidated Arrest Warrant/ License Suspension Index.....	39
1.2.2	Maintaining Court Reporters and Recorders' Notes.....	41
1.2.3	Court Recordings.....	43
1.3	Postadjudication Activity	47
1.3.1	Appeal Processing.....	48
1.3.2	Inactive Filing Systems (Records Storage).....	50
1.3.3	Implementing Records Retention Schedules.....	51

Area 2: Filing Systems and Storage

2.1	Active Files – Workflow, Space, Equipment, and Supplies	53
2.2	Inactive Records Storage	57

Case File Management Standards

Table of Contents (continued)

<u>Area 3:</u>	<u>Forms and Reports</u>	
3.1	Management	61
3.2	Analysis and Design	64
<u>Area 4:</u>	<u>File Retention and Destruction</u>	
4.1	File Contents Retained and Destroyed.....	68
4.2	Retention Schedules	69
4.3	Destruction of Files	70
<u>Area 5:</u>	<u>Records Media</u>	
5.1	Micrographics and Digital Imaging	73
5.2	Facsimile and Other Electronic Transmission.....	75
<u>Area 6:</u>	<u>Other</u>	
6.1	Case-Type Codes.....	77

Index of Subject Matter

Appendix

Sources

Introduction

Purpose

The court, under the direction of the chief judge, has responsibility for the maintenance of all records necessary to adequately support the business of the court, which is accomplished through the assistance of various staff support, including, but not limited to, court administrators, registers of probate, clerks of the court, and friends of the court. These standards identify both the basic elements for managing case file records within the trial courts and the basic roles that various staff have with regard to that management. Although there are many other records within the trial courts that would benefit from records management, the role of these particular standards is to provide the trial courts with minimum criteria and procedures for achieving systematic control over all of the recorded information relating to case files, from case initiation to permanent retention or destruction of the records.

Records Management in General

The case file management standards are a first step toward establishing a framework by which the trial courts may implement a records-management program. A records-management program has responsibility for controlling records throughout the court for the life cycle of those records, including the creation, distribution, use, retention, storage, retrieval, protection, preservation, and final disposition of each type of record. The primary functions of records management are records retention and scheduling, inactive records storage, records security, document storage and retrieval, and micrographics systems.

At each stage of activity in the life cycle of a record, someone must be responsible for controlling the record. In order to maintain this type of control, the records-management program is also responsible for establishing standards, policies, and procedures which will produce effective control. The type of control a trial court uses depends on the organization of the court and the practical needs of those who use the records. Courts may choose a centralized file system, a decentralized file system, or a decentralized file system with centralized control. There are benefits and advantages to each type of file system, so the decision should be made only after conducting a records inventory and procedural analysis.

Development, Layout, and Design of Standards

The case file management standards are the result of the recommendations and hard work of the Michigan Trial Court Case File Management Standards Committee. The case file management standards focus on five primary areas of records management: (1) active case file management, (2) filing systems and storage, (3) forms and reports management, (4) file retention and destruction, and (5) records media. The area of active case file management is grouped by the three major phases of case management: (1) case initiation and maintenance, (2) case disposition to closing, and (3) postadjudication. Each of the standards is identified as a separate component and provides, at a minimum, the technical criteria for the component. Each component may also contain procedures, authoritative citations, and cross references to other components or sources of relevant information. Unless stated otherwise, the standards apply to both paper and electronic records. Other materials are provided in the Appendix.

Case File Management Standards (rev. 7/14)

1.1: Case Initiation and Maintenance

Purpose: To define steps necessary for opening a court case, for creating records that will support the case, and for properly tracking and managing the case while it is active in the court system.

Case Initiation: The recordkeeping procedures in case initiation establish a comprehensive framework for the case file management system. Although detailed documentation is stressed, flexibility must be maintained to cope with unusual and unforeseen events and circumstances. Most court records and case files are established at case initiation. Once a case file has been opened, it should contain all case-related documents to facilitate active case monitoring.

Maintaining Active Cases: Records and files used for the maintenance of active cases are essentially those created during case initiation. The court may also generate or receive documents such as notices, motions, orders, or correspondence to support active case maintenance. The court is also responsible for creating a few new records such as court calendars and judges dockets to support scheduling and calendaring activities. Because paper case files are continually updated, checked out, returned, and re-filed, administrative control over the process is essential to quickly locate records when needed. Case file records maintained digitally require a different set of controls for maintenance than paper files. The register of actions, calendar, and case files will often be used together to manage and monitor active cases.

General Case-Processing Procedures and Records Created or Used

Procedures/Events	Records Created or Used
Process case initiating documents	Case number assignment log and receipts
Create court records	Register of actions, numerical and alphabetical indexes, active case-file folder or electronic record
Establish monitoring control	Master court calendar, judges dockets, future action file
Process subsequently filed documents	Register of actions, future action file, active case file, notices
Case monitoring	Future action file, register of actions
Schedule and calendar cases; prepare notices	Future action file, master court calendar, judges' dockets
Hearings and trials	Active case file, master court calendar, judges' dockets

NOTE: Accounting systems should complement all case-processing procedures.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Introduction:

Case files are the most important of all court records. Upon the filing of a case-initiation document, a case number and case-type code are assigned, a filing fee is collected (when required), and a case file is opened.

The filing of pleadings and other materials with the court, as required by Michigan Court Rules, must be with the clerk of the court in accordance with standards prescribed by MCR 1.109(C), MCR 2.107(G), MCR 5.001(A), MCL 600.1974. The action taken on applications for extraordinary writs or related orders to show cause must be noted in court records in the same manner as actions taken in other civil actions. MCR 3.301(E).

Other types of records are developed to support case files, such as indexes and registers of action.

Components of Case File Records and Related Procedures:

Specific standards and procedures for establishing and maintaining case files are outlined in the following components. These components are:

- | | |
|--------------|--|
| Component 1 | Case-Type Code |
| Component 2 | Case Number, File Number, and Petition Number |
| Component 3 | File Stamp |
| Component 4 | Minimum Filing Requirements |
| Component 5 | Handling Case Papers with Errors |
| Component 6 | Case-File Folder/Jacket |
| Component 7 | Placement of Documents in Case-File Folder |
| Component 8 | Case Files and Other Documents Maintained Separately |
| Component 9 | Minimum File Contents |
| Component 10 | Court Seal and Other Stamps |
| Component 11 | Transferring Case Files |
| Component 12 | Making Copies of Case Files |
| Component 13 | Consolidating Cases |

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 1	Phases of File Management Where Used
Case-Type Code	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Establishing Case-Type Codes:

Case-type codes shall be established by the State Court Administrative Office (see Case-Type Codes, Component 39). Requests to establish new case-type codes or to revise existing case-type codes must be submitted to the State Court Administrative Office for consideration.

Assignment of Case-Type Code:

- A case-type code is one of the two-letter sequences specified in Component 39.
- One case-type code must be assigned to each case-initiation document based on the list in Component 39. MCR 2.113(C)(1)(c); MCR 5.113(A)(1)(b)(ii); MCR 8.117.
- Assignment of the case-type code is based on the principal subject matter of the action, not the nature of the proceedings. MCR 2.113(C)(1)(c); MCR 5.113(A)(1)(b)(ii).
- Courts may establish local practice regulating whether the code is assigned by either the party or the court.

Use of Case-Type Code:

As required by MCR 2.113(C)(1)(c); MCR 5.113(A)(1)(b)(ii); and MCR 8.117, one case-type code must be assigned to each case according to the principal subject matter of the action, not the nature of the proceedings. The case-type code must be included as part of the case number in the caption of the pleading. The case-type code must be included in the caption of papers thereafter filed in that case or activity. If a pleading is filed without a case-type code, it is to be considered a nonconforming document and shall not be accepted for filing. Documents filed with the court that are not part of an existing case can be given a group file number and handled in accordance with Component 18, Group Files.

Availability of Case-Type Codes:

The clerk of the court shall make the case-type codes available to the public either by posting them in a prominent location in the office or by providing the list when needed.

Cross References: See Component 39 - Case-Type Codes for list.

Case File Management Standards (rev. 11/12)

1.1.1: Establishing and Maintaining Case Files

Component 2	Phases of File Management Where Used
Case Number, File Number, and Petition Number	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

File and Case Defined:

A file is a repository for collecting pleadings and other documents and materials related to a case. A case is the initiation of an action by the submission of an original complaint, petition, or citation; acceptance of a transfer from another court or tribunal; or filing or registration of a foreign judgment or order. MCR 3.201(D)(1); MCR 3.903(A), MCR 8.119(D)(1)(d).

Assignment of Complaint Number, Petition Number, and Case Number:

- A complaint number or petition number consists of three parts: (1) the year in which the complaint or petition is initiated, (2) a series of characters of some length, and (3) a two-letter case-type code established by the State Court Administrative Office. The first part is referred to as a prefix and the third part is referred to as a suffix. In an automated system, a case number may be viewed with other items such as an initial for a judge’s name or other local identifiers. When a case is sent to another court, only the three-part case number is permitted. MCR 2.113(C)(1)(c); MCR 5.113(A)(1)(b)(ii). Example: 2000-123456-DM, 99 123456 CZ.
- A case number is the number assigned to a separate case file. The case number is identical to the complaint number or petition number, except in those cases under the Juvenile Code where a single case file contains multiple petitions. In these matters the case number may be the initial petition number or any other identifier that uniquely identifies the case file.
- In proceedings for the mentally ill, each individual entering the system for the first time must be assigned a unique case number that is used on subsequent petitions concerning the individual, regardless of the number of petitions filed on their behalf.

Use of Case Number

- Every pleading and other document filed in a case must contain a caption stating the case number. In cases under the Juvenile Code where a single case file contains multiple original petitions, a separate petition number shall be placed on each original petition and other documents filed that are related to that particular petition. MCR 8.119(D)(1).
- In NA cases, if a court establishes a single NA case file involving multiple children within the same family, the court must have a means of uniquely identifying each child within the file. One way of identifying each child is to assign to each the relevant petition number modified with a unique suffix.

Case File Management Standards (rev. 11/12)

1.1.1: Establishing and Maintaining Case Files

Component 3	Phases of File Management Where Used
Filing and File Stamp	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Filing Defined:

- Filing of pleadings and other materials with the court must be with the clerk of the court in accordance with standards prescribed by MCR 1.109(C).
- Unauthorized complaints/petitions are not considered filed.

MCR 1.109(C); MCR 2.107(G); MCR 2.602(C); MCR 3.903(A)(20),(24).

Stamping Procedures:

- Before stamping a document, one should ensure that it is complete in accordance with Components 4 and 5, signed, and (if required) notarized.

Items Subject to Stamping:

- The clerk of the court must endorse on the first page of every original document the date on which it is filed. MCR 8.119(C).
- File stamping traffic and civil infraction citations is optional, but highly recommended.
- File stamping orders and notices generated by the court is not necessary.
- Do not file stamp exhibits or drivers' licenses.

Content of Stamp:

- The stamp must contain the date (month, day, and year) and the name of the court.
- The date stamped on a document must be the day the document was actually received. If the clerk of the court is unable to stamp documents on the date they are received, including when received by a judge under MCR 2.107(G), the clerk must ensure that all papers received on a given day are batched and identified in some manner with the actual date they were filed until such time as the documents can be stamped.
- Stamping the time at which a document is filed is optional.

Placement of Stamp:

- The date shall be stamped on the front of the first page of each original document, and preferably in a location that does not obliterate information on the document.

When to Stamp:

- File stamp only after any required fees have been paid, waived, or otherwise provided for.
- If a document is stamped and it is later determined that it cannot be processed, the file stamp must be voided before returning the document to the party.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 4	Phases of File Management Where Used
Minimum Filing Requirements	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Paper Size:

- All pleadings and other documents prepared for filing in the courts of this state must comply with MCR 8.119(C) and be filed on good quality paper not exceeding 8 ½ by 11 inch paper or transmitted through an approved electronic means or created electronically by the court and maintained in a digital image. MCR 1.109(C) and Michigan Trial Court Guidelines and Standards for Digital Imaging.

Type Size:

- The print must be no smaller than 10 characters per inch (nonproportional) or 12-point (proportional), except with regard to forms approved by the State Court Administrative Office and attachments and exhibits. MCR 1.109(C)(1); MCR 2.113(B).

Language:

- Every pleading and all other documents must be legibly typewritten or printed in ink (preferably black) and in English. MCR 2.113(B); MCR 5.113(A); MCL 600.1427; Administrative Order No. 1985-5.

Signature:

- Every document of a party represented by an attorney shall be signed by at least one attorney of record. A party who is not represented by an attorney must sign the document. If a document is not signed, it shall be stricken unless it is signed promptly after the omission is called to the attention of the party. There are additional requirements for papers filed in probate proceedings. Electronic signatures are authorized. MCR 1.109(D); MCR 2.114(C); MCR 5.114(A).

Reproduction and Other:

- All other materials submitted for filing shall be prepared in accordance with MCR 1.109(C) and standards established by the state court administrative office. Attachments of acceptable discovery material to a brief or motion that is submitted for filing shall be made part of the public case file unless otherwise confidential. MCR 1.109(C)(2)
- All original documents filed on paper may be reproduced and maintained by the court as a digital image in place of the paper original in accordance with standards and guidelines established by the State Court Administrative Office. MCR 1.109(C)(3)

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 4 (continued)	Phases of File Management Where Used
Minimum Filing Requirements	Case initiation, maintenance, disposition to closing, postadjudication

Filing Fee:

- At the time of filing, a filing fee must be paid unless waived or suspended by court order. MCL 600.2529; MCL 600.8371; MCL 600.880; MCL 600.880a; MCL 600.880b; MCL 600.880c.

Procedure for Nonconformance:

- The clerk of the court may reject papers that do not conform to the minimum filing requirements, unless written direction of a judge expressly states otherwise. MCR 1.109(C)(4); MCR 8.119(C).

Other Related Cites: MCR 2.602 (general civil); MCR 5.113(A)(2); MCR 5.162 (probate); MCL 780.651(5).

Case File Management Standards (rev. 11/12)

1.1.1: Establishing and Maintaining Case Files

Component 5	Phases of File Management Where Used
Handling Documents with Errors and Previous Versions of SCAO-approved Forms	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Substantive Errors:

- The clerk of the court may not change substantive errors in pleadings that were made by the parties.

Clerical Errors:

- The clerk of the court may make changes in clerical errors when the correct information is adequately verified.
- The clerk of the court may correct or handle the following errors as soon as they are discovered and should promptly notify parties either of the corrections made or of the action to be taken by the parties:
 1. Incorrect case number, or incorrect petition number when applicable (correct).
 2. Incorrect case caption (correct).
 3. Defective notice to appear (correct).
 4. Documents received in error (return to parties).

SCAO-approved Forms:

- When SCAO-approved forms have been revised, use of previously-approved versions is specified in the numerical indexes for the court forms. When use of previously-approved versions has been restricted and someone files a previously-approved version of a form, follow the instructions in the numerical index and below:
 1. If the form is an order, notice, or some other form that the court must sign or issue, the clerk of the court may refuse to accept the older version.
 2. If the form is a pleading or other form that the court does not sign or issue, the clerk of the court may accept the older version provided the “SCAO-approved” label is removed (by the individual) from the form and the individual using the form is advised that the form may not be in compliance with law or court rule. If the individual insists on using the previously-approved version the judge of assignment should be advised of this fact.
 3. If the form has been created based on a statute or court rule that requires SCAO to approve a form and the use of that form is mandated, the clerk of the court should refuse to accept the previously-approved version.
 4. Subject to the conditions specified in items 1 and 2 above, if the form has been created based on a statute or court rule that requires SCAO to approve a form, and the use of that form is not mandated but requires an individual to use a form substantially

Case File Management Standards (rev. 11/12)

1.1.1: Establishing and Maintaining Case Files

Component 5 (continued)	Phases of File Management Where Used
Handling Documents with Errors and Previous Versions of SCAO-approved Forms	Case initiation, maintenance, disposition to closing, postadjudication

in the form approved by SCAO, the clerk of the court should advise the individual that the previously-approved version should not be used because it may no longer be substantially in the form approved by SCAO. If the individual insists on filing the form anyway, the SCAO-approved label should be removed (by the individual) from the form and the judge of assignment should be advised of the fact that the form is no longer SCAO-approved.

A list regarding mandatory use of SCAO-approved forms is available at <http://courts.mi.gov/Administration/SCAO/Forms/Pages/search-for-a-form.aspx> for the benefit of the public and the courts.

Other Related Cites: MCR 2.612(A) (general civil); MCR 2.613 (general civil); MCR 3.902 (juvenile); MCR 6.435 (criminal); MCR 7.208(A) and (B) (appeals); MCL 600.2301; MCL 600.2325.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 6	Phases of File Management Where Used
Case-File Folder/Jacket	Case initiation, maintenance, disposition to closing, postadjudication

Paper Standard:

When a Folder/Jacket is Needed:

- Except for cases filed on a citation, the clerk of the court must keep and maintain a file for each action. In a paper-based system, a folder or jacket must be used. MCR 8.119(D)(1)(d).

Type of Folder/Jacket:

- Folders should be 9 inches wide by 12 inches long and of sturdy construction best suited to the frequency of use and to cost-effectiveness and efficiency constraints.
- Full- or partial-tabbed file folders (preferably side-tabbed lateral) with standard two-inch file (or Acco) fasteners are recommended; full side-tab folders are specifically recommended to accommodate color-coded numbers and letters for the case number.
- Expansion-type folders are permitted.
- Avoid using folders that accommodate more than two inches of material; as a recommended alternative, use second and third volumes for a file when the material in a given case exceeds two inches. Mark folders 1 of ___, 2 of ___, 3 of ___, etc.

Numbering of Paper Folder/Jacket:

- In a paper-based system, the case number must be located on the tab. Additionally, the case number should be located on the upper right-hand corner of the folder.
- Petition numbers for juvenile delinquency and neglect/abuse proceedings appear only on the documents and in the case-monitoring system.
- Color-coded numbering is optional.

Electronic Standard:

Electronic Case-File Record:

- The images associated with a particular electronic case-file record must be indexed appropriately. MCR 8.119(D)(1)(d) and Michigan Trial Court Guidelines and Standards for Digital Imaging.

Cross References: See also Component 30 - Active Files - Space, Equipment, and Supplies for further details on supplies.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 7	Phases of File Management Where Used
Placement of Documents in Case-File	Case initiation, maintenance, disposition to closing, postadjudication.

Paper Standard:

Placement of Documents in a Paper-Based System:

- Documents must be placed in the file in chronological order according to the filing date.
- All documents should be fastened in the case folder. They should be fastened (unless an expansion folder is used) with the most recent in front.

Additional Actions:

- Check for correct case name and case number (and petition number when applicable).
- Check for file stamp.
- In a paper-based system, note on the register of actions the location of documents and attachments (exhibits) that are stored apart from the case folder.
- Update register of actions.

