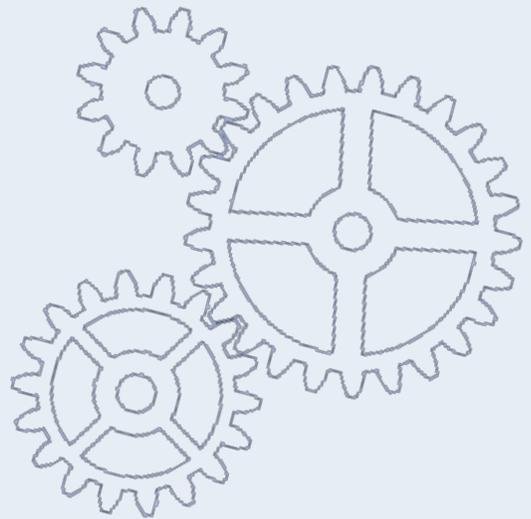


State Court Administrative Office
Trial Court Services



Template for District Court Records Disposal Plan (Case Records)



Revised
March 2018

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Introduction

This action plan provides action steps for disposing of district civil, criminal, and civil infraction case records that are eligible for disposal as of 2017 under District Court Record Retention and Disposal Schedule #13. Guidance for disposing of files is also included.

Plan of Action

1 – Prepare Files for Disposal: See Appendix B. If not already in boxes, place all case files in boxes suitable for transport to the facility that will be destroying the files. This is estimated to take three minutes per box. In addition, the court will need to prepare an Order to Dispose Court Records.

Determine the total feet of records potentially eligible for disposal in 2018 by calculating the average caseload per year divided by 72 (average number of files per foot). Multiply the result by the number of years being processed. Depending on whether records are already in suitable boxes for transfer to Archives or transport to a facility for disposal, one box would be necessary for each foot of records. The cost of boxes is about \$4.25 each. To calculate estimated hours for processing these records, divide the total number of feet being processed by the number of files that can be processed in 60 minutes. It may take between five and ten minutes to box 72 cases (from 432 to 864 cases per hour). The cost to sort and box cases is estimated at 10 to 15 minutes per box (from 432 to 648 cases per hour).

2 – Random Examination of Docket Entries: Conduct a random examination of the manual docket entries for civil and criminal cases to ascertain whether clerks have been entering case information adequately. If the court is concerned about completeness and accuracy of case history, it should consider pulling final judgments/orders from criminal files disposed from 1963 through 1986.

3 – Annual Disposal: Conduct an annual disposal project. Determine the average number of annual feet of records created each year to determine the number of hours needed to process one year of cases for disposal. Also, determine needed storage space for paper records at full capacity and compare against the cost of maintaining digitized records.¹

In consultation with the chief judge, determine if access to the clerk's office needs to be limited during the records disposal process. If so, discuss this with your regional administrator and prepare an appropriate notice and if necessary a local administrative order and submit it to the regional administrator for approval. There always must be provision made for emergency filings. 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.

¹ The cost to maintain 30,000 pages (15 feet of records) on paper onsite is approximately \$400 a year. Off-site storage for the same volume of records can be as little as \$60 a year. The same volume of records digitized is \$72 a year for storage and hosting fees plus the cost of scanning and periodic migrating, which is about \$2,500 per 30,000 pages. Before scanning old records, we recommend courts first conduct a cost estimate, including potential staff costs associated with retrieving records from off-site storage compared to the cost of maintaining these records in paper format onsite or in digitized format.

Assumptions for Processing Requirements

To minimize processing requirements for disposal of case files, the following instructions rely on several assumptions:

