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**Recommended Administrative Reforms in Records
Management and Case Processing at the Pilot Courts**
June 1997
David C. Steelman

USAID Cairo

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**ADMINISTRATION OF JUSTICE
SUPPORT PROJECT FOR THE
EGYPTIAN MINISTRY OF JUSTICE**

*Task 5: Automation and Streamlining
of Procedures in Pilot Courts*

**RECOMMENDED ADMINISTRATIVE REFORMS
IN RECORDS MANAGEMENT AND CASE PROCESSING
AT PILOT COURTS**

**David C. Steelman
National Center for State Courts
June 5, 1997**

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HIGHLIGHTS OF RECOMMENDATIONS

- Records management and case-processing should serve the caseflow management and judicial decisionmaking purposes of the judges
- Case files should be organized in an orderly fashion that aids judges in the conduct of court hearings and the preparation of decisions
- Documents filed in cases (such as the writ of summons) should be submitted on forms approved by the Ministry of Justice and laid out in a fashion that facilitates review by judges and accomplishment of case-processing and data-entry work by court support personnel
- Procedures at case initiation (including estimation and collection of fees) should be streamlined to permit attorneys and parties to complete all case initiation activities in one step at one place
- Microfilming of active records should be discontinued, and consideration should be given to having inactive records stored in an electronic medium after all appeal activities have been completed
- Improved filing systems should be introduced for active cases and archived cases
- Improved records retention policies and practices should be part of the records management improvement effort
- Efforts to implement records management and case-processing improvements should be refined and coordinated with judges and supervisors of court support personnel
- Implementation of reforms in records management and case processing should be coordinated with caseflow management and court automation implementation efforts
- There should be a strong education component associated with the implementation of records management and case-processing reforms
- Data should be gathered before and after the implementation of records management and case-processing reforms in order to measure success in terms of agreed criteria

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I INTRODUCTION

In keeping with the terms of the annual implementation plan for project year one of the Administration of Justice Support (AOJS) project,¹ a proposed strategic plan with separate court administration and information system automation components was presented to the Ministry of Justice (MOJ) at the end of April 1997.² MOJ responded to the proposed plan in early June 1997. This planning process will lead to phased-in automation and manual reengineering of civil and commercial case processing, in order to reduce delay, eliminate redundant systems, and improve caseflow generally in the pilot courts.

An element of the reengineering process not addressed in detail in the April 1997 strategic plan was records management and case processing. For purposes of this document, the phrase "records management and case processing" includes the following elements:

- File creation and maintenance
- Forms design
- Processing documents and fees
- Clerical activities to schedule and make the record of court hearings
- Filing systems and archiving

These elements are the focus of this document. Presented below is an analysis with 25 recommendations regarding these elements and the implementation of suggested reforms, followed by a 16-step plan of action for implementation of the recommended reforms. The initial steps that have already been taken to coordinate reform activities will be described in both the analysis and recommendations and in the action plan.

¹ See AMIDEAST *Administration of Justice Support Project (AOJS) Annual Implementation Plan Project Year One* (as revised January 28, 1997) pp. 5 and 36-43.

² See Ministry of Justice-Administration of Justice Support Project Meeting, April 27, 1997, Egypt, Strategic Plan, Task 5."

II ANALYSIS AND RECOMMENDATIONS

The “process reengineering” to be undertaken in coordination with the introduction of court technology in the pilot courts involves improvements in three areas: caseflow management, records management and case processing. These areas have to do with activities of both judges and clerical court support staff, and they will be the primary areas of attention under the project for the American and Egyptian court administration specialists in the AOJS project team.

The records management and case-processing reforms to be implemented will have to be coordinated with both caseflow management improvements and court technology improvements. Analysis and recommendations here therefore address not only the technical elements of records management and case processing (section 2 below), but also the objectives toward which the improvement effort should be directed (section 1), methodology for implementing the recommended reforms (section 3), and suggested criteria for success in the improvement effort (section 4).

A Objectives of Improved Records Management and Case Processing

The management of records in the courts involves the organization and maintenance by court support staff of the information (whether stored in paper or electronic files) that forms the basis for judicial decisions in cases. Case processing has to do with the day-to-day activities of court support staff in receiving documents, scheduling hearings, transferring files, and otherwise assisting judicial orders and decisions as cases progress from initiation to conclusion. These activities are thus carried out to support judicial decisionmaking and to provide an official record of judicial decisions.

While records management and case processing are the immediate responsibility of a court’s clerical staff, they must be carried out in keeping with policies established by the judiciary. They must operate in support of judicial decisionmaking and caseflow management, and they must in turn be supported by improvements in court technology. The records maintained by the court staff must provide a reliable source for the data in the court system’s computerized case information system, by means of which judges manage individual cases and the overall pace of litigation, and by means of which the MOJ manages the operation of the judicial system.

Recommendation 1 Objectives. Records management and case processing by the clerical staff of the courts should be improved to serve the following objectives:

a providing service to citizens through a prompt and efficient court process,

b supporting judicial efforts through caseload management to ensure that litigation proceeds promptly to just decisions,³

c providing the source of reliable data for the court system's case information system, and

d supporting the efforts of court users of case records (1) court system computer data entry staff, (2) civil prosecutors or case managers, (3) court of first instance judges, (4) court of appeals judges, and (5) MOJ officials responsible for overseeing the operations of the courts and the judiciary

This report anticipates that the civil prosecutor will play a key role in caseload management in the court of first instance, and improvements in records management and case processing must support the role of the civil prosecutor. For the civil prosecutor to be effective, it is desirable for the status and responsibilities of the civil prosecutor to be defined in a way that serves the court improvement effort.⁴

Recommendation 2 Civil Prosecutor Status and Authority In order for the civil prosecutor to be effective, the civil prosecutor position should be one that capable and ambitious judges aspire to hold as a means to demonstrate their qualification for advancement in the judiciary system. As a judge operating with the full support and backing of the chief justice and the "program jurist"⁵ of the court of first instance, the civil prosecutor should have the authority

a to ensure that cases progress promptly to just decisions in keeping with the caseload management objectives of the judiciary,⁶

b to exercise authority over the expert department and the completion of expert opinions,

c to exercise authority over the service department, taking all necessary steps to assure that service is executed adequately and promptly,

³ See "Case-flow management concepts applied" in Ernest C. Friesen, "Court Administration Plan" [hereafter "the Friesen Plan"] pp. 13-18 in Ministry of Justice-Administration of Justice Support Project Meeting, April 27, 1997, "Egypt, Strategic Plan, Task 5."

⁴ For family cases in the courts of first instance, prosecutors are now involved in cases with part of their role being to investigate the financial circumstances of parties to provide information to support court decisions. The role of such prosecutors in family cases might well be expanded to exercise oversight of caseload management. With such caseload management responsibility, prosecutors in family cases provide one form of civil prosecutor in the courts of first instance, the example of which is valuable for considering the role of the civil prosecutor in general civil and commercial cases.

⁵ On the proposed role and functions of the program jurist, see the Friesen Plan, pp. 6-7.