Cross References: See also Component 9 - Minimum File Contents.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 8	Phases of File Management Where Used
Case Files and Other Documents Maintained Separately	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

General Procedures:

- Maintenance of separate materials is the responsibility of the clerk of the court.
- Mark the envelope or folder of separate materials with the case number, and place the materials on the shelf behind the case folder or in a separate area, or use permissions and indexing functionality within the court’s electronic document management system or imaging system to assure appropriate confidentiality is maintained.
- As indicated in Component 7, note on the register of actions the location of case documents, attachments, and transcripts stored apart from the primary case folder/jacket.
- If the filing of large transcripts interferes with efficient handling of the case folder, store the transcripts separately from the case folder in a binder or other location.
- Store large items in an envelope or a folder separate from the case folder.
- Garnishment records can be stored in batch files after entry on the register of actions.

Material for which Access is Restricted:

- Maintain case evaluations, acceptances, rejections, and awards separately from case files or with appropriate restricted permissions. MCR 2.403(N)(4).
- Maintain mediation documents separately from case files or with appropriate restricted permissions. MCR 2.411(H)(8); MCR 2.412; MCR 3.216(H)(8).
- Maintain presentence investigation reports separately from case files or with appropriate restricted permissions. MCL 791.229
- Maintain social files of juvenile delinquency and neglect and abuse separately from case files or with appropriate restricted permissions. MCR 3.925. Although the social file is maintained separately from the case file, the social file is a part of the case record and shall be sent with the record on appeal. See Component 19, Access to Records and Case Folders and Component 26, Appeal Processing.
- Identifying information in parental rights restoration action proceedings shall be sealed in an envelope marked confidential on which the case number has been written and placed in a private file. Courts shall not maintain any part of these files electronically. MCR 3.615(B)(2).
- Maintain copies (copy by microfilming or other means) of all testamentary documents of deceased persons, bonds, orders, and such other documents as the court directs separately from case files. MCR 8.302.

Cross References: See also Component 19 - Access to Records and Case Folders, Component 20 - Receipt and Storage of Exhibits, and Area 4 - File Retention and Destruction.

Case File Management Standards (rev. 04/16)

1.1.1: Establishing and Maintaining Case Files

A case file means not only the case folder/jacket but the computer, envelopes, boxes, binders, and other appropriate supplies that house the individual documents and records of a given case file. Electronic records in a case file consist of a group of items indexed to a particular case number.

Component 9	Phases of File Management Where Used
Minimum File Contents	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

- At a minimum, the clerk of the court must place in the case file the following documents filed in an action: MCR 8.119(D)(1)(d).
 - Pleadings.
 - Process, proofs of service.
 - Judgments, findings, written opinions, and orders, including orders received from another state or tribunal under the Uniform Interstate Family Support Act.
 - Transcripts ordered to be filed by the court. MCR 8.108(E), (F).
 - Orders of disqualification and case specific assignments.
- In addition to the above, the clerk of the court must place in a juvenile delinquency or child protective case file all motions, notices, memoranda, and briefs and all other records listed in Administrative Order No. 1985-5. MCR 3.903(A)(8).
- The clerk of the court must place any other documents in the file as prescribed by court rule or statute, or as ordered by the court. Other documents not prescribed by court rule or statute may be placed in the case file if required by the court.
- Documents, other than orders, that are received under the Uniform Interstate Family Support Act shall **not** be placed in the court file but shall be forwarded to the friend of the court office.
- Exhibits offered and accepted into evidence are nonrecords and shall **not** be maintained in the case file. See Component 20 - Exhibits.
- Placing discovery materials in a case file is regulated by MCR 2.302(H) and MCR 2.316.
- Note on the register of actions every document placed in the case file. As indicated in Component 7 and Component 8, include the location of documents such as transcripts and other large items that are stored separately from the primary case file jacket/folder.
- Receipts should be attached to or placed in the file unless an automated financial case-management system provides the receipt information in the automated case-file record.

Confidential Documents and Information:

Confidential documents that are maintained in the case file shall be identified as required by MCR 8.119(D) and Component 19. In addition, confidential information on paper must be able to be easily identified and removed from the remainder of the legal file. Confidential

Case File Management Standards (rev. 04/16)

1.1.1: Establishing and Maintaining Case Files

Component 9 (continued)	Phases of File Management Where Used
Minimum File Contents	Case initiation, maintenance, disposition to closing, postadjudication

information in electronic form must be indexed as confidential and have permissions restricted to only those staff requiring access. This will assist the courts in protecting nonpublic information. MCR 8.119(D).

Other Related Cites:

General: MCR 2.101; MCR 2.107(D)/(G); MCR 2.113(F); MCR 2.602; MCR 2.603(B)(4); MCR 2.620; MCL 600.8635.

Special: MCR 3.211; MCR 3.302(E); MCR 3.303; MCR 3.310(B)(4); MCR 3.703(A).

District: MCR 4.002; MCR 4.101(A).

Probate: MCR 5.101; MCR 5.102; MCR 5.104; MCR 5.107; MCR 5.162; MCR 8.302.

Juvenile: MCR 3.903(A)(8); MCR 3.932(C); MCR 3.965(B); AO 1985-5.

Criminal: MCR 6.101; MCR 6.104; MCR 6.615(A); MCR 6.901.

Other: MCR 3.615(B); MCL 600.8635.

Cross References: See also Component 20 – Receipt and Return of Exhibits, and Component 34 - File Contents Retained and Destroyed.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 10	Phases of File Management Where Used
Court Seal and Other Stamps	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Required Seals and Stamps:

- Courts of record shall have a common seal. Const 1963, art 6, ' 19. The Supreme Court seal is an inch and three-quarters in diameter. Seals of all other courts should have the same device as the Supreme Court, should be somewhat smaller, and should have such descriptive words upon them as may suit the respective court. Resolution of Executive Department of Michigan Territory, 1814.
- At a minimum, the clerk of the court must maintain the following stamps:
- Court seal. Const 1963, art 6, § 19; MCL 600.571(f); MCL 600.832(1); MCL 600.1416.
- Confidential stamp.
- Certified copy stamp which includes language such as “This document is a full and correct copy of the original on file in the _____ Court, State of Michigan.”

Bench Warrant Seal:

- If a court uses a stamp for issuing bench warrants for entry into LEIN, the stamp shall contain, at a minimum:
 - 1) Date
 - 2) Amount of bond
 - 3) Signature
 - 4) Reason for bench warrant (FTA, FTP)
- The information shall be stamped in the upper left-hand corner of the file folder and shall be signed by the judge issuing the warrant. MCR 1.109(A)(1)(iv), MCR 3.606

Sealing Procedure:

- When it is directed that the seal of a court is required to be affixed to any paper issuing from the court, the word “seal” means the impression of the seal on the paper alone, as well as the impression of the seal affixed by means of a wafer or wax. MCL 8.3n.
- The court seal may be impressed directly upon the instrument or writing to be sealed, or upon wafer, wax, or other adhesive substance, or upon paper or other similar substance, or it may be affixed electronically upon the instrument or writing to be sealed, or affixed electronically upon an electronic document. MCL 565.232.
- When a document is required to be sealed, seal the original and all copies.

Maintaining Court Seal:

- The clerk of the court has the care and custody of all seals pertaining to the office of the clerk for the court.
- Whenever the seal of any court becomes unusable, that court shall have that seal destroyed. MCL 600.1416.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 10 (continued)	Phases of File Management Where Used
Court Seal and Other Stamps	Case initiation, maintenance, disposition to closing, postadjudication

- Whenever the seal of any court is lost or destroyed, that court shall have a duplicate made, which then shall become the seal of that court; the expense of a new seal for a court shall be paid from the state treasury. MCL 600.1416. SCAO will pay for one replacement seal or embosser (which includes a small hand pump) per court (a record will be kept of past purchases). To ensure full reimbursement, it is recommended the seal be ordered from Stamp Rite Inc., of Lansing, Michigan. The court should contact the company, send in the old seal, pay the invoice, and then request reimbursement. If a court has an electric seal and needs the embosser replaced and Stamp Rite cannot fill the order for some reason, SCAO will work with the court to accommodate the request.

Documents Requiring the Seal of the Court:

- Summons must be issued under the seal of the court that issued it. MCR 2.102(B); MCR 3.301(C); MCR 4.201(C); MCR 4.202(E); MCL 600.1905.
- A subpoena must be imprinted with the seal of the Supreme Court of Michigan. MCR 2.305; MCR 2.506.
- An order, judgment, or decree of any court of record of this state that is to be admitted in evidence must be sealed by that court. MCL 600.2106.
- Whenever a certified copy of any affidavit, record, document, or paper is declared by law to be evidence, such copy shall be certified by the clerk or officer . . . and shall be attested by the seal of the court. MCL 600.2129; MCL 768.22.
- When a copy of a record is to be sent out of state, it must be certified by the judge and attested by seal of the court. 28 USC 1738. See Form MC 202, Certification of Records.
- A certificate ordering persons outside the state who are required as witnesses in this state to attend and testify must be sealed by the court. MCL 767.93.
- A judgment of sentence to a state prison must be sealed by the court. MCL 769.17.
- A final judgment affecting the title to or possession of property in a county other than the county that tried the case must be sealed by the court. MCL 600.1659.
- There is no requirement to seal service of process or other documents creating the power to arrest, such as:
 - 1) Arrest warrants, bench warrants, and search warrants.
 - 2) Pretrial release orders.
 - 3) Writs of garnishment, restitution, execution, habeas corpus and certiorari, and other orders of similar nature.

However, these documents may be sealed at the discretion of the court. If a court chooses to seal a search warrant and the warrant is issued outside regular business hours (i.e., in the home of the judge or magistrate), the original search warrant should be sealed

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

when it is filed with the clerk of the court. If a court chooses to seal an arrest warrant and the warrant is issued electronically to law enforcement (and the court enters its own warrants into LEIN), the court must still seal the original warrant kept in the court's case file.

Other Related Cites: MCL 14.102; MCL 24.36; MCL 565.411; MCL 570.404; MCL 570.432; MCL 600.1401; MCL 600.2102-MCL 600.2104; MCL 600.2118a; MCL 600.3175; MCL 600.6051; MCL 600.6093; MCL 767.92; and MCL 768.22 (only applicable to district courts).

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 11	Phases of File Management Where Used
Transferring Case Files	Case initiation, maintenance

Standard:

Applicability of Standard:

This standard does not apply to appellate transfers, to cases assigned to a judge of another court, or to cases where venue has been changed for purposes of trial only or where Court of Claims cases have been joined for trial with cases pending in trial courts. For standards regarding appellate transfers, see Component 26 - Appeal Processing. Trial courts shall comply with procedures established for Court of Claims cases that are joined for trial pursuant to MCL 600.6421.

Conditions for Transfer:

- Venue is changed except when changed for purposes of trial only. MCR 2.222; MCR 2.223; MCR 2.225; MCR 2.226; MCR 3.926(E); MCR 5.128; MCL 600.1653.
- Jurisdiction is transferred, either before or after judgment. MCR 2.227; MCR 3.212; MCR 3.926(E); MCR 3.939; MCR 4.002; MCR 6.911; MCL 600.8423; MCL 766.14.
- A criminal case is bound over from district court to circuit court. MCR 6.110(G).
- A court reporter/recorder dies, resigns, is removed from office, or leaves the state. MCR 8.108(D).
- Districts are reconstituted. MCL 600.9924(2); MCL 600.9930.

General Transfer Procedures:

- The clerk of the court is responsible for transferring files.
- Except as otherwise required by court rule, statute, or these standards, send all case file contents (original documents or certified copies of documents), depositions and other discovery materials, the original order for change of venue/jurisdiction, and the register of actions listing documents and indicating any fees. See below for additional specific information. Do not transfer the case file for cases that are transferred for purposes of trial only (including Court of Claims cases joined for trial pursuant to MCL 600.6421).
- Transfer original documents by registered or certified mail, return receipt requested, or by courier service. Where authorized, the file may be transferred electronically.
- Maintain the original case folder, the register of actions listing the documents sent, postal receipts from registered mailing, and a copy of the order for change of venue or transfer of jurisdiction. Additionally, manual courts may want to maintain a copy of the register of actions in the case file.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 11 (continued)	Phases of File Management Where Used
Transferring Case Files	Case initiation, maintenance

Specific Procedures for Change of Venue:

- If a civil action is transferred for change of venue, the clerk transferring the action shall promptly forward to the clerk of the court to which the action is transferred the original documents filed in the action and shall send written notice of this action to the parties. A demand for a jury trial in the court in which the action was originally filed is preserved after transfer, and if the jury fee had been paid, the clerk shall forward it with the file to the clerk of the court to which the action is transferred. MCR 2.222-MCR 2.226; MCL 600.856; MCL 600.1651 *et seq.*
- Postjudgment transfer of domestic relations cases includes change of venue and transfer of all friend of the court responsibilities. The clerk of the transferring court must send to the clerk of the receiving court all court files and friend of the court files, ledgers, records, and documents that pertain to the action along with the filing fee. Court and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by other secure method (such as electronic transmission). MCR 3.212; SCAO Administrative Memorandum 2007-04.
- If an order of transfer is entered in a domestic relations case, the clerk of the court must send to the court that issued the prior valid support order all pertinent documents, including all court files and friend of the court files, ledgers, records, and other materials. Court files and friend of the court files must be transferred by registered or certified mail, return receipt requested, or by other secure method. MCR 3.214.
- If venue is changed in a probate case, the clerk of the court must send to the transferee court, without charge, copies of necessary documents on file as requested by the parties and the original of an unadmitted will or a certified copy of an admitted will. MCR 5.128.
- If an order of transfer or change of venue is entered in a juvenile delinquency or child protective case, the clerk of the court shall send the original pleadings and other documents, or certified copies of pleadings and other documents, to the receiving court without charge. If the court doesn't accept the case, enter the order and place it in a group file. Do not enter it into the case management system. MCR 3.926(E).

Specific Procedures for Transfer of Jurisdiction:

- If a civil action is transferred for lack of jurisdiction and if fee and costs have been paid, the clerk of the court transferring the action shall promptly forward to the clerk of the court to which the action is transferred the original documents filed in the action and the filing fee and shall send written notice of this action to the parties. A demand for a jury trial in the court in which the action was originally filed is preserved after transfer, and if the jury fee had been paid, the clerk shall forward it with the file to the clerk of the court to which the action is transferred. MCR 2.227; MCL 600.856; MCL 600.1651 *et seq.*

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 11 (continued)	Phases of File Management Where Used
Transferring Case Files	Case initiation, maintenance

Specific Procedures for Transfer of Jurisdiction: (continued)

- If a civil action is transferred from the district court to the circuit court, and if costs and fees have been paid, the clerk of the court from which the action is transferred shall forward to the circuit clerk of the court the original documents, as agreed, in the action and the circuit court filing fee. MCR 4.002.
- If a small claims action is transferred to another court as the result of a counterclaim that exceeds an amount over the jurisdiction of small claims division and the transmittal fee has been paid, the clerk of the court shall transmit all files and documents in the action to the other court as agreed. The plaintiff in the small claims action shall not be required to pay to the clerk of the court to which the action is transferred any transmittal, appearance, or filing fee in the action. MCL 600.8423.
- If a criminal case is transferred/bound over from one court to another for proper jurisdiction, the clerk of the court must certify and transmit to the court before which the defendant/minor is bound to appear the prosecutor’s authorization for a warrant application, the complaint, a copy of the register of actions, the examination return, and any recognizances received. MCR 5.939; MCR 6.110(G); MCR 6.911; MCL 766.14.
- If a case is transferred to the family division of circuit court by the district court, the clerk of the court must send the transcript of the preliminary examination to the circuit court, as agreed, without charge, upon request. MCR 6.911.

Specific Procedures for Miscellaneous Transfers:

- When a civil action affecting the title to or possession of that property has been tried in a county other than the county in which all the property is situated, the clerk of the court, after final judgment, must certify a copy of the judgment under the seal of the court and transmit, as agreed, the copy to the corresponding court of any county in which property affected by the action is situated. The clerk of the court receiving the copy must file and record the judgment in the records of the court, briefly designating it as a judgment transferred from another court (naming the court). MCL 600.1659.
- If a court reporter/recorder dies, resigns, is removed from office, or leaves the state, records he or she created and kept in each case pursuant to MCR 8.108(C) must be transferred to the clerk of the court in which the case was tried. The clerk of the court shall safely keep the records in accordance with the Michigan Trial Court Case File Management Standards and MCR 8.119(F). On order of the court, a transcript shall be made from the records and filed as a part of the public record in the case. MCR 8.108(D).

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 12	Phases of File Management Where Used
Making Copies of Case Files	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Copies in General:

- **Requests by General Public:** If a person wishes to obtain copies of documents in a file, the clerk of the court shall provide copies upon receipt of the reasonable cost of reproduction except for requests under MCR 6.433(A). Except for copies of transcripts or as otherwise directed by statute or court rule, a standard fee may be established for providing copies of documents in a file. MCR 8.119(J)(2)(b), (c); MCL 600.878; MCL 600.2543; MCL 600.8631.
- **Copies of Warrants:** If a request is made for a copy of an arrest or a bench warrant, the court should make some notation on the document that it is a copy and not a warrant to be executed.
- **Copies of Transcripts:** If a request is made for a copy of a transcript filed with the court, the copy shall be made only from the official transcript.
- **Requests by Executive Branch Offices:** Copies of documents or records of the clerks of any court of record or municipal court shall be provided without payment of a fee or charge to the secretary of state, auditor general, state treasurer, and attorney general, and shall be made available to the director of commerce for a reasonable fee not to exceed the actual cost for providing the information. MCL 600.2507.

Certified Copies: The fee is \$1 per page plus a \$10 fee for certification, MCL 600.2546.

- Certification must be made from the original only.
- Certification from a digital image is allowed only if the court ensures: (1) the quality of the image at the time it is created and at the time the certified copy is made, and (2) the content of the image cannot be altered after the document is imaged into the court’s case management system. Only certified copies are admissible as evidence. MCL 600.2106.

True Copies:

- A reproduction of an original made in accordance with MCL 24.402 is a true copy.
- MCR 3.211(H)(1) is the only court rule that requires a document to have the words “True Copy” written or stamped on the document.
- There is no statutory authority to charge a fee in addition to the copying fee for true copies.

Cross References: See Component 10 - Court Seal and Stamps regarding certification. See Component 19 - Access to Records and Case Folders, for information regarding documents which may not be copied, copying procedures, and associated costs. For information about copying other case-related records such as videotapes and audiotapes, see Component 24 - Court Recordings – Audiotapes, and Component 25 - Court Recordings - Videotapes.

Case File Management Standards (rev. 07/14)

1.1.1: Establishing and Maintaining Case Files

Component 12 (continued)	Phases of File Management Where Used
Making Copies of Case Files	Case initiation, maintenance, disposition to closing, postadjudication

Other Related Cites: MCR 2.119(B); MCR 6.433; MCR 7.210(D); MCL 600.2101 *et seq.*; MCL 768.22. See also the Records Reproduction Act (MCL 24.401-MCL24.403) and DMB Rule 96-046.

