

Records Manual

A Guide To File Maintenance and Retrieval

West Bank and Gaza Courts of First Instance Conciliation Court

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Introduction

Record keeping is a fundamental activity in the court. Judges and court staff must have information to carry out their work and records represent a crucial source of information. In addition, accurate records are essential to preserving the rule of law and demonstrating fair, equal and consistent treatment of citizens. Records also provide a reliable, legally verifiable source of evidence of decisions and actions and they document compliance or non-compliance with laws, rules and procedures.

What is Records Management?

Records management is the job of ensuring that information, paper and electronic, is managed economically and efficiently. Records management controls the creation, maintenance, use and disposition of records. When a records system works efficiently records can be easily retrieved and information is reliable.

The purpose of this manual is to provide a guide for judges and court staff how to create, maintain and preserve records. The manual includes eight sections:

- Section 1: Civil Case Record Keeping Management
- Section 2: Judgment Execution Record Keeping Management
- Section 3: Notary Public Record Keeping Management
- Section 4: Record Contents
- Section 5: Records Retention and Destruction
- Section 6: Electronic Record Keeping
- Section 7: Archives
- Section 8: Glossary of Terms

Each section defines the critical procedures that must be followed to ensure the effective management of records.

Civil Case Record Keeping Management

The Life Cycle of a Court Case

Every case that is registered in the clerk's office follows a similar process throughout its life. For example, a list of claims is filed, a file folder is created, a hearing is held, a judgment is created, and eventually the case is moved from active storage space to inactive storage space. This process is known as the life cycle of a court case. There are four phases in the life cycle of a case:

1. **Case Initiation.** During the initial phase, case files are created and related books and indexes are updated.
2. **Maintenance of Active Cases.** After a case is created it is maintained. In this phase documents may be added to a case file and files may be moved from one location to another.
3. **Case Disposition.** During this phase of the case, the court may prepare a judgment and general case maintenance may take place.
4. **Post Disposition Activities.** Once a case is disposed the file may be moved to a new location, evidence may be returned to the parties and the judgment may be executed.

Each of these phases will be discussed in more detail below.

Case Initiation

The major activities in this phase include assigning a case number, establishing a file folder and entering information in related books and indexes (see Record Contents, Page 14 for more information about the various books and indexes maintained in the clerk's office).

Case Numbering

A case number gives each file a unique identifier and indicates when a case is filed relative to other cases of the same type. The case number consists of two parts – the calendar year and a sequential number. For example, when the first case of the year 2002 is registered the assigned case number is 2002/1. The next case is 2002/2. If the clerk's office is using an automated case management system it will automatically assign the next sequential case number when a case is registered. If the clerk's office is using a manual system refer to the case registration book for the next number.

The case number should appear on all documents filed in the clerk's office, including minutes, orders and judgments.

Case Category

In addition to the case number, each case is also broken down into a unique category depending on the type of case (e.g., claim for money, bankruptcy, or real property). Case categories are important because they help the court gather statistical information, which can be used for a variety of scheduling purposes. For example, some types of cases require more hearing time than others and the court can use this information to set the appropriate numbers of hearing on a particular day.

The case categories are entered on the automated case management system and the cover of the case file. There are 21 case categories. However, avoid using the last case category "other" because it impacts the reliability of statistics and management reports. The case categories used in civil cases are found in the table below.

| Civil Case Categories | |
|------------------------------|--|
| Code | Description |
| 1 | Division of real property |
| 2 | Eviction Action |
| 3 | Trespass of Property |
| 4 | Compensation for harm to material or property |
| 5 | Compensation for harm to a person |
| 6 | Confirmation of division of property (real or personal) |
| 7 | Claim for money due (loan, check, etc) |
| 8 | Request for court to direct relief from harm done to real or personal property |
| 9 | Request for court to stop interference with use of real or personal property or business |
| 10 | Confirm ownership of property or business and to end interference |
| 11 | Claim for money due, using expedited procedures |
| 12 | Execution of contract (after breach) |
| 13 | Bankruptcy |
| 14 | Nullify an agreement, contract, check, etc. |
| 15 | Confirm arbitration decision |
| 16 | Correct boundaries of land (quiet title) |
| 17 | Conversion of personal property |
| 18 | Exercise priority right to purchase adjoining land |
| 19 | Third party objection to a contract |
| 20 | Confirm foreign judgment |
| 21 | "Other" |