- If a case was open/active when the automated case management system was implemented or if a case was reopened/reactivated after the case management system was implemented, court staff would have entered case history into the automated case management system and would not have continued to maintain case history in a docket book or similar medium. If this assumption is not true for a court, it will have to decide whether to proceed under these guidelines anyway or, in the alternative, process every circuit case individually to determine its eligibility for disposal under the retention schedule.
- The case history of all civil, criminal, and civil infraction cases filed in the court before its automated case management system was implemented has been adequately recorded in the docket books or a similar medium. This will allow courts to dispose any records that were filed in the court before January 1, 1987, without the need to pull final judgments and orders from the case files.
- Manually created case history has been recorded by case-type groups. If not true, the case history recorded in docket books or other paper medium will have to be maintained for the longest retention period.
- A final civil judgment/order entered before 1987 does not need to be maintained longer than the civil case if it has not been renewed within the last 10 years or there has been no other activity within the last 10 years.
- The completeness of case history for criminal case files adjudicated before 1987 and the case files themselves are not needed to support criminal history reporting because courts were not required to report criminal history until June 1, 1987.
- Criminal cases on warrant status are ineligible for disposal.
- The completeness of case history for court-ordered obligations in criminal cases does not need to be verified and the case files themselves are not required to be maintained for cases adjudicated before 1963.
- All details regarding outstanding court-ordered financial obligations that are being actively collected in criminal cases are either in the automated case management system or an automated financial system.
- Files are organized generally by case-type groups. If not, the court will have to determine how to pull cases by their individual retention periods. If it is not practical to do this, a decision will have to be made as to how best to proceed.
- Cases were not separated by case type groups before being reproduced on microfilm; therefore, each roll of microfilm will need to be maintained until the longest retention period for the records on that particular roll has been met.

Recommended Action Steps

Civil Cases Filed from January 1, 1963, through December 31, 2007

Complete the following steps. This may take several years depending on the number of records to be processed.

District Court Records Disposal Plan
Assumptions and Recommended Action Steps

- Step 1: Bring from storage all civil cases with a filing date from January 1, 1963, through December 31, 2007. This can be done in increments depending on the volume of records; the report in Step 2 should be run with the appropriate filing date(s).
- Step 2: If available in your case-management system, run a report that lists every civil case with a filing date less than January 1, 2008, and that had activity after December 31, 2007.
- Step 3: Pull every case file on the list. Enter any required case history that has not been recorded in the automated case management system.² Set aside these case files and process them according to Step 4 along with the remaining case files from Step 1.
- Step 4: For the cases from Step 1 and Step 3, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for civil cases as “13.003D – Civil.”
 - Enter the Inclusive Dates of the records for every year from 1963 through 2007. There will be 44 lines for the record series number and description as follows:
 - “1963, Case numbers [first case number] through [last case number]
 - . . . (continued until last year)
 - “2007 [date of last year for this group], Case numbers [first case number] through [last case number]
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 5: After the chief judge signs the Order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.
 - Maintain the Certificate of Records Disposal according to the retention schedule.

Criminal Cases Filed from January 1, 1963, through December 31, 1986

Complete the following steps. This may take several years depending on the number of records to be processed.

- Step 1: Bring from storage all criminal cases with a filing date from January 1, 1963, through December 31, 1986. This can be done in increments depending on the

² This is necessary only until the necessary case history is fully available in the automated case-management system. See Records Series 13.003B and 13.003C for details. In the alternative, the final judgments and orders can be pulled from the files and maintained for the 100 year retention period. Before making a decision in this regard, the court should compare the potential cost to enter case history into the CMS to the cost of maintaining the documents in paper or digital format. See the endnote for cost comparison of paper versus digital files.

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volume of records; the report in Step 2 should be run with the appropriate filing date(s).

- Step 2: If available in your case-management system, run a report that lists every criminal case with a filing date less than 1987 that is on warrant status as of December 31, 2017. Pull every case on the list and set them aside for refileing; these cases are not eligible for disposal. If a report is not available, identify all criminal cases on warrant status in another manner.
- Step 3: If available from your case-management system, run a report that lists every criminal case with a filing date less than January 1, 1987, and that had activity after December 31, 2007.
- Step 4: Pull and open every case file on the list. Enter any required case history that has not been recorded in the automated case-management system.³ If any of these cases are pending or on warrant status; set them aside for proper handling. Set aside the remaining case files and process them according to Step 5 along with the remaining case files from Step 1.
- Step 5: For the cases from Step 4 and the remaining cases from Step 1, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for criminal cases as “13.004C, Criminal.”
 - Enter the Inclusive Dates of the records for every year from 1963 through 1986. There will be 24 lines for the record series number and description as follows:
 - “1963, Case numbers [first case number] through [last case number]
 - . . . (continued until last year)
 - “1986 [date of last year for this group], Case numbers [first case number] through [last case number]
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 6: After the chief judge signs the order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.
 - Maintain the Certificate of Records Disposal according to the retention schedule.

