
Case File Management Standards (rev. 1/08)

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 papers with the court, as required by Michigan Court Rules, must be with the clerk of the court. 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 Papers 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 |
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Component 2	Phases of File Management Where Used
Case Number, File Number, and Petition Number	Case initiation, maintenance, disposition to closing, postadjudication

Standard:

File and Case Defined:

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

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

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

Use of Case Number

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

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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 papers prepared for filing in the courts of this state must be on good quality paper not exceeding 8½ inches wide by 11 inches long. Attachments and exhibits need not meet the above standard, but parties are encouraged to reduce or enlarge such papers to 8½ by 11 inches if practical. MCR 1.109.

Type Size:

- The print of all pleadings and other papers must be no smaller than 12-point type. This requirement does not apply to forms approved by the State Court Administrative Office including the text inserted in the blanks of the forms, and attachments and exhibits. MCR 1.109(A); MCR 2.113(B).

Language:

- Every pleading and all other papers 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. MCR 2.114(C); MCR 5.114(A).

Filing Fee:

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

Procedure for Nonconformance:

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

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

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

Standard:

Substantive Errors:

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

Clerical Errors:

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

SCAO-approved Forms:

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

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

For the benefit of the public and courts, lists regarding mandatory use of SCAO-approved forms is available at: http://courts.michigan.gov/scao/courtforms/mandatory_use_lists.pdf.

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

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

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 folder for each action. MCR 8.119(D)(1)(d).

Type of Folder/Jacket:

- Folders should be 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 Folder/Jacket:

- 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 but highly recommended.

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

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A case file consists of not only the case folder/jacket but of envelopes, boxes, binders, and other appropriate supplies intended to house the individual documents and records of a given case file.

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).
 1. Pleadings.
 2. Process, proofs of service.
 3. Judgments, findings, written opinions, and orders.
 4. Transcripts ordered to be filed by the court. MCR 8.108(D), (F).
 5. 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, except that exhibits should be maintained separately.
- 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.

Other Related Cites:

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

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

District: MCR 4.002; MCR 4.101(A).

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

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

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

Other: MCR 3.615(B); MCL 600.8635.

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

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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:
 1. Court seal. Const 1963, art 6, § 19; MCL 600.571(f); MCL 600.832(1); MCL 600.1416.
 2. Confidential stamp.
 3. 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.”

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

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

Documents Requiring the Seal of the Court:

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

However, these documents may be sealed at the discretion of the court. If a court chooses to seal a search warrant and the warrant is issued outside regular business hours (i.e., in the home of the judge or magistrate), the original search warrant should be sealed when it is filed with the clerk of the court. If a court chooses to seal an arrest warrant and the warrant is issued electronically to law enforcement (and the court enters its own warrants into LEIN), the court must still seal the original warrant kept in the court's case file.

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

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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 folder contents (original documents or certified copies of documents), depositions, exhibits, 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.
- Maintain the original case folder and a copy of 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.

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1.1.1: Establishing and Maintaining Case Files

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

Specific Procedures for Change of Venue:

- If a civil action is transferred for change of venue, the clerk transferring the action shall promptly forward to the clerk of the court to which the action is transferred the original papers 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. 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 papers, including all court files and friend of the court files, ledgers, records, and documents. 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 documents, or certified copies of pleadings and documents, to the receiving court without charge. 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 papers 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.*

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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 papers 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). If the clerk prefers, the requesting person may be permitted to make copies at personal expense under the direct supervision of the clerk. Except for copies of transcripts or as otherwise directed by statute or court rule, a standard fee may be established for providing copies of papers in a file. MCR 8.119(E)(2); 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.
- **Requests by Executive Branch Offices:** Copies of papers, records, or documents 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:

- There is no statutory authority to charge for true copies. Attorney General Opinion 2232, 2/6/56.
- There are a number of statutes and court rules that require or refer to a "true copy," however, only MCR 3.211(H)(1) requires the actual words "True Copy" to be written or stamped on the document.

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.

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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.

Form of Information:

- If future action information is maintained manually, then it should be stored in the case file folder; see Component 14 for an alternative. If it is maintained electronically, then it can be maintained on the computer.

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. 2003-7; *Caseflow Management Guide*.

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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 multijudge 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 may 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 kept 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. 2003-7; MCL 600.8551; *Royal Oak Trucking Co v Keller*, 17 Mich App 532 (1969); *Dickinson v Henderson*, 122 Mich 583.

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1.1.4: Establishing and Maintaining
Indexes to Case Files

Indexes are an important record series and serve as a cross reference of case titles to the case numbers. Automation is the best indexing method available, particularly if supported by computer output microfilm (COM). Index card systems are the best manual alternative because cards can be filed in true alphabetic order and are generally easier to use, but access must be controlled to prevent misfiles.

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:

- Indexes available to the public 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 may be maintained either as a central index for all cases filed in the court or as separate lists for particular types of cases or particular divisions of the court.
- Indexes may be automated or maintained on cards.
- If a manual card system is used, it is recommended that file drawers contain a rod to prevent removal of cards during normal everyday referral to the cards.

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1.1.4: Establishing and Maintaining
Indexes to Case Files

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

Conventions for Indexing:

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

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

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

Case File Management Standards (rev. 1/08)

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, petitions and orders for name change, subpoena for taking deposition on an out-of-state case, filing of letters by foreign personal representative, 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:
 1. Name.
 2. Date of qualification.
 3. Commencement and termination of term (if applicable).
 4. 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.
- Warrants must be moved from the group file and placed in the case file when the court so orders.