Case File Folders

Case file folders are the most important of all court records and the largest in quantity. After a case is registered the documents are placed into a file folder. Documents are attached to the folder with a string. Before attaching the document a hole is punched in the paper. A different color file folder is used for each case type and is defined in the table below:

| File Folder Colors | | |
|--|---------------------|---|
| Case Type | Folder Color | Comment |
| Civil | Yellow | |
| Civil Appeal (from conciliation court to first instance court) | Undetermined | |
| Civil Request | Gray or Green | If a request relates to an active case the yellow case file is placed inside the gray folder until the request is heard. After the request is heard the gray folder is placed inside the yellow folder. |
| Criminal | Blue | |
| Criminal Appeal | Pink | |
| Attorney General File | Pink | This is the original file. The A.G. keeps a copy. |
| Judgment Execution | Green | |

File Folder Cover Information

When a case is registered the clerk enters the following information on the cover of the file folder:

1. Name of the court
2. Case number
3. Date registered
4. Plaintiff
5. Defendant
6. Type of case (case category)
7. Plaintiff's lawyer
8. Defendant's lawyer
9. Initial hearing date
10. Final judgment date
11. Judgment summary
12. Subsequent hearing dates (enter on the bottom right corner of the file)

Placing Papers in the Case File Folder

Place documents in the file folder immediately upon receipt or within one day after receipt. Follow these procedures to ensure that documents are filed accurately:

1. Check for the correct case name and number.
2. Fasten documents in the folder according to filing date. The most recent document is always on the top.
3. Fasten the document to the correct side of the folder (see Civil Case File Folders, page 14 for a list of common documents found in a case file and where they are fastened).
4. Note the location of evidence or papers that must be stored apart from the case folder by completing an exhibit form (see the Sample Exhibit Form, page 10 for more information about exhibits).
5. If an additional folder is needed place the case number on the second folder, designate it "No. 2 of 2" and place it with the first folder. Mark the first folder "No. 1 of 2."

Maintenance of Active Cases

The major activities in this phase include adding new documents to the case file, retrieving files from the shelves and photocopying files. Other activities, although rare, may also occur including the transfer of files to another court and case consolidation.

Storage of File Folders

File folders for active cases are stored on six-tier lateral open-shelf cabinets in the clerk's office. The cabinets may have locking doors to secure files. Cabinets are approximately 80 cm wide and 240 cm tall. Each shelf is approximately 75 cm wide and 37 cm tall. The average file folder is 0.5 cm. The filing capacity of a shelf and cabinet can be found in the table below.

| Filing Capacity | | | |
|------------------------|---------------------------|----------------------------------|------------------------------------|
| Shelf Width | Avg. Width of File | Avg. # of Files Per Shelf | Avg. # of Files Per Cabinet |
| 75 cm | 0.5 cm | 120 | 620 |

Several methods are used to store files. They are described below.

Storing Files by Judge

Files are sorted by judge or panel and then by the day of the month when the next hearing is scheduled. One shelf is reserved for each day of the month and the shelves are marked accordingly. No distinction is made by the month or year of the hearing. Follow these procedures to store a file folder:

1. Locate the date of the next hearing on the cover of the file folder or in the case management system.
2. Locate the name of the judge/panel hearing the case.
3. Locate the cabinet used for the judge/panel.
4. Locate the shelf used for the day of the month.
5. Place the file on the shelf.

Storing Files by Hearing Day

Files are sorted by the day of the week when the case is scheduled for the next hearing. No distinction is made by the judge hearing the case. All like cases with the same hearing date are bundled together and secured with a rope. Follow these procedures to store a file folder:

1. Locate the date of the next hearing on the cover of the file folder or in the case management system.
2. Locate the cabinet and shelf used for the day of the hearing.
3. Locate the bundle of cases for the hearing day.
4. Untie the bundle, add the new case file, secure the files and place back on the shelf.

Access to File Folders

Access to file folders is restricted to court personnel. Do not remove a folder from the clerk's office unless the file is needed in court or by the judge. Use an out-folder when a file is removed from the shelf. An out-folder is made of durable vinyl and has a clear plastic diagonal pocket to place new documents received until the file is returned. Another clear plastic folder holds a small out-slip which contains the date, case number, and the name/location of the person who has custody of the file. The out-folder is placed in the location of the file until it is returned. Alternatively, the clerk may maintain an index of files that are checked out. However, this is less efficient. Files should not be checked out for longer than three weeks.