Case File Management Standards (rev. 04/16)

1.1.1: Establishing and Maintaining Case Files

Component 13	Phases of File Management Where Used
Consolidating Cases	Case initiation, maintenance

Standard:

This standard does not apply to orders for consolidation for purposes of alternative dispute resolution.

Prejudgment Procedures:

- Whether consolidation is for legal or administrative purposes, the same procedure shall be followed.
- When cases are consolidated or joined, the indexes, registers of action, and case files must be cross-referenced. Record on each case file, “Consolidated to (case number of base file).”
- When documents are received for filing, place them in the principal file. The principal file means: 1) the file with the lowest case number, or 2) when domestic relations cases are consolidated pursuant to MCR 3.204(A)(3), the file in which the final order of the new action was entered. If there is an original order of consolidation, file it in the principal case file and file a copy in the other case file(s) unless otherwise specified by the order of consolidation.
- Case numbers shall not be reused. In a paper-based system, leave each case folder in its present numerical sequence in the filing system.
- Entries made in the case management system pursuant to MCR 8.119(D)(1) must be recorded in the principal file, except each disposition must be entered in the original case.
- Case consolidation is the responsibility of the clerk of the court.

Postjudgment Procedures:

- When postjudgment documents are filed, make entries in the case management system in the case file in which the judgment was entered. Place postjudgment documents in the case file in which the judgment was entered unless the documents are permitted to be batch-filed.

Example when consolidation is necessary: When a prosecuting official files multiple complaints for multiple offenses arising out of one incident by one defendant, the court must consolidate the complaints into one case. MCR 6.120.

Case File Management Standards (rev. 07/14)

1.1.2: Establishing and Maintaining
Register of Actions

Component 14	Phases of File Management Where Used
Register of Actions	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Form and Maintenance in General:

- When referring to a case history, all courts are to use the term “**register of actions**” instead of “journal,” “docket,” “docket entry,” “case history,” “case file information,” or any other synonymous term. Journals are not required except for recording marriages, and the register of actions replaces a docket. MCR 8.119(D)(4); MCL 551.7.
- The clerk of the court must keep and maintain a register of actions for each case except civil infractions. MCR 8.119(D)(1).
- Each notation in the register of actions shall be brief, but shall show the nature of each item filed and shall identify who made the notation. MCR 8.119(D)(1).
- Since the register of actions represents the complete history of a case, it is vital that it be updated regularly and with as much specificity as possible. It is the permanent record of the case once the case file and its contents are destroyed in accordance with the record retention and destruction schedule.
- Documents and other materials filed with the clerk of the court and placed in the “social” file or that are confidential must be recorded on the register of actions even though they are maintained separately from the case file. However, entries regarding sobriety, drug, or treatment courts shall be coded so as not to reveal participation in the program.

Required Content:

At a minimum, the register of actions must contain the following: MCR 8.119(D)(1)(c).

1. Case number (also appears on index).
2. Case type (code).
3. Case name (also appears on index).
4. Attorneys (also appears on index).
5. Date filed (also appears on index).
6. Fees paid (when applicable).
7. Offense (if one).
8. Judge assigned.
9. Date process was issued and returned, as well as date of service.
10. Date and title of each “filed” item.
11. Each event and type of action, and result of action.
12. Date of scheduled trials, hearings, and all other appearances or reviews, including a notation indicating whether the proceedings were heard on the record and the name and certification number of the court reporter or recorder present.
13. Orders, judgments, and verdicts.
14. Judge at adjudication and disposition.

Case File Management Standards (rev. 07/14)

1.1.2: Establishing and Maintaining
Register of Actions

Component 14 (continued)	Phases of File Management Where Used
Register of Actions	Case initiation, maintenance, disposition to closing, postadjudication

15. Date of adjudication and disposition.
16. Manner of adjudication and disposition.
17. Location of documents and materials filed apart from the case folder (e.g. videotapes, audiotapes, or court reporter log).
18. Fees for officers, transportation, and jurors (if not maintained in the accounting system).

Cross References: For details on the importance of adequately maintaining the register of actions, see Area 4 regarding file retention and destruction.

Other Related Cites: MCL 600.8344; MCL 774.2; MCL 774.3; MCR 7.210(H).

Case File Management Standards (rev. 07/14)

1.1.3: Case Monitoring

A calendaring system should be designed to keep track of cases that are removed from the court schedule with no specified alternate date and of changes that occur because of continuances that are granted. All cases should be flagged in some manner at adjudication (disposed) for statistical reporting purposes. After adjudication, cases should be monitored as necessary until the case is closed. Court scheduling and case monitoring systems are separate but complementary activities.

Component 15	Phases of File Management Where Used
Future Action Information	Case initiation, maintenance, disposition to closing

Standard:

Required Information:

- Every pending case must have a next-appearance or review date.
- Scheduling systems must reveal due/review dates of all future case events that have been scheduled.

Monitoring Procedures:

- Case-processing procedures vary depending on the type of case.
- Review case files on a regular basis until adjudication.
- Periodically check the scheduling system to make sure a case has not been overlooked.
- Follow-up action must be taken if a scheduled due date comes and goes without the required action.
- Once a scheduled event has passed, determine the next appropriate action and update the register of actions.
- After adjudication, continue to monitor cases as required.

Other Related Cites: MCR 2.401(B)(1)(b); MCR 2.502; MCR 2.503; Administrative Order No. 2011-3; *Caseflow Management Guide*.

Case File Management Standards (rev. 07/14)

1.1.3: Case Monitoring

Component 16	Phases of File Management Where Used
Court Calendar and Docket	Case initiation, maintenance, disposition to closing

Standard:

Preparation:

- A court may adopt a trial calendar or other method for scheduling trials without the request of a party. MCR 2.501(A)(2); MCR 8.119(D)(2).
- Appearances in confidential matters either should not be placed on the public calendar or should be noted only as a “hearing,” listing the case number without the case type and the case name.
- Individual judges’ dockets in multi-judge courts should be prepared daily or weekly and distributed to court personnel and officers.

Use:

- A calendar listing individual cases should be prepared for use by the clerk of the court and other courtroom personnel in calling the cases in an orderly manner.
- Calendars may be distributed to the judges, to prosecuting attorneys, to defense attorneys, and to clerks of the court, and should be posted in public corridors outside courtrooms.
- Public calendars should be posted and should include only the type of hearing, courtroom number, and scheduled time. Party names may be included to assist parties since they may not know their case number.
- The clerk of the court’s copy of the calendar may be used for updating other records and tracking court actions.

Retention:

- The clerk of the court’s copy of the calendar must be retrievable for at least one year as required by the record retention and disposal schedule.
- Public court calendars should be discarded after they are no longer of use.

Other Related Cites: MCR 8.205; Administrative Order No. 2011-3; MCL 600.8551; *Royal Oak Trucking Co v Keller*, 17 Mich App 532 (1969); *Dickinson v Henderson*, 122 Mich 583.

Case File Management Standards (rev. 07/14)

1.1.4: Establishing and Maintaining
Indexes to Case Files

Indexes are an important record series that cross-reference case titles to the case numbers.

Component 17	Phases of File Management Where Used
Numerical and Alphabetical Indexes	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Preparation:

- The clerk of the court must maintain the numerical index as a list of consecutive case numbers. MCR 8.119(D)(1)(a).
- The clerk of the court must maintain an alphabetical index as a list of party names. MCR 8.119(D)(1)(b).

Content:

- Public indexes shall not contain information restricted by statute or court rule.
- Indexes shall contain only the following: MCR 8.119(D)(1)(a), (b).
 1. The case number.
 2. The date of filing.
 3. The names of the parties (subjects of the case or case name).

Maintaining Indexes:

- Indexes should be automated and maintained either as a central index for all cases filed in the court or as separate lists for particular case types or particular divisions of the court.

Conventions for Indexing:

- 1) If any index entry or card could create confusion, make another entry or card as a cross reference.
- 2) The first-named party to an action is indexed by the first letter of the last name. The other named parties are listed on that index card and may be indexed separately.
- 3) Names of firms, corporations, and institutions are indexed as written, word-for-word, except that articles (a, the, etc.) are not indexed.
- 4) Names beginning with numerals are indexed as if the numeral is written out (e.g., 10th Street Corporation is filed as if it were Tenth Street Corporation).
- 5) Matters that are in re, in the matter of, State of Michigan are indexed by the name of the party for whom the action is brought.
- 6) Surnames beginning with de, De, des, Des, Mc, Mac, and O' are filed alphabetically, just as they are spelled, among the other surnames beginning with the same letters. An example of correct sequence is: de Marais, Desch, Desoto, Des Roches, Dewey, DeWitt, Mabry, MacConnell, Madison, McKinley, Oldham, O'Leary, Olesen, O'Loughlin.

Case File Management Standards (rev. 07/14)

1.1.4: Establishing and Maintaining
Indexes to Case Files

Component 17 (continued)	Phases of File Management Where Used
Numerical and Alphabetical Indexes	Case initiation, maintenance, disposition to closing, postadjudication

Conventions for Indexing:

- 7) Doing business as (or d/b/a) should be indexed under the business name, with the party's personal name also on the index. For example: John Smith d/b/a Ace Plumbing [is indexed as] Ace Plumbing (John Smith).
- 8) The word "sealed" should be added to the index whenever a document within a case is sealed pursuant to MCR 8.119(I).
- 9) Hyphenated names should be indexed by the first letter of the first name of the hyphenated name.

Cross References: See Component 19 - Access to Records and Case Folders, for additional information regarding access to confidential information.

Other Related Cites: MCL 449.103; MCL 449.105; MCL 600.832; MCL 774.2a.

Case File Management Standards (rev. 07/14)

1.1.5: Establishing and Maintaining
Group Files

Group files are generally defined as records the court is required to keep but which are not part of a basic case-file series (but can include certain case-file series). Examples include employee oaths of office, employee notary public appointments, search warrants, judicial inquiries, petitions and orders for name change, subpoena for taking deposition on an out-of-state case, filing of letters by foreign personal representative, releases under the adoption code where no petition for adoption has yet been filed, and demands for notice of estate proceedings where no case yet exists.

Component 18	Phases of File Management Where Used
Group Files	Case initiation, maintenance, disposition to closing

Standard:

Procedures in General:

- Group files must be labeled, readily accessible, indexed by subject matter, and numbered individually as required by statute or court rule.
- To assist the clerk of the court in monitoring and reporting certain activities, some group files that are not part of a basic case-file series should be assigned a file number using a year identifier followed by a sequential number (e.g., 86-25).
- Documents should be file stamped when appropriate.

Procedures for Files on Officials:

- Enter the following information in a loose-leaf register of officials:
- Name.
- Date of qualification.
- Commencement and termination of term (if applicable).
- File number.
- File the supporting documents by consecutive number in the appropriate group files by type of official.

Procedures for Search Warrants:

- Search warrants must be filed in an annual group file by date of issuance.
- The original affidavit and search warrant must be maintained by the court, not the clerk.
- Warrants must be moved from the group file and placed in the case file when the court so orders.

Procedures for Judicial Inquiries:

- Judicial inquiries must be filed in a confidential group file by date of issuance.
- The original petition and order must be maintained by the court, not the clerk.

Case File Management Standards (rev. 07/14)

1.1.6: Providing Public Access to
Records; Confidential Records

Court records are public records, except for those records designated by statute, court rule, case law, or court order as having restricted access. Common terms used to describe restricted-access records include nonpublic, confidential, and sealed. This component summarizes the requirements for keeping restricted-access records, how to handle requests by the public to view those records, and the possibilities for obtaining access to them. Policies for all records access, whether open to the public or not, should be documented. Appropriate references to statutes or court rules should be included in the documentation.

Component 19	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Procedures in General:

- Court records are not subject to Freedom of Information Act requests. MCL 15.232(d)(v).
- Only case records as defined in MCR 8.119(D) are public unless specifically restricted by law or court order. Any person may inspect any public case record or information contained in a record as defined in MCR 8.119(D) unless access is restricted by statute, court rule, case law, or an order entered pursuant to MCR 8.119(I). MCR 8.119(E).
- Except as otherwise provided by statute or court rule, a court may not enter an order that seals court records, in whole or in part, in any action or proceeding unless certain conditions exist. MCR 8.119(I).
- The clerk may not permit any case record to be taken from the court without the order of the court. If so ordered, the original case folder and a copy of the register of actions shall be maintained until the records or case files are returned. MCR 8.119(E).

Note: Transfer of the file for the purposes of appeal pursuant to Component 26 is not the *taking or removal* of the case file. No order is required for the case file, including confidential information, to be sent to an appellate court.

- Every court must adopt an administrative order outlining specific procedures for obtaining access to records. See Model LAO 8 - Inspection, Reproduction, and Creation of Records and Section 8 of the *Michigan Court Administration Reference Guide*.
- When public inquiry is made about a record, the access to which is restricted, court personnel should respond that “No public record exists.” To ensure that procedures are carried out uniformly and correctly, only authorized personnel should be assigned the responsibility of processing requests for restricted-access records. If court staff is able to acknowledge that a requested record exists, inquiries regarding these records should be referred to authorized personnel. See *Nonpublic and Limited-Access Court Records* at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_chart.pdf for details on the records that are restricted, the authority for restriction, and how the court is to respond to inquiries.

Case File Management Standards (rev. 07/14)

1.1.6: Providing Public Access to
Records; Confidential Records

Component 19 (continued)	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, postadjudication

Procedures for Indexes:

- The clerk of the court must take precautions to maintain the confidentiality of pieces of information found in public indexes. This information includes confidential information regulated by Michigan or federal statute, federal regulation, or Michigan court rule.
- In automated systems, public indexes must omit all entries for restricted-access cases. In manual systems, the court should make some other arrangements to ensure public access to entries is restricted.

Procedures for Restricted-Access Files:

- Access to an entire file may be restricted by court rule, statute, or order under certain circumstances.
- Case files and related records (registers of action, indexes, court reporter notes, audio or video recordings, calendars, public calendars, etc.) of certain types should be marked confidential. See the *Nonpublic and Limited-Access Court Records* chart at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_chart.pdf.
- The file area containing frequently accessed restricted-access files should be supervised and separate from the area accessible to the general public and unauthorized personnel.
- Each file should be clearly identified to warn court personnel that access to the file is restricted.
- The procedures and policies for restricted-access files should be explicitly stated for the clerk of the court and periodically reviewed with all staff who come into contact with such files.
- The clerk of the court must notify the court reporter or recorder, or the clerk of any other court that may have had the case at one time, that access to the file is restricted.

Procedures for Restricted-Access Records within Files:

- The clerk of the court must take precautions to maintain the confidentiality of pieces of information in restricted-access case files and other court records. This information includes confidential information regulated by Michigan or federal statute, federal regulation, or Michigan court rule. See *Nonpublic and Limited-Access Court Records* at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_chart.pdf.
- When access to a record is restricted by statute, court rule, or order, the trial court should clearly mark the record “NONPUBLIC RECORD.” The confidential information should be maintained in a manner that easily permits the removal of the nonpublic information so a clerk may easily identify and remove that nonpublic information.

Case File Management Standards (rev. 07/14)

1.1.6: Providing Public Access to
Records; Confidential Records

Component 19 (continued)	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, postadjudication

Procedures for Records Sealed by Court Order:

- When a court has ordered a record to be sealed pursuant to MCR 8.119(I), all orders and opinions must remain public records. Any person may file an objection to entry of the proposed order or a motion to set aside the order. If the court denies a motion to set aside the order or enter the order after objection is filed, the moving or objecting party may file an application for leave to appeal in the same manner as a party to the action. MCR 8.119(I).
- When public inquiry is made about documents, the access to which is restricted by court order, court personnel should state, “Only court orders and opinions in this case are accessible to the public.”

Procedures Regarding Social Security Numbers:

- Michigan Supreme Court Administrative Order No. 2006-2 directs courts to limit the collection and use of social security numbers to the last four digits for party or court file identification purposes and to eliminate the collection of social security numbers for purposes other than those required or allowed by statute, court rule, court order, or collection activity when it is required for purposes of identification.
- A person whose social security number is included in any document filed in a court file on or after March 1, 2006, may file a motion to protect the social security number as follows:
 - 1) If a person’s social security number is included on a court document and it is not required or allowed to be collected by statute, court rule, or for purposes of collection activity when it is required for identification, the person may file a motion asking the court to direct the clerk to redact the number on the original document.
 - 2) If a person’s social security number is included on a court document and it is required or allowed to be collected by statute, court rule, or for purposes of collection activity when it is required for identification, the person may file a motion asking the court to direct the clerk to maintain the document in a separate, nonpublic file.
- Dissemination of social security numbers by the courts is restricted to the purposes for which their use is authorized by federal or state law. When a court receives a request for copies of any public document filed on or after March 1, 2006, the court must review the document and redact all social security numbers on the copy. This requirement does not apply to certified copies, true copies when they are required by law, or copies made for those uses for which the social security number was provided.

Case File Management Standards (rev. 07/14)

1.1.6: Providing Public Access to
Records; Confidential Records

Component 19 (continued)	Phases of File Management Where Used
Access to Records and Case Folders	Case initiation, maintenance, disposition to closing, postadjudication

- Courts may redact social security numbers on original documents filed after March 1, 2006, only when there is a court order directing the clerk to redact the social security number. Courts may not redact social security numbers from either original or copied documents filed before March 1, 2006, because there is no authority for the court to enter an order to do so.
- Administrative Order No. 2006-2 does not apply to requests to view or inspect files. Courts are not required to remove documents containing social security numbers from court files before allowing a person to inspect them.
- Courts must take steps to restrict access to social security numbers appearing in court databases. Courts must not allow social security numbers contained in their databases to be made available by public inquiry via the Internet or by any other electronic means. Access to databases should be restricted to court staff and to other specifically authorized persons, such as child-support enforcement agencies for whose use the information was gathered.
- When court automated records include social security numbers in order to identify parties, court staff should not provide those numbers to persons who inquire at the public counter or by telephone. Staff may confirm that a party to a case is the person with a particular social security number when the inquirer already has the social security number and provides it to court staff.

Procedures Regarding Information on Participants of Treatment Courts:

- 42 CFR Part 2 prohibits a court from directly or indirectly identifying an individual's substance use issue. A treatment court shall not make any references to sobriety court, drug court, or treatment court on any public documents. This may require using a special code on orders and other documents, including the register of actions (Component 14).
- Include language on the participant waiver that indicates there may be references to sobriety court, drug court, or treatment court in the legal file and that the hearings are open to the public. The agreement should include language that the participant waives the right to privacy as it relates to the legal file and open court hearings.

Cross References: See also Component 8 - Case Files and Other Documents Maintained Separately, Component 12 - Making Copies of Case Files, and Component 16 - Numerical and Alphabetical Indexes for additional information about public access.