⁶ See Appendix B for a proposed "Case Monitoring Form and Scheduling Order" that might be used by a civil prosecutor to manage the progress of individual cases.

d to ensure that records management and case-processing activities of clerical support staff aid judicial decisionmaking and caseload management,

e to address and correspond with such legal and judicial organizations and departments regarding case management and case processing as (1) the Office of the Attorney General, including civil and criminal departments and any other civil prosecutor, (2) the State Council, (3) the Constitutional Court, (4) legal departments in all ministries and departments, (5) private companies and enterprises, and (6) individuals in any case, and

f to exercise any other authority that would belong to a judicial panel member in a court of first instance

B Elements of Records Management and Case Processing for Purposes of AOJS Project

As is suggested above in the introduction to this report, there are three areas of records management that merit attention in the AOJS project file creation and maintenance, forms design, and filing systems and archiving. In addition, two areas of case-processing must be considered in order to complete the "process reengineering" that is contemplated under the project the manner in which documents and fees are processed, and clerical issues relating to court hearings

1 File creation and maintenance After inspecting scores of case files in the pilot courts, AOJS court administration specialists found none that were well organized. File covers were of relatively flimsy paper and were often worn and tattered. The index of documents and events on the outside cover of the file folder was not a reliable indicator of file contents or of all the events in the case. Information called for in parts of the index (such as an indication of the nature of the case) was sometimes not available. Papers were loose and in no particular order. The poor state of files must contribute to the loss of important papers from time to time. It surely makes the job of the judge writing a decision more difficult. And their appearance cannot serve to reinforce an awareness in the minds of court staff members of the important work they do for the people of their community.

Recommendation 3 Orderly Files MOJ, the chief justice, the civil prosecutor, all the judges, and the supervisors of clerical support staff should insist that case files be created and maintained in an orderly fashion. Orderly and well-kept case files should be a point of pride for every court staff person responsible for the creation and maintenance of files. NCJS educational programs should emphasize to judges that they have a right to expect well-kept case files that make it easier for them to prepare the decisions they prepare every day affecting important rights and duties in the lives of citizens. Similarly, NCJS-sponsored educational programs for court support

staff should emphasize the important role they play in the judicial process by providing orderly and well-kept case files to aid judicial decisionmaking, and which are the official record of important judicial events in citizens' lives

Recommendation 4 File Standards Every case file should be created and maintained so that

a the file cover is of sufficiently sturdy paper to stand up to frequent handling and lateral filing whether the case is active, on appeal or in archive storage, that it has any file tabs, color-coding and preprinted or adhesive case numbers that are needed for filing and case identification, and that it has file (e g , "Acco"TM) fasteners to keep hole-punched court papers in their proper chronological order,⁷

b the file folder has *all* the information legibly entered (typed if possible) on its exterior, and *only* that information,

c from the time of case initiation through the conclusion of all court work, the hard-copy index accompanying the file *and* the case-file index prepared and maintained on a computer screen (which may eventually be the same document) accurately and legibly record (in the location called for in the form) *all* case events that have occurred and *all* the documents that have been filed, with cross-referencing so that a judge or other file user can find out which document in the file corresponds to an entry in the index,

d all documents received from parties are gathered together separately in the file,

e each document prepared in relation to court proceedings, starting with the writ of summons and continuing through all documents prepared by court, attorneys or parties until the completion of all court work, should be double hole-punched at the top and kept in the file in reverse chronological order with the aid of file (e g , "Acco"TM) fasteners

Recommendation 5 File Security File security should be a matter of continuing concern in the courts of first instance. In addition to retaining the current practice of having recipients sign for files when they are received, the courts of first instance should consider the desirability of having "outcards" or "out-folders"⁸ to place in lateral files or hanging files (see below, Recommendations 18 and 20 under "Filing systems and archiving") to indicate the date,

⁷ See Thomas G Dibble *A Guide to Records Management* (Williamsburg VA National Center for State Courts 1986) [hereafter Dibble, *Records Management*] pp 36-37

⁸ See Dibble *Records Management* p 37

case number and name of the person who has a file for which a circuit clerk or the chief archivist has file management responsibility

As a long-term initiative to reduce file security risks arising from having judges carry case files home for decision preparation, MOJ should consider having work space in court buildings for judges to do legal research and other work relating to decision preparation⁹

***Recommendation 6 Education and Quality Assurance* Details of proper file creation and maintenance should be addressed in NCJS-sponsored educational programs or clerks' manuals created and kept up-to-date under MOJ sponsorship**¹⁰ **The chief justice, the civil prosecutor and the panel judges should turn to the civil and commercial supervisors and the chief archivist in each court of first instance to exercise "quality assurance" oversight over case files on a day-to-day basis**

2 Forms design As AOJS project team members reviewed case files in the pilot courts they saw all manner of papers in the files relating to court proceedings. Papers were of different sizes, give critical information in a different order, might be typed or might be handwritten in legible or illegible pen or pencil, might not have margins, and might be annotated by court staff or judges in various places (top, margin, bottom or back of page), without consistency from one file to another. Paper or ink stamps to indicate payment of fees might cover important substantive information. All of these problems diminish the quality of case file information, make a judge's decision-preparation task more difficult, and increase the possibility of error or misplaced papers in case-processing

⁹ Of course the provision of such space is a major consideration involving capital outlays for court facilities construction and renovation. Court facilities considerations also interact with records management with regard to filing systems and storage of active and inactive records as well as space layout to promote streamlined processing of documents and fees. (See below Recommendations 12-14 and 18.)

Court facilities planning capacity is another area for MOJ attention in terms of general court administration. In the United States full-time facilities planners are on the staff of the federal court system and of some state court systems. The National Center for State Courts has a court facilities planning professional in its Court Services Division and there are several well-known private architectural firms that specialize in court facilities planning. As general references see Don E. Hardenbergh, Robert Tobin and Chang-Ming Yeh, *The Courthouse: A Planning and Design Guide for Court Facilities* (Williamsburg, VA: National Center for State Courts, 1992); Chang-Ming Yeh, *Fayette County Kentucky Courthouse Master Planning and Court Facilities Requirements Analysis: Final Report* (Denver, CO: National Center for State Courts, Court Services Division, 1996); and Administrative Office of United States Courts (USAOC), Space and Facilities Division, *US Courts Design Guide* (Washington, DC: USAOC, 1994).

¹⁰ The preparation and updating of such clerks' manuals is undertaken in the United States by the administrative office of the courts of many judicial systems. In Egypt MOJ may want to consider having staff members with the responsibility to prepare and update clerks' manuals and give support to records management activities at both trial- and appellate-court levels.

Recommendation 7 Forms Standards To the broadest extent possible, all documents commonly filed in all cases should be on forms developed and approved by MOJ for use in all courts. To promote efficiency, save money and increase professionalism, court forms should meet such general forms design principles as the following ¹¹

- a** most forms should be printed on standard letter-size paper,
- b** all document entries should be typed and not handwritten,
- c** the name of the court, space for the names of the parties, space for the case number, and the title and description of the form should appear in the same place at the top of every form,
- d** to reduce confusion and ambiguity, those completing a form should whenever possible be able to check a box rather than having to write out information,
- e** to facilitate information entry, vertical spacing on a form should correspond to common typewriter or computer spacing,
- f** particular attention should be paid to the positioning of information in forms so that it is easy for judges and data-entry staff to locate and use,
- g** all forms should have margins, and information should not be written in the margins by attorneys, parties or court staff,
- h** forms should be designed so that any paper stamps or ink stamps are not applied where they may obscure substantive information,
- i** multipart forms should be considered when their distribution is known (e.g., a three-part form for court file, plaintiff and defendant), and distribution directions should be clearly printed on the bottom of each part of such a form, and
- j** each form should have a form control number with the date it was designed or last revised, which should appear in the same place on every form

As a corollary to the development of new forms, NCJS-sponsored educational programs and MOJ forms manuals should be developed to provide guidance for attorneys and court staff on the proper use of the new forms

One of the most important papers in any case is the writ of summons, which initiates the case (if it is completed properly) by offering allegations of the court's jurisdiction, the factual nature of the problem underlying the case, the relief sought by the plaintiff, and the statutory authority under which such relief is sought. The form of writs in the files inspected by AOJS project personnel varied considerably. The order in which key information was provided varied from form to form. Some writs did not include

¹¹ Regarding forms management, analysis and design, see Dibble *Records Management* pp 22-27

important basic information. The preparation of a common writ of summons form would greatly improve the quality of civil and commercial court proceedings.