Follow these procedures to remove a file folder from the clerk's office:

1. Complete an out-folder containing the date, case number, and the name of person who checked out the file.
2. Put the out-folder in place of the file on the shelf.
3. When the file is returned remove the out-folder.

Periodically, review out-folder to ensure files are not checked out longer than the established policy.

Photocopying File Folders

Only a party to the case or a party's attorney (a power of attorney must be on file) can receive a photocopy of a document or file folder. The party must submit a written photocopy request, which is approved by the chief clerk. When authorization is received the file is copied by an independent copy service for a fee. The fee may vary depending on the service. Follow these procedures when a written photocopy request is received:

1. Verify the requesting person is a party to the case or a party's authorized attorney. If the attorney is authorized a power of attorney must be in the file.
2. Receive authorization by the chief clerk to photocopy the file.
3. Carry the file to the copy service and remove the documents that will be copied. Never allow a non-court employee to carry a file to the copy service or remove and replace documents.
4. Allow the documents to be copied.
5. Indicate on the file the following words "Photocopied on (date) (clerk's initials)."
6. Return the documents to the file and return the file to the appropriate shelf in the clerk's office.

Certifying Documents

A certified copy is an indication that a document is a true copy of a record on file. The chief clerk certifies copies with a rubber stamp. When a multiple page document is certified every page should be stamped. A fee is charged for certifying documents.

Transferring Cases to Another Court

Follow these procedures to transfer a case to another court:

1. Prepare a transmittal letter listing the case number and the documents that will be transferred, including exhibits. Keep a copy of the transmittal letter.
2. Transfer the case and the transmittal letter to the requesting court. Transfer records in person whenever possible. Otherwise, use certified mail. In this case, the clerk's office may wish to make a copy of the file before it is mailed.
3. Make an entry in the automated case management system providing details about the transfer.

Consolidating Cases

The court may consolidate one or more cases if the issues are similar and are based on the same set of circumstances. Consolidating cases saves judicial resources and allows cases to be adjudicated faster. When consolidation occurs the court hears all of the cases at the same time. A party may request that a case be consolidated or the court may consolidate a case on its own action.

The current procedure in the clerk's office is to put one case file inside the folder of another case. In addition to this procedure, the clerk consolidating the case should:

1. Write on the file folder cover of each consolidated case "consolidated with (case #)."
2. Make an entry in the case management system indicating that the case has been consolidated, including the case number.
3. Place an out-folder on the file shelf in place of the file folder indicating that the file has been consolidated.

Exhibits

Exhibits are documents or other objects that are produced by a party to substantiate their claim. Exhibits may be filed when a case is registered, with subsequent filings, or in court. In general, paper exhibits attached to documents filed in the clerk's office do not receive any unique attention. Follow these procedures to track an exhibit that is received in court or is not kept with the file:

1. Complete an exhibit form (a sample exhibit form is found below).

| Exhibit Form | |
|-----------------------------|--|
| Case Number: | Hearing Date: |
| Date exhibit received: | Exhibit Number: |
| Received by: (clerk's name) | Received from: |
| Storage location: | Date returned or destroyed (with signature): |
| Exhibit description | |

2. Maintain the exhibit form in the case file.
3. Number the exhibit consecutively, regardless of which party offered the exhibit. For example: "Plaintiff's Exhibit 1" and "Defendants Exhibit 2."
4. Place a label or tag on the exhibit with the case number and the exhibit number.
5. Store all exhibits in the exhibit storage room when they are not needed.

Storing Exhibits

Exhibits are stored in a locked room with limited access. A court employee may only remove an exhibit from the storage room when it is needed for a hearing, when it is being returned to a party, or when it is destroyed (pursuant to the Retention and Destruction Schedule, page 20).

Case Disposition Activities

After a hearing is held and a case has been adjudicated there may be a series of activities. For example, a judgment may be created and post judgment pleadings may be filed. During this period the case file usually remains with other active case files. There are no special record keeping procedures that apply to this phase of a case.