Other Related Cites: MCR 2.302(C)(6), (8)(9); MCR 3.705(C); MCR 3.903(A)(3); MCL 600.832; MCL 712A.28.

Case File Management Standards (rev. 11/12)

1.1.7: Receipt and Return of Exhibits

For purposes of this standard exhibits are evidence introduced at or during court proceedings to support litigation, not discovery materials attached to pleadings and other documents filed with the court. If discovery materials are to be used at trial, they must be made an exhibit pursuant to MCR 2.518 or MCR 3.930. Exhibits received and accepted into evidence are not court records. MCR 1.109(A)(2). Documents that are not discovery materials that are filed with the court and later introduced as an exhibit for trial or hearing must also adhere to these standards.

Component 20	Phases of File Management Where Used
Receipt and Return of Exhibits	Maintenance

Standard:

General Procedures:

The court should develop guidelines for accepting exhibits offered into evidence, for maintaining them **during or at trial/hearing**, and for returning or disposing of them after trial/hearing. Generally, accepting exhibits is the responsibility of the court reporter or recorder and returning or disposing of exhibits is the responsibility of the clerk of the court, but these responsibilities may be handled by other court staff.

Exhibit Log Form:

- An exhibit log must be kept to monitor the acceptance of exhibits offered into evidence.
- An exhibit log must provide for the following information:
 - 1) Hearing or trial dates.
 - 2) Case number.
 - 3) Case title.
 - 4) Attorneys' names.
 - 5) Exhibit description.
 - 6) Exhibit numbers.
 - 7) Date and time marked.
 - 8) Date and time admitted into evidence and initials of receiving clerk.

Procedures for Receiving Exhibits: MCR 2.518(A); MCR 3.930(A).

- Upon receipt of exhibits, the individuals assigned responsibility for accepting the exhibits offered into evidence shall do the following:
 - 1) List all exhibits on the exhibit log. **An original of the exhibit log must be placed in the case file.**
 - 2) Mark each exhibit with sufficient information to identify it to the case. Include the names of parties when multiple plaintiffs or multiple defendants are involved. Place a label, or a tag for large bulky exhibits, on each exhibit.
 - 3) When using stamps or stickers, be careful not to obliterate important portions of the exhibit or make it difficult to identify information.

Case File Management Standards (rev. 11/12)

1.1.7: Receipt and Return of Exhibits

Component 20 (continued)	Phases of File Management Where Used
Receipt and Return of Exhibits	Maintenance

Procedures for Maintaining Exhibits During Trial/Hearing:

- Keep all exhibits secured during trial/hearing. Narcotics, weapons, money, and valuable or sensitive materials should be guarded or secured during court recesses and lunch hours.
- Keep rejected exhibits and other exhibits to be withheld from the jury separate from the admitted exhibits.
- If counsel or the court takes an exhibit from the courtroom during trial/hearing, make a note of the number of the exhibit and the person who has it.

Procedures for Returning or Disposing of Exhibits After Trial/Hearing: MCR 2.518(B), (C); MCR 3.930(B), (C).

- Exhibit logs should not be returned to parties.
- At the conclusion of a trial or hearing, exhibits should be retrieved by the parties submitting them, except that any weapons and drugs or other relevant items shall be returned to the confiscating agency for proper disposition.
- If the exhibits are not retrieved by the parties within 56 days after the conclusion of the trial or hearing, the court may properly dispose of the exhibits without notice to the parties.
- Exhibits do not become part of the case file.
- Accepting an exhibit at a trial or hearing does not change its nonpublic status. If a report or other document is nonpublic, its introduction into evidence as an exhibit does not make it public.

Case File Management Standards (rev. 11/12)

1.1.8: Establishing and Maintaining
Juror Records

Component 21	Phases of File Management Where Used
Juror Records	Maintenance, disposition to closing

Standard: MCR 2.510(C).

- The juror qualification questionnaire is a nonpublic record kept on file by the jury board in accordance with MCL 600.1315. It is not a court record and is, therefore, not subject to these standards or to access except upon order by the chief circuit court judge as authorized in MCL 600.1315.
- The juror personal history questionnaire shall be filed with the clerk of the court or the jury board. If the juror personal history questionnaire is filed with the clerk of the court and the juror qualification questionnaire is printed on the other side, the clerk of the court shall ensure that the juror qualification questionnaire is kept confidential.
- The only persons allowed to examine the juror personal history questionnaire are the judges of the court, the clerk of the court or deputy clerks, parties to actions in which the juror is called to serve and their attorneys, and persons authorized access by court rule or by court order.
- Each court shall select and implement one of the model procedures for providing attorneys and parties reasonable access to juror personal history questionnaires.
- Juror personal history questionnaires must be kept on file for three years from the time they are filled out.

Cross References: See also Component 19 - Access to Records and Case Folders for additional information about public access.

Other Related Cites: See also Administrative Order No. 1987-1.

Case File Management Standards (rev. 11/12)

1.2: Case Disposition and Closing

Purpose: Case disposition and closing procedures move a case from active pending status to disposed case status and finally to inactive closed case status. Establishing a case disposition and closing procedure is an integral part of each case's processing procedure. It should be viewed as a logical continuation of records management since accumulation of records can cause problems related to records storage, microfilming, and records research. See Area 4 for further standards.

Open Cases: Open cases include **active pending** cases and **active adjudicated or disposed** cases. Since many adjudicated or disposed cases continue to have activity (requiring further hearings, monitoring, or supervision by the court for a number of months or years), procedures must be developed that specify where various files should be stored.

Active Pending Cases: These are cases that are pending adjudication/disposition.

Active Adjudicated/Disposed Cases: These are cases that have been adjudicated. Most cases are counted on the statistical reports at this point but will remain open for a significant length of time; however, the level of activity will vary. Processing procedures should define what events signal case disposition and what specific procedures to follow. Some of these procedures are prescribed by caseload collection reporting procedures. To avoid future inclusion in certain age-of-pending-cases statistics, disposed cases must be designated as such. Disposition documents must be reviewed carefully to ensure all matters are properly handled with respect to disposition.

Closed Cases: The closing of a case takes place separately from disposition; several weeks to several years may have passed since disposition. Closed cases are no longer active and can be moved to inactive storage. Case files should be in chronological order for processing. A case-closing procedure or checklist is needed to ensure that all essential and required documents are in the file. See Area 2 for further standards.

General Case-Processing Procedures and Records Created or Used

Procedures/Events	Records Created or Used
Case adjudication/disposition	Register of actions, dispositive order, disposed case file; may remain active or become inactive depending on classification
Case closing	Disposed case file becomes closed case file
Statistical and management reporting	Statistical reports file

Case File Management Standards (rev. 07/14)

1.2.1: Establishing and Maintaining Consolidated Arrest Warrant/License Suspension Indexes

An integrated arrest warrant/license suspension index is recommended to assist courts in identifying persons appearing in connection with one case who are also the subject of arrest warrants in other cases. Consolidating arrest warrant and license suspension indexes can make the records easier to check and can help ensure timely clearance of warrants in order to avoid arresting people on previously satisfied warrants. Many of the same principles for keeping track of arrest warrants and license suspensions apply to both automated and manual systems.

Component 22	Phases of File Management Where Used
Consolidated Arrest Warrant/License Suspension Index	Disposition to closing

Standard:

Establishing Tracking Mechanism:

- Consider developing a method for tracking arrest or bench warrants issued by various sections of the court and for tracking license suspensions. The tracking system should reflect the appropriate information needed to locate a case file at any stage of its life.
- Include all warrants and orders of arrest issued in that court as well as license suspensions.

Procedures for Warrants:

- When a warrant is issued, record the date issued and the type of warrant on the consolidated arrest warrant/license suspension index.
- File the warrant numerically or alphabetically.
- For misdemeanor and felony cases, identify the case in some way to alert the clerks of the court working with the files that an outstanding warrant exists and must be recalled immediately should the defendant appear. Remove the mechanism for identifying the case after the warrant is no longer outstanding.
- Establish time periods for dismissing or recalling outstanding warrants. Review the arrest warrant index twice a year in conjunction with LEIN open warrant lists. For cases exceeding these established time periods:
 1. Where appropriate, prepare a request for dismissal for the prosecutor to complete and submit to the judge; in some cases the prosecutor will extend the review/dismissal date for a specific period of time (or even indefinitely).
 2. Receive the signed order of dismissal and carry out normal case-closing procedures.
- Check the consolidated arrest warrant/license suspension index when a defendant is apprehended or appears on a warrant.
- Inform appropriate court staff of any other outstanding warrants.
- When a warrant is satisfied, notify the appropriate agencies as soon as possible.

Case File Management Standards (rev. 07/14)

1.2.1: Establishing and Maintaining Consolidated
Arrest Warrant/License Suspension Indexes

Component 22	Phases of File Management Where Used
Consolidated Arrest Warrant/License Suspension Index	Maintenance, disposition to closing

Procedures for License Suspensions:

- When a license is suspended, record the date of suspension in the consolidated arrest warrant/ license suspension index.
- When an individual comes to the court to pay clearance fees, outstanding tickets, etc., check for any outstanding warrants for that same person.

Case File Management Standards (rev. 07/14)

1.2.2: Maintaining Court Reporters' and
Recorders' Notes

Court reporters' and recorders' notes should be maintained using specific procedures to comply with requirements of the records retention and disposal schedule.

Component 23	Phases of File Management Where Used
Maintaining Court Reporters' and Recorders' Notes	Maintenance, disposition to closing

Standard:

Note-Taking Procedures:

- The court reporter/recorder who takes testimony in a trial or hearing of any case shall prefix the record of the testimony of each witness with the full name of the witness and the date and time the testimony was taken. At the conclusion of the trial or hearing, the reporter/recorder shall secure all of the records and properly designate them on the outside, and shall keep them in the court until transferred to the clerk. MCR 8.108(C).
- Mark on the first page of each day's notes the name of the court reporter, the date of proceedings reported in the notes, and "felony" if any felony cases were reported on that day (circuit court). The reporter/recorder shall keep a sufficient index of the testimony.

Maintenance:

- All records as defined in MCR 8.119(F) and regardless of format that are created and kept by the court reporter/recorder belong to the court, must remain in the physical possession of the court, and are subject to access, inspection, and reproduction in accordance with MCR 8.119(H). MCR 8.108(C).
- The court shall retain control over the records relating to any proceedings held in that court including those of court reporters and recorders who are not employed by the court.
- If the court reporter/recorder needs access to the records for purposes of transcribing off-site, the reporter/recorder may take only a reproduction of the original record, which must be returned to the court upon filing of the transcript. MCR 8.108(C).
- After records are transferred to the clerk pursuant to MCR 8.108(D), the clerk shall keep the records subject to the direction of the court. MCR 8.108(D).
- The court shall keep the index of the testimony and original notes in accordance with the records retention and disposal schedule.
- Although the retention period is different for felony and nonfelony notes, unless it is practical, felony and nonfelony notes need not be stored separately from one another.
- For records retention purposes, store notes in filing equipment or storage boxes separate from active daily file areas. Mark the outside of the storage container with the inclusive dates and the names of the court reporter/recorder and judge. It is recommended that the location of notes be cross referenced with the recorded media if they are not stored together.

Case File Management Standards (rev. 07/14)

1.2.2: Maintaining Court Reporters' and
Recorders' Notes

Component 23 (continued)	Phases of File Management Where Used
Maintaining Court Reporters' and Recorders' Notes	Maintenance, disposition to closing

Transcript Preparation:

- On order of the court, a transcript shall be made from the records and filed as part of the public record in the case. MCR 8.108(D), (F); MCL 600.859.
- If a transcript of a trial or other proceeding in a court of record other than the district court is ordered other than for filing in the case file, the court reporter or recorder also shall prepare and shall file a certified copy of the transcript in the case file at the expense of the person ordering the transcript unless a copy has been filed with the court or unless the chief judge of the court orders otherwise in an order filed in the case file. MCL 600.2137(3).
- An original and copy of the verbatim record of all preliminary examinations in which the defendant is bound over to the circuit court for further proceedings shall be reduced to writing by the district court recorder or reporter when ordered by the circuit court and upon completion of the verbatim record, the transcript shall be filed with the clerk of the circuit court, or as directed by the circuit court. An original of the verbatim record of other matters as may be required by Supreme Court rule, shall be reduced to writing by the district court recorder or reporter and upon completion of the verbatim record shall be filed with the clerk of the district court or as directed by the district court. If a transcript of a trial or other proceeding is ordered other than for filing in the case file, the district court recorder or reporter also shall prepare and shall file a certified copy of the transcript in the case file at the expense of the person ordering the transcript unless a copy has been filed with the court, unless the circuit court has a copy pursuant to subsection (1), or unless the chief judge of the district court district orders otherwise in an order filed in the case file. MCL 600.8635.

Transcript Reproduction:

After an official transcript is filed, copies shall be made only from the official transcript filed with the court. See Component 12 – Making Copies of Case Files.

Transfer:

If the court reporter/recorder dies, resigns, is removed from office, or leaves the state, records he or she created and kept in each case pursuant to MCR 8.108(C) must be transferred to the clerk of the court in which the case was tried. MCR 8.108(D).

Cross References: See Component 11 - Transferring Case Files to Another Court, and Component 24 - Court Recordings.

Case File Management Standards (rev. 07/14)

1.2.3: Court Recordings

Component 24	Phases of File Management Where Used
Court Recordings	Maintenance, disposition to closing

Standard:

Quality of Media:

- Proper control and care of recording media is important to ensure that the media can be located if needed for transcription and that the quality of that media is maintained. Regardless of the media used, the records produced by that media must be accessible for the full retention period specified in the *General Records Retention and Disposal Schedule #16 - Michigan Trial Courts*.
- Acceptable technologies for long-term retention (over 10 years) are magnetic tape (audio and video) and optical disc (CD-R, DVD-R, and DVD+R). Removable magnetic hard or floppy discs or USB keys are unsuitable media for long-term retention of digital records. Media used for backup or disaster recovery need not meet these requirements since they are not kept for long-term retention.
- When optical discs are used for long-term storage, those with a gold reflective layer are recommended. In addition, the optical discs must be the ablative type (WORM or write once, read many).
- When magnetic tape is used for long-term storage, chromium dioxide or evaporated metal tapes are recommended.

Recording Media:

- Comply with the digital audio and video standards and MCR 8.109 when recording digital media.
http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/ct_stds.pdf.
- Each batch of tapes or discs should be tested and validated to eliminate batches with manufacturing problems.
- Verify that the data has been properly recorded on the media.

Index of Proceedings:

- All proceedings shall be indexed regardless of the recording media used (see Component 23 and the *Manual for Court Reporters and Recordors*).

Case File Management Standards (rev. 11/12)

1.2.3: Court Recordings

Component 24 (continued)	Phases of File Management Where Used
Court Recordings	Maintenance, disposition to closing

Labeling/Numbering Tapes and Discs:

- Audiotapes, videotapes, compact discs (CD-Rs), and digital video discs (DVD-Rs and DVD+Rs) should be numbered, each number to have a year-identifying prefix (either two-digit or four-digit), followed by a dash and then a sequence number of some digits in length, and any other identifiers deemed appropriate.
- Preferably, do not use adhesive labels or write-on discs with pen, pencil, or marker because the reflective layer can be degraded by the penetration of inks or solvents. Instead, it is recommended that discs be stored individually in containers and that the containers be labeled. If discs are labeled, use only water-based, felt-tip markers with a permanent quality, and mark only on the clear inner hub of the disc where there are no data.

Handling and Transporting Recorded Media:

- Once information has been recorded, handle and transport media carefully. Avoid extreme temperature changes and high humidity, and do not expose the media to ultraviolet light or direct sunlight.
- Handle optical discs by edges only; fingerprints, smudges, dirt, and dust on the laser-reading side of the disc can disrupt the laser focus. Scratches on either the laser-reading side of CDs or DVDs or the label side of CDs and single-sided DVDs can damage the disc.
- Do not bend discs by any means, including their removal from a jewel case. Storing discs long-term in a horizontal position can also cause the disc to become permanently bowed.

Storing Tapes and Discs:

- The media should be kept in a dry, secure area. Special care should be taken to ensure storage areas conform to manufacturer recommendations regarding temperature and moisture exposure. Accessibility should also be considered. These factors should also be considered for storing new unrecorded media, which deteriorates quickly.
- Media used to create duplicate records for purposes of backup/disaster recovery can be maintained for as long as the court deems appropriate.
- Media should be stored vertically in individual cases without paper.
- Ensure tapes are not stored close to a magnetic source (such as electric motors, elevators, switch rooms, etc.).

Case File Management Standards (rev. 11/12)

1.2.3: Court Recordings

Component 24 (continued)	Phases of File Management Where Used
Court Recordings	Maintenance, disposition to closing

Access to Recorded Media:

- The court's policy on access to records of court proceedings, regardless of the media, should be included in the local Administrative Order required MCR 8.119(H)(2)(a) (see Model LAO 8 for Inspection, Reproduction, and Creation of New Records). The court should develop a policy and, if necessary, a procedure regarding attorney/party requests to access and/or view recorded media. Access to the recorded media is limited when access to the record is limited. See Nonpublic and Limited-Access Court Records at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_chart.pdf.
- All recordings created by court reporters and recorders, regardless of the media, are considered court records (see MCR 8.108). Courts must establish a policy whether to provide access for records defined in MCR 8.119(F), and if access is provided, must outline the procedure for accessing those records. The court's LAO for Inspection, Reproduction, and Creation of New Records provides the method for determining the reasonable cost of reproducing a recording.

Procedures for Transcript Request and Preparation:

- It is important to establish clear procedures regarding the transcript request/preparation process including assigning responsibility for capturing accurate request information, retrieving the necessary media, and tracking outstanding requests.
- If attorneys and parties are permitted to purchase copies of recorded media and have transcripts prepared from those copies, it is imperative that the court outline its transcript procedure in writing and mandate that only transcripts prepared through the court's process and in accordance with MCR 8.108 shall be considered official transcripts of the court. See the *Manual for Court Reporters/Recorders*.
- When access to the record is limited, access to the transcript shall be limited accordingly. See the Nonpublic and Limited-Access Court Records chart at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_chart.pdf.
- A court official shall be designated to be responsible for ensuring that transcripts are filed in a timely manner.

Cross References: See also Area 2 - Filing Systems and Storage. For information about access to court records generally, see Component 19 - Access to Records and Case Folders.

Case File Management Standards (rev. 11/12)

1.2.3: Court Recordings

Component 25	Phases of File Management Where Used
unassigned at this time	

Case File Management Standards (rev. 11/12)

1.3: Postadjudication Activity

Purpose: Once a court case is disposed, there are a number of activities that could occur in addition to appeals to a higher court. Each possible activity should be identified for each case type. When any of these events occur that require a court hearing, the register of actions is updated and the hearing is scheduled using the calendar.

