

ALASKA COURT SYSTEM
OFFICE OF THE ADMINISTRATIVE DIRECTOR
ADMINISTRATIVE BULLETIN NO. 48

TO: ALL HOLDERS OF ADMINISTRATIVE BULLETIN SETS:

Area Court Administrators	Presiding Judges
Clerk of the Appellate Courts	Senior Staff
Third District Rural Training Assistant	Administrative Associate
Full-Time Clerks of Court	
Magistrates at locations with no full-time clerk	
Law Libraries at Anchorage, Fairbanks, Juneau & Ketchikan	

OTHERS: Training Judges

SUBJECT: Case File Management Standards

The attached policy on case file management standards will become effective in all district, superior and appellate courts on the date stated below. The policy is being issued under the authority granted to the administrative director by Administrative Rule 1(b).

Effective Date

Arthur H. Snowden, II
Administrative Director

CONTENTS

	<u>Page</u>
I. Introduction	3
II. Waiver of Standards	3
III. Clerk's Responsibility	3
IV. Case File Management Standards	
Standard 1:Case Number	3
Standard 2:File Folders	3
Standard 3:Case Indexing	3
Standard 4:Placing Papers in Case File	3
Standard 5:Separately Maintained Case Papers and Related Items	5
Standard 6:Confidential and Sealed Records	6
Standard 7:Consolidation of Cases	9
Standard 8:Transfer of Case Files to Other Courts	10
Standard 9:Access to Court Records	13
Standard 10:Inspecting and Obtaining Copies of Court Records	13
Standard 11:Case File Checkout and Return	13
Standard 12: Case File Control	14
Standard 13: Filing Systems	15
Standard 14: Retention/Detention/Microfilming Case Files and Case-Related Documents	15

CASE FILE MANAGEMENT STANDARDS

I. INTRODUCTION

This bulletin sets standards for case file management within the Alaska Court System. The standards supersede any previous standards or policies dealing with the same subject matter unless specifically stated otherwise in this bulletin. The standards are intended to ensure the integrity of the contents of the case files and avoid loss or temporary misplacement of the files.

II. WAIVER OF STANDARDS

A request by a court for waiver of a specific standard must be addressed to the administrative director in writing. Such a request must include the name and number of the standard, specific reasons for requesting the waiver, the length of time of the waiver and any other pertinent information in support of the request. All waiver requests must be approved by the area court administrator or clerk of the appellate courts before being sent to the administrative director. The area court administrator or clerk of the appellate courts must make a recommendation together with a statement explaining why the requesting court cannot comply with the specific standard and what would be required to bring the requesting court into compliance with the standard.

III. CLERK'S RESPONSIBILITY

The clerk of court is responsible for ensuring that the case file management standards set out in this bulletin are followed. In those courts without a full-time clerk, the magistrate is responsible for insuring that these standards are followed.

IV. CASE FILE MANAGEMENT STANDARDS

Standard 1: Case Number

- A. Every case filed with the district or superior court must be assigned a case number as provided in Administrative Bulletin No. 7.
- B. Every case filed with the court of appeals must be numbered consecutively in the existing number series. The prefix "A" and a dash must be written before the

number.

- C. Every case filed with the supreme court must be numbered consecutively in the existing number series. The prefix "S" and a dash must be written before the number.

Standard 2: File Folders

Upon the filing of an initiating document (for example: complaint, petition, indictment, information, etc.), the clerk will prepare a case file folder and file the initiating documents in it. The case file folder must be marked with the case number and case title.

The following colored file folders must be used. All folders are preprinted with case type and other information.

<u>Case Type</u>	<u>Folder Color</u>
Criminal:	
- misdemeanor	blue
- felony	red
Civil:	
- small claims	green
- district court civil (including domestic violence)	manila
- superior court civil (including divorces & dissolutions)	manila
Children's:	pink
Probate: (including estates & mental commitments)	gold
Coroner:	manila
Appellate Courts:	
Court of Appeals	green
Supreme Court	manila

Standard 3: Case Indexing

All courts must maintain an alphabetical index by last name of every party named in every case filed. Civil Rule 74(a). The index must show the party's name, the case number and case caption or title. Exception: In courts which use manual indexes, an index of plaintiffs in criminal cases does not need to be maintained.

A. Computerized Index

In courts with computers, the clerk must enter each case in the computer. Cases are automatically indexed when cases are initially entered into the computer. The clerk must periodically generate a hard copy form of the index for use by court personnel and the public. See Standard 6 for the standards governing confidential indexes.

