

**REPORT ON THE ORGANIZATION
OF THE
OFFICE OF THE DIRECTORATE OF JUDICIAL ORGANIZATION
MINISTRY OF JUSTICE
REPUBLIC OF ALBANIA**

Prepared by:

Esther L. Bauman

Theodore C. Gladden

**For:
EAST WEST MANAGEMENT INSTITUTE**

TABLE OF CONTENTS
Report on the Organization of the
Office of the Directorate of Judicial Organization

INTRODUCTION	1
Project Background	1
The Directorate of Judicial Organization	2
ORGANIZATIONAL STRUCTURE OF THE DIRECTORATE	3
Court Services	3
<i>Technical Assistance</i>	3
<i>Monitoring and Work Load Analysis</i>	3
<i>Internal Support Services</i>	4
Court Judicial and Employee Training	4
<i>Training Coordination</i>	4
<i>Manual and Program Development</i>	4
Statistics and Data Analysis	5
<i>Executive Summaries and Case Management Reporting</i>	6
<i>Annual Report</i>	6
<i>Automated Data Collection</i>	6
Information Technology	7
<i>Technology Planning and Development</i>	7
<i>Technology Support Services</i>	8
IMPLEMENTATION STEPS	8
Immediate Steps	8
<i>Personnel Recruitment and Training</i>	9
<i>Technical Assistance</i>	9
<i>Monitoring</i>	9
Mid-Term Steps	10
<i>Records Management</i>	10
<i>Statistical Data Collection and Analysis</i>	11
CONCLUSION	11

Attachment 1:	Article 11/2 of the Law on the Organization and Functioning of the Ministry of Justice
Attachment 2:	Proposed Organization Chart for the Directorate
Attachment 3:	Sample Case Management Reports
Attachment 4:	Sample Court Equipment, Training, and Records Management Survey Forms
Attachments 5-9:	Sample Job Descriptions for the Office of the Directorate
Attachment 10:	North Dakota Court Records Retention Policy
Attachment 11:	Excerpt from North Dakota Records Management Manual

Report on the Organization of the Office of the Directorate of Judicial Organization

INTRODUCTION

The purpose of this report is to provide recommendations on the development and organization of the Office of the Directorate of Judicial Organization in the Ministry of Justice, for the Republic of Albania. It builds on the recommendations contained in an earlier report relating to the analysis of the draft Regulation on the Organization and Functioning of Judicial Administration in the Republic of Albania (hereafter referred to as Judicial Administration Regulation). Specifically, this report prepared by consultants, Esther L. Bauman and Theodore C. Gladden, provides suggestions for structuring the Directorate of Judicial Organization and outlines initial staff activities for the office.

Project Background

In support of this portion of the consultancy, site visits were conducted between November 24 and December 6, 2000 at the trial courts in Kavaja, Durrës, and Tirana, and interviews with selected Ministry personnel.

The following individuals were interviewed as part of this process:

- Sokol Pasho, Director of Judicial Organization;
- Sokol Como, Chief Judge, Court of First Instance, Tirana;
- Edmond Islamaj, Chief Judge, Court of First Instance, Kavaja;
- Bledar Cuci, Chancellor, Court of First Instance, Tirana;
- Marjana Dedi, District Judge, Court of First Instance, Tirana;
- Flutura Kadiu, Head Secretary, Tirana;

- Ministry of Justice Personnel B
- Majlinda Bozgo, Statistical Division;
- Genta Rumano, Statistical Division;
- Diana Mamani, Statistical Division;
- Denar Biba, Interpreter.

These individuals provided valuable background information on the statistical functions of the Directorate, as well as expertise on the existing case management and records management activities in the trial courts in Kavaja and Tirana.

The Directorate of Judicial Organization

The consultants, provided by the East West Management Institute, were asked to recommend to the Minister of Justice a plan for the staffing of the Office of Judicial Organization to carry out the mandates delineated in Article 11/2 of the Law on the Organization and Functioning of the Ministry of Justice (Attachment 1). In addition, they were to recommend preliminary steps to be undertaken by the Directorate's recently hired and future professional staff.

By law, the Directorate of the Judicial Organization has countrywide responsibility for overseeing the general management functions of the courts of first instance and appellate courts. In short, it has similar responsibilities as the United States Administrative Office of the Courts or an American state court administrator's office, except in the areas of budget preparation and direct personnel administration.

Specifically, the Director and his office are charged with five key court administrative activities:

1. Recommend the number, composition, venue, territorial jurisdiction, and organizational structure of the country's trial and appellate courts.
2. Assure the effective implementation of the Judicial Administration Regulation and propose the organizational changes, the workload measures, the staffing levels, and type of personnel needed in the courts.
3. Coordinate the educational activities of judges and court personnel with the Faculty of Law, the School of Magistrates, and other domestic and foreign institutions.
4. Establish uniform procedures for the collection, analysis, maintenance, and monitoring of criminal and civil statistical court data.
5. Oversee information technology and the development of database systems to meet the court administrative responsibilities of the Ministry of Justice.

The recommendations below are designed to help the Director accomplish these responsibilities and to assert his legislated leadership role in managing the courts throughout Albania. The recommendations are divided into two sections: Organizational Structure of the Directorate and Implementation Steps.

ORGANIZATIONAL STRUCTURE OF THE DIRECTORATE

To deliver the above five categories of court administrative services as contemplated in Article 11/2, it is suggested the Minister of Justice consider an organization with four operating units within the Directorate (Attachment 2). These operating units include: court services, judicial and employee training, statistics and data analysis, and information technology. It is anticipated that the office may expand over time to include other operating divisions and there may be need for adjustment within these four divisions to fulfill the Directorate's mission and comply with the Minister of Justice's future directives.

It is also expected that the Director of Judicial Organization will hire or reassign competent, professional personnel to fill the positions in these four divisions. Attachments 5 – 9 provide sample job descriptions for these positions and highlight the importance of staff expertise in a wide array of court administrative support services in fields such as records management, case flow management, workload assessments, court information analysis, and technology implementation, as well as statistics and data analysis.

Court Services

The Court Services Division (CSD) should be the heart or hub around which the other divisions will revolve and interact. It should provide technical assistance, monitor case processing and other activities for consistency with regulations adopted by the Ministry, and supply information to and support the other divisions in the Directorate.

Technical Assistance

The CSD should assist the trial and appellate courts in initiatives from facilities improvements to the re-engineering or development of operational procedures for assigning cases, managing and storing case files, archiving records, analyzing case load and work load information and statistics, and identifying process and organizational problems.

Monitoring and Work Load Analysis

It should also support the Director in ascertaining the judicial and court administrative staff needs and work load distribution of the individual courts, judicial productivity, and compliance with mandated uniform procedures.

Internal Support Services

Finally, the CSD should provide vital information and implementation assistance to the Directorate's other divisions and the Minister of Justice's advisory committees and sub-committees. For instance, it should identify training, data information, and technology requirements as well as interpret and help explain statistical reports.

To be effective in providing these services to the Director, chancellors, chief judges, and key court personnel, it is critical that the professional staff in the CSD, often referred to as Court Specialists, be intimately knowledgeable of court operating procedures. Besides spending the majority of their work time in the individual courts helping with management issues and monitoring for consistency, the Court Specialists also should be available to staff committees or subcommittees created to resolve operational concerns and recommend new processes for the courts of first instance and appellate courts.

These above responsibilities and others are reflected in the Court Specialist job description in Attachment 5. The consultants suggest that at least two such positions will be needed immediately to assist the courts.

Court Judicial and Employee Training

As provided in Article 11/2, there should be an operating unit within the Directorate with the responsibility for overall coordination of training activities and provide related services to accomplish the Directorate's mission. It is, therefore, recommended that a Court Judicial and Employee Training Division (CJET) be established for these purposes.

Training Coordination

The CJET would serve as the focal point to coordinate the training initiatives for judges and court personnel conducted by the Magistrate School, Faculty of Law, other governmental agencies, and a host of donor groups. This Division should have

the responsibility to create a record keeping system of all of the training that has been conducted for court administrative personnel and judges.

Manual and Program Development

The CJET Division would assist the Court Services Division by developing and regularly updating procedural manuals and employee guide materials. For instance, the CJET staff would work with Court Specialists and perhaps advisory committees in creating manuals detailing the regulations and steps related to effective case assignment, records management, case management, and statistical data gathering.

Likewise, this Division would develop curriculum and training materials as well as conduct educational programs related to the effective administration of courts. Training would include non-judicial personnel orientation, records management techniques, staff supervision, and administrative or procedural law for judges. Because there is concurrent responsibility in the area of judicial and court personnel training, it will be important that such training services to focus on procedural rather than substantive law be coordinated with the Magistrate School.

Attachment 6 is an example of a job description of a Human Resource Development Specialist that could be used for staffing this CJET Division. Initially, the consultants suggest that only one such position would be needed in the Directorate.

Statistics and Data Analysis

A unit of statistics already exists within the Ministry of Justice. There are three individuals tasked with the gathering and manual compilation of case statistics from all courts of first instance and appellate courts. Regular three, six, nine month and annual statistics are provided to the Director. However, while a large volume of information is being collected and compiled into reports, the consultants found that much of the data has questionable management value for the administration of the courts. For instance, in the family law area, information relating to the educational level of the parties getting divorced, the age of any children in the marriage, and the length of time the couple was married is manually gathered by the trial court personnel and sent to the Ministry.

It is, therefore, recommended that this statistical unit be restructured into a Statistics and Data Analysis Division (SDA) or, if preferred, incorporated into the Court

Services Division within the Directorate of Judicial Organization. The restructured Division's focus would be on meaningful data collection, analysis, and management reporting to provide information of immediate and longer-term planning value to the trial and appellate courts as well as the Director.

Attachment 7 is a sample job description for a Manager of Statistical Analysis. Initially, the consultants recommend that only one statistical professional position is needed in the SDA Division along with the existing Ministry staff.

Executive Summaries and Case Management Reporting

The Manager of Statistical Analysis should be trained in court management as well as statistical analysis in order to effectively oversee the SDA Division. His/her responsibilities would be to ensure that the data is correct, available, and timely. He/she must regularly review and analyze statistics to assure the cases in Albanian courts are being decided within the legislated time standards.

He/she should provide comparative data that can be easily understood to assist making decisions on judicial and non-judicial workload and staffing requirements. For instance, while some of the current data collected provides assistance in terms of case disposition time and general pending case information, it needs to be arranged for easy comparison between the same time periods in other years. Attachment 3 provides three sample summary statistical reports for consideration. The reports are illustrative of how the data, gathered manually, can be presented to allow caseload activity comparisons between various time periods.

The SDA Division should review the data collection forms currently used in the courts as well as each data element being collected. The goal of this analysis should be to determine whether or not the data assists in understanding the operations of the courts or provides meaningful information to help achieve or monitor court management responsibilities. If it does not, it should be considered for discontinuation. A special advisory sub-committee composed of judges and court personnel could work with the SDA staff in assessing the value of the data elements and resolve any questions that might arise.

Annual Report

The SDA Division should initiate the practice of preparing an annual report summarizing activities of the courts of Albania. This report could be available to the

public, officials in other ministries, donor groups, and assure there is an historical record of summary statistics of the courts' operations prepared on an annual basis. It also would provide an opportunity for individual courts to compare their performance and workload with the others of similar jurisdiction.

Automated Data Collection

Currently, a significant amount of staff resources are dedicated to collecting data in the Albanian courts. For example, one individual in the Tirana District Court spends all of her time compiling the required statistical information on a spreadsheet and providing it to the Ministry office for inclusion in summary statistical reports on all courts.

Clipboard

With automation, it should become easier to collect and compile information as well as provide more comprehensive reports. Automation should also allow management data to be collected as a byproduct of the regular court record keeping processes. However, it is imperative that the SDA staff completes its analysis of the data elements, as described above, before building or implementing an automated data collection and management information system.

Information Technology

Albanian courts are already making limited use of computers. Generally, the courts use them for basic word processing applications and, in Tirana, for elementary statistical data gathering. There is currently no court technology support staff in the Directorate to assist in the installation, training, and maintenance of computers.

On a larger scale, two significant pilot automation projects have been proposed to assist the courts in Albania: the World Bank is planning to automate the district court in Durrës and the SOROS foundation is considering doing the same in the Tirana court. There is currently no manager of technology on staff in the Directorate.

It is strongly suggested that a Division of Information Technology (IT) be established to oversee the planning, development, and coordination of automated systems, technology, and electronic databases in the Albanian courts as well as to provide technical support services to the individual courts. Attachments 8 and 9 provide job descriptions related to these proposed functions.