³ In the alternative, the final judgments and orders can be pulled from the files and maintained for the 100-year retention period. Before making a decision in this regard, the court should compare the potential cost to enter case history into the CMS to the cost of maintaining the documents in paper or digital format. See the endnote for cost comparison of paper versus digital files.

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Criminal Cases Filed from January 1, 1987, through December 31, 2011

Complete the following steps. This may take several years depending on the number of records to be processed.

- Step 1: Bring from storage all criminal cases with a filing date from January 1, 1987, through December 31, 2011. This can be done in increments depending on the volume of records; the report in Step 2 should be run with the appropriate filing date(s).
- Step 2: If available from your case-management system, run a report that lists every criminal case with a filing date less than 2011 that is on warrant status as of December 31, 2017. Pull every case on the list and set them aside for refile; these cases are not eligible for disposal.
- Step 3: Open each case file from Step 1 that has not been refiled or set aside for refile.
- Pull the final judgment/order from each file and sort by year disposed.⁴
 - Place these final judgments/orders by case number in group files by the years the cases were disposed (the dates on the judgments/orders).
 - Mark each folder/storage box, **DESTROY [date each folder/storage box 100 years from the disposition date, starting with 2087 for cases disposed in 1987]**.
 - When pulling final judgments and orders, sort files by year disposed. Only cases disposed through 2011 are eligible for destruction in 2018. Any cases disposed after 2011 should be refiled.
- Step 4: For the cases from Step 3, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for criminal cases as “13.004C, Criminal.”
 - Enter the Inclusive Dates of the records for every year from 1986 through 2011. There will be 25 lines for the record series number and description as follows:
 - “1987, Case numbers [first case number] through [last case number]
 - . . . (continued until last year)
 - “2011 [date of last year for this group], Case numbers [first case number] through [last case number]
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 5: After the chief judge signs the order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.

⁴ This is necessary only until the necessary criminal history for criminal history reporting and court-ordered obligations is fully available in the automated case management system. See Records Series 13.004A and 13.004B for details.

District Court Records Disposal Plan
Assumptions and Recommended Action Steps

- Maintain the Certificate of Records Disposal according to the retention schedule.

Closed (Paid, Dismissed, Waived, or Purged) Civil Infraction and Parking Case Files

Complete the following steps. If civil infraction (including parking) and payable misdemeanor citations are maintained together, the civil infraction citations must be maintained for the retention period for criminal cases, but the following steps must also be followed.

- Step 1: Bring out of storage all citations with a judgment entered before January 1, 2015, and that are satisfied (paid, dismissed, or waived) or purged from the Secretary of State. If civil infraction citations with closed (satisfied) and unsatisfied judgments are not maintained separately, complete Step 2. Otherwise, proceed to Step 3.
- Step 2: If available from your case-management system, run a report that lists every civil infraction judgment issued before January 1, 2018, that is on suspension. Pull every case on the list and set them aside for refile; these cases are not eligible for disposal.
- Step 3: For the remaining cases from Step 1, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for closed civil infraction cases as “13.002B – Closed Civil Infraction and Parking Cases.”
 - Enter the Inclusive Dates for every year through 2014. There will be one line for each year as follows:
 - “[oldest year eligible for disposal], Case numbers [first case number] through [last case number]
 - . . . (continued until last year)
 - “2014 [date of last year for this group], Case numbers [first case number] through [last case number]
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 4: After the chief judge signs the order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.
 - Maintain the Certificate of Records Disposal according to the retention schedule.

Recommended Action Steps 2018 and Forward

Civil Case File Processing Steps in 2019

- Step 1: Within the first 90 days of 2019, bring from storage all civil cases with a filing date in 2008.
- Step 2: If available from your case management system, run a report that lists every civil case with a filing date less than January 1, 2009, and that had activity after December 31, 2008.
- Step 3: Pull every case file on the list. Enter any required case history that has not been recorded in the automated case-management system.⁵ Set aside these case files and process them according to Step 4 along with the remaining case files from Step 1.
- Step 4: For the cases from Step 1, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for civil cases as “13.003D – Civil.”
 - Enter the Inclusive Dates as “2008, Case numbers [first case number] through [last case number].”
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 5: After the chief judge signs the order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.
 - Maintain the Certificate of Records Disposal according to the retention schedule.