Post Disposition Activities

Several activities may occur after a case is disposed including the return of exhibits, the transfer of a file to the inactive storage room and the execution of the judgment.

Returning Exhibits

When a civil case is disposed the exhibits may be returned to the appropriate party. Follow these procedures to return an exhibit:

1. If an exhibit form was completed note the date the exhibit was returned and have the party sign the form indicating that they received the exhibit from the clerk's office.
2. If the exhibit was attached to a pleading, make a notation on the pleading indicating when the exhibit was returned and who received the exhibit. The clerk and the individual who received the exhibit should sign the notation.

Moving Files to Inactive Storage

After a case is disposed the file is moved to an on-site or off-site inactive storage room (see Archives, page 23 for more information on storing inactive records). Follow these procedures when moving a case to inactive records:

1. Determine if the record must be maintained permanently or if the record may be destroyed. If the record is permanent indicate this on the cover of the file folder. If the record may be destroyed indicate the destruction date on the cover of the file folder. (Note the month and year of destruction only.)
2. Review the Inactive Record Index (see page 24) to determine which box to place the folder.
3. Locate the storage box in the file room and insert the folder.
4. Update the Inactive Record File Index.

Implementing Records Retention Schedules

It is important to ensure that records are destroyed according to the Retention and Destruction Schedule (see page 20). See Archives, page 23 for a description of the procedures to follow to ensure records are destroyed appropriately.

Judgment Execution Record Keeping Management

After a case has been adjudicated the court will enter a judgment. The judgment may order a party to take some action such as pay money or transfer land. A civil judgment can be enforced through the execution department. The execution department has broad powers to enforce a judgment including the seizure of land or property or the imprisonment of a party (however, these actions require the approval of a judge). The execution department can also enforce a contractual obligation where no case has been filed with the court.

Case Numbering

The execution case number consists of two parts – the calendar year and a sequential number. For example, when the first execution of the year 2002 is registered the assigned number is 2002/1. The next execution is 2002/2. The execution case number should appear on all documents filed with the execution clerk.

Case File Folders

After an execution case is registered the documents are placed into a file folder. Documents are attached to the folder with a string. Before attaching the document a hole is punched in the paper. A green file folder is used for these cases.

File Folder Cover Information

When an execution case is registered the clerk enters the following information on the cover of the file folder:

1. Number
2. Date registered
3. Name of the court that issued the judgment
4. Judgment number
5. Judgment date
6. Judgment creditor
7. Judgment debtor
8. Judgment summary
9. Attorney names
10. Final judgment date

Placing Papers in the File Folder

Place documents in the folder immediately upon receipt or within one day after receipt. Follow these procedures to ensure that documents are filed accurately:

1. Check for the correct case name and number.
2. Fasten documents in the folder according to filing date. The most recent document is always on the top.
3. Fasten the document to the correct side of the folder (see Execution Case File Folders, page 16 for a list of common documents found in a case file and where they are fastened).
4. If an additional folder is needed place the case number on the second folder, designate it “No. 2 of 2” and place it with the first folder. Mark the first folder “No. 1 of 2.”

Storage of File Folders

File folders for active cases are stored in seven-tier cabinets with locking doors in the execution clerk’s office. Folders are stored in batches of 100 with three batches per shelf. One cabinet can hold approximately 2,100 execution cases.

Notary Public Record Keeping Management

The Notary Public is responsible for certifying documents, including power of attorneys, contracts, deeds, settlements, and acquittals. Certification is a process individuals use to indicate that an original or copy of a document is true and correct. In essence the individual is swearing under oath that the document they have presented for certification is not a fraud. The notary is not held responsible if the document is a fraud unless the notary actually created the content of the document that is certified. When a document is a certified it contains the notary's official stamp and the signatures of the individuals and the notary.

Document Number

When the notary certifies a document it receives a registration number. The number consists of two parts – the calendar year and a sequential number. For example, when the first document of the year 2002 is notarized the number is 2002/1. The next document is 2002/2. The numbers are maintained in the Notary Register, which consists of the number and the type of document.

Document Storage

Certified documents are stored in a large binder. The document is attached to the first empty page. All types of deed are kept in the binder. The binders are stored by year on six-tier lateral open-shelf cabinets in the notary office.

Document Retrieval

Documents are retrieved based on the year and registration number.