Technology Planning and Development

Officials and others interviewed all expressed an interest in automating court management functions. While expressing a need to automate the courts, they appear to have limited understanding and experience in how such complex systems work or of the challenges involved in developing, implementing, and maintaining them. Therefore, it is essential that the Directorate have someone, such as an IT Director, with expertise and experience in information technology and data base development, preferably in courts, to work with other governmental units and donor groups involved in court automation projects in Albania.

It would be the responsibility of the IT Director to ensure any automation and other technology effort meets the operational and management needs of trial and appellate courts and the Minister of Justice, i. e. the needs of the decision-makers and the people doing the filing of records, assignment of cases, case management, statistical collection and analysis, case scheduling, and relying on management reports. He/she also should coordinate the development of various court technology projects to make sure critical data can be shared and is appropriately available to other justice organizations.

Technology Support Services

As noted earlier, trained personnel are needed to support computer and other electronic acquisitions and to respond to the hardware and software issues of judges and court personnel throughout the country. Under the direction of the IT Director, the Technology Support Specialists, should respond to equipment malfunctions and issues related to software operations in a very timely manner. They should also propose policies and monitor the orderly acquisition and replacement of computer hardware and peripheral equipment as well as the standardization of commercial software.

The consultants suggest that two Technology Support Specialists would be needed initially to provide adequate service to the country's courts. However, as court personnel gain confidence in using computers, the demand for further training and software enhancements increases the support needs dramatically and may require additional staffing.

IMPLEMENTATION STEPS...

As with all organizational changes and major projects, establishing the infrastructure within the Directorate of Judicial Organization to meet its mandated responsibilities will take time, training, planning, and commitment. The initial steps involve putting together the right staff and educating them in the administrative operations and needs of the trial and appellate courts as well as in the techniques of court management to resolve them.

INITIAL
STEP

Following these immediate steps, more mid-term efforts should be taken to select and implement specific “do-able” projects that can both address pressing, court needs and offer opportunities for the Directorate to succeed in meeting them.

Immediate Steps

The consultants were asked by the Minister of Justice of Albania to suggest immediate steps to be taken by the Directorate of Judicial Organization to achieve the objectives outlined in Article 11/2. Particular interest was expressed in how to develop the expertise and skills necessary for the newly hired or soon-to-be-hired, professional Directorate staff. The following recommendations were discussed in person with the Minister and the Director of Judicial Organization and are briefly summarized here.

Personnel Recruitment and Training

It is suggested that beyond recruiting and hiring professional staff with relevant experience, the Directorate of Judicial Organization needs to provide them with clear job descriptions and performance expectations. (Sample job descriptions are provided in Attachments 5 – 9 to assist in this purpose.) In addition, as soon as possible, they should be trained and become knowledgeable in the management tools of court administration and other subjects relevant to their new positions.

To this end, a court management consultant may be required to provide on-site intensive training in subjects such as effective records management and storage, case management, system analysis methodologies, and court statistical reporting. Alternatively, the professional staff could individually attend appropriate training seminars in other countries.

Technical Assistance

A significant first step is to establish the needs of the Albanian courts and give the new Directorate staff hands-on experience with the courts' administrative issues. Therefore, the new personnel should begin gathering and documenting baseline data relating to the training needs, records management processes, and existing equipment in each court throughout the country. (Attachment 4 provides examples of survey forms that could be used in these efforts.) The entire process will assure that the Directorate staff get into the field and will provide the judges, chancellors, and other key court personnel to start building a personal relationship with them.

After documenting the needs of the individual courts, it will be the staff's responsibility to compile the information and develop priority lists based on criteria established with the Director and perhaps an advisory committee of judges and chancellors.

Monitoring

An important byproduct of the documentation process described above is that the information can be used as a basis for monitoring compliance with regulated court practices and procedures. It also provides the basis of determining the type of statistical and performance data that needs to be collected and analyzed for future judicial work load and court caseload monitoring. As mentioned earlier, Attachment 3 provides three sample case reports that will be helpful in the analysis of some of this information.

Such documentation will provide the basis for the Director to make recommendations to the Minister of Justice on replacements for chancellors, adjusting judicial and administrative staffing distributions, and identifying the courts with the best administrative practices to be replicated in other districts.

Mid-Term Steps

During the on-site visit, it became evident that there are many areas that need to be reviewed in detail. Two such areas appear to offer the Directorate and the courts the most opportunities for “successes”: records management and statistics collection and analysis. Projects in these areas would utilize the expertise and newly acquired knowledge of the Directorate’s staff. The records and statistics management projects also would address the need to improve court manual systems before automating them.

~~from~~
MID TERM
SUCCESS

Records Management

Based on the consultants on-site observations, there needs to be a thorough review of all of the record keeping procedures in the trial and appellate courts to determine if they are in compliance with the Regulation on Judicial Organization and if they are achieving their intended purposes. The information gathered in the initial survey of the courts will be helpful in focusing on any perceived problems and possible training needs.

With assistance of records management experts from within or outside the country, the Directorate also should consider the modernization of its records storage systems as well as the formalizing of its records retention requirements. The adoption of a court record’s retention regulation, likewise, would be useful. The Office of National Archives could provide guidance in this effort and Attachment 10, an example of a court records retention policy from North Dakota, and Attachment 11, an excerpt from the North Dakota Records Management Manual on file disposal, could likewise be helpful.

Once developed, training courses should be conducted to train affected court personnel on the new regulations and records management procedures. Manuals, produced by the Directorate’s CJET Division, should be distributed to each trainee and court.

Statistical Data Collection and Analysis

As mentioned earlier, the large volume of data currently collected by the courts and compiled by the Ministry needs to be reviewed in terms of accuracy and relevancy to the effective administration of the country’s courts. Each data element needs to be considered and only the necessary information should be maintained.

Once this information is available, case flow management and workload analysis reports should be developed that give the Director, Minister, and other senior

management personnel as well as chief judges and chancellors executive summaries on case activity. Through these reports, the Court Specialists can monitor, among other performance indicators, the case filing and disposition activity of the courts, pending caseload, backlogs, and delay from continuances of cases in the individual courts and the system as a whole.

CONCLUSION

The Ministry of Justice is creating a solid foundation for the management of the trial and appellate courts in Albania. Recommendations contained in this report are intended to support that effort and help build the important infrastructure needed to provide technical assistance to the courts.

The report contains the outline for the operation of the Directorate of Judicial Administration. This blueprint provides a sound basis upon which the office can grow as the needs of the judiciary change. No attempt was made to identify every specific job function as the specific staffing requirements will change, over time. The goal was to provide immediate and near-term direction thus giving the Directorate time to set its own long-term direction.

**Article 11/2 of the Law on the
Organization and Functioning of the Ministry of Justice**

2. The Directorate of Judicial Organization undertakes the following activities:
- a) prepares recommendations in relation with legal and organization measures for the functioning of the judicial power, number of the courts, their venue and territorial jurisdiction, sections in each court, its personnel composition as well as other issues related to the judicial power;
 - b) prepares recommendations in relation with the legal and organization measures for the functioning of the court administration, its compositions and number of the judicial administration personnel;
 - c) supports, collaborates and coordinates its work with the Faculty of Law, the School of Magistrates, and other domestic and foreign institutions in relation with the issues of professional level, training and specialization of judges, prosecutors, private attorneys, notaries, lawyers of the public administration, as well as that of the court administration personnel;
 - d) takes care for the collection, processing, and the maintenance of the unified procedural, administrative, investigative, and judicial statistical data, as well as for the methods and practices of maintaining the criminal and civil statistics;
 - e) takes care for the realization of the IT services in relation with the collection, processing, maintenance, and the exchange of the data related to the Ministry of Justice field of work.

DIRECTORATE OF THE JUDICIAL ORGANIZATION

**THE SECTOR OF JUDICIAL ORGANIZATION, PERSONNEL, AND
TRAINING FOR COURT ADMINISTRATORS**

The activity of the above sector will be focused in the following three directions:

1. Judicial Organization

Attachment 1

Translation Provided by
East-West Management Institute

Prepares recommendations in relation with legal and organization measures for the functioning of the judicial power, number of the courts, their venue and territorial jurisdiction, sections in each court, its personnel composition, as well as other issues related to the judicial power.

- The organization of the new judicial year and the preparation of the Joint Resolution.
- The study on the organization of the first instance courts, as well as the appellate ones, according to the new administrative structure of the Republic of Albania.
- Define the judges' workload in general and specifically in order to assure an effective functioning of the courts.
- Delegation and nomination of judges for the judgment of special cases.
- Drafting of the list of experts used by the courts.

2. Personnel

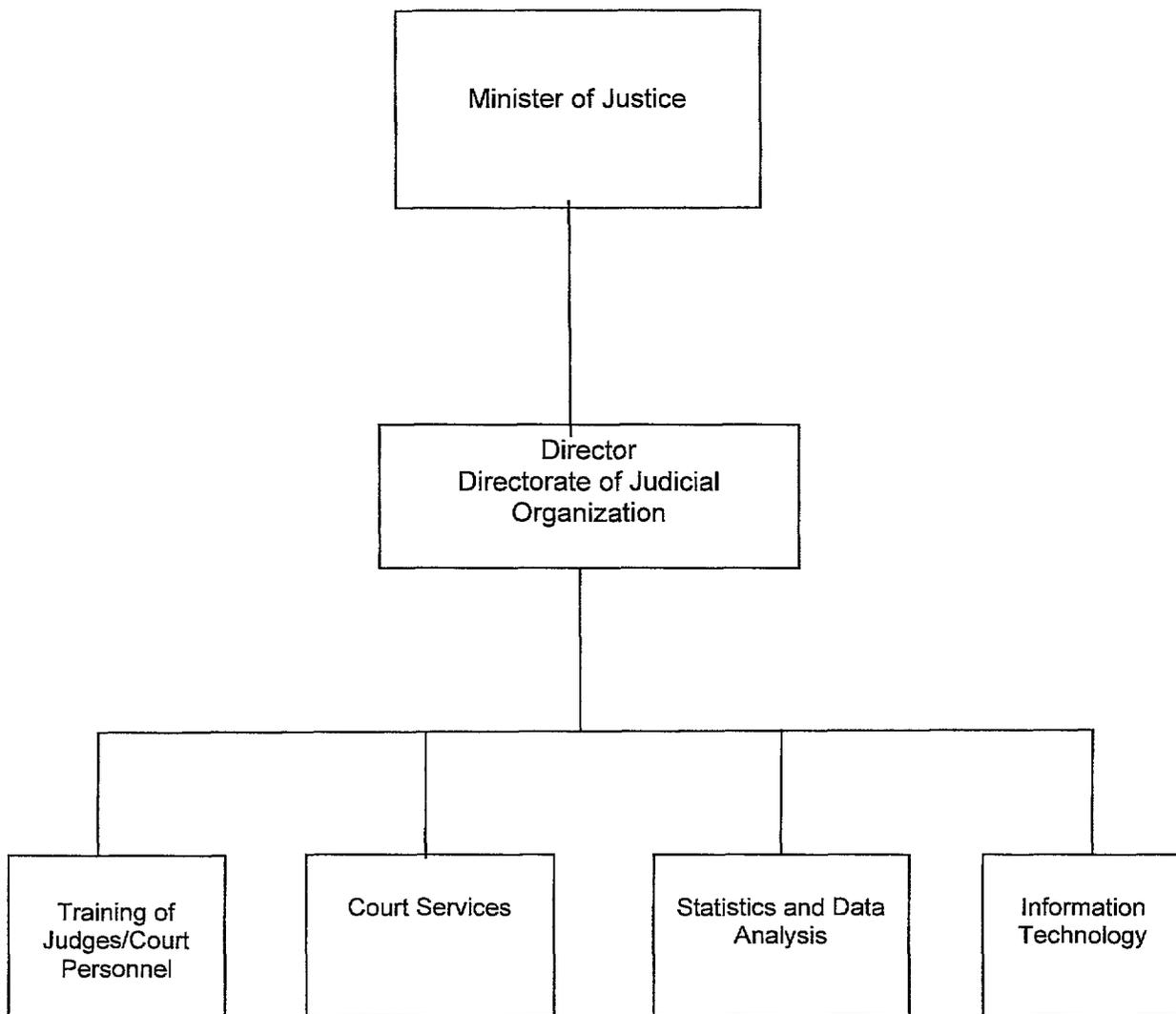
Prepares recommendations in relation with the legal and organization measures for the functioning of the court administration, its compositions, and number of the judicial administration personnel.

- Define the dynamics of court administrative personnel data.
- Study the composition of the court administrative personnel in comparison with the number of judges.
- Monitor the implementation of the Court Administration Regulation.
- Fill the chancellor vacancies.