Recommendation 8 Writs of Summons and Acknowledgment of Service. All writs of summons should be in a format developed under the AOJS project and approved by MOJ. The writ of summons form should include a heading with spaces for the name of the court, the names of the parties, the type of case and the case number to be entered in the same place for each case. The information in the writ of summons should be in the following order: (a) the addresses of the parties and any other information necessary to establish court's jurisdiction, (b) all of the elements of a power of attorney if the writ is prepared by one, (c) the facts relevant to the case, (d) the specific statutory provision(s) under which relief is sought, (e) the specific relief sought by the plaintiff, and (f) a closing signature block.

Each writ should also have a prescribed format for the entry of legible information relating to the estimation and payment of fees. AOJS court administration specialists should determine with MOJ and pilot court representatives whether that format should be on the front or the back of the writ. (See Appendix A for a preliminary draft of a writ of summons format.)

A form for acknowledgment and return of service should be included in the writ of summons. It should indicate when service was made or attempted, with an explanation if not made, the signature of the person on whom service was made, and a certification by the process server signed under penalty of perjury. (See Appendix A.)

NCJS educational programs and an MOJ forms manual should explain the correct completion of these new documents to attorneys and court staff.

In order for a civil prosecutor or other judge to manage caseload in the courts of first instance or courts of appeal, it is important to have basic information about a case by which to monitor its status and manage its progress to conclusion. The court automation system to be developed under the AOJS project will provide case information in support of such caseload management activities. Until such automated case information is available, however, an interim case status monitoring form is desirable as part of manual process reengineering in the pilot courts.

Recommendation 9 Form for Case Monitoring and Scheduling Civil prosecutors (or judges managing caseload if civil prosecutor legislation is not approved by the People's Assembly) should use a "case monitoring form and scheduling order" developed by the AOJS court administration specialists and approved by MOJ. (See Appendix B for a preliminary draft of such a form.)

Judges in the courts of first instance must now handwrite decisions to have them typed by court staff typists. As part of the AOJS project, automated assistance with decision preparation is expected to be an early step. To aid the efficiency and reduce time spent by judges in the more repetitive parts of the decision-preparation process, it is desirable to identify the parts of decisions in which "stock language" is used so that more decisions can be prepared in pre-established formats, both manually and with the assistance of computers.

Recommendation 10 Format of Decisions With the aid of AOJS court administration specialists, judges from the pilot courts should develop agreed formats for written decisions that can be pre-printed on paper or printed out by automated word-processing software, so that judges preparing decisions can spend less time laboriously writing basic preliminary information and a greater percentage of their time researching the law, studying their cases, and crafting the judgment in their cases. Streamlined practices for decision preparation should be the subject of educational sessions presented for judges by NCJS.

As part of their work under the AOJS project, systems analysts from Systems Research Egypt (SRE) will have gathered examples of all documents associated with case-processing in the Ismailia and North Cairo by mid-June 1997. The results of their work effort will provide a firm starting point for forms revision efforts under the AOJS project.

Recommendation 11 Completing Forms Revision. The forms gathered by SRE systems analysts from Ismailia and North Cairo should be used by AOJS court administration specialists, MOJ, and pilot court representatives as basic reference materials for a broad forms revision process in keeping with the forms principles articulated in Recommendation 7. As a further general principle, the objective of the broader forms revision effort should be to have as few forms as possible to deal responsibly with all of the matters that such forms must address. As the body of MOJ-approved forms grows, planning should be undertaken for NCJS-sponsored educational programs or written materials for attorneys, court staff and citizens on how such forms should properly be completed.

3 Processing documents and fees The introduction of computers will not help shorten the time it takes to decide civil and commercial cases in Egyptian courts of first instance unless it is done in connection with effective caseload management and the streamlining of the way that cases now progress from initiation to conclusion. Among the

areas in which such streamlining can occur are (a) the case initiation process, (b) estimation and collection of fees, and (c) microfilming of active records¹²

Recommendation 12 Reengineering Process With MOJ representatives and pilot court officials, AOJS court administration specialists should design streamlined procedures for civil and commercial case processing. These should include reforms to permit parties and attorneys to complete all case initiation in one step and at one office in the court building. To accelerate case initiation, court personnel should staff several “front counter” stations each day to receive and begin processing writs of summons. The statutory requirement that parties initiating cases have all supporting documents accompany the writ of summons should be enforced, and clerks should be authorized to reject filings that do not meet this requirement.

After papers have been received at a pilot court’s “front counter,” all file creation and other case processing steps for movement of cases to the civil prosecutor and the circuit clerk for an assigned panel should be internal steps not involving parties or attorneys.

Other steps to streamline the case process should be the reform of fee estimation and collection (see Recommendation 13), elimination of microfilming for active records (see Recommendation 14), and addition of caseload management by a civil prosecutor (see Appendix B). The streamlining suggested in this report should be refined in light of the detailed analysis of case-processing steps completed under the AOJS project by SRE systems analysts.

When these steps have been approved by MOJ, NCJS-sponsored educational programs and MOJ clerk’s manuals should provide guidance for court staff on proper case-processing steps.

Recommendation 13 Fee Estimation and Collection. The one-stop case initiation process in the pilot courts should include all steps necessary for estimation, review and payment of court fees. In addition, the court person receiving documents should be authorized as well to receive fee payments and issue receipts. The court staff person who now receives fee payments and is operationally

¹² Family cases involving support payments present somewhat different issues than general civil cases and commercial cases. To streamline and expedite the process in family cases involving support payments it might be desirable, for example, to hasten the provision of information to the court about parties’ finances by providing that the plaintiff complete a financial statement form provided by the court within a stated period of time after case initiation, and that such a form be attached to a writ of summons with directions that the defendant similarly complete the form within a stated period of time after service has been acknowledged.

responsible to the Treasury should be redesignated as a fee auditor to review the accuracy of fee estimates and receipts

The proportion of fees collected at case initiation should be changed as well. To reduce elapsed time later in the court process after final decision and before execution of that decision, the postdecision process of execution on fees should be virtually eliminated by having all estimated court fees paid at the time of case initiation

Recommendation 14 Microfilming The current practice of microfilming active case documents should be eliminated. With advice from AOJS court administration and court automation specialists, and as part of the development of its improved archiving and records retention policies for inactive case files (see Recommendations 20 and 21 under “Filing systems and archiving”), MOJ should consider alternative technologies for keeping inactive records in an electronic medium

The current organization of offices for court personnel and interior layout of pilot court facilities do not now facilitate efficient case processing for civil and commercial cases. Such a problem can only be diminished by paying greater attention to case processing when plans are being made for new or renovated court facilities

Recommendation 15 Paperflow and Facilities MOJ should give due consideration to efficient paperflow when planning future court facilities construction or renovation¹³