Continue the above steps each year thereafter until all civil cases filed through 2017 have been processed (2027).

Criminal Case Files Processing Steps in 2019

- Step 1: Within the first 90 days of 2019, if available from your case-management system, run a report that lists every criminal case with a disposition date in 2012.

⁵ This is necessary only until the necessary case history is fully available in the automated case-management system. See Records Series 13.003B and 13.003C for details. In the alternative, the final judgments and orders can be pulled from the files and maintained for the 100-year retention period. Before making a decision in this regard, the court should compare the potential cost to enter case history into the CMS to the cost of maintaining the documents in paper or digital format. See the endnote for cost comparison of paper versus digital files.

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- Step 2: Pull every case on the list in Step 1. These cases are eligible for disposal. Open each case file and pull the final judgment/order from each file.⁶ Maintain these final judgments/orders by case number in a group file by the year the cases were disposed (2012). Mark the folder/storage box, **DESTROY IN 2112**.
- Step 4: For the cases from Step 2, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for criminal cases as “13.004C – Criminal Cases.”
 - Enter the Inclusive Dates as “Disposed 2012, Case numbers [first case number] through [last case number].”
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 5: After the chief judge signs the order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.
 - Maintain the Certificate of Records Disposal according to the retention schedule.

Continue the above steps each year thereafter until all criminal cases filed through 2017 have been processed (2023).

Civil Infraction and Parking Case File Processing Steps in 2019

- Step 1: If civil infraction citations with closed (paid, dismissed, or purged from Secretary of State) and unsatisfied judgments are not maintained separately, run a report from the case-management system that lists every civil infraction judgment issued before January 1, 2016, that is on suspension. Pull every case on the list and set them aside for refile; these cases are not eligible for disposal.
- Step 2: For the remaining cases from Step 1, prepare an Order to Dispose Court Records as follows:
- Enter the Record Series Number and Description for closed civil infraction cases as “13.002B – Closed Civil Infraction and Parking Cases.”
 - Enter the Inclusive Dates “Closed 2015, Case numbers [first case number] through [last case number].”
 - Present the Order to Dispose Court Records to the chief judge for signature.
- Step 3: After the chief judge signs the order, make arrangements to properly destroy the records.
- Complete the Certificate of Records Disposal after disposing of all records on the Order.

⁶ This is necessary only until the necessary criminal history for criminal history reporting and court-ordered obligations is fully available in the automated case-management system. See Records Series 13.004A and 13.004B for details.

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Assumptions and Recommended Action Steps

- Maintain the Certificate of Records Disposal according to the retention schedule.

Continue the above steps each year thereafter until all civil infraction cases filed through 2017 have been processed (2021).

Guidelines for Disposal of Records

Unless required to be transferred to the Archives of Michigan (Archives), a court record is disposed by physically destroying the entire record (paper, microfilm, electronic, etc.) in accordance with records standards established by the State Court Administrative Office (SCAO).

Records scheduled to be disposed must be properly recorded in an Order to Dispose Court Records (see Appendix A). At a minimum, it must include the item # (record series from the record retention and disposal schedule), the record series description, the date range of the records, the volume, and the disposal method. The order to dispose records must be signed by the chief judge in accordance with MCR 8.119(K). The original signed order must be maintained permanently by the court administrator for the court. A copy must be maintained permanently by the clerk of the court.

1. Make arrangements for physical destruction of all boxes eligible for destruction.
2. Make arrangements with Archives to review records for transfer.

Archives of Michigan
702 West Kalamazoo Street
Lansing, Michigan 48915
517-373-1408, 517-373-1415, or 517-449-5885
Fax: 517-241-1658
E-Mail: archives@michigan.gov
<http://www.michigan.gov/archivesofmi>

3. Dispose of paper records not transferred to Archives by shredding, burning, or pulverizing. Whatever the method of disposal, the clerk of court must ensure and certify that disposal was done in a satisfactory and complete manner.