3. Training

Supports, collaborates, and coordinates its work with the Faculty of Law, the School of Magistrates, and other domestic and foreign institutions in relation with the issues of professional level, training and specialization of judges, prosecutors, private attorneys, notaries, lawyers of the public administration, as well as that of the court administration personnel.

Directorate of Judicial Organization



This series contains the title of partnership, list of partners, and location.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Register of Probate Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendants names.

Retain permanently. Administrative and Fiscal values.

Safety Deposit Records [Obsolete]

This series contains the petition, order, and inventory

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Search Warrants (When no case file exists)

This series contains the affidavit, search warrant, receipt and inventory.
Retain for 3 years, then dispose by shredding. Administrative value.

Small Claims Case File

This series contains pleadings including but not limited to claim affidavit, order for appearance, answer, counter-claim, judgment, affidavit of mailing, motion to remove, and service agreement.

Retain as specified below, then dispose by landfill. Administrative, Fiscal and Legal values.

Judgment5 years;

Judgment entered - not renewed.....11 years;
Judgment entered - and renewed21 years;
Dismissed.....1 year.

Special Deposit Ledger

This series contains a record of the date, explanation, clerk's receipt, debit, credit, and balance.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. If criminal restitution is included in Special Deposit Ledger, retain for three years after final payment has been made. Administrative and Fiscal values.

State Game & Fish Proclamation

Retain for 1 year, then dispose by landfill. Administrative value.

Township Minute Books [Obsolete]

This series contains meetings of township minutes (includes birth and death information which may be contained in the minutes).

Offer to the State Archives. Administrative and Historical values.

Toxicology Reports

This series contains a list of Certified Chemical Test Operators; List of Approved Chemical Testing Devices; Breathalyzer Operational Check List, Form 106; Standard Solution Analytical Report; Breathalyzer Ampoule Analytical Report; Approved Method to Conduct Breath Test with Breathalyzer; and Approved Method to Conduct Blood Alcohol Analysis.

This retention schedule is established by order of the State Toxicologist. Administrative value.

Transcript of Judgment from Another Court

This series contains an Abstract of Judgment, Affidavit of Identification, Notice of Filing Renewals of Judgment, Transcripts of Judgments, Notice of filing Transcripts of Judgment, Satisfaction or Cancellation of Judgment, Affidavit of Renewal of Judgment, Notice to Cancel Transcript of Judgment, and Assignment of Judgment.

Retain as specified below, then dispose by landfill. Administrative and Fiscal values.

Judgment Entered.....11 Years;
Judgment Renewed.....21 Years.

Trust Registration (unsupervised trust)

This series contains a petition for administration and supervision of trust, notice of hearing; order approving administration and supervision; motion and order approving trust account and approval of management fees; and nomination of trustee, orders. See Chapter 30.1-32, NDCC.

Retain permanently. Administrative and Legal (NDCC ' 11-17-10) values.

Tuberculosis Records [Obsolete]

This series contains disclosure papers for sanitarium and certificates of indigence. This is an obsolete record series which is no longer created.

Dispose by shredding or burning. Administrative value.

Wills

This series contains wills deposited for safekeeping and possible receipt.

Retain for 100 years, then dispose by shredding. Administrative, Legal (' 11-17-09, NDCC) values.

Witness Records

This series contains witness certificates and vouchers.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Dated January 1, 1995

RECORDS RETENTION SCHEDULE - COURTS

Administrative (Noncriminal) Traffic Case Files

This series contains the citation, correspondence, and may include a receipt.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Audit values.

Administrator's Records (Probate) [Obsolete]

This series contains the typed or handwritten verbatim record of actual probate documents filed in a probate or guardianship proceeding. EX: Petition for Letters of Administration; Order Appointing Administrator; Bond of Administrator, etc.

Retain for 10 years from the file closing date, then dispose by landfill. Administrative, and Legal (NDCC '11-17-10) values.

Adoption Records (Permanent)

This series contains petitions, social services report, decree, consent, notice of hearing, admission of service and decree of adoption.

Retain for 10 years after entry of the order, then may transfer to the State Archives for permanent retention. Administrative, Legal (Permanent), and Historical values.

Appointments

This series contains bonds and oaths of office for official appointments.

Retain for 1 year after termination of the appointment, then dispose by landfill. Administrative value.

Bank Deposit Record, Bank Statements, and Cancelled Checks Including Child Support

This series contains the bound volume of check receipts and carbons including trust funds, court-cancelled checks, ordered restitution of funds, deposits, record of deposits and withdrawals, checks paid through court including stubs, receipts and receipt books.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Audit values.

Bankruptcy (When no case file exists)

This series contains notices and discharges of bankruptcy proceedings.

Retain for 1 year, then dispose by landfill. Administrative value.

Birth Certificates

This series contains copies of birth certificates and indexes. The original is filed in the Department of Health and Consolidated Laboratories, Vital Statistics Division.

Retain for 1 year, then dispose of the certificate copies by shredding and the indexes by landfill. Administrative value. Birth certificates recorded before January 1, 1960 may be retained by the Clerk of Court

Burial Permits

This series contains Records authority to bury, transport, remove, cremate, or dispose of human remains, issued by State Department of Health.

Retain for 1 year from the date of filing, then transfer to the State Archives. Administrative and Historical values.

Burial Permits Index

This series contains a record of burial and transit permits.

Retain for 1 year from the date of filing, then transfer to the State Archives. Administrative and Historical values.

Child Support Records/Case File/Payment Ledgers

This series contains URESA's, foreign support orders, paternity support orders, and transcription of court-ordered support.

Retain for 25 years from the date of filing, then dispose by landfill. Administrative value.

Change of Name

This is the case file containing the petition, affidavit of publication, and order relating to the change of name.

Retain for 100 years - Administrative, Legal, and Historical values.

Civil Case Files

This series contains all civil files with the exception of those otherwise noted in the retention schedule.

All documents filed with the clerk which may include:

- Summons;
- Complaint;
- Sheriff's Return;
- Certificates and Affidavit of Service;
- Answer;
- Amended Complaint;
- Stipulations;
- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;

- Answers to Interrogatories;
- Notice of Issue and Certificates of Readiness;
- Notice of Trial;
- Motion for Continuance;
- Orders' Juror Instructions;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Jury Instructions;
- Verdict;
- Order for Judgment;
- Judgment;
- Notice of Judgment and Taxation Costs;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript; and
- Clerk's Certificate of Record.

(See Court Rules for Discovery and Exhibits, NDRCivP 5(d) and NDROC (6.04)

Retain as indicated below, then transfer to the State Archives* if the case is appealed. Administrative, Legal (NDCC ' 11-17-08), and Historical values.

All civil except as otherwise noted.....10 years;
Real estate24 years;
Judgment not entered & Case Dismissals5 years;
Money Judgment entered - not renewed.....11 years;
Money Judgment entered and renewed.....21 years;
Paternity.....100 years.

*Note: Offer ALL cases prior to 1925 to the State Archives whether appealed or not.

Civil Court Reporter Notes

This series contains court reporter notes, tape recordings, audio visual recordings (possibly cassette tapes).

Retain for 15 years, then dispose by landfill, except for notes or tapes of support hearings, which may be disposed of 60 days after the order has been confirmed. Administrative value.

Claims, Register [Obsolete]

This series contains a recording of claims received on each probate case.

Retain for 10 years from the closing date of the file, then dispose by landfill. Administrative and Legal ('11-17-10, NDCC) values.

Coroner's Inquest Case File

This series contains the proceedings of coroner's inquest and coroner's certificate.

Retain for 1 year from date of filing, then dispose by landfill. Administrative value.

Correspondence

This series contains general correspondence from persons or entities which does not pertain to cases or other record series of the court as specified in the retention schedule. This information is generally one-time in nature such as requests for information and of value for only a short time period.

Retain for 1 year from date of filing, then dispose by landfill. Administrative value.

Court Budgets

This series contains annual and biennial budgets for municipal, county, and district court offices.



Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

Court Calendar

This series contains a listing of scheduled hearings and trials.

Retain for 1 year from the date of preparation, then dispose by landfill. Administrative value.

Court Order Book [Obsolete]

This series contains all court orders.

This is an obsolete record and is no longer created.

Retain for 10 years from the date of the close of the file, then dispose by landfill. Administrative value.

Court Trial Records (Minutes of Proceedings)

This series contains clerk's records, notes of court proceedings and a listing of juror names.

Retain for 1 year from the date of filing, then dispose by landfill. Administrative value.

Criminal Case Files - Non-traffic Related

Use:

- Summons;
- Complaint;
- Sheriff's Return;
- Certificates and Affidavit of Service;
- Amended Complaint;
- Stipulations;

- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;
- Answers to Interrogatories;
- Notice of Trial;
- Motion for Continuance;
- Orders;
- Juror Instructions;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Evaluations;
- Jury Instructions;
- Verdict;
- Judgment;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript;
- Clerk's Certificate of Record;
- Request for Discovery and Request for Notice of State's Intention to Use Evidence;
- Response to Request for Discovery and Request for Notice of Prosecution's Intention to Use Evidence;
- Motion for Change of Venue;
- Order for Change of Venue;
- Return to District Court, Information, Warrant of Arrest, Plea of not Guilty pursuant to Rule 43, Waiver of Preliminary Hearing;
- Notice of the Prosecution of the Intention to use Evidence;
- Request for Discovery & Request for Notice of Prosecution's Evidence;
- Notice of Deposition;
- Notice of Pretrial Conference;
- Waiver of Jury Trial;
- Demand for Jury of 12 Persons;
- Demand for Change of Judge

- Notice of Intention to Withdraw Plea of Not Guilty;
- Order Revoking Suspended Sentence;
- Motion for New Trial;
- Order Staying Execution of Sentence;
- Search Warrant;
- Search Warrant Receipt and Inventory;
- Bench Warrant;
- Affidavit for Appointed Defense Services;
- Motion to Dismiss Order, Order of Dismissal;
- Warrant of arrest;
- Return to District Court information;
- Plea of Not Guilty pursuant to Rule 43;
- Waiver of Preliminary Hearing;
- Notice of the Prosecution of the Intention to Use Evidence.

Retention for Misdemeanor

Retain for 15 years from date of judgment, then offer to the State Archives* if appealed. All other cases may be disposed by landfill. Administrative and historical values.

***Note:** Offer ALL cases prior to 1925 to the State Archives whether appealed or not.

Retention for Felonies

Retain for 21 years from the date of entry of the judgment, or 1 year after execution of sentence, whichever is greater, then dispose of the evaluations by shredding and all other records by landfill. Administrative value.

Criminal Court Reporter Notes/Court Recorder Tapes

This series contains court reporter notes, tape recordings, audio visual recordings, and possibly cassette tapes.

Retain misdemeanors and infractions for 15 years, then dispose by landfill. Administrative value.

Felonies

48

This series contains court reporter notes, tape recordings, audio visual recordings (possibly cassette tapes).

Retain for same period as file, then dispose by landfill. Administrative value.

Death Certificate Register

This series contains the copies of the Death Certificate and indexes to the Register. Retain for 1 year, then dispose of certificate copies by shredding and indexes by landfill. Administrative value. Death certificates recorded before 1960 may be retained by the Clerk of Court.

Dental Hygienist Licenses

This series contains Dental Hygienist license - Certification of dental hygienist license.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

Disbarments and Suspensions

This series contains the notice and order of disbarment of attorneys from the State Bar Board.

Retain for 1 year, then dispose by landfill. Administrative value.

Discovery Materials - Civil Including Divorce

This series contains depositions, requests for admission, request for interrogatories, request for production of documents and answers and responses. See Rule 5d, NDR CivP for filing and return of discovery materials.

Return to parties.

Divorce Case Files

This series contains the following information:

- Summons;
- Complaint, Sheriff's Return;
- Certificates and Affidavit of Service;
- Answer;
- Amended Complaint;
- Stipulations;
- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;
- Answers to Interrogatories;
- Note of Issue and Certificates of Readiness;
- Notice of Trial;
- Motion for Continuance;
- Orders;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Order for Judgment;
- Judgment;
- Notice of Judgment and Taxation of Costs;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript, and
- Clerk's Certificate of Record.

Retain for 100 years from date of entry of judgment, then dispose by landfill.
Administrative value.

Election Ballots and Documents

This series contains ballots, computer printouts, copy of receipt, list of election employees, and voting affidavits.

Retain for 45 days from date of election, then dispose by landfill. Administrative and Legal (NDCC 16.1-15-13) values.

*Retain ballots containing candidates for federal office for 22 months from date of election (42 USC 1974), then dispose by landfill.