4 Court hearings There are two aspects of practice with regard to court hearings that merit attention here. First, the scheduling of court hearings by civil or commercial supervisors and by circuit clerks has a direct effect on the work to be done by judges sitting in the panels of the courts of first instance, and it is desirable for scheduling to be done in a manner that (a) serves the court’s caseload management objectives, and (b) does not impose undue conflicts and burdens on the judges. Second, the manner in which minutes of court hearings are made in the courtroom by circuit clerks has been identified as a problem in both of the pilot courts

Recommendation 16 Scheduling Hearings The civil prosecutor and the panel judges should direct the number of cases to be set for hearing on any given date in keeping with the caseload management objectives of the court. The court automation system

¹³ For further information see the court facilities planning references cited in the second footnote to Recommendation 5

should provide management information in support of this effort¹⁴

The number of cases assigned for initial hearing on any given date by the civil or commercial supervisor should be coordinated with the number of adjourned cases scheduled for the same hearing date by a circuit clerk. The relationship of scheduling practices to caseload management should be addressed in educational programs for judges and court staff

A separate issue relating to records management and court hearings has to do with the record made of what has transpired in a court hearing on any given case. The current practice is for circuit clerks to make written minutes of court hearings. In the pressure of such proceedings, such minutes may often be illegible, or they may not capture with precision what an attorney or party has stated to the court on an issue that is material to the court's determination of a case.

In their consideration of steps that might be taken to remedy this problem, MOJ officials have considered the introduction of "court reporters" taking a verbatim record in stenographic Arabic or such technologies as computer-aided transcription, audio recording or video recording. If the problems that have been experienced in the management of court reporting services in American courts are relevant,¹⁵ it would be desirable for MOJ and pilot court officials to be very cautious about introducing stenographic court reporters or expensive technology to a civil law court process that is designed to build a comprehensive written record of court proceedings.

***Recommendation 17 Record of Hearings* With assistance and advice from AOJS court administration specialists, MOJ should carefully weigh the costs and benefits of different alternatives to current approaches for preparation of the minutes of court proceedings. The combination of (a) revising the form for minutes of court hearings, (b) educational program emphasis and ongoing panel judge emphasis on legibility in clerks' notes, and (c) the availability in the courtroom of voice-dictation equipment for judges, may together present an effective way to assure an accurate record of proceedings**

¹⁴ See scheduling management information in the Friesen Plan at pp 8-9

¹⁵ See for example, David C Steelman *Management of Court Reporting Services in Connecticut* (North Andover MA National Center for State Courts 1979) David C Steelman *Management of Court Reporting Services in New Jersey* (North Andover MA National Center for State Courts 1979) Beatrice P Monahan and David C Steelman *Court Reporting Alternatives for the Orange County Florida Circuit Court* (Williamsburg VA National Center for State Courts 1984) David C Steelman *Assessing the Feasibility of Introducing Videotape to Make the Record of Court Proceedings in the Circuit Court for the Ninth Judicial Circuit of Michigan* (North Andover MA National Center for State Courts 1986) and David C Steelman William Slate III and William E Hewitt *Criteria for Evaluating Court Reporting Alternatives in the Trial Courts of Greater Toronto Canada* (Williamsburg VA National Center for State Courts 1994)

5 Filing systems and archiving Every court must have places to store case records in an orderly manner so that they can be found when needed. A well-designed and efficient filing system can promote staff morale and foster improved service to court users. In the pilot courts, case filing systems are needed for files storage in areas that include the following: case initiation, microfilming, active cases with circuit clerks, active cases with experts, cases awaiting completion of execution on fees and decisions, closed cases in archives, and cases on appeal. A major area of attention has to do with filing systems for active case records. In some parts of the two pilot courts, AOJS project staff members observed active case files stored in piles and otherwise in circumstances needing improvement.

Recommendation 18 Filing System Improvement. The AOJS court administration specialists should work with MOJ and pilot court officials to define filing system needs for active cases. This should involve four basic steps¹⁶

a have a records inventory and filing system survey completed by civil and commercial supervisors,

b projecting future case volume, determine how large the filing system needs to be for each category of active cases and how filing systems need to be arranged,

c recommend any needed changes in active case filing system equipment (e.g., whether lateral filing, hanging files or file cabinets are most desirable), and

d relate decisions on filing systems to such filing-system supplies as file folders, out-cards and color coding. (See Recommendations 4 and 5.)

AOJS court administration specialists should also consult with MOJ on general court facilities matters as they relate to space needs for active records storage. Court facilities planning by MOJ should include attention to such space needs¹⁷

NCJS-sponsored educational programs and MOJ-prepared clerk's manuals should provide instruction for court staff on the proper operation of filing systems for active cases.

Closed cases in the North Cairo Court of First Instance are the responsibility of the court's chief archivist, who appears to be a highly capable, experienced and conscientious

¹⁶ See Dibble *Records Management* pp 28-38

¹⁷ In this regard, the court facilities references cited in the second footnote to Recommendation 5 should be consulted.

man. He is an appropriate person to oversee an important facet of court operations. Despite all his efforts, however, archiving in the court is a serious problem.

Case files are archived in the basement of the court building where ventilation is poor, humidity is high and natural light is limited. While all cases in which decisions were rendered more than 15 years ago are supposed to be forwarded to a national archive center, that facility is too crowded to accept case files from the North Cairo court, with the result that the archive contains many case files much older than 15 years. Because there are too many case files for the amount of storage space available, files are piled on the floor everywhere between file cabinets. Since the archive staff no longer have sturdy cardboard covers in which to group inactive case files, they bound files with rope until they ran out of available rope. There are sections of the archives that are accessible only with difficulty. If an archivist were in one of those sections when a fire broke out among all of the paper files strewn on the floor, he would not be able to escape and would be incinerated with all of the court's inactive case records.

Recommendation 19 North Cairo Archives AOJS court administration specialists should assist MOJ and the chief justice of the North Cairo Court of First Instance with planning for immediate steps to address the critical and dangerous problem with inactive records archiving in North Cairo.¹⁸ These steps should include elimination of fire and other safety hazards and removal of pests and vermin, removal of files for cases over 15 years old to off-site storage, removal of case files from the floors between file cabinets, provision of records storage boxes for all inactive records, commencement of streamlining file contents after appeal periods have passed to remove all but essential papers necessary as long-term case records, and planning for other archiving space that meets appropriate safety and environmental considerations.¹⁹

While steps that should be taken to improve the North Cairo archives are a response to immediate and grave problems, they also relate to systematic long-term efforts that must be taken to address inactive records storage and records retention issues of general application in all the courts of Egypt. It appears that the national storage center for inactive records does not have adequate space for the growing demands being placed on it. In fact, this suggests that there is room for improvement in the current policies and practices relating to court records retention and destruction, since records-retention schedules are the primary tool to be used in managing the accumulation of records.

¹⁸ The AOJS court administration consultant has observed the setting for archiving inactive records in Ismailia which does not appear to face such dire circumstances as those present in North Cairo.

¹⁹ See Dibble *Records Management* pp. 40-41 and 48.