B. Manual Index

In courts without computers, an index on index cards must be maintained. See Standard 6: Confidential Records on the standards governing confidential indexes.

Standard 4: Placing Papers in Case File

A. All papers relating to a case must be marked with the case number and date of filing or receipt. All papers must be placed in the case file within the time period specified below.

1. For case files located in the clerk's office, all papers must be placed in the case file within two days after receipt.
2. For case files which are located in an office within the court other than the clerk's office, all papers must be placed in the case file within three days after receipt.
3. For case files which have been transferred to another court location, see Standard 8.

B. Case papers must be placed in the case file as follows:

1. The case paper must be checked for the correct case caption and number.

2. If local procedures require clerks to initial case papers after performing a clerical duty, e.g., entering the paper into the computer, the case paper must be checked for the appropriate initials prior to filing to ensure that the clerical duty has been completed.
3. Case papers must be filed and maintained in case files according to the procedures adopted by each judicial district as set out in Attachments A-C to this bulletin and by the clerk of the appellate courts.

Standard 5: Separately Maintained Case Papers and Related Items

A. Voluminous Documents

1. When the volume of documents interferes with the efficient handling of the case file, the following types of documents may be stored separately from the case file: transcripts, depositions, motions and memoranda, briefs, and confidential reports/documents. See also Standard 6 on Confidential Records.
2. These documents may be stored in a separate folder or envelope behind the original case file or in a different location. The folder or envelope must be marked with the case caption and number.
3. Each item and its location must be recorded in a standard location in or on the case file.

B. Audio, Video and Computer Tapes and Log Notes

Audio, video and computer tapes of court proceedings must be filed and maintained in accordance with Administrative Bulletin No. 20 and Administrative Bulletin No. 23. Log notes must be filed and maintained in accordance with Administrative Bulletin No. 22.

C. Exhibits

Exhibits must be maintained in accordance with Civil Rule 43.1, Criminal Rule 26.1 and Administrative Bulletin No. 9.

Standard 6: Confidential and Sealed Records

A. Unofficial Records of Confidential Proceedings

Destruction of unofficial records of confidential proceedings is governed by Administrative Bulletin No. 16.

B. Search Warrant Records

Filing and access to search warrant records are governed by Criminal Rule 37(e)(1). Until such time as search warrant records become public records pursuant to CrR 37(e)(1) or by order of the court, search warrant records must be kept sealed in accordance with the provisions of paragraph G on sealed files, below.

C. Grand Jury Records

1. The votes of the grand jurors are confidential and must be sealed in an envelope by the grand jury before being delivered to the court. A "Sealed" label, form TF-330, must be completed and affixed to the envelope. These sealed envelopes must be filed in a locked cabinet or vault specifically designated for the filing of confidential and sealed documents. Access to grand jurors' votes is restricted to all persons, including court personnel, unless otherwise ordered in writing by the court. Criminal Rule 6(k) and (l).
2. The return of indictments and access to indictments are governed by Criminal Rule 6(l)(2) and 6(n).
3. All other grand jury documents are confidential and must be filed in specially designated "Grand Jury" files. A "Confidential" label, form TF-325, must be completed and affixed to grand jury file. These files must be filed in a locked cabinet or vault designated for the storage of confidential documents.
 - a. Prior to the time an indictment is returned by the grand jury, access to grand jury documents, unless otherwise ordered by the court, is limited to 1) court personnel for case processing purposes, and 2) the prosecuting attorney for use in the performance of his duties. Criminal Rule 6.b(l)(1).
 - b. Pursuant to Criminal rule 6.b(l)(1) and (m), after an indictment is

returned by the grand jury, access to the grand jury documents for that case, unless otherwise ordered by the court, is limited to:

- (1) the defendant;
- (2) counsel of record;
- (3) individuals with a written order from the court authorizing access; and
- (4) court personnel. Access by court personnel is for case processing purposes only.

- c. Retention of and access to grand jury documents and audio tapes relating to a "No True Bill" indictment are governed by Criminal Rule 6(n)(1) and (2).

D. Confidential Audio Tapes and Log Notes

1. The recording, access, and copying of audio tapes of confidential proceedings is governed by Administrative Bulletin No. 20.
2. Tape numbering of confidential audio tapes is governed by Administrative Bulletin No. 21.
3. The filing of log notes from confidential hearings is governed by Administrative Bulletin No. 22.
4. The security of confidential audio tapes is governed by Administrative Bulletin No. 23.

E. Confidential Case Indexes

In computerized courts, a hard copy of the index to confidential cases must be generated separately from the public index. Both computerized and manual indexes to confidential cases must be stored separately from the public index. Unless otherwise ordered by the court, access to the confidential index is limited to court personnel for case processing purposes only.

