

# CIVIL RECORDS OF THE SUPREME AND COUNTY COURTS

## FILING STRATEGIES

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The filing strategies that follow are intended to improve the management of civil case files by **(1)** facilitating the purging and disposition of obsolete records and **(2)** establishing filing and maintenance practices that maximize access and cost savings. Further, because the operations of each County Clerk's Office may differ, the following are offered as options, not a compendium of rules. County Clerks are encouraged to apply these suggestions in ways which work best for them. There is no preferred method of implementation; the most effective process is to apply a system which has a consistent, internal logic and works effectively within the context of your overall operations.

The rewards of efficient files management are numerous and well documented. Purging obsolete files and implementing basic files management results in more efficient use of existing space, recycling of storage equipment, improved use of personnel resources, and cost-effective use of monies for technology applications, including microfilming and imaging..

The Civil Records of the Supreme and County Court do not lend themselves easily to files management. Difficulties arise because of the following factors:

- ! there are 23 *different* types of civil actions identified in the Records Retention and Disposition Schedule for Civil Records of the Supreme and County Court.
- ! these actions generally filed sequentially by Index Number, a -system which does not differentiate case type.
- ! the case have one of four different retention requirements: six years, twenty-five years, seventy-five years or permanent. In addition, there is a sampling requirement for some case types but not for others.

## PURGING

One of the goals of this process is to structure your filing system and apply techniques that will enable you to easily identify and purge eligible case files in the future.

### RECORDS ELIGIBLE FOR PURGING

Records eligible for purging are: **Contracts, Torts, Tax Certiorari and Small Claims Assessment Review (SCAR)**. Refer to Guidelines for Purging Civil Case Files, Rev. July 1997 for description of eligible records.

Your goal should be to have the ability identify these cases quickly so that future purge activities become automatic and easy. ***This is best accomplished by identifying eligible records at the point of creation, using any combination of the following suggestions.***

#### **I. COLOR CODE THE CASE FILE**

- ! Use different colored folders. You might choose several colors in order to identify case type or just two colors to differentiate between those that are permanent and those that are eligible for destruction.
  
- ! Use different colored markers to color code the folder. Use any combination of colors to identify either **(1)** those that are eligible for destruction or **(2)** those that are permanent or **(3)** both. It may be easier to color the non-permanent records since there are only four types of action that fall within this category. If folders have tabs where the Index Number is the most visible part of the file, use a highlighter pen to color right over the number. If the Index Number is not readily visible, place a colored mark in whichever corner is most visible when the folders are placed in the filing system. Markers or pencils are preferred to labels. Labels are not recommended because they eventually detach.

## **II. UTILIZE ELECTRONIC TRACKING RECORDS**

- ! If you have a computerized tracking records, include fields for Index Number (including year), case type, date of initiation and date of disposition. This will enable you to produce a list of eligible records by Index Number. Because you are also permitted to destroy Contracts, Torts, Tax Certs and SCAR records even if there has been no disposition - 30 years after the last activity - we also recommend including a field for tracking case activity; this will allow you to create reports of records eligible for disposal despite the absence of a disposition.

## **III. UTILIZE DIFFERENT NUMBERING SEQUENCES**

- ! Set aside blocks of Index Numbers for different case types. For instance, 00001/97 through 00100/97 can be used for contracts.
- ! Set aside blocks of Index Numbers for all non-permanent records, e.g. 00001/97 through 00300/97 for all Contracts, Torts, Tax Cert and SCAR cases.

## **IV. REDESIGN FILING SEQUENCES**

- ! Establish a filing system where you file cases eligible for destruction *separately* from those that must be permanently maintained.
- ! Establish a filing system where you file cases after disposition *separately* from those still pending disposition.

## V. ANNOTATE CASE FILE, CASE JACKET

- ! Use letters, either alone or in combination with color coding, to identify case information. For example, all eligible records can be marked with a ; D☐ (for destroy). You can highlight this notation by using a colored marker (or several different colors if you want to differentiate between case types). For example, you might want to use a red ; D75☐ to indicate Torts with a 75 year retention (for a structured settlement).
- ! Place a stamp on the jacket that identifies the case type.
- ! Check off the appropriate case type box in the Note of Issue. While this is not possible at point of creation, it is an additional way to identify case type once the Note of Issue has been filed.
- ! Utilize a bar code system, designed to assist in identification of type of action, as well as all the other case information that can be maintained on computer.

### WHATEVER PROCESS YOU USE MAKE SURE TO:

- 1) Assign a year to every index number; break off numbering system at the end of each year.
- 2) Always include the disposition date in a prominent place, either on the outside of the case jacket or folder or as any entry into an electronic tracking record.
- 3) For courts utilizing dual filing systems where the court has one file and judges maintain another, combine the files into the court file immediately after disposition. Do not combine judges personal notes with the court file.
- 4) Do not interfile civil cases with criminal cases.
- 5) Do not keep more than one copy of each document in the case folder or file. At case disposition, dispose of all duplicates, general correspondence, cover sheets, control forms and envelopes.

## **CREATE A FILES MANUAL**

It is helpful to document the organization and implementation of your filing strategies, including the processes and procedures required for all phases of files management from case initiation through records disposition. The manual should include regulations, policies and informal practices; it should be up-dated as practices change. Retain one master copy permanently, including the up-dates, to document all procedures (old and new) so that older records can be accessed even after the procedures have been changed.

## **CREATE A FILES MANAGEMENT PLAN**

It is helpful to analyze you current filing methods and strategies and to identify options for future implementation. The plan should make reference to:

- ! How you will identify case type in order to expedite the purge process.
- ! How you organize and structure your files so that non-permanent parts of each file can be disposed of immediately after disposition.
- ! What type of storage device you use now or would like to have in the future that would reduce your space requirements and optimize access to your files.
- ! What indexing criteria you utilize to maximize efficient access to your files.
- ! A discussion of how you currently use technology to enhance your filing systems and how electronic records could be used in the future.