Execution Docket/Execution Record [Obsolete]

This is an obsolete record series which should no longer be created.

Dispose by landfill. Administrative value.

Exhibits (Criminal)

This series contains all documents and/or tangible objects offered during trial or hearings.

Retain for 21 years from date of entry of judgment, then dispose by landfill. Administrative value.

Fee Journal/Fee Book/Receipt Book

This series contains a record of all money collected by clerk of court. It includes fees, fines, costs, bonds, bail, court administrative fees, restitutions, pay orders and contains clerk's receipt book listing funds collected or paid, for what purpose, with amount and date.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

Grand Jury Proceedings

This series contains transcripts of testimony during grand jury proceedings/prosecution's evidence, jury decision, and indictment.

Retain for 1 year from date of filing, then dispose by shredding. Administrative value.

Health Department Reports

This series contains a listing of Marriage, Death, and Birth Certificates.

Retain for 1 year from date of filing, then dispose by shredding. Administrative value.

Index

This series contains a listing of parties involved in the action. It includes all of the following indexes: All plaintiffs and defendants in civil, criminal, probate, confidential, small claims actions and marriage license applicants.

Retain permanently except for small claims which should be retained for 21 years from the entry of judgment, then disposed by landfill. If the record series indexed is to be transferred to the State Archives, transfer the index to the State Archives. Administrative, Audit, and Historical values.

Involuntary Treatment Proceedings (Mental Health)

This series includes insanity and feeble-minded records. This series contains the following information:

- Order Appointing Expert Examiner;
- Order for Examination;
- Warrant of Attachment;
- Order of Dismissal;
- Motion and Order of Dismissal;
- Notice of Hearing;
- Order Appointing Attorney;

- Findings of Fact, Conclusions of Law Temporary Treatment Order and Notice of Further Treatment Following Preliminary Hearing;
- Findings of Fact, Conclusions of Law and Order Following (Treatment) Continuing Treatment Hearing;
- Order Appointing Independent Expert Examiner;
- Order for Hospitalization & Treatment;
- Order for Alternative Treatment;
- Order for Less Restrictive Treatment;
- Emergency Treatment Order;
- Order Denying Petition for Discharge;
- Transfer Order;
- Order Returning Patient to Facility;
- Hospitalization Order Following Alternative Treatment Order;
- Detention Order Pending Hearing;
- Modification Order Following Alternative Treatment Order;
- Sheriff's Return of Service;
- Statement of Expert Examiner;
- Report of Examination;
- Report Assessing Availability and Appropriateness of Alternate Treatment;
- Notice of Medication;
- Notice of Release;
- Petition for Continuing Treatment;
- Certificate of Continuing Treatment;
- Petition for Order for Less Restrictive Treatment;
- Consent to Notify of Release;
- Notice of Initial Contact;
- Periodic Review Report;
- Notice of Review Results;
- Petition for Discharge;
- Notice of Transfer;
- Written Request for Release;
- Notice of Hospitalization of Respondent Subject to;
- Alternative Treatment Order;
- Notice of Detention by Director of Superintendent and Notice of Hearing;
- Petition for Involuntary Commitment;
- Affidavit in Support of Petition;
- Notice of Procedures and Rights;
- Application and Order for Waiver of Hearing;
- Application for Emergency Admission;

- Request for Transportation for Emergency Detention;
- Notice of Emergency Detention;
- Notice of Purpose and Effects of Custody;
- Certificate of Service;
- Affidavit of Service;
- Application for Modification of Alternative Treatment Order and Notice of Hearing;
- Agreement to Combine Preliminary and Treatment Hearing;
- State's Attorney's Request for Investigation & Evaluation;
- Report of Mental Health Professional.

Retain for 21 years from the date of filing, then dispose by shredding. Administrative and Legal (NDCC '11-17-09) values.

Judgment Book [Obsolete]

This series contains verbatim record of the judgment that has been entered in any civil or criminal case in either district or county court.

This is an obsolete record and is no longer created.

Retain for 1 year, then transfer to the State Archives. Administrative and Historical values.

Judgment Docket

This series contains court record of money judgments including name of debtor, creditor, date of judgment, sum recovered or directed to be paid in figures, time when the judgment roll of transcript was filed and docketed in the clerk's office, the name of the court in which the judgment was rendered and the name of the attorneys for the party recovering the judgment.

Retain for 21 year, then dispose by landfill. Administrative and Audit values.

Juror Records

This series contains jury qualification form, questionnaires, master jury list and all supporting lists, and payment records.

Retain for 3 years from the creation of master jury list, then dispose by shredding.
Administrative value.

Justice Court Case Files [Obsolete]

This is an obsolete record series which should no longer be created.

Retain for 1 year from current fiscal year, then dispose by landfill. Administrative value.

Juvenile Case Files

This series contains pleadings and correspondence. This series also contains the following information:

- Citation;
- Notice of Informal Adjustment;
- Supreme Court Face Sheet;
- Juvenile Court Disposition form (to release evidence);
- Certificate of Traffic Offense (to Highway Department);
- 3x5 card (case history);
- 2-3x5 cards to probation officers (not in file);
- Consent to Informal Adjustment and Authorization for Release of Information;
- Informal Adjustment Conditions;
- Probation Officer's Case Narrative Sheet;
- Letters;
- Evaluation Reports;
- Social Service Reports;
- Releases of Information from Social Services Agencies;
- Petition/Petition for Extension/Petition for Termination of Parental Rights;
- Summons/Notice of Hearing;
- Order Appointing Attorney;
- Petition for Appointment of Guardian ad Litem;
- Consent and Order;
- Findings of Fact and Recommendations of the Judicial Referee;
- Notice of Findings and Recommendations of the Judicial Referee and of Your Right of Review;
- Affidavit of Service by Mail (usually more than one);

- Order of Confirmation;
- Sheriff's Return;
- Emergency Order for Care, Custody, and Control of Child;
- Temporary Order for Care, Custody and Control;
- Affidavit of Attempted Legal Service;
- Summons (for publication) Affidavit of Service by Publication;
- Amended Summons;
- Notice of Rescheduling;
- Consent to Voluntary Termination;
- State Youth Authority Reports;
- ND State Industrial School Reports;
- Permanency Planning Reports;
- Letters (original & copies);
- Supreme Court Face Sheet;
- Notice of Impending proceeding in State Court Involving Native Americans;
- Voluntary Consent;
- Certificate;
- Affidavit;
- Abuse/Neglect Reports; and
- Tape Recordings of Proceedings.

Retain as listed below, then dispose by shredding. Administrative and Legal (Section 27-20-54) values.

Petitioned Cases

Juvenile deprivation without termination of parental rights and special proceedings.....	30 years after expiration of final order.
Abortion Control Act.....	2 years after date of final order.
Termination of parental rights.....	permanent.
Delinquency	10 years.
Delinquency, Where Petition is Dismissed, or Unruly	1 year after child

has turned 18 or is released from supervision, whichever occurs later.

Non-Petitioned Cases.....When child turns 18 or is released from supervision, whichever occurs later.

Land Condemnation Proceedings

This series contains the offer to purchase, notice to property owner, transmittal voucher, receipt from clerk of court, warranty deed, receipt from property owner, certified receipts, correspondence, notice of commissioners actions, and quit claim deed.

Retain for 1 year from the date of disposition, then dispose by landfill. Administrative and Legal (NDCC ' 11-17-10) values.

Lien Records

This series contains Hospital, Oil, Gas and Miner's Liens.

Retain as specified below, then dispose by landfill. Administrative, Fiscal, and Legal (Miners Lien - 1 year from date of valid filing - NDCC 35-15-05; Oil Lien - 2 years from the date of filing of the lien - NDCC 35-24-14; Gas Lien - 2 years from the date of filing the statement - NDCC 35-24-14; Hospital Lien - 10 years from the date of filing - NDCC 35-18-11) values.

- Miners Lien.....3 years after the current fiscal year (ACFY);
Oil Lien.....3 years after the current fiscal year (ACFY);
Gas Lien3 years after the current fiscal year (ACFY);
Hospital Lien.....10 years from the date of filing.

Marriage License Records

This series contains marriage license, application, certified copies of divorce decree, affidavits, and blood test results.

Retain as listed below. Administrative, Fiscal, Legal (NDCC '11-17-10), and Historical values.

Marriage licensespermanent*;
All other documents.....1 year from date of
filing, then dispose by
landfill.

***Note:** Transfer all marriage licenses prior to 1925 to the State Archives.

Massage Therapist Certificates of Registration

This series contains certificates of registration.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Mechanic's Lien [Obsolete] & Satisfaction

This series contains notices, liens, registers and tract indexes.

Retain for 10 years, then dispose by landfill. Administrative, Fiscal, and Legal (NDCC '11-18-14) values.

Miscellaneous Court Orders

This series contains Orders and Attachments, and Affidavits which are not contained in a case file or record found elsewhere on the retention schedule.

Retain for 5 years, then dispose by landfill. Administrative value.

Military Service Records

This series contains the recorded copy of the military discharge.

Retain for 100 years, then dispose by shredding. Administrative value.

Monthly Case Inventory Report

This series contains a report generated by state court administrator which includes the length of time a case can be on a docket. It is updated monthly.

Retain for 1 month. Administrative rule.

Monthly Fee Report

This series contains a monthly report of collections forwarded to the county/city auditor.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Fiscal values.

Naturalization Records [Obsolete]

This series contains documents filed to attain US citizenship. These records should have been transferred to the state archivist. See NDCC 11-17-02.

Transfer these records to the State Archives. Historical value.

Notary Records [Obsolete]

This series contains an index and notice of vacancy of officer of notary public.

Retain until July 1, 1993, then dispose by landfill. Administrative and Fiscal values.

Perpetual Care Cemetery Records

This series contains license records, license renewal, and the application and license to operate a perpetual care cemetery.

Retain for 3 years after the current fiscal year (ACFY), then transfer to the State Archives. Administrative, Fiscal, and Historical values.

Probate Case Files (Informal, Formal and Guardian & Conservator)

This series includes but is not limited to the following information:

- Application for Informal Probate of Will and Appointment of Personal Representative;
- Last Will & Testament;
- Order Appointing Special Guardian;
- Testimony of Subscribing Witnesses;
- Certificate of Probate of Will;
- Order Admitting Will to Probate;
- Notice to Creditors;
- Order appointing Appraisers;
- Notice to Oath of Appraisers;
- Inventory and Appraisal;
- Affidavit of Publication;
- Notice to Creditors;
- Decree of Due Notice to Creditors;
- Objection to Probate of Will;
- Codicil to Will;
- Petition for Adjudication of Intestacy and Appointment of a Personal Representative;
- Letters of Administration;
- Notice and Information to Heirs and Devisees and Notice of Disallowance of Claim;
- Demand for Notice;
- Brief in Support of Petition for Allowance of Claim;
- Petition to Require Filing an Inventory;
- Petition for Appointment of Guardian and Conservator;
- Order Appointed Guardian and Conservator;

Attachment 2

19-yyy

- Order allowing Final Account;
- Letters of Guardianship;
- Petition for Termination of Guardianship and Conservatorship;
- Letters of Conservatorship;
- Cancelled checks and receipts;
- Pleadings; and
- Correspondence.

Retain permanently.

Quiet Title & Eminent Domain

This series contains pleadings and correspondence (See Court Rules for Exhibits NDRCivP(5)(d).).

Retain for 100 years from date of entry of judgment, then dispose by landfill. Administrative and Fiscal values.

Record Search

This series contains a copy of the certification of record search (whether criminal or civil).

Retain for 1 year, then dispose by landfill. Administrative value.

Register of Civil Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendant's names.

Retain permanently. Administrative and Fiscal values.

Register of Coroner's Inquest

This series contains the index of documents filed.

Retain for 1 year, then dispose by landfill. Administrative value.

Register of Criminal Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendants names.

Retain permanently. Administrative and Fiscal values.

Register of Involuntary Treatment Proceedings (Mental Health)

This series contains a listing of the papers filed in the case.

Retain for 21 years from the date of filing, then dispose by shredding. Administrative, and Legal (NDCC '11-17-10) values.

Register of Juvenile Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendant's names.

Retain as specified below, then dispose by shredding. Administrative and Legal (Section 27-20-54, NDCC) values.

Juvenile deprivation without termination of parental rights and special proceedings (i.e. Abortion Control Act)	30 years from expiration of final order;
Termination of parental rights.....	Permanent;
Files relating to unruly & delinquency	10 years.