During this phase, the case files and supporting records, such as register of actions, may move to closed status. Such files may be moved to an inactive storage area because of the reduced need for rapid access and to make room in the active filing system for new records. Records should be organized into group files or considered for inactive microfilming to save space and increase security and accessibility. Some records may have to be kept active for appeal processing or reopened for further actions such as criminal postconviction relief, garnishment, or other civil judgment execution, support enforcement, or adjustments in domestic relations cases. See Areas 2 and 4 for further standards.

General Case-Processing Procedures and Records Created or Used

Procedures/Events	Records Created or Used
Execute case disposition order	Disposed case file
Process appeals	Case file, register of actions
Process motion to reactivate case (see Area 1.2)	Case file, register of actions, calendar
Return/destroy exhibits (see Area 1.1.7)	Exhibit log
Transfer case files from active filing system	Records storage system
Implement records retention schedule (see Area 4)	Records retention schedule

Case File Management Standards (rev. 11/12)

1.3.1: Appeal Processing

Component 26	Phases of File Management Where Used
Appeal Processing	Postadjudication

Standard:

A record on appeal may include confidential information, which needs to be clearly identified as “CONFIDENTIAL” or “NONPUBLIC.”

General Procedures:

- The record normally consists of the original documents filed in the court, the transcript of any testimony or other proceedings in the case, and the exhibits introduced. See MCR 7.210(A)(1) and (2) and MCR 7.311(A) and below for further details.
- In delinquency and child protective proceedings, the confidential social file is a part of the record and must be transmitted to the appellate courts. The clerk shall ensure that confidential information is designated as “CONFIDENTIAL” or “NONPUBLIC” (Component 19). MCR 3.903(A). See also Component 9, Minimum File Contents.
- As required by court rule, send the record on appeal. MCR 7.109(G); MCR 7.210(H); MCR 7.311(A).
- Unless e-filing is permitted, transmit original documents by courier service or by registered or certified mail, return receipt requested.
- Maintain the original case folder (if one), the register of actions listing the documents transmitted, any postal receipts from registered or certified mailing, and as appropriate, either the order transmitting the record (to circuit court) or a copy of the record production checklist (to the Court of Appeals, SCAO-approved form CC 71). It is not required to make a copy of the file contents before transmitting the file; however, a court may opt to do so in situations where other matters continue on that same case in the trial court after the case has been transmitted to the appellate court.

Motion for Relief From Judgment:

If a motion for relief from judgment is not denied, the court may direct the parties to expand the record by including any additional materials it deems relevant. The expanded record may include letters, affidavits, documents, exhibits, and answers under oath to interrogatories. The court may require the authentication of any item submitted under this rule. MCR 6.507.

Appeals to the Circuit Court:

The clerk of the trial court shall ensure that the entries on the register of actions are correct and ready for transmittal, ensure that all exhibits have been filed, and ensure that all relevant documents from the court file are ready for transmittal. If the record is ready for transmittal, the court shall sign an order transmitting the record. The trial court may order removal of exhibits from the record. The trial clerk of the court must send the record to the circuit clerk of the court. The circuit court must immediately send written notice to the parties when the record is filed in the circuit court. MCR 7.109(G).

Case File Management Standards (rev. 11/12)

1.3.1: Appeal Processing

Component 26 (continued)	Phases of File Management Where Used
Appeal Processing	Postadjudication

Appeals to the Court of Appeals:

The trial clerk of the court or tribunal clerk shall timely send to the Court of Appeals the record on appeal in the case pending on appeal, except for those things omitted by written stipulation of the parties. Weapons, drugs, or money are not to be sent except upon the request of the Court of Appeals. The trial court or tribunal clerk shall append a certificate identifying the name of the case and the papers with reasonable definiteness and shall include as part of the record the following: a register of actions; all opinions, findings, and orders of the court or tribunal; and the order or judgment from which the appeal is sought. Transcripts and all other documents that are part of the record on appeal must be attached in one or more file folders or other suitable hard-surfaced binders showing the name of the trial court or tribunal, the title of the case, and the file number. MCR 7.210(G). After the Court of Appeals disposes of an appeal, the Court of Appeals will promptly send the original record, together with a certified copy of the opinion, judgment, or order entered by the Court of Appeals to the clerk of the court or tribunal from which it was received or to the Supreme Court if an application to appeal has been filed. MCR 7.210(I).

Appeals to the Supreme Court:

When requested by the Supreme Court clerk, the clerk of the lower court or tribunal shall certify papers on file in that court and send them to the Supreme Court clerk. After final adjudication or other disposition of an appeal, the clerk shall return the original record to the clerk of the lower court or tribunal in which the record was made. MCR 7.311(A), (B).

Case File Management Standards (rev. 11/12)

1.3.2: Inactive Filing Systems

Component 27	Phases of File Management Where Used
Inactive Filing Systems	Postadjudication

Standard:

It is recommended that case files be moved from active file space and stored in a safe and secure place when they become inactive or closed. See Area 2: Filing Systems and Storage for more detailed standards.

Case File Management Standards (rev. 11/12)

1.3.3: Implementing Records Retention
and Disposal Schedule

Component 28	Phases of File Management Where Used
Implementing Records Retention and Disposal Schedule	Postadjudication

Standard:

After a case is inactive or closed, move case files from active file space and store in a safe and secure place. The records retention and disposal schedule is the most important tool available for managing records at this stage. The responsibility for implementing the records retention and disposal schedule is at the local level. MCR 8.119(K).

Cross References: See Area 2.2: Inactive Records Storage, and Area 4: File Retention and Destruction for specific and detailed standards.

Case File Management Standards (rev. 07/14)

1.3.4: Micrographics

Component 29	Phases of File Management Where Used
unassigned at this time	

Case File Management Standards (rev. 11/12)

2.1: Active Files – Space, Equipment,
and Supplies

Component 30	Phases of File Management Where Used
Active Files – Workflow, Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

Standard:

Filing Considerations:

Whether paper-based or electronic, the filing system and workflow should be viewed in the context of the four distinct phases of case processing so that the system provides a continuum of activity from initiation to inactive storage to ultimate disposition of the records (kept permanently or destroyed). In a paper-based system, the filing system will affect the paperflow and workflow in the court; therefore, staff, files, and equipment should be located in relation to each other. In an electronic document management system, automated workflow should be used to maximize productivity.

- **Case Initiation:** Once a case file has been opened, it should contain all case-related documents to facilitate active case monitoring.
- **Active Case Monitoring:** Administrative control over case processing is essential so that records (including registers of actions, calendars, and case files) can be located quickly when needed. In a paper-based system, determine whether the court needs a centralized active file room or decentralized filing scheme with files for each case-processing section near the staff working with them. The size and organization of court staff may affect the organization and location of these files.
- **Case Disposition to Closing:** Case files should be in chronological order for disposition processing. Develop a case-closing procedure when appropriate to ensure all essential and required documents are in the file.
- **Postadjudication:** Active case files and supporting records may be moved to inactive status. In a paper-based system, such files should be moved to an inactive storage area because of the reduced need for rapid access and to make room in the active filing system for new records. In an electronic document management system, consideration should be given to organization of files for ease of maintenance and migration. Organize files into groups and consider inactive microfilming when that is the most cost-effective and efficient method for long-term storage. Some records may have to be kept active for further processing, including appeal processing. Records which are reopened for further actions such as criminal postconviction relief, garnishment or other civil judgment execution, support enforcement, or adjustments in domestic relations cases should be kept in active files.

Case File Management Standards (rev. 07/14)

2.1: Active Files – Space, Equipment,
and Supplies

Component 30 (continued)	Phases of File Management Where Used
Active Files – Workflow, Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

Assessing Space and Equipment Needs for Active Paper-Based Filing Systems:

In an electronic system, there is a need to plan and consider expenses associated with maintaining and using electronic case-file records. Each court should critically assess the access, use, maintenance, and retention needs versus the associated costs. See Appendix for comparison of digital and microfilm conversion and retention versus paper retention.

In a paper-based system, there are four basic considerations for filing systems for each type of record: (1) type of record or record series, (2) filing arrangement, (3) filing equipment, and (4) filing supplies. The first step in designing and developing a new filing and records management system is to list the components of the present system. See the Appendix for a formula to assess filing space.

- **List Components of Present System.**
Prepare a chart or list of the present location of files, record series title, span of years, inclusive case numbers and number of case files, status of files, files per inch, volume in cubic feet, equipment quantity and type, and any other pertinent information.
- **Determine Filing Arrangement.**
 1. Analyze the information collected to determine how large the active filing and inactive systems need to be for each case type. A general rule is that when 90 to 95 percent of the cases for a given year are no longer active, they should be moved en masse to inactive storage.
 2. For each group of case types, calculate the average number of cases per file inch. From that calculate the number of filing inches needed for active files, allowing some space for growth.
 3. An alternative to keeping case files in one-year numerical blocks is to move them to inactive storage as they become inactive/closed. This requires a cross reference either on the file shelf, in the index, or on the register of actions so that the appropriate storage box can be located when an inactive file is needed. A few lingering cases should not be used as an excuse to keep large quantities of unneeded inactive records in prime office space.
 4. Case types that have a higher-than-average reopening rate such as domestic relations cases do not need to be kept in the active filing system numerically in whole-year blocks since the reactivated cases can be retrieved individually as needed.
 5. Develop a realistic policy for moving case files to an inactive status to ease office congestion.

Case File Management Standards (rev. 11/12)

2.1: Active Files – Space, Equipment,
and Supplies

Component 30 (continued)	Phases of File Management Where Used
Active Files – Workflow, Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

- Filing Equipment
 1. Based on the number of filing inches needed for active files, use the conversion chart in the **Appendix** to determine the filing equipment needed. By calculating the number of active files (by filing inches) that probably will be on hand at any given time, the size of the active filing system can be kept fairly constant.
 2. Filing equipment and supplies should comprise no more than 15 to 30 percent of total system costs. A simple filing system is preferable, provided it can efficiently accommodate needs of the present and foreseeable future.
 3. Match filing equipment to court use. Avoid forcing files into outdated or inadequate filing equipment.
 4. For increased compaction, consider high-quality open shelving mounted on tracks to form movable aisles. However, there are trade-offs in speed of access and higher installation costs, so this type of filing should be carefully evaluated before being adopted.
 5. Plan the basic filing-equipment design and layout.
 6. Most common types of equipment include: (1) fixed lateral shelving, (2) hanging open-box, (3) movable lateral shelving, (4) drawer filing, (5) transfer boxes, (6) mechanized filing, (7) card files, (8) top or open reference, and (9) microfilm filing.
- Filing Supplies (see also Component 6).
 1. Determine appropriate internal components such as file folders, file guides, file supports, and out-folders.
 2. In selecting a file folder, become familiar with the variety of sturdiness and other features and choose a folder that suits the application and meets the criteria of cost effectiveness and efficiency.
 3. In an open-shelf lateral-filing system, the tab should be on the side of the folder. A full side tab is recommended to accommodate color-coded numbers and letters for the case number.
 4. Standard two-inch file (or Acco) fasteners help keep papers in their proper chronological order, although documents have to be punched or drilled. Two fasteners on the right and left sides of a file folder can be used, but require more care in training as to which documents should be filed on the right and left sides. Fasteners should be factory-applied or of the self-adhesive type.

Case File Management Standards (rev. 11/12)

2.1: Active Files – Space, Equipment,
and Supplies

Component 30 (continued)	Phases of File Management Where Used
Active Files – Workflow, Space, Equipment, and Supplies	Case initiation, maintenance, disposition to closing

5. A self-adhesive label is easy to prepare and apply to the front of a file folder. There should be no need to incur the added expense of preprinting any information on a file folder.
 6. File guides act as internal signposts in the active filing system. They identify sections to speed up retrieval and refiling. Place them every 50 or so folders or every 6 to 10 inches apart. Choose the right quantity and a good quality of file guides.
 7. Out-cards or out-folders should be used. The out-card should be made of stiff card stock with preprinted entries for the date, case number, and name of the individual who checked out the file. Out-folders are generally made of durable vinyl with a clear plastic diagonal pocket to place new documents received until the file is returned and a clear plastic pocket which holds a three- x five-inch out-slip containing the date, case number, and name of the individual who checked out the file.
- Color Coding (optional).
 1. Color coding is used on the file tab to identify the case number (year, number, and case-type code). The banks should line up with each other on an open-shelf lateral file to distinguish between ones, tens, hundreds, and thousands.
 2. Use folders with the color bands affixed by the manufacturer, reserving hand-applied colored tabs for overflow backup folders in voluminous cases.
 3. Vendors have their own color-coding scheme, so choose a vendor that can be relied on for resupply of folders and labels.
 - Support Equipment/Filing Accessories.
 1. Consider filing accessories such as retractable workshelves, placed every three or four units apart on which to lay files when the files are being updated.
 2. Use of file carts especially designed to move files around can aid in sorting files for delivery or refiling.
 3. Use of sorting devices can aid in the preliminary arrangement of records for filing.

Cross References: See Component 6 - Case File Folder/Jacket. See the Appendix for formulas to assess filing space needs, for a volume and linear dimension conversion table, and for a guide for equipment evaluation.

Case File Management Standards (rev. 11/12)

2.2: Inactive Records Storage

By definition and design, an active filing system will lead to a continuous movement of records from active to an inactive filing system or records storage area. Records move much slower in an inactive records storage area than in an active filing system, but records are being added, individual records continue to be accessed periodically, and material must be moved out for destruction or transfer to another location such as an archive or microfilm center. The purpose of inactive records storage is simply to move inactive/closed case files from prime space to lower-cost space where records may be more densely packed and are accessed with decreasing frequency as they become older. An inactive system is easier to expand as the need arises than an active filing system. The records retention and disposal schedule is the primary tool used to manage accumulations of records. It identifies records that can be destroyed and those that should be retained. With information about active files and retention periods for inactive records, the general amount of storage space needed over a fairly long period can be determined.

Component 31	Phases of File Management Where Used
Inactive Records Storage	Postadjudication

Standard:

Assessing Amount of Inactive Records:

- Determine what and how many inactive records are on hand.
- Use the same type of inventory or survey used for the active filing system to plan and design an accessible and workable inactive records storage system.

Options for Records Storage:

- Three main options for long-term inactive records storage should be considered: (1) in-house, court-controlled inactive storage, (2) records center run by the city, county, or state, or (3) commercial records storage facility.

Records Storage Facilities:

- Make the greatest possible use of the space (width, depth, and height).
- Provide for reasonable access (aisle width) to stored records.
- Provide for adequate lighting. Aisle ways should be lighted for safety and aid in working conditions. Consider zoned lighting to conserve energy. Install more light in office and research areas.
- Provide for security and protection of stored records against fire, water, environment, pests and vermin, vandalism, theft, and loss.

Case File Management Standards (rev. 11/12)

2.2: Inactive Records Storage

Component 31 (continued)	Phases of File Management Where Used
Inactive Records Storage	Postadjudication

- Consider including space for researchers to review records, an office for staff, and a work area for processing records or for microfilm preparation.

Safety and Environmental Considerations:

- Fire Damage:
 - Institute prevention policies, including cleanliness, electrical system maintenance, and a prohibition on smoking.
 - Stress early detection by installing smoke alarms.
 - Consider installing fire alarms, fire extinguishers, and a sprinkler system (250-286 degrees Fahrenheit rating; independently activated heads).
- Water Damage:
 1. Eliminate/avoid overhead pipes.
 2. Ensure that the bottom of the lowest shelf is at least four inches off the floor.
- Environmental Damage:
 1. Maintain the optimal temperature range (65-75 degrees Fahrenheit).
 2. Maintain the optimal humidity range (50-60 percent).
- Preventing Pest and Vermin Damage:
 1. Call the exterminator as soon as signs appear.
 2. Take preventive action to prevent a recurrence.
- Preventing Vandalism, Theft, and Loss:
 1. Establish and enforce an access control policy.
 2. Install a special security cage for confidential and sensitive records.

Inactive Records Storage Equipment:

- Steel-frame warehouse-type shelving is recommended.
- Shelves may be plywood or 5/8-inch particle board.
- For lateral side-tabbed files, a front-opening box is recommended.
- Stack boxes two high on each shelf and two deep for increased density.
- Select shelving strong enough for full records boxes that weigh 30 to 50 pounds each.
- Design the system so shelving uses most of the vertical space within a room not to exceed 12-14 feet).
- Have on hand a good-quality stepladder on wheels that lock down when the ladder is mounted.

Case File Management Standards (rev. 11/12)

2.2: Inactive Records Storage

Component 31 (continued)	Phases of File Management Where Used
Inactive Records Storage	Postadjudication

Records Storage-Area Supplies:

- For bound books and odd-sized material, determine special equipment configurations and box sizes.
- Use standard top-opening, one-cubic-foot records storage boxes. Legal-size files can be placed in the box lengthwise and letter-size breadthwise.
- Avoid 2 ½ cubic-foot storage boxes and drawer-type transfer boxes since they can cost three or four times as much as a standard box and weigh 80 to 90 pounds when full.
- If appropriate, consider movable shelving for greater compaction. Costs are substantially higher than a basic warehouse-shelving and storage-box system.

Managing Inactive Records-Storage Area:

A procedures manual should be developed to ensure orderly and efficient operation of inactive storage and to state policies concerning access to and control of the records. Other operational considerations are listed below.

- **Space-Numbering System:**
Use a space-numbering system to indicate the location of each box within the facility and as a cross reference in the facility index. Two methods of numbering are by row-space number and by sequential zigzag (used in smaller facilities). In row-space numbering, each aisle is given a sequential number and each row is evenly subdivided into spaces. In sequential-zigzag numbering, neither the aisles nor rows are numbered.
- **Indexing:**
Existing alphabetic indexes can be used to determine a particular case number. However, a special index should be maintained to determine the status and location of each inactive file since they may be reactivated and returned to active records areas, transferred to archives, or destroyed. The simplest method is a transfer list consisting of the case number, location, and status of each record. The register of actions may be used as a transfer list by simply adding the appropriate information.
- **Initial Storage:**
 1. Pack records for inactive storage when they are still in active storage rooms.
 2. Clearly label the box on the end facing the aisle with case numbers included and any exceptions.
 3. Assign boxes the appropriate sequential box number.
 4. Write the box number and records-series information on the transfer list.
 5. Write the storage space to be occupied on the box and the transfer list.
 6. Maintain one copy of the transfer list in the clerk’s office and another in the storage area.
 7. Write any further transfers (to remote storage or archives) on the transfer list.