Photocopying and Certification

An individual may request a certified photocopy of a registered document. After the notary retrieves the document it is copied on a commercial copy machine and certified. Documents are never removed from the binders for photocopying.

Record Contents

The clerk's office maintains various types of records including files, indexes and books. This section will define each of these records including their contents and how they are maintained. Not every court maintains each of the records listed below.

Civil Case File Folders

File folders are used to maintain all of the documents related to a case. Documents are maintained in the file in chronological order by date. Files may contain the following documents:

| Civil Case: Court of First Instance | | | |
|--|---|----------------------------------|--|
| Item | Description | Placement | Required |
| List of Claims | A description of the claim submitted by the plaintiff. | Right side of file | Yes |
| List of Responses | A response to the List of Claims submitted by the defendant(s). | Right side of file | Yes |
| Minutes | A detailed description of what occurred during a hearing. Created by the court reporter. | Right side of file | Yes. Required for each hearing. |
| Request | A request by either the plaintiff or defendant asking the court to take judicial action (a restraining order). For example, a party may ask that the other party keep off of a certain piece of property until the case is adjudicated. | Left side of file | No |
| Petition | A request by either the plaintiff or defendant asking the court to take administrative action. For example, a request to make a copy of the file. | Left side of file | No |
| Judgment | The decision of the court submitted by a judge or judge panel. | Left side of file | Yes |
| Orders | Orders created by a judge or judge panel. | Left side of file | No. Multiple documents may be present. |
| Power of Attorney | A document filed on behalf of a party naming an attorney who will act on their behalf. | Left side of file | Yes |
| Notification | A document showing the result of the notifier's attempt to deliver documents to a party or witness. | Left side of file | Yes. Multiple documents may be present. |
| Receipt | A receipt for the filing fee paid by the plaintiff when the List of Claims was registered. | Stapled to the left side of file | Yes, unless the court has waived the fees. |
| Evidence | Documents filed by a party used to substantiate their claim. | Left side of file | No |

| Civil Case: Conciliation Court | | | |
|---------------------------------------|---|--------------------------------------|---|
| Item | Description | Placement | Required |
| List of Claims | A description of the claim submitted by the plaintiff. | Right side of file | Yes |
| List of Responses | A response to the List of Claims submitted by the defendant(s). | Right side of file | No |
| Reply to Defendant's Answer | A reply to the defendant's answer submitted by the plaintiff | Right side of file | No |
| Minutes | A detailed description of what occurred during a hearing. Created by the court reporter | Right side of file | Yes. Required for each hearing. |
| Judgment | The decision of the court submitted by the judge or judge panel. | Left side of file | Yes |
| Orders | Orders created by a judge or judge panel. | Left side of file | No. Multiple documents may be present. |
| Power of Attorney | A document filed on behalf of a party naming an attorney who will act on their behalf. | Left side of file | Yes |
| Notification | A document showing the result of the notifier's attempt to deliver documents to a party or witness. | Left side of file | Yes. Multiple documents may be present. |
| Receipt | A receipt for the filing fee paid by the plaintiff when the List of Claims was registered. | Stapled to the left side of the file | Yes, unless waived by the court. |
| Evidence | Documents filed by a party used to substantiate their claim. | Left side of file | No |

Execution Case File Folders

File folders are used to maintain all of the documents related to an execution case. Documents are maintained in the file in chronological order by date. Files may contain the following documents:

| Execution Case | | | |
|--|--|--------------------|--|
| Item | Description | Placement | Required |
| Judgment/Note | The judgment issued by a court or a contractual note. | Left side of file | Yes |
| Judgment Creditor Request | A request to enforce a judgment submitted by the judgment creditor. | Left side of file | Yes |
| Execution Minutes | A detailed description of the actions taken by the execution clerk. | Left side of file | Yes. |
| Notification | A document notifying the judgment debtor of the pending execution action and what is required to satisfy the outstanding judgment. | Right side of file | Yes. Multiple documents may be present. |
| Order | An order by the court. | Right side of file | No |
| Summons | A summons ordering the judgment debtor to appear in the execution department. | Left side of file | No |
| Arrest Order | An order to arrest the judgment debtor. | Right side of file | No |
| Notification of Arrest Unless Judgment Debtor Acts | A notification to the judgment debtor that unless certain action is taken an arrest order will be issued. | Right side of file | No |
| Receipt | A receipt for the fee paid by the judgment creditor when the request was registered. | Left side of file | Yes, unless the court has waived the fees. |