Recommendation 20 Inactive Records Storage. With advice from AOJS court administration specialists, MOJ should develop and implement a comprehensive plan for archiving inactive records, using solutions to the archive problems in North Cairo as a starting point. The steps to be taken in developing such a plan should include ²⁰

a as a starting point, have the chief archivists in the pilot courts conduct an inactive records inventory and filing system survey to determine the volume of current records,

b make projections of what future inactive records archiving needs will be,

c determine whether and for what duration of time inactive records storage must continue to be in paper form, or whether inactive records at some point (i.e., some time after the passage of time for appeal) might be stored in an electronic medium,

d address options for who will provide inactive records storage and where it will be, including in-house storage under court control, general government records centers at the local or national level, or commercial records storage,

e plan records storage facilities for optimal use of space, reasonable access, appropriate work space for staff, and attention to safety and environmental considerations,

f identify and procure necessary inactive records storage equipment (such as steel-frame warehouse shelving) and supplies (such as records storage boxes and out-cards),

g based on experience with the pilot courts, replicate steps “a” and “b” above in order to develop a national plan for storage of inactive records, and

h through NCJS-sponsored educational programs and manuals for archivists, provide guidance to court staff on management of archives and inactive records storage

Recommendation 21 Records Retention. With advice from AOJS court administration specialists and others, MOJ should develop records retention policies to define how long inactive case files must be retained, defining which can be destroyed and when, and determining which might have legal, historical or research value to warrant being kept permanently, and in what medium (whether paper or electronic). Attention should be given to streamlining case file content, to purge such things as duplicate copies, service copies, correspondence concerning transmittals or scheduling, handwritten notes or drafts, and any other documents not essential to the final record of a court decision. Finally, MOJ must see that regular application of retention schedules becomes part of the routine

²⁰ See Dibble *Records Management* pp 38-43

practices of court personnel This can be done through NCJS-sponsored educational programs and MOJ manuals, as well as through periodic inspections²¹

C Methodology for Implementing Recommended Reforms

The development and implementation of reforms such as those suggested here cannot succeed without active cooperation and coordination within the AOJS project office, between AOJS project staff and representatives of MOJ, and between AOJS and MOJ representatives and the judges and staff of the pilot courts. Without such cooperation and coordination, the reforms as implemented will not have the support of all the key participants in the courts and will have little chance for achieving their objectives.

1 Cooperation among AOJS, MOJ and pilot court representatives The process of introducing such reforms as those recommended here may involve dramatic changes in the way that judges and court staff in the way that they carry out their day-to-day activities. It is predictable that AOJS and MOJ representatives will encounter difficulties as they undertake such changes -- "blank stares, muttering, foot-dragging and subtle sabotage that turns a good plan into an unworkable mess"²² To avoid such an outcome, AOJS and MOJ must work closely with the chief justices, judges and court staff in the pilot courts to assure that the reforms as implemented recognize day-to-day realities in the pilot courts and are championed by local judges and court staff leaders²³ The AOJS court administration specialists and the MOJ liaison to the project have already begun work in this area by speaking together to the chief justices and some of the judges in the pilot courts.

Recommendation 22 Core Committee and Change Teams As the primary vehicle for implementing such reforms as those recommended here, the implementation effort should proceed under the guidance of a "core committee" including as a minimum the AOJS court administration specialists, the MOJ liaison to the project, and the chief justices of the two pilot courts, with other AOJS and MOJ participants as needed. In each pilot court, the core committee should work with "change teams" -- a team of 3-5 judges and a team of court staff supervisors, which might include the court administrator, the chief archivist, the civil supervisor and the commercial supervisor.

²¹ For detailed discussion of records retention considerations see Dibble *Records Management* pp 44-49

²² William Bridges *Managing Transitions Making the Most of Change* (Reading Massachusetts Addison-Wesley 1991) 15

²³ On the desirability of routine consultation and decisionmaking among key participants in the improvement effort see the discussion of the Program Team in the Friesen Plan at p 7

AOJS and MOJ efforts in this regard should follow steps already taken as part of the process of gathering information for this report. While the judge teams and court staff teams might at first work separately with AOJS and MOJ representatives, it would ultimately be desirable for judges and court staff supervisors to coordinate and share their perspectives and efforts. The members of these change teams should be viewed as candidates to serve subsequently as teachers in NCJS-sponsored educational programs for their peers and subordinates.

AOJS and MOJ should work together closely to determine (a) what part of the reform implementation steps recommended in this report can be carried out directly by AOJS project staff in coordination with MOJ and pilot court representatives, and (b) which steps must be carried out primarily by MOJ and pilot court representatives with advice and assistance from AOJS project staff.

2 Coordination with AOJS and MOJ educators The process of implementing such reforms as those suggested here will be a mutual learning experience for AOJS, MOJ and pilot court representatives. Coordination of the implementation effort with the AOJS project educators will help the implementation team to address difficulties in the implementation process and at the same time permit the implementation effort to have the supplemental consequence of serving the project's educational objectives. One of the objectives of the implementation effort can be for the pilot court representatives participating in the implementation effort to be educators in programs for judges and court staff sponsored by the National Center for Judicial Studies (NCJS).

***Recommendation 23 Educational Dimension of Reform.* From its beginning, the process of implementing reforms in records management and case processing should be coordinated with the AOJS education team and with the leaders of NCJS. This should be done not only to identify possible records management and case-processing educational programs to be developed under the aegis of NCJS, but also (a) to coordinate the reform effort suggested here with caseload management reforms,²⁴ and (b) as a means to "train the trainers" in such educational programs, and more immediately to assure success in the change process itself.**

AOJS and MOJ should work together closely to determine (a) how much of the educational steps recommended in this report can be carried out directly by AOJS project staff in coordination with MOJ and pilot court representatives, and (b) which steps must be carried

²⁴ On recommended training with regard to issues of caseload management see the Friesen Plan pp 10-12

out primarily by MOJ and pilot court representatives with advice and assistance from AOJS project staff

3 Coordination with automation improvement effort Court automation is a tool to support caseload management,²⁵ case-processing and other court activities, and an automated case information system will become an integral part of court recordkeeping activities in the pilot courts and other courts of first instance. Implementation of such records management and case-processing reforms as those recommended here must therefore interplay closely with the implementation of court automation.²⁶

Recommendation 24 Records and Automation. In the implementation of such recommendations as those offered here, the AOJS court administration specialists should work closely with the AOJS court automation specialists to ensure (a) that court automation work products support day-to-day caseload management, records management and case-processing activities of judges and court staff (as determined by the “core committee” and “change teams” mentioned above in Recommendation 22), and (b) that reengineering efforts anticipate court automation design features

AOJS and MOJ should work together closely to determine (a) which of the court automation implications of reforms recommended in this report can be carried out directly by AOJS project staff in coordination with MOJ and pilot court representatives, and (b) which steps must be carried out primarily by MOJ and pilot court representatives with advice and assistance from AOJS project staff

D Criteria for Success

In order to determine whether the recommended administrative reforms suggested here for records management and case processing have resulted in improvements in the pilot courts, it is important to have indicators of success. The following criteria are suggested

²⁵ See the discussion of ‘management information system’ in the Friesen Plan at pp 8-10

²⁶ Whatever is done by AOJS project staff with regard to family cases it is imperative that the court automation system developed under the project not be incompatible with being applied to family cases. There are several ways in which family cases are different from commercial or general civil cases. Not the least of the differences is that a family may come before the court several times for relief and that a family case may be under the court’s jurisdiction for 21 years (the duration of a child’s minority) or longer after the court has entered an initial judgment or decision. The automated system developed for MOJ should be able (a) to check when family parties have previously been before the court and (b) to accommodate subsequent proceedings (e.g. to enforce or modify a support, visitation or custody order) after the court’s initial final decision with regard to the family members.