Case File Management Standards (rev. 1/08)

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 accessing all records, whether open to the public or not, should be documented, and 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).**
- Court records are public unless specifically restricted by law or court order. Any person may inspect any public court file unless access is restricted by statute, court rule, case law, or **an order entered pursuant to MCR 8.119(F).** 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(F).
- Original records or case files shall not be taken or removed from the court without specific court order. 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.
- Specific recommended procedures for obtaining access to records and case folders are set forth in Model LAO 8 - Inspection, Reproduction, and Creation of Records, and in 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 the Nonpublic and Limited-Access Court Records chart at http://courts.michigan.gov/scao/resources/standards/cf_chart.pdf.

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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

- Dissemination of social security numbers by the courts is restricted to the purposes for which their use is authorized by federal or state law. When a court receives a request for copies of any public document filed on or after March 1, 2006, the court must review the document and redact all social security numbers on the copy. This requirement does not apply to certified copies, true copies when they are required by law, or copies made for those uses for which the social security number was provided.
- 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.

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 3.903(A)(3); MCL 600.832; MCL 712A.28.

Case File Management Standards

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 notes. 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.

Transfer:

If the court reporter/recorder dies, resigns, is removed from office, or leaves the state, his/her records in each case 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. 1/08)

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 video and digital audio standards and MCR 8.109 when recording digital media (<http://courts.michigan.gov/scao/resources/standards/index.htm>).
- 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*).

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1.3.1: Appeal Processing

Component 26	Phases of File Management Where Used
Appeal Processing	Postadjudication

Standard:

General Procedures:

- The record normally consists of the original papers filed in the court, the transcript of any testimony or other proceedings in the case, and the exhibits introduced. See MCR 7.210(A)(1) and (2) and MCR 7.311(A) and below for further details.
- As required by court rule, send the record on appeal. MCR 7.101(F); MCR 7.210(H); MCR 7.311(A).
- Transmit original documents by registered or certified mail, return receipt requested, or by courier service.
- Maintain the original case folder, a copy of the register of actions listing the documents transmitted, any postal receipts from registered or certified mailing, and as appropriate, either the order transmitting the record (to circuit court) or a copy of the record production checklist (to the Court of Appeals, SCAO-approved form CC 71). It is not required to make a copy of the file contents before transmitting the file; however, a court may opt to do so in situations where other matters continue on that same case in the trial court after the case has been transmitted to the appellate court.

Motion for Relief From Judgment:

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

Appeals to the Circuit Court:

The clerk of the court shall ensure that the entries on the register of actions are correct and ready for transmittal, ensure that all exhibits have been filed, and ensure that all relevant documents and papers from the court file are ready for transmittal. If the record is ready for transmittal, the court shall sign an order transmitting the record. The trial court may eliminate exhibits from the record. The trial clerk of the court must send the record to the circuit clerk of the court and notify the parties of the transmittal. MCR 7.101(F).

Case File Management Standards (rev. 1/08)

1.3.1: Appeal Processing

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

Appeals to the Court of Appeals:

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

Appeals to the Supreme Court:

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

Case File Management Standards (rev. 1/08)

3.1: Management

Component 32 (continued)	Phases of File Management Where Used
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.michigan.gov/scao/courtforms/mandatory_use_lists.pdf.

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.michigan.gov/scao/resources/publications/manuals/carg/rg_sec8.pdf.

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4.1: File Contents

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

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

Standard:

- Any item placed in a case file (except the register of actions and any nonrecord material as described in item 16.120 of the General Records Retention and Disposal Schedule #16 Michigan Trial Courts) becomes part of that case file and must be maintained for the full length specified in the retention and disposal schedule, except that discovery materials may be removed and destroyed from files in accordance with MCR 2.316 and MCR 2.518(B).
- Items not placed in a case file because of size limitations (such as transcripts) but which are considered part of the case file must be maintained for the full length specified in the retention and disposal schedule, except for discovery materials removed and destroyed in accordance with MCR 2.316 and MCR 2.518. See the Appendix for a copy of SCAO-approved form MC 29, Notice of Intent to Destroy Discovery Materials.
- Items not placed in a case file which may be related to the case file, such as duplicate copies, envelopes, correspondence, or handwritten notes, are not considered part of the case file and may be destroyed in accordance with the retention and disposal schedule.
- The register of actions is not considered part of the case file. It is a court record related to the case file. If the register of actions is made a part of the case file or is preprinted on the folder jacket, it must be separated from the file contents and maintained permanently in accordance with the retention and disposal schedule.

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

Case File Management Standards (rev. 1/08)

4.2: Retention and Disposal Schedules

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

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

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

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

Case File Management Standards (rev. 1/08)

4.3: Destruction of Files

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

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/hal/0,1607,7-160-17445_19273_21738---,00.html for details.

Accepted Methods of Disposal:

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

Cross References: See General Records Retention and Disposal Schedule #16 Michigan Trial Courts at http://courts.michigan.gov/scao/resources/standards/cf_schd.pdf. See Section 8-04 of the *Michigan Court Administration Reference Guide* at http://courts.michigan.gov/scao/resources/publications/manuals/carg/rg_sec8.pdf for a list of off-site record-storage facilities and companies that provide shredding services.