Case File Management Standards (rev. 11/12)

2.2: Inactive Records Storage

Component 31 (continued)	Phases of File Management Where Used
Inactive Records Storage	Postadjudication

- Access Retrieval and Charge-Out Procedure:
 1. Limit access to authorized court records personnel.
 2. Have persons desiring records located in a storage area fill out a request form.
 3. Periodically prepare statistics regarding access to the records from the request forms to determine which records are no longer needed locally and can be transferred to a more remote storage area.
 4. Use a charge-out card listing the borrower and record title. Place in the box in place of the removed record. A multipart form can be used, one part being attached to the charge-out card, the second part given to the borrower, and the third part placed in a tickler file for follow-up. Require the borrower to sign for the borrowed record.
 5. Do not allow the case file to leave the clerk’s office or courthouse facilities.
 6. Provide adequate reproduction equipment to produce document copies when required.
- Refiles and Interfiles:
 1. After use, return inactive case files in batches to their proper location.
 2. Interfiling consists of adding documents to the existing records. Keep interfiling to a minimum for inactive records since storage space must be provided to allow the files to expand.
- Reactivated Cases:
 1. When an inactive case is reactivated, retrieve the folder and refile in the active filing system.
 2. Use the charge-out card to note the status and location of the reactivated file. Keep the space open in inactive storage that was previously occupied by the file.
 3. When the file is returned to inactive storage, replace in the proper filing order.
- Disposal of Record:

Dispose of or remove records in a court-operated inactive-records facility on a regular basis according to the requirements of the records retention and disposal schedule. See Area 4 for details. Secure written authorization for destruction. Update the transfer list or other index as records are disposed or transferred.

Case File Management Standards (rev. 07/14)

3.1: Management

In order to improve forms and reports design, stem the proliferation of forms, and control costs, a forms and reports management program is helpful. The State Court Administrative Office has a statewide forms program that focuses primarily on the analysis and design stages of forms management. The result is the development of standardized court forms and reports for statewide use. MCR 8.103(5), (9).

Trial courts that develop their own forms should consider operating a forms management program which focuses on the following three aspects of forms: (1) management, which is the overall control and procurement of forms, (2) analysis of information needs in order to design the most effective form for each specific application, and (3) forms design, which is the art of devising a form to efficiently service a given function or systems need. Courts that use SCAO-approved forms should still consider a forms management program to help in overall control and procurement of forms.

Component 32	Phases of File Management Where Used
Trial Court Forms and Reports Management	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

Organizing Court Forms:

Organize court forms by type and case-processing phase. The major types of forms are: (1) internal administrative forms, (2) forms prepared and issued by the court, (3) court forms furnished to attorneys and other agencies, (4) court forms furnished to the public, (5) other agency forms used by the court. The processing phases are: (1) case initiation, (2) monitoring active cases, (3) disposition to closing, and (4) postadjudication. See below for further information about the types of forms and processing phases.

Cataloging and Indexing Forms:

Except for SCAO-approved forms, assign a title and number to each form. Index the forms by form number and title. Include a revision date.

Establishing Policies and Procedures for Managing Forms:

Establish policies and procedures for: (1) maintaining files on SCAO-approved forms and internally developed forms including indexing and inventory records, (2) purchasing forms, (3) monitoring the usage of forms, and (4) periodic review of each form for needed changes or possible improvements.

Case File Management Standards (rev. 07/14)

3.1: Management

Component 32 (continued)	Phases of File Management Where Used
Trial Court Forms and Reports Management	Case initiation, maintenance, disposition to closing, postadjudication

Internal Administrative Forms:

The following are examples of internal administrative forms:

- The forms used in case initiation include the register of actions, indexes, calendar, scheduling worksheet, receipts, journal, bond.
- The forms used in monitoring active cases include the calendar, exhibit log, bench warrant, receipts, and journal.

Forms Prepared and Issued by the Court:

The following are examples of internally prepared and issued court forms:

- The forms used in case initiation include the judges assignment and receipts.
- The forms used in monitoring active cases include the subpoena, notice to appear, summons, bench warrant, and orders or writs.

Court Forms Furnished to Attorneys and Other Agencies:

The following are examples of forms furnished to attorneys and other agencies:

- The forms used in case initiation include the petition or complaint.
- The forms used in monitoring active cases include the subpoena or notice to appear.
- The forms used in postadjudication include garnishment, execution, and claim of appeal and other related forms.

Court Forms Furnished to the Public:

The following are examples of forms furnished to the public:

- The forms used in case initiation include the small claims affidavit, pro se forms, and other complaints and petitions.
- The forms used in monitoring active cases include the subpoena, notice to appear, notice of hearing, and any other pro se forms the public needs to process a case.
- The forms used in disposition/closing include judgments and other orders the public needs for the case.
- The forms used in postadjudication include garnishment, execution, and claim of appeal and other related forms.

Case File Management Standards (rev. 07/14)

3.1: Management

Component 32 (continued)	Phases of File Management Where Used
Trial Court Forms and Reports Management	Case initiation, maintenance, disposition to closing, postadjudication

Requirement to Provide Forms:

Pursuant to court rule or statute, the courts are required to provide the following forms upon request:

- Forms for small claims proceedings. MCL 600.8403; MCR 4.302(A).
- Forms for landlord-tenant, land contract proceedings. MCR 4.201.
- Pro se forms for child support, parenting time, and custody proceedings. MCL 552.519(3)(k).

Pursuant to court rule or statute, the courts are required to provide the following forms **free of charge** upon request of a pro se litigant or indigent defendant:

- Pro se forms for personal protection proceedings. MCL 600.2950, MCL 600.2950a.
- Motion for postappeal relief. MCR 6.502(D).

Where a court rule or statute does not already require it, the chief judge may, by Administrative Order, direct the clerk of the court to provide litigants and attorneys with copies of forms approved by the State Court Administrator. In addition, except when a court rule or statute specifies that the court or clerk of the court must provide certain forms without charge, the Administrative Order may allow the clerk to provide the forms at a cost of reproduction to the clerk. MCR 8.110(C)(7). Language regarding provision of forms and charging for the cost of reproduction has been included in Model LAO 8, which has to do with public access to court records.

Mandating Use of Forms:

Unless specifically required by statute or court rule, the court may not mandate the use of a specific form, whether SCAO-approved or locally developed. For lists of mandatory use of forms, see <http://courts.mi.gov/administration/scao/forms/pages/search-for-a-form.aspx>.

Cross References: For more information about the State Court Administrative Office forms management program, see Section 8-06 of the *Michigan Court Administration Reference Guide* at

<http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/carg/carg.pdf>.

Case File Management Standards (rev. 11/12)

3.2: Analysis and Design

Forms analysis and design are important tools in developing accurate, effective, and efficient forms. While most courts do not employ staff specifically to analyze and design forms, there are some standard specifications and design that can aid in the process. In 1984, the Circuit, District, Juvenile, and Probate Court Forms Committees adopted the State Court Administrative Office standard specifications and design criteria for developing SCAO-approved forms. These specifications may be helpful when developing local court forms.

Component 33	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

Standard:

Analysis:

- Develop forms-design questions and a checklist to ensure that answers determine the need for a form, how and why the form is used, and possibilities for standardizing the form or combining it with other forms. Questions that should be asked are:
 1. What is the title and form number?
 2. What is the form used for?
 3. Where and by whom is the form prepared (at the counter, in the office, by the public, by court staff, in court, outside the court, etc.)?
 4. How is the form prepared (handwritten, typed, word processor, computer printer)?
 5. Physical description of the form (size, color, paper weight)?
 6. How often will the form be handled (a lot, some, seldom)?
 7. Can questions on the form use multiple-choice (yes, no)?
 8. What other recurring fill-in data can be preprinted (e.g. *defendant* instead of a space for a name)?
 9. Are there any items asked for on the form that can be eliminated?
 10. What is the estimated annual usage?
 11. How many copies are normally prepared at one time (1, 2, 3, 4, other)?
 12. What is the normal distribution (court file, plaintiff, defendant, other)?
 13. Should the form be designed for a single sheet, 2-part, 3-part, 4-part, pad, other?
 14. Should other forms containing common information be combined with this form?
 15. Should the use of rubber stamps and court seals be considered for this form (yes, no)? If yes, what?
 16. What is the best sequence or grouping of items for entering and extracting information?
 17. Approximately how much information should be placed in each entry space?
 18. If forms are combined for one writing, will certain data be required on undercopies or will different data be added once separated (i.e, register of actions and index cards)?

Component 33 (continued)	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

Technical Design Criteria:

The traditional legal style of forms design uses a “fill-in-the-sentence” type of construction that attempts to combine both static and variable information so that once completed, the form reads in continuous sentences. For many forms, this is the most practical design. However, this traditional design requires 40 to 60 percent more time to prepare than a modern form. If some blanks are not applicable, it becomes cumbersome and confusing for the preparer and reader. These forms often unnecessarily repeat information such as a defendant’s name several times.

Where practical, the use of modern forms design techniques can improve management and clerical efficiency. A feature of modern forms design is the separation of preprinted and variable (fill-in) information. Properly designed forms are simple and largely self-instructional. Variable (fill-in) information is inserted using a box design. Spaces should conform to the amount of information to be inserted.

Forms-design standards promote efficiency, save money, and increase professionalism. Standards should assure that all forms produced by a court are consistent in the following respects:

- Paper size: Most forms should be printed on letter-size (8 ½ x 11-inch) paper. Exceptions are citations, index cards, etc. MCR 1.109(C).
- Form numbering: A workable system should be developed to assign numbers to forms. The form number along with the date designed or revised should appear on all forms in the same location (i.e., lower left corner).
- Form titles should appear on the top of each form and should indicate the form’s purpose.
- The space for case number should appear in the same location on all forms, usually the upper right corner.
- Vertical spacing on the form should correspond to typewriter spacing (i.e., six lines per inch). Use double space as much as possible. If the form is prepared on a computer only, typewriter spacing is not as important.
- Multipart forms should be considered when the distribution is known (i.e., a three-part form for court file, plaintiff, and defendant). Distribution information for multipart forms should be clearly printed on each part of the form.

Component 33 (continued)	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

Substantive Design Criteria:

Clearly delineate the sections of a form to assist in the design process.

- Plain English should be used in court forms. Latin, foreign terms, and legal terminology should be avoided or limited.
- The title and description of the form are at the top where users look first.
- The body of the form contains all the factual information, which should be grouped for a logical flow. In most court forms, the case title or party names are usually near or at the top of the form.
- Fields requesting a social security number or driver’s license number should not be included with the case title or party names when the form is designed for use in a window envelope. Under MCL 37.252 a state agency or a local governmental unit shall not deliver or cause to be delivered an envelope or package on the outside of which personal information is placed or on the inside of which personal information is placed that is visible from the outside of the envelope or package. Personal information includes the social security number and the driver’s license number (or state identification number if no driver’s license number). A state agency includes the judicial branch.
- The termination or closing is the last of the three basic parts of the form and is usually provided for signature and approvals.
- Forms should be designed to be self-explanatory where possible. When extra instructions are necessary, the reverse side or a separate cover sheet should be included.
- When appropriate, use a declaration when a jurat is not specifically required by statute or court rule. MCR 2.114 and MCR 5.114.
- Comply with statutes and court rules.

Specifications for Printing Forms:

- Generally, court forms that have moderate to high usage should be professionally typeset and printed. Typesetting can employ several very useful forms-design techniques such as variable line widths, type sizes, shading, and other special techniques. However, overuse of special techniques diminishes their effectiveness.
- Printing of forms produces better copies and does not distort typewriter spacing as do many photocopy machines. Photocopying is also usually more expensive for quantities of forms. Printing of a multipart form using carbon interleaf or NCR paper is also more economical than printing single-sheet forms and photocopying the additional copies needed.
- Consider designing forms such as notices so they can be mailed in window envelopes.

Case File Management Standards (rev. 11/12)

3.2: Analysis and Design

Component 33 (continued)	Phases of File Management Where Used
Forms Analysis and Design	Not applicable

Electronic Forms:

- Electronic forms require careful design so that input and output forms complement the speed and efficiency computers are intended to promote.
- Input forms should be designed to allow the person entering data to focus on the relevant items of information in a logical sequence consistent with a data entry screen. All information on a form is not normally entered, so use highlight techniques for input forms.
- When using impact printers, preprinted forms are useful for computer output since the selection of type styles and sizes will amplify the variable data printed by the computer printer.
- When using laser printers, consider designing the static information with one type style and programming the input (variable) information with another type style to amplify the variable data.

Cross References: For more information about the State Court Administrative Office standard specifications and design criteria, see Section 8-06 of the *Michigan Court Administration Reference Guide*.

Case File Management Standards (rev. 11/12)

4.1: File Contents

The records retention schedule outlines various court records including case files. For most case files, the register of actions must be kept permanently. Elimination of the remaining contents of case files is specified by the schedule, except that elimination of discovery materials in civil cases is regulated by MCR 2.316.

Component 34	Phases of File Management Where Used
File Contents Retained and Destroyed	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

- Any item file-stamped and placed in a case file (except the register of actions and any nonrecord material as described in item 16.120 of the General Records Retention and Disposal Schedule #16 Michigan Trial Courts) becomes part of that case file and must be maintained for the full length specified in the retention and disposal schedule, except that discovery materials may be removed and destroyed from files in accordance with MCR 2.316.
- Items not placed in a case file because of size limitations (such as transcripts) but which are considered part of the case file must be maintained for the full length specified in the retention and disposal schedule, except for discovery materials removed and destroyed in accordance with MCR 2.316. See the Appendix for a copy of SCAO- approved form MC 29, Notice of Intent to Destroy Discovery Materials.
- Items not placed in a case file which may be related to the case file, such as driving records, LEIN records, warrant information, fingerprints, duplicate copies, envelopes, correspondence, handwritten notes, and other similar records, are not considered part of the case file and may be destroyed in accordance with the retention and disposal schedule.
- The register of actions is not considered part of the case file. It is a court record related to the case file. If the register of actions is made a part of the case file or is preprinted on the folder jacket, it must be separated from the file contents and maintained permanently in accordance with the retention and disposal schedule.

Cross References: For more details, see the records retention and disposal schedule at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_schd.pdf and information in Area 4.2. See also Component 9 - Minimum File Contents.

Case File Management Standards (rev. 11/12)

4.2: Retention and Disposal Schedules

Component 35	Phases of File Management Where Used
Retention and Disposal Schedules	Case initiation, maintenance, disposition to closing, postadjudication

Records retention and disposal schedules are the most important and powerful tool available for the basic management of terminated records. These schedules are an approved plan defining which terminated records can be destroyed and when, and which records must be kept permanently. Most of the retention periods are mandated either by statute or court rule. Other retention periods are determined through the recommendations of advisory committees of trial court representatives.

Development and maintenance of a trial court records retention and disposal schedule is the responsibility of the State Court Administrative Office in conjunction with the Department of History, Arts and Libraries, the Attorney General, and the State Administrative Board. MCR 8.119(K).

The responsibility for implementing the records retention and disposal schedule is at the local level. Regular use of records retention schedules is the responsibility of the trial courts and is key to maintaining control over records storage. See the records retention and disposal schedule for Michigan trial courts at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_schd.pdf.

Case File Management Standards (rev. 02/18)

4.3: Destruction of Files

Since the records retention and disposal schedule is preapproved, destruction can take place in the normal course of business without the need for separate approvals each time a court wants to destroy a group of records except that the court shall comply with MCR 8.119(K).

Component 36	Phases of File Management Where Used
Destruction of Files	Postadjudication

Standard:

Phase 1: Identifying Records for Destruction:

- At a minimum, the clerk of the courts should conduct an annual review of records against the appropriate records retention and destruction schedule.
- Sixty to ninety days before destroying records, conduct a staff meeting to select a project leader who will be responsible for responding to questions and assuring consistency in the records-destruction effort.
- Sixty days or more before the date of the destruction effort, identify inactive records to be destroyed. Refer to the records retention and disposal schedule to identify those records that exceed the minimum retention period. Include only those boxes, file drawers, containers, etc., in which the entire contents can be destroyed.
- Mark remaining inactive records with the year that they are eligible for destruction.

Phase 2: Staffing and Other Requirements for Destroying Records:

- Determine the staffing requirements for the project. The time will vary depending on the case-type group, the years to be processed, the detail recorded in the case history of certain case-type groups, and the extent to which the court has already separated records with differing retention periods from the case files of certain case-type groups.
- In consultation with the chief judge, determine whether the court must be closed during the effort. If so, prepare an appropriate notice of closing through local administrative order and submit it to the regional administrator for approval. After the local administrative order is issued, provide notice to the local bar association and local media, and post the notice at all court locations.
- Prepare the work site. Identify and secure a work area to be used during the destruction process. Arrange for equipment such as hand carts for moving file boxes, additional staff (such as maintenance or jail trustees), storage for paper and files during the destruction effort, personnel to destroy the records, and the method of destruction.
- Schedule and make any needed alterations to current storage areas while they are empty.

An area of 300 cubic feet of records will require approximately three to five days to complete the destruction process depending on staff allocations, use of trustees or community service workers, and other similar factors.

Case File Management Standards (rev. 09/17)

4.3: Destruction of Files

Component 36 (continued)	Phases of File Management Where Used
Destruction of Files	Postadjudication

Phase 3: Destruction Effort:

- Establish work stations according to case type and divide case types according to the appropriate record retention and destruction schedule.
- Arrange staff into work teams making sure that clerks who are familiar with each case type are assigned to the team.
- Show what papers are to be saved and how the destruction process is to be accomplished.
- Separate materials that must be retained from those to be destroyed.
- If the register of actions is a part of the file jacket, make sure the case file number is entered on the jacket before separating. The final judgment/order should also be retained.
- Retain permanent records in file storage boxes marked with the case type and file numbers contained. For example, Criminal 8700001-8700100. If open shelving is used, the retained records may be returned to shelving units.
- Records not eligible for destruction during this effort should be marked with the year that they will be eligible for destruction.
- Courts should conduct a records-destruction effort in conjunction with an annual pending case inventory.
- If records have been microfilmed or scanned for long-term retention, the reproduction should be checked for quality of image and accuracy before the original records are destroyed.
- Identify the records to be destroyed by item number, years covered, and type of media (paper, image, microfilm) and method of destruction. Prepare an order of destruction for the judge’s signature pursuant to MCR 8.119(K) and maintain the order for destruction permanently.

Phase 4: Cleanup:

- After the destruction effort is completed, make arrangements to have the work areas straightened up.
- Return any borrowed equipment.
- If any materials had to be temporarily stored before destruction, check to make sure they are removed and destroyed.

Phase 5: Transfer:

- Specified records must be transferred to State Archives as identified in the General Records Retention and Disposal Schedules. Courts must complete the “Direct Records Transmittal” form (MH 85).
See http://michigan.gov/dmb/0,4568,7-150-9141_21738-113205--,00.html for details.

Case File Management Standards (rev. 11/12)

4.3: Destruction of Files

Component 36 (continued)	Phases of File Management Where Used
Destruction of Files	Postadjudication

Accepted Methods of Disposal:

The accepted methods for disposing of records that have been identified for destruction pursuant to the record retention and disposal schedule are shredding, burning, or pulverization. Whatever method of disposal is utilized, court personnel should ensure and certify that disposal is done in a satisfactory and complete manner.