Recommendation 25 Indicators of Success As measures of the extent to which the implementation of administrative reforms relating to records management and case processing have been successful, the following criteria for success should be employed

- a** Percentage of time consumed by various case-processing procedures in the progress of cases to disposition,
- b** number of court procedures streamlined and simplified,
- c** ease of case file use by civil prosecutors and judges,
- d** time needed by judges to prepare decisions,
- e** ease of access to case information by court personnel entering data in courts' automated case information system,
- f** availability of information needed for caseflow management by the judiciary, and
- g** availability of information for MOJ oversight of court operations and the judiciary

III PROPOSED ACTION PLAN WITH PRIORITIES

While all of the recommendations offered above are significant their implementation if accepted and approved cannot and should not be undertaken all at the same time. This 16-step action therefore suggests a phased effort to introduce the reforms. This plan suggests a three-stage effort: matters of highest priority that should be addressed immediately in the work under the action plan, a second-stage set of efforts that would commence before the end of 1997, and more long-term efforts that would commence after the beginning of 1998 and be undertaken in an order and under a timetable agreed on in the "core committee" recommended above.

The analysis and recommendations offered in the preceding section are addressed to *both* the AOJS project team *and* the officials of MOJ. In contrast, this proposed action plan is directed *primarily* to the AOJS project team (and particularly the AOJS court administration specialists), with the details of its implementation to be worked out in consultation with MOJ officials, assuming that all or most of the 25 recommendations offered above are accepted and adopted by AOJS and MOJ.

MOJ has emphasized that priority should be given to the North Cairo Court of First Instance with improvements in the Ismailia Court of First Instance to follow. This plan contemplates that primary focus by the AOJS court administration specialists must therefore be on the North Cairo court. Yet that the Chief Justice and the change teams from the Ismailia court should participate from the beginning in the effort to implement such reforms as those recommended here, not only to offer the value of their observations and perspectives, but also to undertake any file and forms revision, manual reengineering and other improvement steps that may be appropriate or desirable before the introduction of automation improvements in the Ismailia court.

A Highest Priority Reform Efforts

Among the matters addressed in the analysis and recommendations above there are certain issues that warrant prompt initial attention. These include the creation of the core committee and the change teams, on which other steps in the action plan depend for their success, attention to the urgent archive problem in North Cairo, prompt review of case file and writ-of-summons revisions to demonstrate that the project can make positive changes quickly, introduction of an agreed interim case-progress monitoring form as a means to support new caseload management efforts, and clarification of initial process reengineering changes in a timely manner to support automation improvement planning. At their earliest opportunity, the AOJS court administration specialists should take the following steps:

- 1 *With AOJS educators, MOJ representatives, and pilot court leaders create and begin work with the 'core committee' and the "change teams' (see Recommendation 22) as the primary vehicles through which to refine and implement such reforms as those suggested here (Since work has already begun in this area this task should be completed within two weeks after commencement of work under the Action Plan)*
- 2 *With the core committee and especially members of the North Cairo change teams, develop a plan for MOJ and the North Cairo Court of First Instance to begin addressing the critical and dangerous records storage problems in that court's archives, using this effort as a first step in broader planning for archives improvement in Ismailia and other courts of first instance (See Recommendations 18-21) (Achieve approval of initial archive improvement plan within two months after commencement of work under Action Plan, and advise on subsequent implementation efforts thereafter)*
- 3 *Begin work immediately with AOJS court automation specialists, the core committee and the change teams on reform of file folders and consensus on a form for writs of summons, including notation of fee estimates and a form for acknowledgment of service using this as an initial activity in the broader process of file control and forms revision (See Recommendations 7,8 and 11) (Achieve approval of plans for file folders and these forms within two months after commencement of work under Action Plan, and advise on subsequent implementation efforts thereafter by change teams)*
- 4 *Working with AOJS court automation specialists, the core committee and the change teams, achieve consensus on the contents and use of a case monitoring form and scheduling order to be used as part of a caseflow management improvement effort in the pilot courts (See Recommendations 7 and 9) (Achieve approval of form within two months after commencement of work under Action Plan and make implementation of the use of that form part of the caseflow management improvement plan to be developed with the core committee and the change teams)*
- 5 *Working with AOJS court automation specialists the core committee and the change teams complete an initial design for the reengineering of the manual paperflow process in the pilot courts, thereby aiding the AOJS court automation specialists in their planning for automation support (See Recommendations 12-15) (Coordinate progress of efforts with AOJS court automation specialists, with a preliminary target completion date of September 15 1997, for general reengineering design, and coordinate thereafter with change teams on the details pilot court implementation)*
- 6 *Gather baseline data against which to measure progress under the implementation of reforms in terms of criteria for success adopted for the reform effort (See Recommendation 25) (Complete data gathering by the end of calendar-year 1997)*

B Second-Stage Reform Implementation Steps

After the six high-priority steps noted above are taken there is another group of steps that should follow. These could be refined and initiated sometime after Fall 1997 and be a set of proposed activities for completion largely during calendar-year 1998.

- 7 Assist AOJS educators in advising MOJ and NCJS on the development of educational programs, manuals and other steps to educate and guide judges, court staff and attorneys in court operations with records management and case-processing reforms implemented in keeping with such recommendations as those offered here.*
- 8 Work with MOJ and pilot court representatives on the introduction of improved filing systems for active and inactive records. (See Recommendations 18 and 20.)*
- 9 Advise MOJ on caseflow management and oversight of records management and case processing by civil prosecutors, including attention to the scheduling of court hearings. (See Recommendations 2 and 16.)*
- 10 Work with the "core committee" and "change teams" to advise on the development and implementation of common forms, file security steps and formats for written decisions. (See Recommendations 5, 7 and 10.)*
- 11 Advise MOJ on issues relating to the possible elimination of microfilming of active court records. (See Recommendation 14.)*

C Long-Term Reform Implementation Steps

There are several other activities suggested in the analysis and recommendations that are either of lower priority than the above activities or may take considerably longer than 12-15 months to proceed from initiation through design completion, pilot implementation and testing, and formal approval by MOJ for broader application. These activities should probably be placed in sequence for initiation in 1997, even if they are not to be undertaken until 1998 or later.

- 12 Work with MOJ on the development of appropriate records retention schedules and policies. (See Recommendation 21.)*
- 13 Advise MOJ on issues relating to making the record of court hearings. (See Recommendation 17.)*
- 14 Complete work advising "core committee" and "change teams" on the development of common forms in keeping with recommended forms standards. (See Recommendation 7.)*

- 15 *Give advice on any efforts by MOJ to develop in-house capacity to have long-term court facilities planning reflect the application of relevant court administration considerations (See Recommendations 5, 15, 20 and 21)*
- 16 *Gather data for comparison with baseline data, by which to measure progress under the implementation of reforms in terms of criteria for success adopted for the reform effort (See Recommendation 25)*

APPENDIX A.