F. Confidential Case Files and Confidential Documents

1. Unless otherwise ordered by the court, access to internal memoranda, notes, or preliminary drafts prepared by or under the direction of any judicial officer which related to the adjudication, resolution or disposition of

any past, present or future case, controversy or legal issue is limited to court personnel for case processing purposes only. Administrative Rule 37.5(b)(2).

2. Unless otherwise ordered by the court, only the following individuals may be given access to cases and individual documents, not included in paragraph 1 above, which have been designated confidential by statute, court rule or court order (e.g., adoptions and children's cases, presentence and custody reports):
 - a. parties to the action;
 - b. counsel of record;
 - c. individuals with a written order from the court authorizing access; and
 - d. court personnel. Access by court personnel is for case processing purposes only.
3. The following procedures must be used to ensure confidentiality of confidential case files and documents:
 - a. If the entire case file is confidential, the word "CONFIDENTIAL" must be stamped or written on the front of the case file. Confidential case files must be filed in a separate filing area from non-confidential (public) case files.
 - b. If just a document is confidential, the word "CONFIDENTIAL" must be stamped or written on the top of the first page of the document and the document must be filed in an envelope. A "Confidential" label, form TF-325, must be completed and affixed to the envelope. The envelope must be closed either by the metal fastener on the envelope flap or by tape.
 - c. Unless personally known to the clerk, identification is required of all persons seeking access to a confidential file or document. The purpose of this requirement is to ensure that the person is a person who is authorized access to the file or document.
 - d. Storage of Confidential Files and Documents
 1. Confidential Files

- a. If confidential files are used infrequently, confidential case files must be kept in a file cabinet which is locked at all times except when in use.
- b. If confidential files are used frequently throughout a day, confidential case files may be kept unlocked in a file area clearly marked as a confidential file area and to which public access is prohibited. The file cabinets or file room must be locked during non-business hours with a lock which is not accessible to non-court personnel.

2. Confidential Documents.

Envelopes containing confidential documents must be stored in one of the following:

- a. A filing cabinet designated for the storage of confidential documents which is kept locked at all times except when in immediate use. The name of the item and its storage location must be recorded in a standard location in or on the case file.
- b. The case file. If the confidential envelope is stored in the case file, the envelope must be fastened to the metal fasteners in the file. The envelope must be removed from the file before any non-court employee is allowed to view the file.

G. Sealed Case Files and Documents

1. Sealed case files and documents are confidential, and access to sealed files and documents is restricted to the judge and persons authorized by written order of the court.
2. The following procedures must be used for the filing and storage of case files and documents which have been ordered sealed.
 - a. If the entire case file is sealed, the word "SEALED" must be stamped or written on the front of the case file. If just a document is sealed, the word "SEALED" must be stamped or written on the top of the first page of the document.

- b. Sealed case files and documents must be filed in an envelope. A "Sealed" label, form TF-330, must be completed and affixed to the envelope. The opening to the envelope must be sealed with tape.
- c. The sealed envelope must be stored in either a filing cabinet designed for storage of confidential and sealed documents or in the case file under the same restrictions as provided for confidential documents in paragraph F.3.d above.
- d. If the court enters an order allowing someone to review a sealed case file or document, the following procedures must be used:
 - 1. Unless personally known to the clerk, identification is required of the person seeking access to a sealed case file or document. The purpose of this requirement is to ensure that the person is the same person who has been authorized access to the file or document.
 - 2. The following information must be noted on the envelope:
 - a. the date and time the envelope was unsealed;
 - b. the name of the judge authorizing access to the file or document; and
 - c. the date of the order authorizing access.
 - 3. After the authorized person has viewed the file or document, the file or document must be returned to the envelope and the envelope resealed.

Standard 7: Consolidation of Cases

When the court orders cases consolidated or joined, the following steps must be taken:

- A. The case numbers of the consolidated cases must be recorded either:
 - 1. On the case history sheet for each case in those courts which are without computers and which use case history sheets to report statistical

information; or

2. In a "Records of Action" (ROA) entry in the computer in those trial courts with computers. An ROA entry must be made for each case ordered consolidated.
 3. On the "Case Docket" screen in the computer in the appellate courts.
- B. The words "Consolidated with _____" and a list of the case numbers of the other cases must be written on the outside of each case file.
 - C. Unless otherwise ordered by the court, the original order of consolidation must be filed in the case file with the lowest case number (hereinafter known as the controlling case). A copy of the order of consolidation must be filed in each of the other case files.
 - D. "STOP" cards, form TF-320, must be put in all the case files except the controlling case.
 - E. All the other consolidated case files must be filed directly behind the controlling case file.
 - F. An "Out" card must be filed in place of each case filed with the controlling case. The words "Consolidated with _____" and the case number of the controlling case must be written on each of the "Out" cards.
 - G. All subsequent documents for any of the consolidated cases must be filed in the controlling case file, unless otherwise ordered by the court.