Register of Partnership [Obsolete]

CASE VOLUME REPORT (Time Period)

BERAT COURT			
Type of Case	1998 (P)+(F)-(D)=(P)	1999 (P)+(F)-(D)=(P)	2000 (P)+(F)-(D)=(P)
Administrative			
Family			
Commercial			
TOTAL CIVIL			
Criminal			
TOTAL CASES			
BULQIZA COURT			
Administrative			
Family			
Commercial			
TOTAL CIVIL			
Criminal			
TOTAL CASES			
GRAND TOTAL COUNTRYWIDE			

(P)=Pending
 (F)=Filed
 (D)=Disposed

Report is for Each Court
Pending + Filed - Disposed=Ending Pending

Attachment 3

COMPARISON OF CASES PENDING BY COURT AS OF 12/31/2000

BERAT COURT							
Type of Case	# Pending As of 12/31/98	# Pending As Of 12/31/99	Change (+, -)	% Change	# Pending As of 12/31/2000	Change (+, -)	% Change
Administrative							
Family							
Commercial							
TOTAL CIVIL							
Criminal							
TOTAL CASES							
BULQIZA COURT							
Administrative							
Family							
Commercial							
TOTAL CIVIL							
Criminal							
TOTAL CASES							
GRAND TOTAL COUNTRYWIDE							

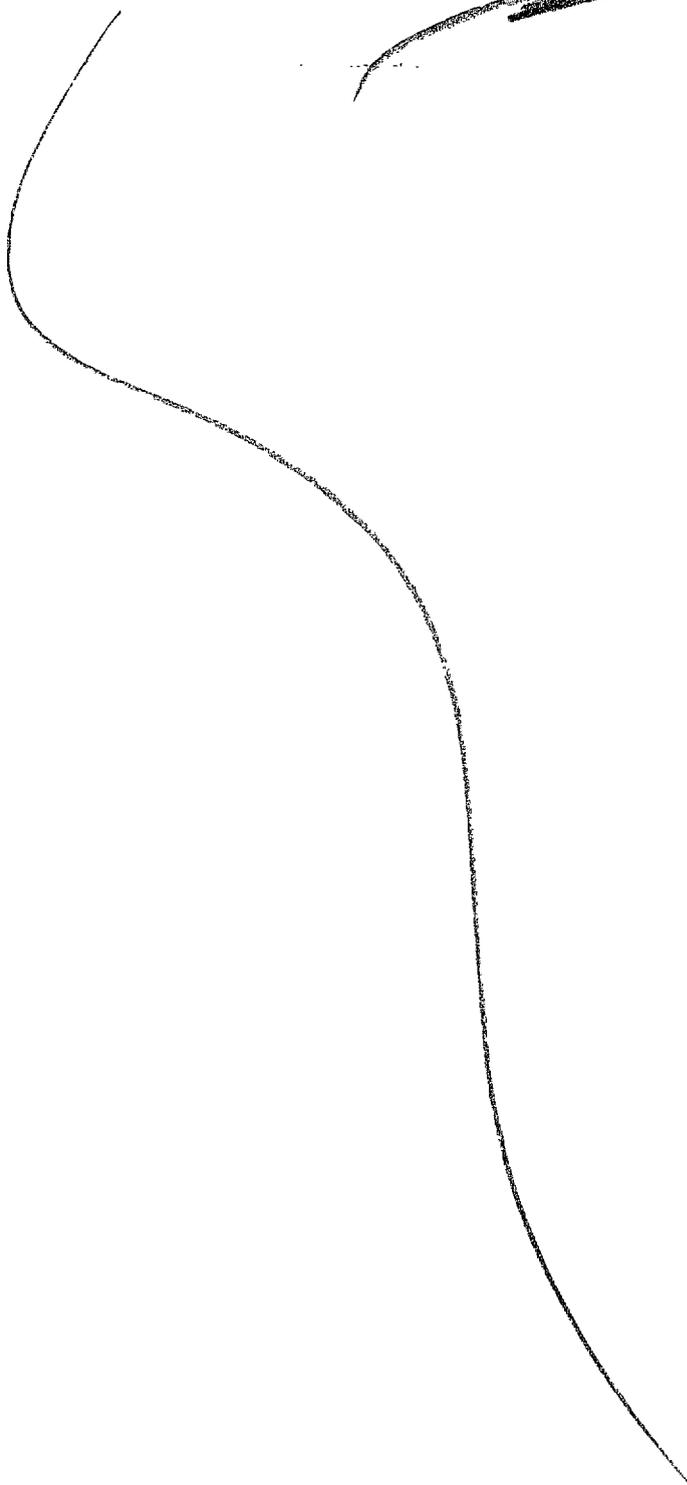
CASE AGING REPORT OF AGE CASES AT DISPOSITION REPORT BY COURT FOR (time period).....

BERAT COURT				
Type of Case	0 to day 30	Day 31 to Day 90	Day 91 to day 180	Over 180 days
Administrative				
Family				
Commercial				
TOTAL CIVIL				
Criminal				
TOTAL CASES				
BULQIZA COURT				
Administrative				
Family				
Commercial				
TOTAL CIVIL				
Criminal				

**GRAND TOTAL
COUNTRYWIDE**

**Time periods should be based on the laws/rules
for processing civil and criminal cases in Albania**

~~Attachment~~



EQUIPMENT INVENTORY

1. Type of Equipment: Computer
 Printer
 Fax
 Photocopier
 Other equipment _____

2. Brand:

3. Model:

4. Age:

5. Location of Equipment in Courthouse:

6. Use of Equipment:

7. Types of Software Installed:

8. Surveyor Comments:

TRAINING SURVEY

Date: _____

- 1. Name of Court

- 2. Name of Employee:

- 3. Employment Date:

- 4. Job Duties:

- 5. Job Related Training Received:

- 6. Training Needed:
(Employee observations)

- 7. Surveyor Comments:

RECORDS MANAGEMENT SURVEY

Date: _____

1. Name of Court:

2. Procedures used for active Records Storage:
(Discuss indexing, document filing, sign out procedures)

3. Procedure used for Archived Records:
(Discuss indexing, accessibility, sign out procedures)

4. Adequacy of Records Storage Space:
(Discuss space for both active and archived records)

5. Records Storage Issues Identified:

6. Other Comments:

ALBANIAN MINISTRY OF JUSTICE
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Court Services Specialist**

Date: 12/1/00

General Summary

Under the general supervision of the Director, provides analysis and recommendations to him/her, the Minister of Justice, chief judges and chancellors on matters relating to the administration of the trial and appellate courts. Responsible for implementation of regulations, policies and procedures adopted by the Minister and the court administration laws of Albania.

Principal Duties And Responsibilities

1. Provides technical assistance, information, analysis, advice, and recommendations on administrative matters such as case assignment, general court and staff management, records management, case processing and work flow, to the Minister, Director, chief judges, and court chancellors.
2. Survey and evaluate organizational needs, Ministry regulations, and statutory requirements to recommend improvements in the administrative operations of individual courts and the court system as a whole.
3. Monitors judicial and court staff workload in courts throughout the country and recommends to the Minister redistribution of or additional resources, as necessary.
4. Assists in the countrywide implementation of new administrative regulations, policies and procedures.
5. Works with other Directorate staff in the areas of personnel management, education and training, statistical analysis, financial controls, planning, technology, etc.
6. Acts as the representative of the Minister and Director in meetings with chief judges, chancellors, and other officials.
7. Provides staff services to various advisory committees to the Minister or Director on topics such as case flow management, records management, case assignment.
8. Performs related work as required.

Job Qualifications

Education

Bachelor's degree in judicial, business, or public administration, or other related area. Prefer master's degree in court administration or law degree.

Experience

Three years of progressively more responsible or expansive trial court administrative experience or other related legal or governmental management experience.

Other Requirements

Experience in conducting research, surveys, and studies as required or requested in a timely manner.

Able to travel locally and on a countrywide basis as required

Knowledge, Skills, and Abilities

- Thorough knowledge of the principles and procedures involved in conducting administrative studies and analysis of problems.
- Extensive knowledge of the modern principles and practices of court administration and public administration.
- Extensive knowledge of court procedures, functions, legal documents, laws and legal factors pertaining to the courts.
- Extensive knowledge of case management practices, principles of judicial assignment, and workload analysis methodology.
- Ability to organize, supervise, and coordinate the activities of staff engaged in a variety of court administrative activities.
- Ability to express ideas on technical subjects clearly and concisely, orally and in writing.

ALBANIAN MINISTRY OF JUSTICE
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Human Resource Development Specialist**

Date: 12/1/00

General Summary

Under the general supervision of the Director of Judicial Organization administers the countrywide human resources orientation and continuing education programs, including the development of manuals and other training materials. Coordinates judicial and court support training with other institutions and organizations. Creates and maintains a database of court employee training.

Principal Duties and Responsibilities

1. Coordinate and oversee the training and professional development of all judges and court employees with respect to procedural law and administrative matters.
2. Assist in the implementation and on-going enforcement of all laws and rules pertinent to court management by designing and providing educational programs and materials to ensure the judiciary's compliance.
3. Provide advice and recommendations to the Director, chief judges, and chancellors on training related issues and work with other Directorate staff to meet their own and court staff needs in the areas of personnel management, court services, statistical analysis, financial controls, planning, technology, etc.
4. Develop and implement orientation and continuing education policies. Report and make recommendations concerning compliance with policies and rules to the Minister of Justice.
5. Participate with judges and chancellors in analyzing and projecting staff training needs.
6. Provide staff services to the education related committees and others as assigned.
7. Develop public information publications relating to the judicial system.
8. May be involved in activities associated with: recruitment, selection, and retention of employees; evaluating organizational needs and statutory requirements to ensure an effective and efficient human resource management system.
9. Perform related work as required. May be assigned other primary and secondary portfolios as determined by the Director.

Job Qualifications

Education

Bachelor's degree in education, public or judicial administration, or a related area. Prefer a master's degree in management, public or judicial administration, adult education, or a law degree, or completion of the Institute for Court Management Court Executive Development Program.

Experience

Three years of professional experience in the field of adult education, preferably in a court environment. Advanced course work in these fields may be substituted for years of experience.

Other Requirements

Experience writing training or other educational materials.

Knowledge, Skills, and Abilities

- Ability to review operating problems analytically and to develop effective education plans and programs to meet the needs of the judiciary.
- Knowledge of the principles of adult learning in order to develop successful education programs.
- Leadership capabilities, consensus-building skills, and the ability to develop and motivate staff and inspire a team effort.
- Strong written and oral communication skills that will allow the individual to produce and present written and oral reports, develop easily understood training manuals and public relations and other educational materials, and write grant applications if necessary.
- Ability to communicate and coordinate effectively with other organizations to accomplish the goals of the Directorate and achieve agreement on how and when judicial and court personnel training will take place.
- Experience in grant writing and administering grant funded programs.

ATTACHMENT 7

ALBANIAN MINISTRY OF JUSTICE DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Manager of Statistics and Data Analysis**

Date: 12/1/00

General Summary

Under the general supervision of the Director of Judicial Organization, provides statistical and trend analysis for the Director, the Minister of Justice, chief judges, chancellors, and other appropriate officials on matters relating to the administration of the trial and appellate courts. Responsible for assuring the accuracy, availability, and relevancy of the data gathered from the courts and compiled and reported in his/her office.

Principal Duties And Responsibilities

1. Oversees the development of long-range plans, policies, and procedures related to the collection and use of data and statistics in the courts.
2. Works closely with the Director of Information Technology to assure future electronic data base systems meet the needs of the courts as well as the Ministry.
3. Survey and evaluate organizational needs, Ministry regulations, and statutory requirements to recommend appropriate statistical measures for the administrative operations of individual courts and the court system as a whole.
4. Provides information, analysis, advice, and recommendations on performance measures and necessary data collection related to administrative matters such as case assignment, case flow management, and workload trends to the Minister, Director, chief judges, and court chancellors.
5. Works with other Directorate staff in the areas of court technical services, education and training, statistical analysis, planning, technology, etc.
6. Acts as the representative of the Minister and Director in meetings with chief judges, chancellors, and other officials.
7. Provides staff services to various advisory committees to the Minister or Director on topics such as statistical analysis and effective management reporting.
8. Supervises statistics staff in the Directorate and conducts periodic training and audits of data collection in the individual courts.
9. Performs related work as required.

Job Qualifications

Education

Bachelor's degree in judicial, business, or public administration, statistical analysis, business or public administration or other related area. Prefer master's degree in court or public administration.

Experience

Four years of progressively more responsible statistical analysis experience and at least two years supervising data collection and analysis staff.

Other Requirements

Experience in conducting research, surveys, and studies as required or requested in a timely manner.