**PRELIMINARY DRAFT FORMAT FOR WRIT OF
SUMMONS, WITH SAMPLE COMPLAINT FORMS FOR
CIVIL CASES IN US FEDERAL DISTRICT COURTS**

WRIT OF SUMMONS

COURT OF FIRST INSTANCE

Attorney Name _____ Address _____ _____ Attorney Signature _____ Power of Attorney No _____ <input type="checkbox"/> Power of Attorney Attached	Plaintiff Name _____ National Number _____ Defendant Name _____ National Number _____ Civil Case No _____ Case Type _____
--	--

To the Defendant

In the above-stated matter, you are hereby summoned to appear at the above Court before (panel number or name of civil prosecutor) at (time) on (date) You are further directed to submit a memorandum in reply to this writ to (name of civil prosecutor or circuit clerk) not later than (date) Failure to respond to the directions in this summons may result in the entry of a default judgment in favor of the above -named plaintiff

SERVICE AND ACKNOWLEDGEMENT

A Under Penalty of Perjury , I, (name of server), hereby certify that

Service was made on the defendant _____
(name)
 at _____ on _____
(address) (date)

Service was not made because _____
(reason)

B I _____, hereby acknowledge receipt of service
(name)

Date _____ Signature _____
(Defendant)

25

REQUEST FOR RELIEF

Based on the facts set forth below, the plaintiff demands that the defendant _____
(state relief requested)

The plaintiff also seeks to recover from the defendant the costs of this case and such other relief as may be proper

Relief is requested under the following statute(s) _____

All documents that statutory section _____ requires be filed with this writ of summons are attached

JURISDICTION AND PARTIES

The Plaintiff complains of the defendant and shows the court the following

1 The basis for the court's jurisdiction in this case is _____
(allegation of jurisdiction)

2 The Plaintiff resides or has a business at _____
(address)

3 The defendant resides or has a business at _____
(address)

4 Other defendants are

<u>Name</u>	<u>National Number</u>	<u>Address</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

BRIEF STATEMENT OF FACTS SUPPORTING REQUEST FOR RELIEF

(Must be typed Use next page if necessary)

[Empty rectangular box for text entry]

VERIFICATION

The Plaintiff hereby states that the foregoing statements are true and correct. The plaintiff's attorney certifies that all statutory requirements governing writs of summons have been met.

Date _____

Signature _____

(Plaintiff)

Date _____

Signature _____

(Plaintiff Attorney)

STAMPS

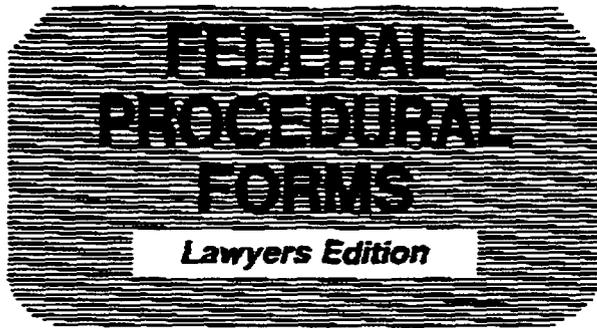
Law Syndicate

Fee Auditor

Clerk Supervisor

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Actions in District Court

Practice-oriented forms for Federal judicial and administrative proceedings exhaustively annotated keyed to the substantive and procedural law integrating procedural and pleading principles with statutes, court rules, administrative regulations, checklists, and checkpoints

Sections 1:1-1:2006

1993



Lawyers Cooperative Publishing
Aqueduct Building, Rochester New York 14694

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ACTIONS IN DISTRICT COURT

§ 1141

of the claim showing that the plaintiff is entitled to relief and a demand for judgment for the relief the plaintiff seeks 23 A plaintiff need not set out in detail the facts upon which the plaintiff's claim is based 24 Thus for example, a Federal Court of Appeals cannot require trial judges to demand that complaints under 42 USCS § 1983 state with factual detail and particularity the basis for the claim since such a heightened standard cannot be reconciled with the liberal system of notice pleading under FRCP 8(a)(2) 25

Each claim founded on a separate transaction or occurrence must be stated in a separate count in the complaint whenever such separation facilitates the clear presentation of the matters set forth 26 Relief in the alternative or of several different types may be demanded 27

2 PROCEDURAL FORMS

a COMPLAINTS GENERALLY

§ 1-141 Complaint—Single count [FRCP 7(a), 8(a)]

UNITED STATES DISTRICT COURT
FOR THE ___ DISTRICT OF ___
___ DIVISION

Plaintiff v Defendant
Civil Action, File No. ___
COMPLAINT

Plaintiff ___ complains of defendant and shows the court the following

JURISDICTION

___ [Allege jurisdiction]

23 FRCP 8(a)

24. Conley v Gibson (1957) 355 US 41 2 L Ed 2d 80 78 S Ct 99 9 BNA FEP Cas 439 41 BNA LRRM 2089 1 CCH EPD ¶ 9656 35 CCH LC ¶ 71077

25. Leatherman v Tarrant County Narcotics Intelligence & Coordination Unit (1993 US) 122 L Ed 2d 517 113 S Ct 1160 93 CDOS 1493 93 Daily Journal DAR 2747 8 BNA IER Cas 428 7 FLW Fed S 40

26. FRCP 10(b)

27. FRCP 8(a)

§ 1 141

ACTIONS IN DISTRICT COURT

PARTIES

II

____ [Identify plaintiff and show residence]

III

____ [Identify defendant and show residence]

CAUSE OF ACTION

IV

____ [Describe facts giving rise to cause of action]

Wherefore plaintiff demands

1 ____ [Specify relief sought]

2. That plaintiff recover from defendant the costs of this action ____ [and reasonable attorney's fees] and

3 That plaintiff have such other and further relief as may be proper

Dated ____ 19__

[Signature and address]

[If required, add verification, as follows]

VERIFICATION

State of ____ }
County of ____ } ss.

I, ____ [name], plaintiff in the above-entitled action being first duty sworn, say that the foregoing complaint is true and correct.

[Signature of plaintiff]

Subscribed and sworn to before me on ____ 19__

[Signature and title]

NOTES

Practice Aids:

Texts Complaints generally 27 Fed Proc L Ed Pleadings and Motions §§ 62 20-62-44

§ 1:142 Complaint—Multiple counts—With same jurisdictional basis [FRCP 7(a), 8(a), 8(e)]

[Caption and title, see § 1 141]

FIRST COUNT

Plaintiff complains against defendant and for a first claim for relief alleges:

I

____ [Allege jurisdictional facts]

ACTIONS IN DISTRICT COURT

§ 1 143

II

2 [Allege residence of parties]

III

3 [Allege facts setting forth claim for relief]

IV

4 [Allege plaintiff's damage or injury resulting from defendant's acts or omissions]

SECOND COUNT

Plaintiff complains against defendant and for a second claim for relief alleges.

I

Plaintiff incorporates Paragraphs 5 [paragraphs alleging jurisdiction] of plaintiff's first count against defendant and makes such paragraphs a part hereof

II

6 [Allege additional facts constituting the second count].

III

7 [Allege plaintiff's damage or injury resulting from defendant's acts or omissions]

Wherefore plaintiff demands

On plaintiff's first claim for relief

1 8 [Set forth each element of prayer in separate paragraph]

On plaintiff's second claim for relief

1 9 [Set forth each element of prayer in separate paragraph]Dated 10, 1911

[Signature and address]

NOTES

(See notes in § 1 141)

§ 1:143 Complaint—Multiple counts—With different jurisdictional basis for each [FRCP 7(a), 8(a), 8(e)]

[Caption and title, see § 1 141]

FIRST COUNT

Plaintiff complains against defendant and for a first claim for relief alleges.