Standard 8: Transfer of Case Files to Other Courts

The transfer of an active case file from one court to another is the result of 1) a temporary transfer of case file, 2) a change of venue, or 3) appeal, petition for review, or petition for hearing.

A. Temporary Transfer of Case File

If a case is temporarily transferred from one court location (hereinafter referred to as the original court) to another court (hereinafter referred to as the second court), the following procedures must be followed:

1. The original court must send to the second court by certified mail the following:
 - a. A completed Notice of Temporary Transfer of File, form TF-915. A copy of this notice must be retained by the original court. (Exception: if a file is being transferred to the Three-Judge Sentencing Panel, form CR-452, Notice of Temporary Transfer of File to Three-Judge Sentencing Panel, must be used instead of TF-915.)
 - b. The case file¹;
 - c. The original of all subsequent filings together with a transmittal letter listing what is being sent. Subsequent filings must be forwarded within two days after receipt. A copy of the transmittal letter must be kept in the original court.
2. The second court will not assign a temporarily transferred case file a new case number. See Administrative Bulletin No. 7.
3. Upon completion of the proceedings for which the file was temporarily transferred, the second court must send to the original court by certified mail:
 - a. A transmittal letter (form TF-915 can be used) notifying the original court of the results of the proceedings and a list of what items are being returned to the original court. A copy of the transmittal letter and postal receipts must be retained by the second court for a minimum of six months after which they must be destroyed.
 - b. The case file.¹
 - c. Any other case-related items, such as exhibits, depositions, etc.

B. Change of Venue

1. When the venue of a case is ordered moved from one court (hereinafter referred to as the original court) to another court (hereinafter referred to as

¹For cases which are being temporarily transferred, the area court administrator or presiding judge may require courts in their district to prepare and send duplicate copies of case files (dummy files) instead of original files.

the second court), the original court will do the following:

- a. Close out the case file.
- b. Remove the original documents from the case file.
- c. File a copy of the order changing venue in the original case file.
- d. Send the following to the second court by certified mail:
 - (1) A transmittal letter listing what is being sent. A copy of the transmittal letter and all postal receipts must be kept in the original court's case file.
 - (2) All original documents from the case file.
 - (3) All case-related depositions, exhibits, transcripts and any other case-related items which are stored separately from the file (e.g., confidential reports).
 - (4) A check for any money held in the trust account in the case.
 - (5) The original of all subsequent filings together with a transmittal letter listing what is being sent. Subsequent filings must be forwarded within two days after filing or receipt. A copy of the transmittal letter must be kept in the original court's case file.

2. Upon receipt of the items listed above, the second court must do the following:

- a. Assign the case the next available case number and set up a new case file. See Administrative Bulletin No. 7 on Case Numbering.
- b. Prepare and distribute Notice of Change of Case Number and Assignment of Judge, form TF-910.
- c. Review the case file and take the next required action, if any.

C. Appeals and Petitions for Review or Hearing

1. If a case must be forwarded from one court (hereinafter referred to as the original court) to another court (hereinafter referred to as the second court) for appeal or petition for review or hearing, the original court must do the following:
 - a. Make a copy of important documents in the case (e.g., complaint, answer, judgment) to be retained at the original court.
 - b. Send the following items to the second court by certified mail:
 - (1) A completed Temporary Transfer of File, form TF-915. A copy of TF-915 and all postal receipts must be kept in the original court's dummy file.
 - (2) The original case file.
 - (3) All case-related exhibits and transcripts. Exception: Large physical exhibits and sensitive exhibits (firearms, drugs, cash, jewelry and other valuables) must not be transferred until specifically requested by the second court.
 - (4) Copies of hearing tapes. (Original tapes should be sent only if the original court does not have duplicating equipment.)
 - (5) The original of any subsequently filed documents together with a transmittal letter listing what is being sent. Such documents must be forwarded within two days after filing or receipt. A copy of the transmittal letter must be kept by the original court.
2. Upon completion of the appeal or review proceedings for which the file was transferred, the second court must send to the original court by certified mail:
 - a. A transmittal letter (form TF-915 can be used) notifying the original court of the results of the proceedings and a list of what items are being returned to the original court. A copy of the transmittal letter and postal receipts must be retained by the second court for a minimum of six months after which they must be destroyed.
 - b. The case file.