Civil Registration Book

This book is used to register new civil cases as they are presented to the clerk's office. A book is used until all the pages are filled and then a new book is used. The books are stored in the clerk's office. Each book contains the following information:

1. Case number
2. Registration Date
3. Plaintiff
4. Defendant
5. Case type
6. Case value
7. Fees paid
8. First hearing date
9. Judge/Panel name
10. Judgment summary
11. Indicator whether judgment was in presence of parties or in abstentia
12. Date the judgment was served on the parties
13. Date, if any, post-judgment motions were filed
14. Date of appeal
15. Notes

Requests Registration Book

This book is used to register requests (motions) filed by a party. A book is used until all the pages are filled and then a new book is used. The books are stored in the clerk's office. Each book contains the following information:

1. Consecutive Number
2. Date
3. Requestee name (plaintiff or defendant)
4. Requester Name (plaintiff or defendant)
5. Type of request
6. Case number the request is associated with
7. Decision
8. Notes

Criminal Registration Book

This book is used to register new criminal cases when the attorney general files them. A book is used until all the pages are filled and then a new book is used. The books are stored in the clerk's office. Each book contains the following information:

1. Case number
2. Filing information (date filed and by whom)
3. Plaintiff
4. Defendant
5. Type of crime
6. Decision
7. Judge
8. Judgment summary
9. Indicator whether judgment was in presence of parties or in abstentia
10. Judgment date
11. Appeal date
12. Notes

Criminal Appeals Registration Book

This book is used to register cases that are appealed from the conciliation court to the court of first instance. A book is used until all the pages are filled and then a new book is used. The books are stored in the clerk's office. Each book contains the following information:

1. Consecutive number
2. Appeal date
3. Appellant
4. Appellee
5. Type of crime
6. Name of lower court
7. Lower court judge
8. Judgment date
9. Judgment summary
10. Name of panel that heard the appeal
11. Summary of appeal hearing

Court Calendar (by case/year)

This book is used to track the hearing dates for each case. Each book contains the following information:

1. Case number
2. Judge's name
3. Hearing dates

Daily Calendar

An index arranged by day showing the cases that are set for hearing (by case number, but not necessarily in chronological order).

Notification Index

This index is used to track notifications that are issued by the court. Each index contains the following information:

1. Consecutive number
2. Date the notification was given to the notifier
3. Date the notice was returned
4. Signature of the notifier
5. Notes

Notary Registration Book

This book is used to track documents that are notarized by the notary public. The book contains the registration number and the name of the document.

Execution Registration Book

This book is used to track execution cases when they are registered with in the execution clerk's office. The book contains the following information:

1. The date the judgment was submitted for execution.
2. Judgment creditor
3. Judgment debtor
4. Judgment summary

Records Retention and Destruction

A records retention and destruction schedule is the most important tool for managing closed records. The schedule determines which records can be destroyed and when records have to be maintained permanently. In addition to the destruction schedule a records retention and destruction policy defines the procedure to follow when destroying records.

Retention and Destruction Schedule

Records are either maintained permanently or may be destroyed after 15 years. If a record may be destroyed the destruction schedule applies after the case has been appealed and a final judgment has been entered or after the appeal period in a case has passed.

| Records Retention and Destruction Schedule Civil Cases/Execution Cases/Notary Documents | | |
|--|--|-------------------------|
| Code | Description | Retention Period |
| 1 | Division of real property | Permanent |
| 2 | Eviction Action | 15 Years |
| 3 | Trespass of Property | 15 Years |
| 4 | Compensation for harm to material or property | 15 Years |
| 5 | Compensation for harm to a person | 15 Years |
| 6 | Confirmation of division of property (real or personal) | Permanent |
| 7 | Claim for money due (loan, check, etc) | 15 Years |
| 8 | Request for court to direct relief from harm done to real or personal property | 15 Years |
| 9 | Request for court to stop interference with use of real or personal property or business | 15 Years |
| 10 | Confirm ownership of property or business and to end interference | Permanent |
| 11 | Claim for money due, using expedited procedures | 15 Years |
| 12 | Execution of contract (after breach) | 15 Years |
| 13 | Bankruptcy | 15 Years |
| 14 | Nullify an agreement, contract, check, etc. | 15 Years |
| 15 | Confirm arbitration decision | 15 Years |
| 16 | Correct boundaries of land (quiet title) | Permanent |
| 17 | Conversion of personal property | Permanent |
| 18 | Exercise priority right to purchase adjoining land | Permanent |
| 19 | Third party objection to a contract | 15 Years |
| 20 | Confirm foreign judgment | 15 Years |
| 21 | “Other” | 15 Years |
| N/A | Execution Cases | 15 Years |
| N/A | Notary Documents | Permanent |