Able to travel locally and on a countrywide basis as required

Knowledge, Skills, and Abilities

- Thorough knowledge of the principles and procedures involved in complex statistical analysis, electronic databases, and effective management reporting including easily read and understand executive summaries.
- Extensive knowledge of quality assurance practices that ensure the accuracy, consistency and relevance of data collected from multiple sources and sites.
- Extensive knowledge of the modern principles and practices of court administration and public administration.
- Considerable knowledge of court procedures, functions, legal documents, laws and legal factors pertaining to the courts in order to assure that the necessary statistics and reports are being maintained.
- Ability to organize, supervise, monitor, and coordinate the activities of staff engaged in a variety of court administrative activities and implement efficient practices.
- Ability to express ideas on statistical information clearly and concisely, orally and in writing, for non-technical decision makers.
- Knowledgeable in assessing the data needs of an organization and in eliminating inappropriate data collection.

ATTACHMENT 8

ALBANIAN MINISTRY OF JUSTICE DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Director of Information Technology**

Date: 12/1/00

General Summary

Under the general supervision of the Director of Judicial Organization responsible for the planning, development, acquisition, and implementation of technologies in the courts. Directs the Division of Information Technology and assigns work to Technology Support Specialists. May oversee contractors and coordinate technology and electronic database projects.

Principal Duties and Responsibilities

1. Oversees the development of long-range plans and policies and procedures for the acquisition, coordination, and implementation of various court technologies.
2. Consults with judges, chancellors, users other Directorate staff, and consultants on capabilities and limitations of existing information systems, evaluates data processing needs and requirements in order to assure the development and efficient and effective use of information processing resources.
3. Advises the Director and the Minister of Justice on acquisition of equipment, computers, and software for the Albanian court system and the Directorate.
4. Oversees programming and software development services provided by outside agencies and contractors.
6. Provides technical support relating to equipment and software to the various courts throughout the country.
7. Provides staff and support services to various committees and donor organizations engaged in studies or implementation projects involving court-related technology and electronic databases.
8. Performs related work as required.

Job Qualifications

Education

Bachelor's degree with a major in computer science or related degree; or an associate's degree in computer science, supplemented with at least five years of computer management experience.

Other Requirements

Three years experience managing and implementing computer systems involving complex electronic databases and the sharing of information by multiple organizations with different computer systems and technology.

Knowledge of the operations of the trial and appellate courts normally gained through two years experience within a court system or specialized education.

Able to travel locally and on a countrywide basis as required

Knowledge, Skills, and Abilities

- Extensive knowledge in computers, systems design, and various technologies, such as facsimile machines, imaging storage devices, video-conferencing, etc.
- Considerable knowledge of principles, utilization, and operation of data processing systems as well as of personal computers, mini-computers, and related peripherals.
- Considerable knowledge of the PC-level software and networking systems,
- Ability to establish and maintain effective interpersonal and working relations with system users, consultants, donor organizations, and others.
- Ability to express ideas clearly and concisely, both orally and in writing.

ALBANIAN MINISTRY OF JUSTICE
DIRECTORATE OF JUDICIAL ORGANIZATION

Job Title: **Technology Support Specialist**

Date: 12/1/00

General Summary

Under the general supervision of the Director of Information Technology, is responsible for the installing, maintaining, and administering of PC's, local area and system wide networks, and other technological systems in the Albanian courts.

Principal Duties and Responsibilities

1. Coordinates and provide services to install, configure, and maintain all PC's and network software and hardware in the courts of Albania and the Directorate.
2. Provides end user support and technical assistance for software and hardware problems and issues related to electronic data processing.
3. Advises the Director and the Minister of Justice on acquisition of equipment, computers, and software for the Albanian court system and the Directorate.
4. In conjunction with the Human Resource Development Specialist, provides and maintains training manuals as well as other necessary system documentation.
6. Creates and maintains a database of all hardware configurations and software applications installed throughout the court system.
7. Explores and evaluates advancements in software and hardware relating to PC's, local area networks, and other technologies that may be of assistance to the courts.
8. Performs related work as required.

Job Qualifications

Education

A minimum of an associate's or technical degree in computer science.

Other Requirements

- Two years experience providing technology support preferably in a court or other justice system environment.
- Able and willing to move at least 60 pounds from one location to another.

- Able to travel locally and on a countrywide basis as required

Knowledge, Skills, and Abilities

- Considerable knowledge of personal computers, Windows operating systems or other operating systems used by the Albanian courts.
- Considerable knowledge of other technologies and equipment such as facsimile machines, imaging storage devices, video-conferencing, etc.
- Considerable knowledge of communication networks.,
- Ability to establish and maintain effective interpersonal and working relations with system users, data processing personnel, other governmental personnel, Directorate staff, consultants, and representatives from donor organizations.
- Ability to communicate clearly and concisely, both orally and in writing.

Excerpt from the North Dakota Records Management Manual

APPRAISING RECORDS

The third step in establishing a records management program is determining the retention value of the record or how long each record series should be kept in the office and in storage before final disposition. To do this, the immediate and future usefulness of the records to the agency must be determined. Records should be retained in the office area as long as they serve the immediate administrative, legal, and fiscal purposes for which they were created. When they no longer serve these purposes, they should be transferred to an inactive storage center, microfilmed, destroyed, or in some cases deposited in the State Archives.

The following values must be considered during the appraisal of records:

- a. Administrative value: When scheduling the retention of records, agency personnel should be primarily concerned with the administrative value of the records. Records are generally created to help accomplish the functions for which an agency is responsible. These records have value as long as they assist the agency in performing either current or future work. The primary administrative use of most records is exhausted when the transactions to which they relate have been completed. As the usefulness of the record in performing the current or future work of the agency diminishes, the administrative value of the record decreases. At this point, the administrative value of the record may no longer be enough to justify its retention. The determination of administrative values is the responsibility of each agency. (See Chapter II, Section A, 6 - Determination of Administrative Value for more information.)

- b. Legal value: Records have legal value if they contain evidence of legally enforceable rights or obligations of the state. Examples are: (a) legal decisions and opinions, (b) fiscal documents representing agreements such as leases, titles, and contracts, and (c) records of legal proceedings.

A legal retention value for certain records may be established by law. In these cases, the legal value is determined by the statute. The Attorney General is responsible for determination of the legal value of the record series.

- c. Fiscal value: Records which relate to the financial transactions of the agency have fiscal value. After the records have served their primary administrative purpose, they may be retained to document an expenditure of moneys and/or to account for them for audit purposes. In some instances the audit requirements of the federal government must be considered. The State Auditor is responsible for determining the fiscal value of the record series.

- d. Historical value: Records that (a) have continuing value because they contain information about significant events, (b) document the history and development of an agency, or (c) protect the rights of the state and its citizens, are deemed to have archival or historical value. These records contain precedents for policies and procedures. For this reason, they are valuable to the state, to researchers in many fields, and to historians, as evidence of what was actually done. The State Archives is responsible for determination of the historical value of the record series.

The information contained within the record or record series may have any one, any combination, or all of the preceding values. These values must be determined before a retention period can be established for any record series.

COURT RECORDS MANAGEMENT PROGRAM

Administrative
Rule 19

Section 1. Statement of Authority and Policy.

- a. Under Article VI, Section 3 of the North Dakota Constitution, the Supreme Court has authority to promulgate rules of procedure to be followed by all courts of this state, including rules regarding the administration of court records. The Legislative Assembly has encouraged this process under Sections 27B02B05.1 and 54B46B06, NDCC.
- b. A goal of the North Dakota Judicial System is to establish a uniform judicial records management program.
- c. The Supreme Court recognizes the need to provide a court records policy that specifically addresses the retention and disposition of court records. This records retention and disposal procedure is established to meet this administrative goal.

Section 2. Administrative Responsibilities.

- a. The State Court Administrator is the court records administrator and is responsible for developing a retention and disposition schedule of court records. The State Court Administrator may obtain the services of the State Records Administrator to develop and monitor the record disposal report identified in Section 9 and to otherwise provide program services described in Chapter 54-46, NDCC.
- b. The clerk of district court in each county is responsible for the retention and disposition of all district court records in accordance with the records retention schedule.
- c. The judge of a municipal court or a clerk designated by the judge is responsible for the retention and disposition of all municipal court records in accordance with the records retention schedule.

Section 3. Scope of Supreme Court Rule and Inconsistent Statutes.

- a. This rule applies to all court records under the jurisdiction of the clerks of district court, municipal judges, and to commissions, boards, committees, and offices under the supervision of the Supreme Court.
- b. The phrase "court records" means any document, book, paper, photograph, sound recording or other material regardless of physical form or characteristics, made or received by the court pursuant to law or in connection with the transaction of official court business.

Section 4. Permanent Retention Periods.

- a. Court records assigned "permanent" retention periods must be retained by the clerk or judge having jurisdiction over the record for an indefinite period of time. The permanent retention periods are subject to a review process consistent with Section 8.6, NDRPR.
- b. Section 4(a) does not prohibit the clerk or judge having jurisdiction over the records assigned permanent retention periods from depositing such record with the state archivist for preservation pursuant to Section 10.

Section 5. Disposition of Court Records.

The term "disposition" means:

- a. transfer of a record to the possession of the state archivist pursuant to the procedure in Section 10;
- b. destruction by burning or shredding, if the record is confidential; or
- c. destruction by ordinary means, such as landfill or recycling, if the record is not confidential.

Section 6. Records Disposition Record.

The clerk or judge having jurisdiction over the records shall keep a record of the disposition of any court record pursuant to the records retention schedule. This record must indicate the title of the record series, a description of the contents of the record, the inclusive years of the records disposed, and the date and the means of disposition.

Section 7. Records Disposition Process.

The State Court Administrator will provide each clerk or judge having jurisdiction over court records with a records retention schedule. The records retention schedule must identify and describe each record series, provide the retention period based upon the fiscal, legal, administrative, and archival value of the records, and describe the method of destruction for each series that may be destroyed. The State Court Administrator shall file a copy of the records retention schedule with the Clerk of the Supreme Court. The records retention schedule constitutes approval for disposition of all records that have met the timeframes established in the schedule.

Section 8. Procedures to Modify Record Retention Values.

The following procedures apply when adding, changing, or deleting a record series from the records retention schedule.

- a. The person suggesting the changes must complete the Record Series Description, State Form Number 2042, with the exception of the legal value, fiscal value, archival value, and records control number.
- b. The completed Record Series Description must be sent to the State Court Administrator who shall obtain the advice of the State Auditor, Attorney General, State Archivist and State Records Administrator, to determine the administrative, legal, fiscal, and archival values of the records.
- c. A draft of the proposed addition, modification, or deletion of a record series must be submitted to the Court Services Administration Committee for comments.
- d. The State Court Administrator shall issue a revision to the retention schedule if appropriate.

Section 9. Records Disposal Procedures.

Each clerk or judge having jurisdiction over court records may dispose of records as designated in a records disposal report provided by the State Court Administrator or State Records Administrator. All non-confidential records may be disposed of by landfill. All confidential records must be shredded or burned.

A record series must not be disposed of before the time approved in the retention schedule. If a situation warrants early disposal of a record within a record series, the clerk or judge may

petition the State Court Administrator for early disposal of that record or may obtain an order from the judge of the court.

Section 10. Transfer of Records to the State Archives.

The State Court Administrator will provide in the Clerk of Court Procedures Manual procedures for the transfer to the State Archives of records determined to be of archival value. The clerk of court or judge will contact the State Archivist when the records are ready for transfer. Arrangements will be made by the State Archivist to take possession of the records within 60 days of notice to the State Archivist. The State Archivist shall complete a certification for archival transfer and send it to the clerk or judge after all records have been transferred.

Section 11. Microfilming Records.

Records subject to this rule may be microfilmed for purposes of retention and storage. Records microfilmed under this section must be microfilmed and maintained in accordance with the State Standards for Microfilming North Dakota Public Records developed by the Information Services Division. A copy of the standards must be included in the North Dakota Clerk of Court Manual.

Section 12. Effective Date.

This rule is effective November 1, 1998.

Dated at Bismarck, North Dakota, October 28, 1998.

Gerald W. VandeWalle, Chief Justice
William A. Neumann, Justice
Dale V. Sandstrom, Justice
Mary Muehlen Maring, Justice

ATTEST:

Penny Miller, Clerk
North Dakota Supreme Court

SOURCE: Adopted effective January 1, 1995; Amended effective November 1, 1998.

RECORDS RETENTION SCHEDULE - COURTS

Administrative (Noncriminal) Traffic Case Files

This series contains the citation, correspondence, and may include a receipt.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Audit values.

Administrator's Records (Probate) [Obsolete]

This series contains the typed or handwritten verbatim record of actual probate documents filed in a probate or guardianship proceeding. EX: Petition for Letters of Administration; Order Appointing Administrator; Bond of Administrator, etc.