Other Resources:

Michigan Department of Technology, Management and Budget
Records Management Services
P.O. Box 30026
3400 North Grand River Avenue
Lansing, MI 48909
517-335-9132

Records Management Services administers a master contract with a vendor that complies with the state's requirements for confidential destruction of records. You can contact the vendor at:

Certified Document Destruction
300 West Chestnut Street
Wauseon, OH 43567
800-433-7876
<http://cddinc.com/>

Best Practices Recommended for Implementation in 2018

1. Organize files by case-type groups. Continue to maintain by year of filing.
2. Enter all essential case history fields (e.g., register of actions) into the case-management system for all files so that:
 - records disposal inventories can be generated based on the criteria for disposal (e.g., date filed, date disposed, date closed, date of birth),
 - paper dispositive orders do not need to be pulled and maintained for long-term retention, and
 - reimbursement and restitution orders can be enforced without copies of the orders.
3. Enter SOS purge date in the case history. This date from the SOS purge report can be used by the CMS vendor as a trigger for purging case history in civil infraction cases.
4. Enter all essential fields relevant to postjudgment activity on the register of actions. If the file has not been disposed, store postjudgment documents in the file. If the file has been disposed, store all postjudgment documents for collection and other actions in batch files and destroy one year after the date of the action (including orders entered on the action).
5. Generate essential data fields exception reports from the case-management system annually at the end of the year to determine cases that are missing essential data.
6. Generate record disposal inventories from the case-management system annually at the end of the year to determine cases eligible for disposal.
7. Pull cases eligible for disposal and process according to standards. If necessary, pull relevant orders when preparing files for disposal and store in relevant group files.
8. Maintain the Order to Dispose Court Records and associated records inventories and reports permanently in accordance with SCAO policy and standards.

District Court Records Disposal Plan
 Appendix A: Order to Dispose Court Records

Approved, SCAO

Original - Court administrator
 Copy - Clerk of the court

**STATE OF MICHIGAN
 JUDICIAL DISTRICT
 JUDICIAL CIRCUIT
 COUNTY PROBATE**

ORDER TO DISPOSE COURT RECORDS

Court address

Court telephone no.

CERTIFICATE OF RECORDS ASSESSMENT BY ARCHIVES OF MICHIGAN

Circuit and Probate Courts Only: Contact Archives of Michigan to conduct an assessment of the relevant records before continuing with the records disposal process. Attach documentation from Archives identifying all records to be transferred.

I certify that the records listed in the attached inventory were assessed by the Archives of Michigan for historical value and that arrangements have been made to transfer those records identified by the Archives of Michigan upon order of the court.

_____ Date

_____ Signature

_____ Title

_____ Name (type or print)

IT IS ORDERED: In accordance with MCR 8.119(K) and the state-approved Michigan trial court records retention and disposal schedule, the following court records shall be disposed of within 60 days of this order by the method(s) identified for those records. Electronic records shall be destroyed in accordance with US DoD 5015.2 standards.

For each record series to be disposed, complete the following summary information.

Record Series Number	Record Series Description	Inclusive Dates	Disposal Volume Cubic/Linear Feet or Number of Electronic Files	Disposal Method Transfer, Pulverizing, Shredding, Burning, Breaking, Swiping, Overwriting, Degaussing

_____ Date

_____ Chief judge

_____ Bar no.

Directions for records disposal:

1. Dispose of the approved records by the methods and within the time frame ordered above.
2. Date and sign this Certificate and return the completed form to the court administrator.
3. Keep a copy in the office of the clerk of the court.

CERTIFICATE OF RECORDS DISPOSAL: I certify that the records listed above were disposed of as ordered.

_____ Date

_____ Signature

_____ Title

_____ Name (type or print)

Section 4: Disposal of Records

4.1. Disposal Process

4.1.1. Annual Processing and Planning

(previously labeled Component 36 of the Michigan Trial Court Case File Management Standards)

The court should annually dispose of eligible records as prescribed by the records retention and disposal schedule. The clerk should conduct an annual review of case files and other case records defined in MCR 8.119(D) and (E) to determine cases eligible for disposal and comply with the requirements in Section 4.3.