Cross References: See Records Retention and Disposal Schedule #13 for District Court http://www.michigan.gov/documents/dtmb/RMS_GS13_573186_7.pdf

Records Retention and Disposal Schedule #14 for Probate Court http://www.michigan.gov/documents/dtmb/RMS_GS14_597247_7.pdf

Records Retention and Disposal Schedule #15 for Circuit Court http://www.michigan.gov/documents/dtmb/RMS_GS15_597248_7.pdf

See Section 8-04 of the *Michigan Court Administration Reference Guide* at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/carg/carg.pdf> for a list of off-site record-storage facilities and companies that provide shredding services.

Case File Management Standards (rev. 07/14)

5.1: Micrographics

Micrographics is the reproduction of images on microfilm or microfiche. Other forms of reproduction are optical disk imaging, and digitized imaging. If micrographics or digital imaging is used, applications should be integrated into the activities of the court system pertaining to the receipt, processing, distribution, and storage of documents.

Component 37	Phases of File Management Where Used
Micrographics and Digital Imaging	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

- In order to ensure the integrity of trial court records and to adequately comply with the long-term retention periods required by statutes and court rules, trial courts must comply with the technical standards adopted by the Michigan Department of Technology, Management, and Budget – Records Management Services.
- Imaging is acceptable for both active file management and long-term (in excess of 10 years) records retention.
- Trial courts must maintain their records for the minimum retention periods authorized by the General Records Retention and Disposal Schedule #16 – Michigan Trial Courts. If a court chooses to reproduce a record at any time after it has been filed with the court, that original record can be destroyed as soon as the court has ensured the accuracy and quality of the reproduction.

Considerations:

- Requirements of a micrographics/imaging system should take into account the length of time records must be kept in accordance with the records retention and disposal schedule and the costs and benefits of present procedures compared to a micrographics or imaging system. Cost components include: (1) equipment such as purchase or rental, work stations, maintenance, etc.; (2) supplies; (3) personnel; (4) facilities; and (5) service bureaus, to compare against in-house micrographics operations.
- The use of micrographics or imaging for active files should be justified by the requirements of operations.
- The use of micrographics or imaging for inactive records should be justified by the requirements of the records retention and disposal schedule and need for access. Avoid filming, imaging, or otherwise reproducing every document in a case file unless essential. Oftentimes, the register of actions, pertinent pleadings or other papers, and dispositive documents are all that need to be reproduced.

Case File Management Standards (rev. 07/14)

5.1: Micrographics

Component 37 (continued)	Phases of File Management Where Used
Micrographics and Digital Imaging	Case initiation, maintenance, disposition to closing, postadjudication

Procedures and Technical Requirements:

- Develop guidelines for the program, including procedures regarding: (1) document preparation; (2) reproduction/imaging/filming; (3) processing and developing; (4) inspection and quality-control for determining and monitoring quality; (5) duplication of original film, disk, etc.; (6) storage of film, disk, etc.; and (7) destruction of originals.
- Trial courts must observe the policies, standards, and guidelines of Records Management Services for record reproduction located on the Michigan Department of Technology, Management & Budget website at http://michigan.gov/dmb/0,4568,7-150-9141_21738---.00.html, and if imaging records, must also comply with the Michigan Trial Court Guidelines and Standards for Digital Imaging.
- Trial courts should be aware that microfilm can deteriorate. The most common deterioration is “vinegar syndrome,” which results from a chemical reaction in the film that causes serious and irreparable damage to film. Once this chemical reaction begins, deterioration continues at an exponential rate and it often affects film in close proximity. For information about how to determine the condition of microfilm and options and resources for dealing with problems, contact Records Management Services at http://michigan.gov/dmb/0,4568,7-150-9141_21738---.00.html.

Cross References: For information on SCAO policies for reproduction, see General Records Retention and Disposal Schedule #16 - Michigan Trial Courts at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_schd.pdf. For information on microfilm resources, see Section 8-04 of the *Michigan Court Administration Reference Guide* at <http://courts.mi.gov/Administration/SCAO/Resources/Documents/Publications/Manuals/carg/carg.pdf>.

Case File Management Standards (rev. 11/12)

5.2: Facsimile and Other Forms of Transmission

Component 38	Phases of File Management Where Used
Facsimile and Other Forms of Transmission	Case initiation, maintenance, disposition to closing, postadjudication

Standard: MCR 2.406.

Authorization:

- Courts may permit the filing of pleadings, motions, affidavits, opinions, orders, or other documents by the use of facsimile communication equipment.
- Warrants may be issued by facsimile communication equipment and voice communication equipment in accordance with statute. MCL 780.651; *People v Snyder*, 181 Mich App 768 (1989); *People v Paul*, 203 Mich App 55 (1993).
- Courts may transmit original signed orders to law enforcement for entry into LEIN by facsimile communication equipment.
- Uniform Law Citations may be issued by electronic means. MCR 4.101(A)(1), MCR 8.125.

Paper and Type:

- All pleadings and other documents must be on good quality 8 ½ x 11-inch paper, and the print must be no smaller than 10 characters per inch (nonproportional) or 12-point (proportional).

Image Quality:

- It is essential that a document remain legible, especially after successive transmissions. Repeated transmission of a document by facsimile, such as a search warrant, may decrease the image quality.

Originals:

- Documents filed by facsimile communications equipment shall be considered original documents. The filing party shall retain the documents that were transmitted by facsimile communication equipment.

Signature:

- The signature required under MCR 2.114 includes a signature transmitted by facsimile communication equipment.

Case File Management Standards (rev. 11/12)

5.2: Facsimile and Other Forms of Transmission

Component 38 (continued)	Phases of File Management Where Used
Facsimile and Other Forms of Transmission	Case initiation, maintenance, disposition to closing, postadjudication

General Criteria for Filing by Facsimile:

- Except as provided by MCR 2.002, a clerk shall not permit the filing of any document for which a filing fee is required unless the full amount of the filing fee is paid or deposited in advance with the clerk.
- Documents intended to be filed in any court shall be on paper not subject to more rapid deterioration than ordinary typewritten material on ordinary paper.
- Courts may establish a maximum number of pages that may be sent at one time.
- Documents received during the regular business hours of the court will be deemed filed on that business day. Documents received after regular business hours and on weekends or designated court holidays will be deemed filed on the next business day. A document is considered filed if the transmission begins during regular business hours, as verified by the court, and the entire document is received.

Special Criteria for Issuing Search Warrant by Electronic Device:

- Upon receiving an affidavit and proposed warrant by facsimile, the judge (or the magistrate, when appropriate) must sign and date the affidavit and search warrant upon receipt and transmit the signed warrant to the affiant.
- The clerk of the court shall file the return on the warrant after execution of the search.

Case File Management Standards (rev. 12/15)

6.1: Case-Type Codes

Component 39	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

(A) **Circuit Court Case-Type Code List.** The following case-type code list must be used in circuit court as provided in Component 1. The bracketed letters are the case-type codes.

(1) *Appeals.*

- (a) Agencies [AA]. All matters from administrative agencies other than the Michigan Employment Security Commission and the Michigan Secretary of State. Includes appeal of any county clerk action taken under MCL 28.421 *et seq.*
- (b) Employment Security Commission [AE]. All matters regarding Michigan Employment Security Commission actions.
- (c) Parole Board Decisions [AP]. Appeals in parole board decisions.
- (d) Criminal Appeals [AR]. All criminal appeals from a lower court when filed in a higher court.
- (e) Civil Appeals [AV]. All civil appeals from a lower court when filed in a higher court.

(2) *Administrative Review, Superintending Control, Extraordinary Writs.*

- (a) Habeas Corpus [AH]. All writs of habeas corpus governed by MCR 3.303 and MCR 3.304 except habeas corpus to obtain custody of a child.
- (b) Licensing and Vehicles [AL]. All matters regarding Secretary of State actions.
- (c) Superintending Control [AS]. All matters involving superintending control or supervisory control powers of the court.
- (d) Writs [AW]. All actions for mandamus not filed in the Court of Claims and all quo warranto and other writs.

Case File Management Standards (rev. 10/08)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

(3) *Criminal.*

- (a) Extradition/Detainer [AX]. All extradition and detainer matters initiated by Michigan to other states.
- (b) Capital Felonies [FC]. Capital felony cases in which life sentence is possible and a larger number of peremptory jury challenges is provided.
- (c) Noncapital Felonies [FH].
- (d) Juvenile Felonies [FJ]. Juvenile offenses committed by juveniles and waived to the criminal division of the circuit court under MCR 3.950. Includes life offenses committed by juveniles in which the prosecuting attorney has authorized the filing of a criminal complaint and warrant under MCR 6.907 instead of proceeding in the family division of the circuit court.

(4) *Civil Damage Suits.*

- (a) Property Damage, Auto Negligence [ND]. All complaints of property damage , but not personal injury, involving the use of a motor vehicle.
- (b) No-Fault Automobile Insurance [NF]. All claims for first-party personal protection benefits and first-party property protection benefits under the no-fault automobile insurance act.
- (c) Medical Malpractice [NH]. All claims involving health-care provider malpractice.
- (d) Personal Injury, Auto Negligence [NI]. All complaints of personal injury, or personal injury and property damage, involving the use of a motor vehicle.
- (e) Other Professional Malpractice [NM]. All claims involving professional malpractice other than health-care provider malpractice.

Case File Management Standards (rev. 5/15)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (f) Other Personal Injury [NO]. All other claims involving liability for personal injury not otherwise coded.
 - (g) Products Liability [NP]. All claims involving products liability.
 - (h) Liquor Control [NS]. All claims involving liability under the liquor control code.
 - (i) Other Damage Suits [NZ]. All other claims for damages.
- (5) *Other Civil Matters.*
- (a) Business Claims [CB]. All claims in which all or part of the action includes a business or commercial dispute under MCL 600.8035.
 - (b) Condemnation [CC]. All condemnation proceedings.
 - (c) Employment Discrimination [CD]. All complaints of employment discrimination.
 - (d) Environment [CE]. All environmental matters such as zoning, pollution, etc.
 - (e) Forfeiture Claims [CF]. All claims of interest in property seized under the Controlled Substance that may be subject to forfeiture.
 - (f) Housing and Real Estate [CH]. All housing, real estate, foreclosure, land contracts, and other property proceedings (except landlord-tenant and land contract summary proceedings).
 - (g) Contracts [CK]. All proceedings involving contractual obligations not otherwise coded.
 - (h) Labor Relations [CL]. All labor-management matters except employment discrimination.

Case File Management Standards (rev. 09/17)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (i) Antitrust, Franchising, and Trade Regulation [CP]. All complaints regarding unlawful trade practices including but not limited to pricing and advertising of consumer items, regulation of watercraft, restraint of trade and monopolies, Consumer Protection Act, Farm and Utility Equipment Franchise Act, franchise investment law, motor vehicle dealer agreements, and the Motor Fuel Distribution Act.
 - (j) Corporate Receivership [CR]. All corporate receivership proceedings.
 - (k) General Civil [CZ]. All other civil actions not otherwise coded.
 - (l) Proceedings to Restore, Establish, or Correct Records [PC]. All proceedings to restore, establish, or correct records that are assigned a new case number (not brought under an existing case).
 - (m) Claim and Delivery [PD]. All complaints to recover personal property that are assigned a new case number (not brought under an existing case).
 - (n) Receivers in Supplemental Proceedings [PR]. All proceedings appointing a receiver that are assigned a new case number (not brought under an existing case).
 - (o) Supplemental Proceedings [PS]. All supplemental proceedings that are assigned a new case number (not brought under an existing case).
 - (p) Miscellaneous Proceedings [PZ]. All other matters assigned a new case number (not brought under an existing case), including the following matters: grand jury and multicounty grand jury, and applications for restoration of firearms rights under MCL 28.424.
- (6) *Family Division - Domestic Relations.*
- (a) Custody [DC]. All habeas corpus to obtain custody of a child; order to show cause for custody of a child; other custody, or custody and support proceedings when no divorce action has been filed; or actions under the Uniform Child Custody Jurisdiction Enforcement Act. Also used for intrastate transfers of postjudgment custody or custody and support proceedings where no divorce action has been filed.

Case File Management Standards (rev. 10/08)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (b) Divorce, Minor Children [DM]. All complaints for divorce, separate maintenance, or annulment when minor children are involved. Also used for intrastate transfers of postjudgment divorce; divorce and custody; or divorce, custody, and support complaints when minor children are involved.
- (c) Divorce, No Children [DO]. All complaints for divorce, separate maintenance, or annulment when no minor children are involved. Also used for intrastate transfers of postjudgment divorce complaints when no minor children are involved.
- (d) Paternity [DP]. All questions of paternity; paternity and custody; or paternity, custody, and support. Also used for intrastate transfers of postjudgment paternity; paternity and custody; or paternity, custody, and support complaints.
- (e) Other Support [DS]. All support matters under the Family Support Act. Also used for intrastate transfers of postjudgment support matters under the Family Support Act.
- (f) Other Domestic Relations Matters [DZ]. All other prejudgment matters involving domestic relations proceedings not otherwise coded. Also used for intrastate transfers of other postjudgment matters involving domestic relations proceedings not otherwise coded.
- (g) Assist with Discovery [UD]. All proceedings to assist with discovery or to compel a response to a discovery order issued by another state’s tribunal.
- (h) UIFSA Establishment [UE]. All support and paternity establishment proceedings incoming from another state.
- (i) UIFSA Filing [UF]. All outgoing requests to another state or country initiating enforcement, modification, income withholding, or redirection of support orders not issued in this state.
- (j) UIFSA Initiation [UI]. All support and paternity establishment proceedings outgoing to another state.

Case File Management Standards (rev. 04/12)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (k) UIFSA Registration of Orders for Modification [UM]. All incoming registrations of another state’s orders for the specific purpose of modification.
 - (l) UIFSA Registration of Orders for Enforcement [UN]. All incoming registrations of another state’s orders for the specific purpose of enforcement.
 - (m) Transfer UIFSA [UT]. All intrastate transfers of postjudgment support enforcement proceedings incoming from another state or outgoing to another state.
 - (n) Registration of Income Withholding Orders [UW]. All incoming registrations of another state’s orders for the specific purpose of income withholding.
- (7) *Family Division - Proceedings under Juvenile Code.*
- (a) Designated Juvenile Offenses [DJ]. All juvenile offenses designated by the prosecutor or court to be heard in the family division of circuit court in the same manner as an adult criminal case is heard in the criminal division of the circuit court.
 - (b) Delinquency Proceedings [DL]. All delinquency proceedings initiated by petition under the juvenile code or initiated by Uniform Law Citation for various minor offenses not in the Motor Vehicle Code.
 - (c) Juvenile Guardianship [JG]. All juvenile guardianships created by order under the juvenile code, MCL 712A.19a and MCL 712A.19c
 - (d) Child Protective Proceedings [NA]. All child protective proceedings initiated by petition under the juvenile code.
 - (e) Personal Protection Actions Brought Under the Juvenile Code [PJ]. All petitions seeking a personal protection order against a respondent under the age of 18. Includes proceedings conducted for violation of personal protection orders issued under the juvenile code when heard by a county other than the county that issued the personal protection order.

Case File Management Standards (rev. 07/18)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (f) Traffic and Local Ordinance [TL]. All traffic and local ordinance issued on a Uniform Law Citation under the Motor Vehicle Code or local corresponding ordinance.
- (8) *Family Division - Proceedings under Adoption Code.*
- (a) Adult Adoptions [AB]. All adult adoptions.
 - (b) Agency International Adoptions [AC]. All foreign children adoptions.
 - (c) Direct Placement Adoptions [AD]. All direct placement adoptions including temporary placements prior to filing of petition for direct placement.
 - (d) Relative Adoptions [AF]. All adoptions by relatives including relative guardians, but not including stepparent adoptions.
 - (e) Safe Delivery of Newborn Adoptions [AG]. All adoptions resulting from safe delivery of newborn proceedings.
 - (f) Permanent Ward Adoptions (state ward or court ward) [AM]. All state or court ward adoptions resulting from child protective proceedings.
 - (g) Nonrelative Adoptions [AN]. All adoptions by guardians who are not relatives.
 - (h) Agency Other Adoptions [AO]. All other private or public agency adoptions not otherwise designated.
 - (i) Adoption Miscellaneous [AU]. Releases for adoption (including those executed out-of-court), ex parte petitions to issue notice of intent to release for adoption, and notices of intent to claim paternity.
 - (j) Stepparent Adoptions [AY]. All adoptions by stepparents.
- (9) *Family Division - Miscellaneous Proceedings.*
- (a) Emancipation of Minor [EM]. All emancipation proceedings initiated under the Status of Minors and Emancipation Act.
 - (b) Infectious Disease [ID]. All proceedings under the public health code for treatment of infectious disease or testing for infectious disease.

Case File Management Standards (rev. 09/17)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (c) Safe Delivery of Newborn Child [NB]. All proceedings involving a newborn child surrendered under MCL 712.1 *et seq.*
 - (d) Name Change [NC]. All name change proceedings.
 - (e) Personal Protection Against Stalking [PH]. All personal protection proceedings under MCL 600.2950a when there is no domestic relationship between the parties and the respondent is not under the age of 18.
 - (f) Personal Protection in Domestic Relationships [PP]. All personal protection proceedings under MCL 600.2950 and/or MCL 600.2950a when there is a domestic relationship between the parties and the respondent is not under the age of 18.
 - (g) Waiver of Parental Consent to Obtain Abortion [PW]. All waiver of parental consent proceedings under the Parental Rights Restoration Act.
 - (h) Young Adult Voluntary Foster Care Act [VF]. All petitions filed under MCL 400.655.
 - (i) Violation Proceedings on Out-of-County Personal Protection Order - Revised Judicature Act [VP]. All proceedings conducted for violation of personal protection orders issued under MCL 600.2950 or MCL 600.2950a when heard by a county other than the county that issued the personal protection order. This case is filed as “In the Matter of.”
- (10) *Family Division - Ancillary Proceedings.* Use case-type codes listed in (C) for matters filed in the probate court that may alternatively be filed in the family division of circuit court as an ancillary proceeding.
- (11) *Court of Claims.*
- (a) Habeas Corpus [MA]. All writs of habeas corpus not governed by MCR 3.303 and MCR 3.304.
 - (b) Mandamus [MB]. All actions for mandamus against state officials and departments.

Case File Management Standards (rev. 06/14)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (c) Highway Defect [MD]. All claims involving highway defects.
- (d) Medical Malpractice [MH]. All claims involving health-care provider malpractice.
- (e) Contracts [MK]. All other proceedings involving contractual obligations not otherwise coded.
- (f) Constitutional Claims [MM]. All claims for money damages brought under the Michigan Constitution.
- (g) Prisoner Litigation [MP]. All claims for money damages against the State of Michigan filed by state prisoners.
- (h) Tax-Related Suits [MT]. All claims involving liability for state taxes.
- (i) Other Damage Suits [MZ]. All other claims not otherwise coded.

(B) **District Court Case-Type Code List.** The following case-type code list must be used in district court as provided in Component 1. The bracketed letters are the case-type codes.