Retain for 10 years from the file closing date, then dispose by landfill. Administrative, and Legal (NDCC '11-17-10) values.

Adoption Records (Permanent)

This series contains petitions, social services report, decree, consent, notice of hearing, admission of service and decree of adoption.

Retain for 10 years after entry of the order, then may transfer to the State Archives for permanent retention. Administrative, Legal (Permanent), and Historical values.

Appointments

This series contains bonds and oaths of office for official appointments.

Retain for 1 year after termination of the appointment, then dispose by landfill. Administrative value.

Bank Deposit Record, Bank Statements, and Cancelled Checks Including Child Support

This series contains the bound volume of check receipts and carbons including trust funds, court-cancelled checks, ordered restitution of funds, deposits, record of deposits and withdrawals, checks paid through court including stubs, receipts and receipt books.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Audit values.

Bankruptcy (When no case file exists)

This series contains notices and discharges of bankruptcy proceedings.

Retain for 1 year, then dispose by landfill. Administrative value.

Birth Certificates

This series contains copies of birth certificates and indexes. The original is filed in the Department of Health and Consolidated Laboratories, Vital Statistics Division.

Retain for 1 year, then dispose of the certificate copies by shredding and the indexes by landfill. Administrative value. Birth certificates recorded before January 1, 1960 may be retained by the Clerk of Court

Burial Permits

This series contains Records authority to bury, transport, remove, cremate, or dispose of human remains, issued by State Department of Health.

Retain for 1 year from the date of filing, then transfer to the State Archives. Administrative and Historical values.

Burial Permits Index

This series contains a record of burial and transit permits.

Retain for 1 year from the date of filing, then transfer to the State Archives. Administrative and Historical values.

Child Support Records/Case File/Payment Ledgers

This series contains URESA's, foreign support orders, paternity support orders, and transcription of court-ordered support.

Retain for 25 years from the date of filing, then dispose by landfill. Administrative value.

Change of Name

This is the case file containing the petition, affidavit of publication, and order relating to the change of name.

Retain for 100 years - Administrative, Legal, and Historical values.

Civil Case Files

This series contains all civil files with the exception of those otherwise noted in the retention schedule.

All documents filed with the clerk which may include:

- Summons;
- Complaint;
- Sheriff's Return;
- Certificates and Affidavit of Service;
- Answer;
- Amended Complaint;
- Stipulations;
- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;

- Answers to Interrogatories;
- Notice of Issue and Certificates of Readiness;
- Notice of Trial;
- Motion for Continuance;
- Orders' Juror Instructions;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Jury Instructions;
- Verdict;
- Order for Judgment;
- Judgment;
- Notice of Judgment and Taxation Costs;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript; and
- Clerk's Certificate of Record.

(See Court Rules for Discovery and Exhibits, NDR CivP 5(d) and NDROC (6.04)

Retain as indicated below, then transfer to the State Archives* if the case is appealed. Administrative, Legal (NDCC ' 11-17-08), and Historical values.

- All civil except as otherwise noted.....10 years;
- Real estate24 years;
- Judgment not entered & Case Dismissals5 years;
- Money Judgment entered - not renewed.....11 years;
- Money Judgment entered and renewed.....21 years;
- Paternity.....100 years.

*Note: Offer ALL cases prior to 1925 to the State Archives whether appealed or not.

Civil Court Reporter Notes

This series contains court reporter notes, tape recordings, audio visual recordings (possibly cassette tapes).

Retain for 15 years, then dispose by landfill, except for notes or tapes of support hearings, which may be disposed of 60 days after the order has been confirmed. Administrative value.

Claims, Register [Obsolete]

This series contains a recording of claims received on each probate case.

Retain for 10 years from the closing date of the file, then dispose by landfill. Administrative and Legal ('11-17-10, NDCC) values.

Coroner's Inquest Case File

This series contains the proceedings of coroner's inquest and coroner's certificate.

Retain for 1 year from date of filing, then dispose by landfill. Administrative value.

Correspondence

This series contains general correspondence from persons or entities which does not pertain to cases or other record series of the court as specified in the retention schedule. This information is generally one-time in nature such as requests for information and of value for only a short time period.

Retain for 1 year from date of filing, then dispose by landfill. Administrative value.

Court Budgets

This series contains annual and biennial budgets for municipal, county, and district court offices.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

Court Calendar

This series contains a listing of scheduled hearings and trials.

Retain for 1 year from the date of preparation, then dispose by landfill. Administrative value.

Court Order Book [Obsolete]

This series contains all court orders.

This is an obsolete record and is no longer created.

Retain for 10 years from the date of the close of the file, then dispose by landfill. Administrative value.

Court Trial Records (Minutes of Proceedings)

This series contains clerk's records, notes of court proceedings and a listing of juror names.

Retain for 1 year from the date of filing, then dispose by landfill. Administrative value.

Criminal Case Files - Non-traffic Related

Use:

- Summons;
- Complaint;
- Sheriff's Return;
- Certificates and Affidavit of Service;
- Amended Complaint;
- Stipulations;

- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;
- Answers to Interrogatories;
- Notice of Trial;
- Motion for Continuance;
- Orders;
- Juror Instructions;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Evaluations;
- Jury Instructions;
- Verdict;
- Judgment;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript;
- Clerk's Certificate of Record;
- Request for Discovery and Request for Notice of State's Intention to Use Evidence;
- Response to Request for Discovery and Request for Notice of Prosecution's Intention to Use Evidence;
- Motion for Change of Venue;
- Order for Change of Venue;
- Return to District Court, Information, Warrant of Arrest, Plea of not Guilty pursuant to Rule 43, Waiver of Preliminary Hearing;
- Notice of the Prosecution of the Intention to use Evidence;
- Request for Discovery & Request for Notice of Prosecution's Evidence;
- Notice of Deposition;
- Notice of Pretrial Conference;
- Waiver of Jury Trial;
- Demand for Jury of 12 Persons;
- Demand for Change of Judge

- Notice of Intention to Withdraw Plea of Not Guilty;
- Order Revoking Suspended Sentence;
- Motion for New Trial;
- Order Staying Execution of Sentence;
- Search Warrant;
- Search Warrant Receipt and Inventory;
- Bench Warrant;
- Affidavit for Appointed Defense Services;
- Motion to Dismiss Order, Order of Dismissal;
- Warrant of arrest;
- Return to District Court information;
- Plea of Not Guilty pursuant to Rule 43;
- Waiver of Preliminary Hearing;
- Notice of the Prosecution of the Intention to Use Evidence.

Retention for Misdemeanor

Retain for 15 years from date of judgment, then offer to the State Archives* if appealed. All other cases may be disposed by landfill. Administrative and historical values.

***Note:** Offer ALL cases prior to 1925 to the State Archives whether appealed or not.

Retention for Felonies

Retain for 21 years from the date of entry of the judgment, or 1 year after execution of sentence, whichever is greater, then dispose of the evaluations by shredding and all other records by landfill. Administrative value.

Criminal Court Reporter Notes/Court Recorder Tapes

This series contains court reporter notes, tape recordings, audio visual recordings, and possibly cassette tapes.

Retain misdemeanors and infractions for 15 years, then dispose by landfill. Administrative value.

Felonies

This series contains court reporter notes, tape recordings, audio visual recordings (possibly cassette tapes).

Retain for same period as file, then dispose by landfill. Administrative value.

Death Certificate Register

This series contains the copies of the Death Certificate and indexes to the Register. Retain for 1 year, then dispose of certificate copies by shredding and indexes by landfill. Administrative value. Death certificates recorded before 1960 may be retained by the Clerk of Court.

Dental Hygienist Licenses

This series contains Dental Hygienist license - Certification of dental hygienist license.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

Disbarments and Suspensions

This series contains the notice and order of disbarment of attorneys from the State Bar Board.

Retain for 1 year, then dispose by landfill. Administrative value.

Discovery Materials - Civil Including Divorce

This series contains depositions, requests for admission, request for interrogatories, request for production of documents and answers and responses. See Rule 5d, NDRCivP for filing and return of discovery materials.

Return to parties.

Divorce Case Files

This series contains the following information:

- Summons;
- Complaint, Sheriff's Return;
- Certificates and Affidavit of Service;
- Answer;
- Amended Complaint;
- Stipulations;
- Subpoenas;
- Notice of Taking Depositions;
- Requests for Production of Documents;
- Depositions;
- Interrogatories;
- Answers to Interrogatories;
- Note of Issue and Certificates of Readiness;
- Notice of Trial;
- Motion for Continuance;
- Orders;
- Transcript of Video Deposition and Videotape;
- Exhibits;
- Order for Judgment;
- Judgment;
- Notice of Judgment and Taxation of Costs;
- Affidavit of Identification;
- Notice of Entry of Judgment;
- Order Permitting Disposal of Exhibits/Discovery Materials;
- Order for Transcript;
- Notice of Appeal;
- Notice of Filing Notice of Appeal;
- Correspondence;
- Acknowledgement of Receipt of Order of Transcript, and
- Clerk's Certificate of Record.

Retain for 100 years from date of entry of judgment, then dispose by landfill.
Administrative value.

Election Ballots and Documents

This series contains ballots, computer printouts, copy of receipt, list of election employees, and voting affidavits.

Retain for 45 days from date of election, then dispose by landfill. Administrative and Legal (NDCC 16.1-15-13) values.

*Retain ballots containing candidates for federal office for 22 months from date of election (42 USC 1974), then dispose by landfill.

Execution Docket/Execution Record [Obsolete]

This is an obsolete record series which should no longer be created.

Dispose by landfill. Administrative value.

Exhibits (Criminal)

This series contains all documents and/or tangible objects offered during trial or hearings.

Retain for 21 years from date of entry of judgment, then dispose by landfill. Administrative value.

Fee Journal/Fee Book/Receipt Book

This series contains a record of all money collected by clerk of court. It includes fees, fines, costs, bonds, bail, court administrative fees, restitutions, pay orders and contains clerk's receipt book listing funds collected or paid, for what purpose, with amount and date.

Retain for 3 years after the current fiscal year, then dispose by landfill. Administrative and Audit values.

Grand Jury Proceedings

This series contains transcripts of testimony during grand jury proceedings/prosecution's evidence, jury decision, and indictment.

Retain for 1 year from date of filing, then dispose by shredding. Administrative value.

Health Department Reports

This series contains a listing of Marriage, Death, and Birth Certificates.

Retain for 1 year from date of filing, then dispose by shredding. Administrative value.

Index

This series contains a listing of parties involved in the action. It includes all of the following indexes: All plaintiffs and defendants in civil, criminal, probate, confidential, small claims actions and marriage license applicants.

Retain permanently except for small claims which should be retained for 21 years from the entry of judgment, then disposed by landfill. If the record series indexed is to be transferred to the State Archives, transfer the index to the State Archives. Administrative, Audit, and Historical values.

Involuntary Treatment Proceedings (Mental Health)

This series includes insanity and feeble-minded records. This series contains the following information:

- Order Appointing Expert Examiner;
- Order for Examination;
- Warrant of Attachment;
- Order of Dismissal;
- Motion and Order of Dismissal;
- Notice of Hearing;
- Order Appointing Attorney;

- Findings of Fact, Conclusions of Law Temporary Treatment Order and Notice of Further Treatment Following Preliminary Hearing;
- Findings of Fact, Conclusions of Law and Order Following (Treatment) Continuing Treatment Hearing;
- Order Appointing Independent Expert Examiner;
- Order for Hospitalization & Treatment;
- Order for Alternative Treatment;
- Order for Less Restrictive Treatment;
- Emergency Treatment Order;
- Order Denying Petition for Discharge;
- Transfer Order;
- Order Returning Patient to Facility;
- Hospitalization Order Following Alternative Treatment Order;
- Detention Order Pending Hearing;
- Modification Order Following Alternative Treatment Order;
- Sheriff's Return of Service;
- Statement of Expert Examiner;
- Report of Examination;
- Report Assessing Availability and Appropriateness of Alternate Treatment;
- Notice of Medication;
- Notice of Release;
- Petition for Continuing Treatment;
- Certificate of Continuing Treatment;
- Petition for Order for Less Restrictive Treatment;
- Consent to Notify of Release;
- Notice of Initial Contact;
- Periodic Review Report;
- Notice of Review Results;
- Petition for Discharge;
- Notice of Transfer;
- Written Request for Release;
- Notice of Hospitalization of Respondent Subject to;
- Alternative Treatment Order;
- Notice of Detention by Director of Superintendent and Notice of Hearing;
- Petition for Involuntary Commitment;
- Affidavit in Support of Petition;
- Notice of Procedures and Rights;
- Application and Order for Waiver of Hearing;
- Application for Emergency Admission;

- Request for Transportation for Emergency Detention;
- Notice of Emergency Detention;
- Notice of Purpose and Effects of Custody;
- Certificate of Service;
- Affidavit of Service;
- Application for Modification of Alternative Treatment Order and Notice of Hearing;
- Agreement to Combine Preliminary and Treatment Hearing;
- State's Attorney's Request for Investigation & Evaluation;
- Report of Mental Health Professional.