Destruction Procedure

Before a record can be destroyed a court order has to be issued and the public has to be notified. The destruction procedure is outlined below.

Court Order

The first step in the process is for the chief judge to issue an order indicating that certain records will be destroyed. The order should include the date the records will be destroyed, a description of the cases, the case numbers, and the destruction method. The order should also include the objection period in which individuals may protest the destruction order.

Notification

After an order has been issued, publish a notice for two weeks in a newspaper or other publication that has wide circulation in the jurisdiction of the court. The notice will indicate that the records will be destroyed unless an objection is filed with the court. The notice will include the date the records will be destroyed, a description of the cases and the case numbers. An example of the notice is found below.

**Destruction Notification
Ramallah Conciliation Court**

By order of the court the following records will be destroyed on January 31, 2001:

General Civil Records. Year 1950. Numbers 1-200
General Civil Records. Year 1951. Numbers 1-50
General Civil Records. Year 1951. Numbers 62-100

If any person objects to the destruction of these records an objection must be filed with the court two weeks prior to the destruction date stating why the files should not be destroyed. The chief judge will review any objections and notify the individual of the decision. The public may request to take possession of these files. In this case, the individual making the request must indicate their interest in the files and where they will be stored.

Objection Procedure

The chief judge will review every objection filed with the court. The judge may decide that the records will be retained, destroyed, or transferred to the party making the objection. The review may be held in court with the objecting parties present or the judge may decide the matter in chambers without the individuals present. There is no appeal to the decision of the chief judge in this type of administrative matter.

Destruction Procedure

Follow these procedures to destroy records:

1. Removed all papers from the file folder. The folder may be reused if it can be recycled.
2. Shred or burn the records unless the court has approved an alternate destruction method.
3. If applicable, update the case management system for each case indicating that the record has been destroyed.
4. Update the destruction log.

Destruction Log

Maintain a log of all the records that are destroyed. The log should include a description of the cases, the case numbers, the date the records were destroyed, the method of destruction and who destroyed the records.

Electronic Record Keeping

Computers play a vital role in the management of the life cycle of a case because information can be maintained electronically, including party/attorney names and addresses, hearing dates, hearing results, and judgment information. In addition, an image of a document can be kept electronically creating a “paperless” record.

Protecting Electronic Records

Electronic records can be destroyed or damaged under certain circumstances. Follow these rules to protect data:

1. Do not place any liquids on or near the computer.
2. In the case of a power outage, turn the computer off. Turn the computer on after the power is restored.
3. Keep the computer as cool as possible in hot weather. For example, keep the computer out of direct sun light.
4. Turn off the computer if there is an electrical storm.

Electronic records can also be manipulated and changed. Therefore, strict security measures must be established and followed by all employees. The following rules apply to electronic records:

1. Every user has a unique security access code. Do not share this code with anyone.
2. Log out of the computer when it is unattended.
3. Do not allow other users, or the public, to use your computer when you are logged in with your unique access code.
4. Only access and update case information in the course of your official duties and do not view cases related to friends, family, or public personalities.

Accountability for Electronic Records

The chief clerk of the court is responsible for the accuracy and protection of electronic records. Although the chief clerk is ultimately responsible, every employee has a duty to protect court records and ensure that they are accurate.

Creating and Maintaining Electronic Records

Computers provide a unique opportunity to locate information about a case and provide management information about cases in general. Therefore, it is important to enter information consistently. Follow these rules when entering case information into the computer:

1. Enter information exactly as it is written on the paper document even if you believe it is wrong. If a serious error is found notify the chief clerk. The party may also be notified.
2. Abbreviating information is acceptable. Follow the guidelines created in your office.
3. If an error is found on an electronic entry it may be corrected with the authorization of the chief clerk.