- c. Any other case-related items, such as exhibits, depositions, etc.

Standard 9: Access to Court Records

- A. Access to public court records is governed by Administrative Bulletin 12 and Administrative Rule 37.5.
- B. Access to confidential and sealed court records is governed by Standard No. 6 of this bulletin. Questions as to whether an individual or agency should have access to a confidential case or document should be referred for determination and written authorization to the judge assigned to the case, or, in the absence of an assigned judge, to the judge who ordered that the case or document be kept confidential.

Standard 10: Inspecting and Obtaining Copies of Court Records

- A. With the exception of confidential or sealed case files and documents, all case files and case-related documents are public records and must be made available for review by the public pursuant to Civil Rule 74, Administrative rule 37.5 and Administrative Bulletin 12.
- B. Before releasing a file to a member of the public for inspection, the clerk must review the file and remove and keep in a safe place all confidential and sealed documents. When the file is returned to the clerk after inspection, confidential and sealed documents must be immediately returned to and fastened in the case file.
- C. Inspecting and obtaining copies of confidential and sealed case files and case-related documents is limited to those persons authorized in Standard No. 6 of this Bulletin.
- D. Obtaining copies of court records is governed by Administrative Bulletin No. 12. The cost of obtaining copies of court records is governed by Administrative Rule 9.

Standard 11: Case File Checkout and Return

The clerk may set policies and procedures for the management and check out of files within the following guidelines:

- A. Case files and case-related documents must not be removed from court offices without an order from the court.
- B. Case files removed from the file shelf or drawer must be immediately replaced with an "Out" card indicating the case number, date the file was removed and the person to whom the file was checked out. Any written request or sign-out slip must be attached to the "Out" card. Exception: Courts with two or less employees are not required to use "OUT" cards except in those instances when files are transferred to another court.
- C. The moving of case files and case-related records must be done by court personnel only. The attorneys, parties to the case and members of the general public may not hand-carry files between court offices.
- D. The clerk in each court must establish written procedures to update checked out files with new filings within the time frames set out in Standard 4, paragraph A, of this Bulletin.
- E. When a case file is returned to the clerk's office, the clerk must review the file and complete any clerical work that may be required. Case-related documents not previously filed in the case file must be filed before the case is returned to the file shelf or drawer and the "Out" card removed.

Standard 12: Case File Control

To ensure the location and timely return of files which have been checked out of the clerk's office, a monthly inventory of all "Out" cards must be made in the following manner:

- A. The clerk must make a list showing all cases which have been checked out of the clerk's office for more than thirty days. The list must include the case numbers and names of the persons to whom the case files were checked out.
- B. A copy of the list must then be sent to the persons to whom the case files were checked out with a transmittal notice requesting that each person to whom files are checked out determine and notify the clerk of the following information:

1. if they still have the files which are shown to be checked out to them;
 2. if they do not have the files, to whom and when the files were forwarded to another person or department; and
 3. if and when the files were returned to the clerk's office.
- C. After receiving the information requested in paragraph B.2 & 3 above, the clerk must verify the whereabouts of the files and update the "Out" cards to reflect the current location of the case file.

Standard 13: Filing Systems

A. Separation of Public/Confidential Case Files

Confidential case files must be filed separately from non-confidential (public) case files. The filing cabinets or filing area used to store confidential case files must be stored in accordance with Standard 6, paragraph F.3.d of this Bulletin.

B. Storage of Records

Active case files must be stored in the clerk's work area. If office space is limited, closed case files may be stored away from the immediate clerk's work area and may be stored in either filing cabinets or in the shipping boxes that will ultimately be used for ship the case file to the Administrative Records Department for microfilming.

Standard 14: Retention/Destruction/Microfilming of Case Files and Case-Related Records

- A. Case Files and Case-Related Records: The retention, destruction and microfilming of case files and case-related records are governed by Administrative Bulletin No. 25.
- B. Exhibits: The retention and disposal of exhibits are governed by Civil Rule 43.1, Criminal Rule 26.1 and Administrative Bulletin No. 9.
- C. Transcripts and Depositions: The retention and disposal of transcripts and depositions are governed by administrative Bulletin No. 25.

- D. Audio Tapes: The retention and placement of audio tapes into the Audio Tape Archives is governed by Administrative Bulletin No. 25.
- E. Other Court Records: The retention, destruction and microfilming of other court records are governed by Administrative Bulletin No. 25.