As defined in MCR 8.119(F) and (G), administrative and fiscal records and court recordings and related records may be maintained by someone other than the clerk of the court. In these situations, the court administrator is responsible for ensuring the relevant records are disposed in accordance with these standards and guidelines. When practical, the disposal of these records should be done in conjunction with disposal of the case records maintained by the clerk of the court.

To help courts determine cases eligible for disposal and facilitate the disposal of case records, action steps are available by specific case-type group. Upon request by a court, SCAO will prepare a court-specific disposal plan.

4.1.2. Planning and Processing Guidelines

Phase 1 - Identify Records for Disposal and Determine Resource Needs:

- 1) Thirty to sixty days before disposing of records, conduct a staff meeting to select a project leader who will be responsible for responding to questions and assuring consistency in the records-disposal effort. Contact SCAO if the court wants a disposal plan prepared.
- 2) At least thirty days before the date of the disposal effort, identify the inactive records potentially eligible to be disposed. Courts must comply with the requirements in Section 4.3 when identifying and processing case records for destruction or transfer.

For many courts (even those with electronic case files maintained in a digital imaging system), the process for identifying and disposing of case files (whether paper, microfilm, or digital) will be performed manually until such time as courts have integrated electronic-document management and case management systems with functionality that makes it possible to identify and remove case history data from the case-management system and digital images from the electronic document-management system (EDMS) through automated processes.

- 3) 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

District Court Disposal Plan
Appendix B: General Preparations for a Disposal Project

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.

- 4) In consultation with the chief judge, determine if access to the clerk's office needs to be limited during the records disposal process. If so, discuss this with your regional administrator and prepare an appropriate notice and if necessary a local administrative order and submit it to the regional administrator for approval. There always must be provision made for emergency filings. 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.
- 5) Identify and secure a work area to be used during the disposal process. Arrange for equipment such as hand carts for moving file boxes, additional staff, and storage for paper files during the effort. Establish work stations according to case-type groups and arrange staff into work teams, making sure that clerks who are familiar with each case type are assigned to the team. If using resources other than staff familiar with the case files, show examples of the types of documents that are required to be maintained and how the disposal process is to be accomplished.
- 6) Make arrangements for disposing of the records in accordance with the method identified in the Order to Dispose Court Records, including the need for personnel to physically destroy the records and contracting with any companies that provide these services.

Phase 2 - Process Records for Disposal:

- 1) Generate the report of missing essential fields and the inventory of cases ineligible for disposal, if available. Inspect the case history (whether in docket books or journals or in the case management system) of all cases identified in Phase 1 to verify that the cases meet the required retention period (as prescribed by the retention schedule) and contain the required information.

This step is necessary to ensure cases have no pending actions, such as hearings without results, active warrants, active cash bonds, and current driver's license suspensions. If any of these conditions exist in a case, the case does not meet the conditions necessary for disposal.

Certain civil or criminal case files that have met their retention periods can be disposed even if there are pending postjudgment actions in the case. For example, if an objection to garnishment has been filed in a civil case and a hearing has been scheduled, but the case is otherwise eligible for destruction, the case file can be destroyed at the court's discretion.

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- 2) As necessary, correct or update the case history in accordance with the requirements in Section 4.3. This may include retrieving case files and reviewing documents for relevant information.
- 3) Process all cases eligible for disposal according to the criteria in Section 4.3. This includes pulling and setting aside for refiling any case files ineligible for disposal as identified in step 1 above, pulling any necessary documents from case files, updating the case management system, and boxing (or otherwise preparing) records for transfer or destruction.
- 4) Prepare the **Order to Dispose Court Records**. See Appendix A. For each item # (record series), include the record series description, the date range of the records, the volume, and the disposal method for that record series. Attach to the order any inventory of records ineligible for disposal. The chief judge must sign the order as required by MCR 8.119(K).
- 5) Archives of Michigan (Archives) has responsibility for preserving and providing access to court records that have been determined to possess historical significance to the state of Michigan. These records are identified as such on the retention schedule. District court records are not transferred to Archives; however, if your court has cases of special significance, you may want to contact Archives to review them.