- (1) *Criminal.*
 - (a) Extradition/Detainer [EX]. All extradition and detainer matters initiated by Michigan to other states.
 - (b) Felony Criminal [FY]. All felony nontraffic cases. Includes life offenses committed by juveniles in which the prosecuting attorney has authorized the filing of a criminal complaint and warrant under MCR 6.907 instead of proceeding in the family division of the circuit court, and specified offenses committed by juveniles and waived to the criminal division of the circuit court under MCR 3.950.
 - (c) Ordinance Misdemeanor Criminal [OM]. All nontraffic misdemeanor offenses issued under ordinance.

Case File Management Standards (rev. 06/14)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (d) Statute Misdemeanor Criminal [SM]. All nontraffic misdemeanor offenses issued under statute.
- (2) *Traffic.*
- (a) Felony Drunk Driving [FD]. All felony drunk-driving cases.
 - (b) Felony Traffic [FT]. All felony traffic cases except drunk driving.
 - (c) Ordinance Misdemeanor Drunk Driving [OD]. All drunk-driving misdemeanor offenses issued under ordinance.
 - (d) Ordinance Civil Infraction Traffic [OI]. All traffic civil infraction offenses issued under ordinance.
 - (e) Ordinance Misdemeanor Traffic [OT]. All traffic misdemeanor offenses issued under ordinance except drunk driving.
 - (f) Statute Misdemeanor Drunk Driving [SD]. All drunk-driving misdemeanor offenses issued under statute.
 - (g) Statute Civil Infraction Traffic [SI]. All traffic civil infraction offenses issued under statute.
 - (h) Statute Misdemeanor Traffic [ST]. All traffic misdemeanor offenses issued under statute except drunk driving.
- (3) *Nontraffic Civil Infraction and Parking.*
- (a) Ordinance Parking [OK]. All parking offenses issued under ordinance.
 - (b) Ordinance Civil Infraction Nontraffic [ON]. All nontraffic civil infraction offenses issued under ordinance.
 - (c) Statute Parking [SK]. All parking offenses issued under statute.

Case File Management Standards (rev. 06/14)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (d) Statute Civil Infraction Nontraffic [SN]. All nontraffic civil infraction offenses issued under statute.
- (4) *Civil Damage Suits.*
 - (a) General Civil [GC]. All civil cases for money damages except small claims, landlord-tenant, and land contract.
 - (b) Miscellaneous Civil [GZ]. All nonmonetary claims including coroner’s inquests, claim and delivery without money judgment, drug forfeitures, other summary proceedings not relating to landlord-tenant and land contract, and proceedings under the public health code for testing for infectious disease.
 - (c) Small Claims [SC]. All civil claims for the recovery of money that does not exceed the jurisdictional limit in MCL 600.8401.
- (5) *Housing and Real Estate Suits.*
 - (a) Landlord-Tenant Summary Proceedings [LT].
 - (b) Land Contract Summary Proceedings [SP].
- (C) **Probate Court Case-Type Code List.** The following case-type code list must be used in probate court as provided in Component 1. The bracketed letters are the case-type codes.
 - (1) *Estates, Trusts, Wills.*
 - (a) Decedent Estates, Supervised Administration [DA]. All matters involving decedent estates in which administration is supervised.
 - (b) Decedent Estates, Unsupervised Administration and Nonadministered Estates [DE]. All matters involving decedent estates in which either administration is unsupervised or the estate is not administered.
 - (c) Determination of Heirs (separate proceeding) [DH]. All matters to determine heirs as a separate proceeding.

Case File Management Standards (rev. 02/18)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

- (d) Small Estates [PE]. All assignments of estates where gross estate assets do not exceed \$15,000 (as adjusted for inflation).
 - (e) Trust Registration [TR]. All requests to register trusts.
 - (f) Trust, Testamentary [TT]. All trusts that take effect on the death of the settlor.
 - (g) Trust Inter Vivos [TV]. All trusts which are operative during the lifetime of the settlor.
- (2) *Guardianships and Conservatorships.*
- These case types may also be filed in the family division of circuit court as an ancillary proceeding.
- (a) Adult Conservatorship [CA]. All matters involving conservatorship of adults.
 - (b) Minor Conservatorship [CY]. All matters involving conservatorship of minors.
 - (c) Developmental Disability Guardianship [DD]. All matters involving guardianship of individuals with developmental disability, both adults and minors.
 - (d) Adult Guardianship [GA]. All matters involving full guardianship of incapacitated individuals.
 - (e) Limited Guardianship of Adult [GL]. All matters involving limited guardianship of incapacitated individuals.
 - (f) Minor Guardianship [GM]. All matters involving full guardianship of minors.
 - (g) Limited Guardianship of Minor [LG]. All matters involving limited guardianship of minors.
 - (h) Protective Orders [PO]. All protective orders requested under the estates and protected individuals code except when filed in conjunction with a petition for conservatorship. All petitions filed under MCL 333.5682 regarding POST forms except when filed in conjunction with a petition for guardianship.

Case File Management Standards (rev. 09/17)

6.1: Case-Type Codes

Component 39 (continued)	Phases of File Management Where Used
Case-Type Codes	Case initiation, maintenance, disposition to closing, postadjudication

(3) *Mental Illness Proceedings and Judicial Admission.*

These case types may also be filed in the family division of circuit court as an ancillary proceeding.

- (a) Judicial Admission [JA]. All matters involving judicial admission of individuals with developmental disability.
- (b) Mental Illness Proceedings [MI]. All mental illness proceedings brought under the mental health code.

(4) *Civil and Miscellaneous Proceedings.*

- (a) Delayed Registration of Birth [BR]. All petitions and orders on denial of application for delayed registration of birth pursuant to MCL 333.2828 and petitions and orders for delayed registration of foreign birth pursuant to MCL 333.2830.
- (b) Civil [CZ]. All civil matters commenced under MCR 5.101(C).
- (c) Miscellaneous Matters [ML]. All other matters filed with the probate court for judicial or administrative action including but not limited to: appeal of land owner on an assessment made by the county road commissioner or state highway commissioner under Chapter 247; appeal of a determination made by the department of treasury under the Michigan Estate Tax Act; appeal by an adoptee, the adoptee’s guardian, or the adoptive parent or parents of a determination made by the department of health and human services under the Social Welfare Act; appeal of a determination made by the drain commission under the Drain Code of 1956; appeal of a redetermination of ability to pay for mental health services made under the mental health code; condemnation proceedings; death by accident or disaster; filing of letters by foreign personal representative; kidney transplants; lost instruments; opening of safe deposit box; support of poor persons; treatment of substance use disorder; and uniform gifts to minors act.

**Case File Management Standards
Index of Subject Matter**

	<u>Page</u>
Access to Recorded Media..... Component 24.....	45
Access to Records and Case Folders Component 19.....	31
Active Cases..... Area 1.2.....	38
Alphabetical Indexes..... Component 17.....	28
Appeal Processing..... Component 26.....	48
Arrest Warrant Index Component 22.....	39
Bench Warrant Stamps Component 10.....	15
Case Adjudication..... Area 1.2.....	38
Case Closing Area 1.2.....	38
Case Disposition Area 1.2.....	38
Case File Folder/Jacket..... Component 6.....	10
Case Files Maintained Separately..... Component 8.....	12
Case History (Register of Actions)..... Component 14.....	24
Case Initiation --.....	1
Case Maintenance --.....	1
Case Number and Petition Number Component 2.....	4
Case-Type Code..... Components 1, 39.....	3, 77
Certification Stamp..... Component 10.....	15
Civil Infractions (group files) Component 18.....	30
Confidential Records Component 19.....	31
Confidential Stamp Component 10.....	15
Consolidating Cases..... Component 13.....	23

**Case File Management Standards
Index of Subject Matter**

	<u>Page</u>
Copying Case Files Component 12.....	21
Court Calendar Component 16.....	27
Court Forms, SCAO-approved Component 5.....	8
Court Recordings Component 24.....	43
Court Reporters’ and Recorders’ Notes Component 23.....	41
Court Seal..... Component 10.....	15
Digital Imaging Component 37.....	73
Discovery Materials Components 9, 34	13, 68
Destruction of Files..... Components 36, 37	70, 73
Docket..... Component 16.....	27
Document Standard..... Component 4.....	6
Documents Maintained Separately Component 8.....	12
Electronic Transmission..... Component 38.....	75
Errors..... Component 5.....	8
Establishing and Maintaining Case Files Components 1-13	2
Exhibits, Receipt and Return Component 20.....	35
Facsimile Transmission Component 38.....	75
File Contents Component 9.....	13
File Folder/Jacket..... Component 6.....	10
File Stamp Component 3.....	5
Filing Equipment, Active Files Component 30.....	53
Filing Space, Active Files Component 30.....	53

**Case File Management Standards
Index of Subject Matter**

		<u>Page</u>
Filing Supplies, Active Files.....	Component 30.....	53
Filing Systems and Storage.....	Components 30, 31	53, 57
Forms Analysis and Design	Component 33.....	64
Forms Management	Component 32.....	61
Future Action Information	Component 15.....	26
Group Files.....	Component 18.....	30
Handling Documents with Errors	Component 5.....	8
Handling Previous-Approved Court Forms ...	Component 5.....	8
Handling Recorded Media	Component 24.....	43
Inactive Filing Systems.....	Component 27.....	50
Inactive Records Storage	Component 31	57
Indexes	Components 17, 22	28, 39
Judges Dockets (see Calendars).....	Component 16.....	27
Judicial Inquiries.....	Component 18.....	30
Juror Records	Component 21	37
Labeling and Numbering Tapes and Discs	Component 24.....	44
Language Standard.....	Component 4.....	6
License Suspension Index.....	Component 22.....	39
Micrographics	Component 37.....	73
Minimum File Contents	Component 9.....	13
Minimum Filing Requirements.....	Component 4.....	6
Monitoring Procedures.....	Component 15.....	26

**Case File Management Standards
Index of Subject Matter**

	<u>Page</u>
Name Changes (group files) Component 18.....	30
Next Action Dates..... Component 15.....	26
Nonpublic Records..... Component 19.....	31
Notary Public (group files) Component 18.....	30
Numerical Indexes Component 17.....	28
Oaths of Office (group files)..... Component 18.....	30
Open Cases..... Area 1.2.....	38
Paper Standard Component 4.....	6
Pending Cases Area 1.2.....	38
Placement of Documents in Case File Component 7.....	11
Postadjudication/Disposition Activity Area 1.3.....	47
Public Access to Records..... Component 19.....	31
Quality of Recording Media Component 24.....	43
Recording Media..... Component 24.....	43
Records Destruction..... Components 36, 37	70, 73
Records Retention..... Components 28, 34	51, 68
Records Storage Component 31.....	57
Register of Actions Component 14.....	24
Rejecting SCAO-approved Court Forms Component 5.....	8
Rejecting Documents Components 4, 5	6, 8
Reproduction Standard..... Component 4.....	6
Retention Schedules..... Component 35.....	68

**Case File Management Standards
Index of Subject Matter**

	<u>Page</u>
Return of Exhibits Component 20.....	35
Review Dates Component 15.....	26
SCAO-approved Court Forms Component 5.....	8
Seal..... Component 10.....	15
Search Warrants Component 18.....	30
Signature Standard Component 4.....	6
Stamps..... Component 10.....	15
Social Security Numbers..... Component 19.....	33
Statistical Reporting..... Area 1.2.....	38
Storing Tapes and Discs..... Component 24.....	44
Traffic Tickets (group files)..... Component 18.....	30
Transcript Request and Preparation Components 23, 24	42, 45
Transferring Case Files Component 11	18
Transporting Recorded Media Component 24.....	44
True Copy Component 12.....	21
Type Size Standard Component 4.....	6
Uniform Law Citations (group files) Component 18.....	30

Case File Management

APPENDIX

Model LAO 8; Inspection, Reproduction, and Creation of Court Records (*referenced in Component 19*) at <http://courts.mi.gov/administration/admin/pol/pages/laos.aspx>.

Nonpublic and Limited-Access Court Records (*referenced in Component 19*) at http://courts.mi.gov/Administration/SCAO/Resources/Documents/standards/cf_chart.pdf.

Comparing Digital and Microfilm Conversion Costs and Uses (*referenced in Component 30*)

Floor Space for Filing Equipment (*referenced in Component 30*)

Volume and Linear Dimension Conversion Table (*referenced in Component 30*)

Equipment Evaluation (*referenced in Component 30*)

Notice of Intent to Destroy Discovery Materials form, MC 29 (*referenced in Component 34*) at <http://courts.mi.gov/Administration/SCAO/Forms/courtforms/general/mc29.pdf>.

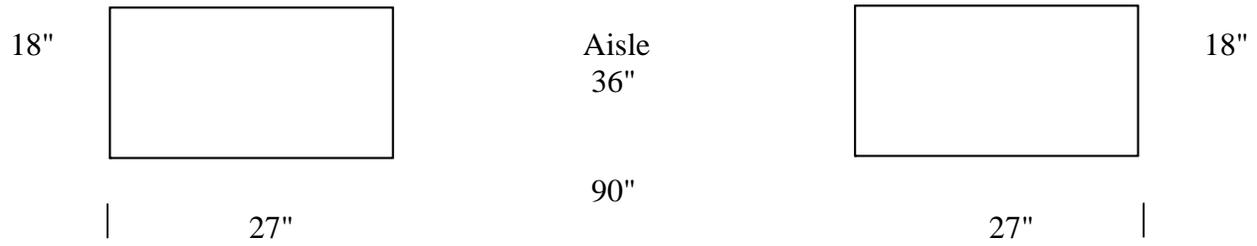
Records Retention and Disposal Schedule #13 for District Court
http://www.michigan.gov/documents/dtmb/RMS_GS13_573186_7.pdf

Records Retention and Disposal Schedule #14 for Probate Court
http://www.michigan.gov/documents/dtmb/RMS_GS14_597247_7.pdf

Records Retention and Disposal Schedule #15 for Circuit Court
http://www.michigan.gov/documents/dtmb/RMS_GS15_597248_7.pdf

Floor Space for Filing Equipment

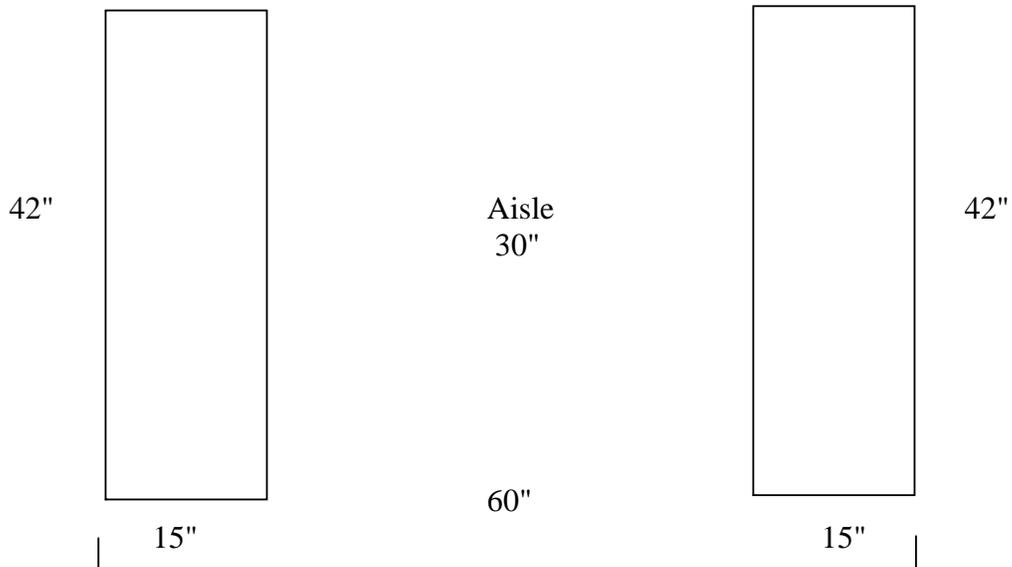
A. Five-Drawer File Cabinet



Formula:

$18" \times 90" = 1,620$ square inches divided by 2 = 810 divided by 144 = 5.625 square feet
(round up to six square feet per cabinet)

B. Open Shelf Filing Units



Formula:

$42" \times 60" = 2,520$ square inches divided by 2 = 1260 divided by 144 = 8.75 square feet
(round up to nine square feet per unit)

Volume and Linear Dimension Conversion Table

<u>Equipment Description</u>	<u>Cubic Feet</u>	<u>Linear Inches</u>	<u>Linear Feet</u>
Vertical Files:			
Legal-Size Drawer	2.0	24	2.0
Letter-Size Drawer	1.6	24	2.0
Lateral Files:			
Letter Size 30"	1.8	30	2.5
Letter Size 36"	2.2	36	3.0
Letter Size 42"	2.6	42	3.5
Legal Size 30"	2.2	30	2.5
Legal Size 36"	2.2	36	3.0
Legal Size 42"	2.6	42	3.5
Card Files:			
3" x 5" - 24" Drawer	0.2	24	2.0
5" x 8" - 24" Drawer	0.6	24	2.0
Shuck Files - Drawer	0.35	03	0.25
Storage Boxes:			
One Cubic-Foot Letter	1.0	15	1.25
One Cubic-Foot Legal	1.0	12	1.0
Transfer Boxes:			
2.5 Cubic-Foot Legal		2.5	242.0
2.5 Cubic-Foot Letter		2.5	242.0

Equipment Evaluation

Guide to Increases in Filing Capacity Using Alternate Storage Equipment in Place of Four-Drawer, Letter-Size Cabinets

by Robert P. Gilotte, "Circular Filing vs. Linear Filing," *ARMA Quarterly* 16, No. 3 (July 1982), pp. 18-20.

Five-Drawer Cabinet.....	20%
Letter-sized lateral file, open-shelving type	
5-tier	60%
6-tier	89%
7-tier	118%
8-tier	146%
Letter-sized lateral file, enclosed with doors, 6-tier	43%
Times-two cabinet	
5-tier, stand-alone	49%
5-tier, as add-on unit	71%
6-tier, stand-alone	75%
6-tier, as add-on unit	102%
7-tier, stand-alone	101%
7-tier, as add-on unit	133%
8-tier, stand-alone	128%
8-tier, as add-on unit	164%
Power Files	
14 carriers.....	79%
16 carriers.....	102%
18 carriers.....	125%
Lateral mobile shelving, 2-tier	
6 shelves.....	158%
7 shelves.....	198%
8 shelves.....	238%
Lateral mobile shelving, 3-tier	
6 shelves.....	218%
7 shelves.....	268%
8 shelves.....	313%
Vertical mobile shelving, 6-foot sections, 4 sections per aisle	
6 shelves.....	202%
7 shelves.....	256%
8 shelves.....	305%
Vertical mobile shelving, 9-foot sections, 4 sections per aisle	
6 shelves.....	239%
7 shelves.....	294%
8 shelves.....	336%

Case File Management

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