

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:

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| 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. 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 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. 07/14)

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.
- Transcripts ordered to be filed by the court. MCR 8.108(D), (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. 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 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).

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 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.

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

Standard:

General Consolidation 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 with (case number).” Enter on each register of action and the index cards the case number(s) with which that case is consolidated.
- Documents must be filed in the file with the lowest case number, except that when domestic relations cases are consolidated pursuant to MCR 3.204(A)(3), documents must be filed in 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 case file with the lowest case number and file a copy in the other case file(s), unless otherwise specified by the order of consolidation or pursuant to MCR 3.204(A)(3).
- Case numbers shall not be reused. In a paper-based system, leave each case folder in its present numerical sequence in the filing system.
- Case consolidation is the responsibility of the clerk of the court.

Postconsolidation Procedures:

- File subsequent documents in the case file with the lowest number unless otherwise specified by the order or in domestic relations cases (see MCR 3.204[A][3]).
- Make subsequent register of action summary entries only on the register for the case where the documents are stored.

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)

1.1.3: 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)

1.1.5: 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

- 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. 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)

1.2.2: 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/dg_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 Recorders*).

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. 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. 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>.

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 the 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 General Records Retention and Disposal Schedule #16 - Michigan Trial Courts. 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. 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, 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](#).

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

APPENDIX

[Model LAO 8; Inspection, Reproduction, and Creation of Court Records](#) (referenced in Component 19)

[Nonpublic and Limited-Access Court Records](#) (referenced in Component 19)

[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)

Sample Notice of Court Closing (referenced in Component 36)

[Records Retention and Disposal Schedule #16 for Michigan Trial Courts](#) (referenced in Component 36)

Comparing Digital and Microfilm Conversion Costs and Uses Sample Case

Prepared by Records Management Services of the
Michigan Department of Technology, Management and Budget

Current Situation

The Michigan Department of Examples Office of Fake Registration (OFR) is considering moving its inactive paper Sample Registration records to either digital or microfilm to address high frequency of retrieval for staff research, FOIA, and legal requests.

The office has five file cabinets for its Sample Registration records. Each record is an average of 50 pages long, with a cabinet containing about 600 records. These records have a retention period of CR+50 but are only kept in the office for one year. They are then boxed up and sent to the Records Center for off-site storage. Approximately 46 records fit in a Records Center box. Because of the frequency of use, at least six boxes are recalled from the Records Center every month. The OFR sends 65 boxes a year to the Records Center; they have a total of 3,185 boxes at the Records Center.

The OFR has 20 staff members. Seven staff members work out of the central Lansing office and connect to the state network via LAN. Thirteen staff members work in the field from laptops and connect to the state network via VPN. Central office staff frequently mail copies of active and inactive records to field staff.

Instead of sending boxes to the Records Center every year, the OFR would like to use the state's imaging vendor to convert the records to either digital or microfilm at the end of each year. The office does not intend to do a backfile conversion of the records at the Records Center. The OFR has two Document Management System options available to them. The Image Repository for Michigan Agencies (IRMA) is a simple document management solution implemented for use of inactive records converted to digital images. It is a rated service charged by the amount of space used. Input into the system is controlled and a service provider must be used for the scanning and indexing of all documents being placed in the system. The Total Records and Information Management System (TRIM) is a more robust, fully functional system that is used for the management of all active and inactive records regardless of format. It is a rated service charged by the amount of space used as well as the number of users that need access to the system. There is a modest cost for the initial configuration of the system.

Digital conversion option 1 – IRMA

The agency could convert its inactive records to digital images on an annual basis and store them in the state's IRMA EDM. There is no user fee for IRMA but there are digital storage fees. The agency also would pay annually to have the new batch of inactive records converted. The size of the digital collection would grow over time, increasing the annual cost of storage. Since IRMA is designed for inactive records, the agency cannot leverage use of this EDM beyond these inactive records. EDM systems can access digital images from any workstation with no physical records management; field staff also could access records without the need for central office staff to make copies and mail them.

Comparing Digital and Microfilm Conversion Costs and Uses Sample Case

Prepared by Records Management Services of the
Michigan Department of Technology, Management and Budget

Digital conversion option 2 – TRIM

The agency could convert its inactive records to digital images on an annual basis and store them in the state's TRIM EDM. There is an initial user fee and an ongoing user fee for TRIM, as well as digital storage fees. The agency also would pay annually to have the new batch of inactive records converted. The size of the digital collection would grow over time, increasing the annual cost of storage. Since TRIM is designed for active records, additional use of this EDM is available. The agency may wish to explore using the system for its active records; if these records originate as electronic records, storage costs could be significantly reduced. EDM systems can access digital images from any workstation with no physical records management; field staff also could access records without the need for central office staff to make copies and mail them.