Phase 3 – Destruction:

- 1) Separate materials that must be retained from those to be destroyed.
- 2) If the case history must be retained longer than the case file and it is a part of the file jacket, make sure the case file number is entered on the jacket before separating the contents. Remove from the case file any documents that must be retained longer than the rest of the case file. These documents are identified separately in the retention schedule.

Optional. For certain cases where the indices and register of actions (case history) are maintained longer than the case file, enter into the case-management system, as appropriate, the event “Case File Transferred per Retention Schedule” or “Case File Destroyed per Retention Schedule,” and the date the file was destroyed. This option applies only to cases already entered into the case-management system. These entries should display as part of the automated case history, including in the numerical and alphabetical case search described in MCR 8.119(D)(1). In addition to these entries, when case files are maintained on microfilm or microfiche, delete from the case-management system all cross-references to the images.

For some case types, the entire record is to be destroyed when the retention period has been met. This means the case history (indices and register of actions) must be destroyed at the same time the case file is destroyed except: (a) for cases that

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Appendix B: General Preparations for a Disposal Project

are not on the case management system, or (b) when case files are maintained on microfilm or microfiche only.

Dispose of the records in accordance with Section 4.3. Disposal methods include transferring, shredding, burning, breaking, swiping, or degaussing. District court records are not transferred to Archives.

- 3) Whatever the method of disposal, the clerk of court must ensure and certify on the Order to Dispose Court Records (described in Phase 2, item 4) that disposal has been done in a satisfactory and complete manner.
- 4) The original signed order must be maintained permanently by the court administrator for the court and a copy must be maintained permanently by the clerk of the court.
- 5) Schedule and make any needed alterations to current storage areas while they are empty.

4.2. Case History Data

4.2.1. Paper, Digital Image, or Microfilm/Microfiche

Case history data (register of actions and numerical and alphabetical indices) originally recorded on paper and that has not subsequently been entered into the court's automated case-management system must be maintained in its entirety until the retention period has been met. This includes reproductions of the records to digital image or microfilm or microfiche. If a court cannot easily separate or maintain case history data from the case file, or if the case history data was not recorded in the form of a register of actions or in a docket book, the entire case file must be kept in its entirety until the retention period has been met. See pages 3 through 9 for detailed action steps for each case type group.

4.2.2. Electronic Data

Case history data that is maintained in a court's automated case management system must be disposed (transferred or destroyed/purged) in accordance with the retention schedule, subject to the additional direction by the State Court Administrative Office.

At the direction of the State Court Administrative Office, the case management system provider shall program a purge routine, to be initiated by each court, to either transfer or remove case history in accordance with the retention schedule.

4.3. Case Files and Documents

4.3.1. Paper or Digital Image

Case files maintained on paper or as digital images should be disposed when the retention periods have been met. Disposal must be done in accordance with the process outlined in Section 4.1.

4.3.2. Microfilm/Microfiche

Case files maintained on microfilm and microfiche must be disposed when the longest retention period for the cases on that roll or sheet has been met. Disposal must be done in accordance with the process outlined in Section 4.1.

4.3.3. Disposal of Discovery Materials from Case Files

Even when discovery materials have been filed with the court, file-stamped, and placed in a case file as authorized, those materials may be removed and destroyed from files in accordance with MCR 2.316 and are, therefore, not subject to the retention periods in the retention schedule.

4.3.4. Disposal Criteria

Courts must identify and process case records for destruction or transfer based on standard case-type groups and disposal criteria. The case-type groups have been established to assist courts to identify and process case records in accordance with specific retention periods. Each case-type group has specific disposal criteria associated with it that must be used to determine cases eligible for disposal. As most case management systems should have already converted obsolete case type codes, only a few obsolete codes are included in the case-type groups. See Appendix C.

Disposal criteria shall be used by a case-management system provider to program the means for a court to generate both an essential-fields exception report and an inventory of records ineligible for disposal. The essential-fields exception report is used to identify cases potentially eligible for disposal that have an incomplete case history (ROA). The report must be generated and used in conjunction with every records disposal project involving cases entered in the case-management system. The inventory is used to facilitate separation of case files ineligible for disposal for the dates being processed and may be attached to the Order to Dispose Court Records.