I

1 [Allege jurisdictional facts]

§ 1 143

ACTIONS IN DISTRICT COURT

II

_____ [Allege residence of parties]

III

_____ [Allege facts setting forth claim for relief]

IV

_____ [Allege plaintiff's damage or injury resulting from defendant's acts or omissions]

SECOND COUNT

Plaintiff complains against defendant and for a second claim for relief alleges:

I

Plaintiff incorporates Paragraphs _____ [paragraphs stating residence of parties and any other paragraphs that are applicable to second count] of plaintiff's first count and makes such paragraphs a part hereof

II

_____ [Allege jurisdictional facts of second count]

III

_____ [Allege facts setting forth claim for relief sought in second count]

IV

_____ [Allege plaintiff's damage or injury resulting from plaintiff's acts or omissions]

Wherefore plaintiff demands:

On plaintiff's first claim for relief

1 _____ [State each element of prayer in separate paragraph]

On plaintiff's second claim for relief

1 _____ [State each element of prayer in separate paragraph]

Dated _____, 19____

[Signature and address]

NOTES

Practice Aids:

Texts. Complaint containing multiple jurisdictional grounds 27 FED PROC. L. Ed Pleadings and Motions § 62 26

ACTIONS IN DISTRICT COURT

§ 1 144

§ 1 144 **Complaint—In Eastern District of North Carolina**
[ED NC Rule 3 06]

THE UNITED STATES DISTRICT COURT
 FOR THE EASTERN DISTRICT OF NORTH CAROLINA
 WILMINGTON DIVISION

No _____

JAMES T SMITH
 Plaintiff
 vs.
 AARON R JONES et al
 Defendants

OFFER OF JUDGEMENT

Rule 68 F R Civ P

(Closing)

This ____ day of January 1990

 John B Counselor
 Attorney for Defendant
 Abbot Bail and Counselor
 Attorneys at Law
 200 Main Street
 Post Office Box 50
 Raleigh North Carolina 27602
 A/C(919) 878-8787

OF COUNSEL
 James M Jones
 Attorney for Defendant
 Jones, Jones and Jones
 Attorneys at Law
 1000 Broadway
 Post Office Box 500
 New York, New York 10050
 A/C(212) 555-1212

NOTES

(See notes on § 1 141)

§ 1 145 ACTIONS IN DISTRICT COURT

§ 1 145 Complaint—In Middle District of Tennessee

IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE DIVISION

Form with lines for name of plaintiff(s), v., and name of defendant(s). Includes Case No. field (to be assigned by clerk).

COMPLAINT

1. State the grounds for filing this case in Federal Court (include federal statutes and/or U S Constitutional provisions if you know them)

Three horizontal lines for stating grounds for filing.

2 Plaintiff _____ resides at

Form for plaintiff address: street address, city, county, state, zip code, telephone number.

(if more than one plaintiff provide the same information for each plaintiff below)

Five horizontal lines for providing information for multiple plaintiffs.

BEST AVAILABLE COPY

Handwritten mark resembling the number 35.

ACTIONS IN DISTRICT COURT

§ 1145

2

3. Defendant, _____ lives at, or its

business is located at _____,
street address

_____ , _____ , _____
city county state

_____ ,
zip code

(if more than one defendant provide the same information for each defendant below)

4 Statement of claim (State as briefly as possible the facts of your case Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Be as specific as possible. You may use additional paper if necessary):

36

§ 1 145

ACTIONS IN DISTRICT COURT

3

5 Prayers for Relief (list what you want the Court to do)

- a. _____

- b. _____

- c. _____

- d. _____

I (We) hereby certify under penalty of perjury that the above petition is true to the best of my (our) information, knowledge and belief

Signed this _____ day of _____, 19__.

 (signature of plaintiff(s))

NOTES

(See notes in § 1 141)

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APPENDIX B.

**PRELIMINARY DRAFT OF PROPOSED CASE
MONITORING FORM AND SCHEDULING ORDER**

CASE MONITORING FORM AND SCHEDULING ORDER

COURT OF FIRST INSTANCE

(Plaintiff's Name)

Civil Case No _____

(Defendant's Name)

Case Type _____

I Case Initiation Steps Before First Hearing

A All necessary documents to accompany writ of summons

Provided by plaintiff on _____ (Date)

Not provided by plaintiff

B Service of writ of summons on defendant

Acknowledged by defendant

Not accomplished Attempted on _____ (Date)

C Reply Memorandum

Received from defendant on _____ (Date)

Not received from defendant

D Scheduling Conference

Held by Civil Prosecutor on _____ (Date)

Not held

II Case Scheduling Directions by Civil Prosecutor

E Because the Plaintiff has not alleged facts sufficient if true to support the exercise of jurisdiction by this court, this case is dismissed without prejudice

Date _____

Signature _____

Civil Prosecutor

II Case Scheduling Directions by Civil Prosecutor (continued)

F This case will be dismissed, and service of a writ of summons will not be made on the defendant, unless the plaintiff submits supporting documents required by statute on or before _____ (Date)

Date _____ Signature _____
Civil Prosecutor

- G Since service has not been made on the defendant
- (1) The service department is directed to _____ (instructions to server)
 - (2) The Plaintiff is directed to _____ (instructions to plaintiff)
 - (3) This Case is dismissed with/ without prejudice

Date _____ Signature _____
Civil Prosecutor

H Since the defendant has acknowledged service but has not submitted a reply memorandum as directed by the court,

- (1) A default judgment for the plaintiff and against the defendant will be entered unless a reply memorandum is submitted not later than _____ (Date)
- (2) Other instructions to defendant _____

Date _____ Signature _____
Civil Prosecutor

40

II Case Scheduling Directions by Civil Prosecutor (continued)

I Differentiated Case Management Track Assignment

(1) This case is assigned to the expedited track

(a) A final decision is attached

(b) Plaintiff and defendant are directed to appear at a first and final hearing set at

_____ (time) on _____ (date) before panel no _____

Date _____

Signature _____

Civil Prosecutor

(2) This case is assigned to a standard track

(a) Plaintiff and defendant are directed to appear at a first hearing at _____ (time)

on _____ (date) before _____ (panel number)

(b) Plaintiff is directed to submit the following documents to the assigned panel's circuit clerk (with copies provided to the defendant) not later than three days

before the above hearing date _____ (specify documents)

(c) Defendant is directed to submit the following documents to the assigned panel's circuit clerk (with copies provided to the plaintiff) not later than three days

before the above hearing date _____ (specify documents)

NOTICE Failure by plaintiff or defendant to provide the above documents by the date due may result in the imposition of sanctions by the court

Date _____

Signature _____

Civil Prosecutor

41

II Case Scheduling Directions by Civil Prosecutor (continued)

I Differentiated Case Management Track Assignment

(3) This case is assigned to the pre-appeal track

(a) Plaintiff and defendant are directed to appear at a first hearing at _____ (time)
on _____ (date) before _____ (panel number)

(b) Plaintiff and defendant have agreed

(i) to waive proceedings in the Court of First Instance

(ii) to the following _____ (enter terms of agreement)

(c) Plaintiff is directed to submit the following documents to the assigned panel's circuit clerk (with copies to the defendant) not later than three days before the above hearing date _____ (specify documents)

(d) Defendant is directed to submit the following documents to the assigned panel's circuit clerk (with copies to the plaintiff) not later than three days before the above hearing date _____ (specify documents)

NOTICE Failure by plaintiff or defendant to provide the above documents by the date due may result in the imposition of sanctions by the court

Date _____

Signature _____

Civil Prosecutor

42

III Expert Referral Screening Decision by Civil Prosecutor

(j) This case can be decided without referral for an expert report

Not later than the second court hearing before the assigned panel, this case should be referred for an expert report, which should be completed and received by the circuit clerk for that panel within _____ days after the date of referral

Date _____

Signature _____

Civil Prosecutor

IV Other Case Instructions by Civil Prosecutor

(k) The following further instructions are directed to _____ (specify)

and are to be carried out not later than (date) _____

Date _____

Signature _____

Civil Prosecutor

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