Retain for 21 years from the date of filing, then dispose by shredding. Administrative and Legal (NDCC ' 11-17-09) values.

Judgment Book [Obsolete]

This series contains verbatim record of the judgment that has been entered in any civil or criminal case in either district or county court.

This is an obsolete record and is no longer created.

Retain for 1 year, then transfer to the State Archives. Administrative and Historical values.

Judgment Docket

This series contains court record of money judgments including name of debtor, creditor, date of judgment, sum recovered or directed to be paid in figures, time when the judgment roll of transcript was filed and docketed in the clerk's office, the name of the court in which the judgment was rendered and the name of the attorneys for the party recovering the judgment.

Retain for 21 year, then dispose by landfill. Administrative and Audit values.

Juror Records

This series contains jury qualification form, questionnaires, master jury list and all supporting lists, and payment records.

Retain for 3 years from the creation of master jury list, then dispose by shredding. Administrative value.

Justice Court Case Files [Obsolete]

This is an obsolete record series which should no longer be created.

Retain for 1 year from current fiscal year, then dispose by landfill. Administrative value.

Juvenile Case Files

This series contains pleadings and correspondence. This series also contains the following information:

- Citation;
- Notice of Informal Adjustment;
- Supreme Court Face Sheet;
- Juvenile Court Disposition form (to release evidence);
- Certificate of Traffic Offense (to Highway Department;
- 3x5 card (case history);
- 2-3x5 cards to probation officers (not in file);
- Consent to Informal Adjustment and Authorization for Release of Information;
- Informal Adjustment Conditions;
- Probation Officer's Case Narrative Sheet;
- Letters;
- Evaluation Reports;
- Social Service Reports;
- Releases of Information from Social Services Agencies;
- Petition/Petition for Extension/Petition for Termination of Parental Rights;
- Summons/Notice of Hearing;
- Order Appointing Attorney;
- Petition for Appointment of Guardian ad Litem;
- Consent and Order;
- Findings of Fact and Recommendations of the Judicial Referee;
- Notice of Findings and Recommendations of the Judicial Referee and of Your Right of Review;
- Affidavit of Service by Mail (usually more than one);

- Order of Confirmation;
- Sheriff's Return;
- Emergency Order for Care, Custody, and Control of Child;
- Temporary Order for Care, Custody and Control;
- Affidavit of Attempted Legal Service;
- Summons (for publication) Affidavit of Service by Publication;
- Amended Summons;
- Notice of Rescheduling;
- Consent to Voluntary Termination;
- State Youth Authority Reports;
- ND State Industrial School Reports;
- Permanency Planning Reports;
- Letters (original & copies);
- Supreme Court Face Sheet;
- Notice of Impending proceeding in State Court Involving Native Americans;
- Voluntary Consent;
- Certificate;
- Affidavit;
- Abuse/Neglect Reports; and
- Tape Recordings of Proceedings.

Retain as listed below, then dispose by shredding. Administrative and Legal (Section 27-20-54) values.

Petitioned Cases

Juvenile deprivation without termination of parental rights and special proceedings.....	30 years after expiration of final order.
Abortion Control Act.....	2 years after date of final order.
Termination of parental rights.....	permanent.
Delinquency	10 years.
Delinquency, Where Petition is Dismissed, or Unruly	1 year after child

Attachment 11

19-73

has turned 18 or is released from supervision, whichever occurs later.

Non-Petitioned Cases.....When child turns 18 or is released from supervision, whichever occurs later.

Land Condemnation Proceedings

This series contains the offer to purchase, notice to property owner, transmittal voucher, receipt from clerk of court, warranty deed, receipt from property owner, certified receipts, correspondence, notice of commissioners actions, and quit claim deed.

Retain for 1 year from the date of disposition, then dispose by landfill. Administrative and Legal (NDCC ' 11-17-10) values.

Lien Records

This series contains Hospital, Oil, Gas and Miner's Liens.

Retain as specified below, then dispose by landfill. Administrative, Fiscal, and Legal (**Miners Lien** - 1 year from date of valid filing - NDCC 35-15-05; **Oil Lien** - 2 years from the date of filing of the lien - NDCC 35-24-14; **Gas Lien** - 2 years from the date of filing the statement - NDCC 35-24-14; **Hospital Lien** - 10 years from the date of filing - NDCC 35-18-11) values.

- Miners Lien.....3 years after the current fiscal year (ACFY);
- Oil Lien.....3 years after the current fiscal year (ACFY);
- Gas Lien3 years after the current fiscal year (ACFY);
- Hospital Lien.....10 years from the date of filing.

100

Marriage License Records

This series contains marriage license, application, certified copies of divorce decree, affidavits, and blood test results.

Retain as listed below. Administrative, Fiscal, Legal (NDCC '11-17-10), and Historical values.

Marriage licenses	permanent*;
All other documents	1 year from date of filing, then dispose by landfill.

***Note:** Transfer all marriage licenses prior to 1925 to the State Archives.

Massage Therapist Certificates of Registration

This series contains certificates of registration.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Fiscal values.

Mechanic's Lien [Obsolete] & Satisfaction

This series contains notices, liens, registers and tract indexes.

Retain for 10 years, then dispose by landfill. Administrative, Fiscal, and Legal (NDCC '11-18-14) values.

Miscellaneous Court Orders

This series contains Orders and Attachments, and Affidavits which are not contained in a case file or record found elsewhere on the retention schedule.

101

Retain for 5 years, then dispose by landfill. Administrative value.

Military Service Records

This series contains the recorded copy of the military discharge.

Retain for 100 years, then dispose by shredding. Administrative value.

Monthly Case Inventory Report

This series contains a report generated by state court administrator which includes the length of time a case can be on a docket. It is updated monthly.

Retain for 1 month. Administrative rule.

Monthly Fee Report

This series contains a monthly report of collections forwarded to the county/city auditor.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. Administrative and Fiscal values.

Naturalization Records [Obsolete]

This series contains documents filed to attain US citizenship. These records should have been transferred to the state archivist. See NDCC 11-17-02.

Transfer these records to the State Archives. Historical value.

Notary Records [Obsolete]

This series contains an index and notice of vacancy of officer of notary public.

Retain until July 1, 1993, then dispose by landfill. Administrative and Fiscal values.

Perpetual Care Cemetery Records

This series contains license records, license renewal, and the application and license to operate a perpetual care cemetery.

Retain for 3 years after the current fiscal year (ACFY), then transfer to the State Archives. Administrative, Fiscal, and Historical values.

Probate Case Files (Informal, Formal and Guardian & Conservator)

This series includes but is not limited to the following information:

- Application for Informal Probate of Will and Appointment of Personal Representative;
- Last Will & Testament;
- Order Appointing Special Guardian;
- Testimony of Subscribing Witnesses;
- Certificate of Probate of Will;
- Order Admitting Will to Probate;
- Notice to Creditors;
- Order appointing Appraisers;
- Notice to Oath of Appraisers;
- Inventory and Appraisal;
- Affidavit of Publication;
- Notice to Creditors;
- Decree of Due Notice to Creditors;
- Objection to Probate of Will;
- Codicil to Will;
- Petition for Adjudication of Intestacy and Appointment of a Personal Representative;
- Letters of Administration;
- Notice and Information to Heirs and Devisees and Notice of Disallowance of Claim;
- Demand for Notice;
- Brief in Support of Petition for Allowance of Claim;
- Petition to Require Filing an Inventory;
- Petition for Appointment of Guardian and Conservator;
- Order Appointed Guardian and Conservator;

- Order allowing Final Account;
- Letters of Guardianship;
- Petition for Termination of Guardianship and Conservatorship;
- Letters of Conservatorship;
- Cancelled checks and receipts;
- Pleadings; and
- Correspondence.

Retain permanently.

Quiet Title & Eminent Domain

This series contains pleadings and correspondence (See Court Rules for Exhibits NDRCivP(5)(d)).

Retain for 100 years from date of entry of judgment, then dispose by landfill.
Administrative and Fiscal values.

Record Search

This series contains a copy of the certification of record search (whether criminal or civil).

Retain for 1 year, then dispose by landfill. Administrative value.

Register of Civil Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendant's names.

Retain permanently. Administrative and Fiscal values.

Register of Coroner's Inquest

This series contains the index of documents filed.

Retain for 1 year, then dispose by landfill. Administrative value.

Register of Criminal Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendants names.

Retain permanently. Administrative and Fiscal values.

Register of Involuntary Treatment Proceedings (Mental Health)

This series contains a listing of the papers filed in the case.

Retain for 21 years from the date of filing, then dispose by shredding. Administrative, and Legal (NDCC ' 11-17-10) values.

Register of Juvenile Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendant's names.

Retain as specified below, then dispose by shredding. Administrative and Legal (Section 27-20-54, NDCC) values.

Juvenile deprivation without termination of parental rights and special proceedings (i.e. Abortion Control Act)	30 years from expiration of final order;
Termination of parental rights.....	Permanent;
Files relating to unruly & delinquency	10 years.

Register of Partnership [Obsolete]

105

This series contains the title of partnership, list of partners, and location.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Register of Probate Actions

This series contains the index of pleadings filed in the case. This does not include the actual index of plaintiffs and defendants names.

Retain permanently. Administrative and Fiscal values.

Safety Deposit Records [Obsolete]

This series contains the petition, order, and inventory

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Search Warrants (When no case file exists)

This series contains the affidavit, search warrant, receipt and inventory.
Retain for 3 years, then dispose by shredding. Administrative value.

Small Claims Case File

This series contains pleadings including but not limited to claim affidavit, order for appearance, answer, counter-claim, judgment, affidavit of mailing, motion to remove, and service agreement.

Retain as specified below, then dispose by landfill. Administrative, Fiscal and Legal values.

Judgment5 years;

106

Judgment entered - not renewed.....11 years;
Judgment entered - and renewed21 years;
Dismissed.....1 year.

Special Deposit Ledger

This series contains a record of the date, explanation, clerk's receipt, debit, credit, and balance.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill. If criminal restitution is included in Special Deposit Ledger, retain for three years after final payment has been made. Administrative and Fiscal values.

State Game & Fish Proclamation

Retain for 1 year, then dispose by landfill. Administrative value.

Township Minute Books [Obsolete]

This series contains meetings of township minutes (includes birth and death information which may be contained in the minutes).

Offer to the State Archives. Administrative and Historical values.

Toxicology Reports

This series contains a list of Certified Chemical Test Operators; List of Approved Chemical Testing Devices; Breathalyzer Operational Check List, Form 106; Standard Solution Analytical Report; Breathalyzer Ampoule Analytical Report; Approved Method to Conduct Breath Test with Breathalyzer; and Approved Method to Conduct Blood Alcohol Analysis.

This retention schedule is established by order of the State Toxicologist. Administrative value.

Transcript of Judgment from Another Court

107

This series contains an Abstract of Judgment, Affidavit of Identification, Notice of Filing Renewals of Judgment, Transcripts of Judgments, Notice of filing Transcripts of Judgment, Satisfaction or Cancellation of Judgment, Affidavit of Renewal of Judgment, Notice to Cancel Transcript of Judgment, and Assignment of Judgment.

Retain as specified below, then dispose by landfill. Administrative and Fiscal values.

Judgment Entered.....11 Years;
Judgment Renewed.....21 Years.

Trust Registration (unsupervised trust)

This series contains a petition for administration and supervision of trust, notice of hearing; order approving administration and supervision; motion and order approving trust account and approval of management fees; and nomination of trustee, orders. See Chapter 30.1-32, NDCC.

Retain permanently. Administrative and Legal (NDCC ' 11-17-10) values.

Tuberculosis Records [Obsolete]

This series contains disclosure papers for sanitarium and certificates of indigence. This is an obsolete record series which is no longer created.

Dispose by shredding or burning. Administrative value.

Wills

This series contains wills deposited for safekeeping and possible receipt.

Retain for 100 years, then dispose by shredding. Administrative, Legal (' 11-17-09, NDCC) values.

Witness Records

108

Attachment 11

19-dddd

This series contains witness certificates and vouchers.

Retain for 3 years after the current fiscal year (ACFY), then dispose by landfill.
Administrative and Fiscal values.

Dated January 1, 1995

dddd