Essential Data Fields for Reporting and Long-Term Retention

The following essential data fields, by relevant specific case-type group, are required for reporting requirements and long-term retention of case history. Data fields associated with the identity of the court, such as court name, court number, and ORI number, are not included. Keys to the essential data fields are: **R** = Reporting **L** = Long-term Retention

Case-Type Group Q: Civil (GC, GZ, LT, SC, SP)	
R L	1) Case number
L	2) Party names
R L	3) Date of filing, date inactive/stayed, and any reopened date
R	4) Events that reopen the case for caseload reporting (remand or return; order staying case is set aside; reinstatement after dismissal; termination of bankruptcy filed; default, judgment, or settlement agreement set aside)
R	5) Assigned judge, judge at adjudication, and judge at disposition
R L	6) Manner of adjudication (order entered, dismissed, jury verdict, settled, etc.)
L	7) Judgment date for each party
L	8) Event codes for each party (creditor and debtor, when applicable)
L	9) Judgment amount awarded to each creditor and debtor (when applicable)
R L	10) Closed date (resolves last pending claim or otherwise closes case for caseload reporting) (CLOSED code used for caseload reporting purposes, based on type of order entered)
L	11) Satisfaction of judgment for each creditor and debtor (when applicable)
L	12) Judgment renewal dates and event codes (when applicable)
L	13) Filing dates and event codes of all documents filed pertaining to postjudgment collection
Case-Type Group R: Criminal - Traffic and Nontraffic (EX, FD, FT, FY, OD, OM, OT, SD, SM, ST)	
R L	1) Case number
R L	2) Party names
R L	3) Date of filing, date inactive/stay, and any reopened date
R	4) Events that reopen the case for caseload reporting (remand, new trial ordered by appellate court, order staying the case is set aside, request to withdraw plea granted, report on competency received, dismissal of a case on inactive status, arraignment on warrant issued before adjudication)
R L	5) CTN/TCN
R L	6) SID
R L	7) Date of birth
R L	8) Offense date
R L	9) Offenses/Charges (PACC codes or ordinance codes, offense descriptions, and associated count numbers)
R	10) Assigned judge, judge at adjudication, and judge at disposition
R	11) Whether defendant was represented by an attorney or waived representation

District Court Disposal Plan

Appendix C: Case-Type Groups and Required Data Fields

R L	12)	Date of adjudication/conviction/deferral, bindover, transfer, dismissal
R L	13)	Adjudication/Conviction (guilty, not guilty, not guilty by reason of insanity, etc.)
R L	14)	Manner of adjudication/deferral (plea, nolo contendere, jury verdict, bench verdict, nolle prosequi, dismissed, transferred/bindover, inactive status, etc.)
R	15)	Event that a felony plea accepted in district court (when applicable)
R	16)	Date of disposition (CLOSED code used for caseload reporting purposes; based on type order entered)
R L	17)	Manner of disposition (deferred, sentenced, delayed sentence, probation, etc.)
R L	18)	Type of deferral (HYTA, 7411, Spouse Abuse, etc.) (when applicable)
L	19)	Court-ordered financial obligations (reimbursement and restitution amounts) assessment date and amounts
L	20)	Payments made
L	21)	Payments disbursed
L	22)	Filing dates of all documents filed pertaining to postjudgment collection
L	23)	Payoff date (when court-ordered obligations are paid in full or waived)
R	24)	All required abstract data
Case-Type Group S: Civil Infraction (Traffic and Nontraffic) and Parking (OI, OK, ON, SI, SK, SN)		
R	1)	Case number
	2)	Party names
R	3)	Date of filing, date inactive/stay, and any reopened date
R	4)	Events that reopen the case for caseload reporting (order staying case is set aside; default set aside, admission of responsibility is set aside, appeal on informal hearing is filed)
R	5)	Assigned judge, judge at adjudication, and judge at disposition
R	6)	Date of adjudication/disposition (CLOSED code used for caseload reporting purposes, based on type of order entered)
R	7)	Manner of adjudication/disposition (verdict, admission, waiver, dismissed, default, etc.)
R	8)	All required abstract data (see Appendix E)
L	9)	Date satisfied (paid, waived, purged from SOS)
	10)	Date license suspended (if applicable)
L	11)	Date suspension purged from SOS (when applicable)