Microfilm conversion

The agency could convert its inactive records to microfilm on an annual basis. The original microfilm would be stored in the state's microfilm vault for maximum preservation while the agency would receive a duplicate. The agency would need to purchase and maintain a microfilm reader. The agency also would pay annually to have the new batch of inactive records converted. The size of the microfilm collection would grow over time, increasing the annual cost of storage and inspection. Since microfilm is designed for inactive records, the agency cannot leverage use of this format beyond these inactive records. Additionally, microfilm retrieval absorbs more staff time than digital retrieval, as the film must be located, loaded into the reader, and refiled once staff is finished with it. Since staff must be physically present at the microfilm machine to access the records, the need for central office staff to make copies of records and mail them to field staff will continue.

See Excel spreadsheet for details.

Solution	Year 1	Year 2	Year 3	Year 4	Year 5
IRMA	\$13,314.50	\$14,439.50	\$15,189.50	\$15,939.50	\$16,689.50
TRIM	\$18,719.50	\$20,859.50	\$21,219.50	\$21,579.50	\$21,939.50
Microfilm	\$31,148.50	\$23,398.00	\$23,647.50	\$23,897.00	\$22,146.50

Note: 30,000 images = 1 file cabinet = 1 GB = 10 rolls microfilm = 13 Records Center boxes

Digital & Microfilm Pricing Master

IRMA Solution (Rated)	Cost per Unit	Unit Description	# of Units	# of Months	Implementation Year	# of Units	Second Year	# of Units	Third Year	# of Units	Fourth Year	# of Units	Fifth Year
Conversion	\$1,576.00	PER FILE CABINET	5		\$12,880.00	5	\$12,880.00	5	\$12,880.00	5	\$12,880.00	5	\$12,880.00
Delivery CDs	\$11.90	PER FILE CABINET	5		\$59.50	5	\$59.50	5	\$59.50	5	\$59.50	5	\$59.50
Monthly Storage & Handling	\$12.50	PER GB PER MONTH	5	6	\$375.00	10	\$1,500.00	15	\$2,250.00	20	\$3,000.00	25	\$3,750.00
Total					\$13,914.50		\$14,439.50		\$15,139.50		\$15,939.50		\$16,689.50
IRMA Solution (Rated)													
Conversion	\$2,576.00	PER FILE CABINET	5		\$12,880.00	5	\$12,880.00	5	\$12,880.00	5	\$12,880.00	5	\$12,880.00
Delivery CDs	\$11.90	PER FILE CABINET	5		\$59.50	5	\$59.50	5	\$59.50	5	\$59.50	5	\$59.50
Named User - Initial Implementation	\$10.00	PER SEAN	20		\$200.00	0	\$0.00	20	\$200.00	0	\$0.00	20	\$200.00
Named User - Monthly Services	\$3.00	PER SEAN PER MONTH	20	6	\$360.00	20	\$7,200.00	20	\$14,400.00	20	\$21,600.00	20	\$28,800.00
Monthly Storage and Handling	\$6.00	PER GB PER MONTH	5	6	\$180.00	10	\$2,400.00	15	\$3,600.00	20	\$4,800.00	25	\$6,000.00
Total					\$13,979.50		\$20,889.50		\$27,119.50		\$33,579.50		\$39,959.50
Microfilm													
Microfilm reader purchase	\$10,000.00	PER READER	1		\$10,000.00								
Microfilm reader maintenance	\$2,000.00	PER READER	1		\$2,000.00								
Conversion	\$4,090.00	PER FILE CABINET	5		\$20,450.00	5	\$20,450.00	5	\$20,450.00	5	\$20,450.00	5	\$20,450.00
Dual/triple roll	\$99.80	PER FILE CABINET	5		\$499.00	5	\$499.00	5	\$499.00	5	\$499.00	5	\$499.00
Yield/storage	\$32.40	PER FILE CABINET	5		\$162.00	10	\$324.00	15	\$486.00	20	\$648.00	25	\$810.00
Inspection	\$17.50	PER HOUR	5		\$87.50	10	\$175.00	15	\$262.50	20	\$347.50	25	\$432.50
Total					\$31,148.50		\$32,398.00		\$33,647.50		\$34,897.00		\$36,146.50
In-Office Storage													
Conversion	\$3.00	PER FILE CABINET	5		\$15.00	5	\$15.00	5	\$15.00	5	\$15.00	5	\$15.00
Monthly Storage	\$33.33	PER FILE CABINET	5	6	\$999.90	10	\$3,999.60	15	\$5,999.40	20	\$7,999.20	25	\$9,999.00
Total					\$1,014.90		\$4,014.60		\$6,014.40		\$8,014.20		\$10,014.00
Records Center Storage													
Conversion	\$2.00	PER FILE CABINET	5		\$10.00	5	\$10.00	5	\$10.00	5	\$10.00	5	\$10.00
Monthly Storage	\$4.00	PER FILE CABINET	5	6	\$120.00	10	\$480.00	15	\$720.00	20	\$960.00	25	\$1,200.00
Total					\$130.00		\$490.00		\$730.00		\$970.00		\$1,210.00

30,000 images = 1 file, above = 1 GB = 30 min
microfilm = 28 Records Center boxes

Case File Management

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