Archives

Archives are a place to store records that are inactive and no longer needed on a daily basis. Records stored in archives may be maintained permanently or may be stored temporarily before they are destroyed. The purpose of archives is to free office space for new cases and put them in a lower cost area where they can be densely packed.

Three options are available for storing inactive records, including in-house (court-controlled) storage, a records center run by another governmental agency or a commercially run records center. Currently, all records are stored in-house.

Equipment and Supplies

Records are stored on steel frame warehouse-type shelving. Shelves are generally 2 – 4 meters tall to ensure stability. A stepladder is available to access boxes on higher shelves. Records are stored in a records storage box on the shelves. Each storage box can hold 70-90 file folders.

Safety and Environmental Issues

There are several safety and environmental considerations that must be applied to the storage of inactive records. These considerations are outlined below.

Fire

To prevent a fire in the storage area follow these rules:

1. No smoking is allowed in the storage area.
2. Keep all loose papers off the floor and storage shelves.
3. Periodically check electrical outlets and other wiring to ensure there are no problems.
4. Ensure that smoke detectors and fire extinguishers are available and working.

Water

Water can seriously damage paper files. To prevent water damage, follow these rules:

1. Do not store records under overhead water pipes.
2. Keep records at least 10 cm off the floor.

Environment

If possible, keep the temperature between 18 – 21 degrees.

Pests and Vermin

If there are signs of any pests or vermin call an exterminator immediately. Keeping the storage area clean will minimize this type of damage.

Vandalism and Theft

It is important to keep the storage area secure at all times. Follow these procedures to ensure security:

1. Only allow authorized staff in the storage area.
2. Ensure that the door is properly locked when leaving the storage area.
3. Periodically check that the door to the storage area is locked.

Management of the Storage Area

Responsibility for Archives

The chief clerk is responsible for records maintained in archives.

Organization

The storage room is organized using a row-space numbering system to indicate the location of each box. In the row space-numbering system each aisle and each row is evenly subdivided into spaces. The address of each box consists of an aisle and space number. The following diagram illustrates this method. The illustration assumes that there are four aisles and that each aisle is divided into ten spaces. Each space only holds one box (if a space can hold more than one box then an "A" and "B" indicator would be used. For example 1/1A and 1/1B). The actual number system in your storage room may differ from this illustration.

| | | | | | | | | | |
|----------------|------|------|------|------|------|------|------|------|------|
| 4/20 | 4/19 | 4/18 | 4/17 | 4/16 | 4/15 | 4/14 | 4/13 | 4/12 | 4/11 |
| Aisle 4 | | | | | | | | | |
| 4/10 | 4/9 | 4/8 | 4/7 | 4/6 | 4/5 | 4/4 | 4/3 | 4/2 | 4/1 |
| 3/20 | 3/19 | 3/18 | 3/17 | 3/16 | 3/15 | 3/14 | 3/13 | 3/12 | 3/11 |
| Aisle 3 | | | | | | | | | |
| 3/10 | 3/9 | 3/8 | 3/7 | 3/6 | 3/5 | 3/4 | 3/3 | 3/2 | 3/1 |
| 2/20 | 2/19 | 2/18 | 2/17 | 2/16 | 2/15 | 2/14 | 2/13 | 2/12 | 2/11 |
| Aisle 2 | | | | | | | | | |
| 2/10 | 2/9 | 2/8 | 2/7 | 2/6 | 2/5 | 2/4 | 2/3 | 2/2 | 2/1 |
| 1/10 | 1/9 | 1/8 | 1/7 | 1/6 | 1/5 | 1/4 | 1/3 | 1/2 | 1/1 |
| Aisle 1 | | | | | | | | | |
| Wall | | | | | | | | | |

The storage room may be further divided into two areas -- one area for permanent records and one area for records that can be destroyed.

File Index

When using the row-space number method similar records may not be grouped in numerical or chronological order. Therefore an index is necessary to track the location of each file (also maintain this information on the automated case management system for each case).

This index includes the case number, the location of the file, the status of the file, and the status date. Three status codes are available:

1. **IS** (In Storage). This status indicates that the record was placed in storage and is used for records that can be destroyed.
2. **P** (Permanent Record). This status indicates that the record must be maintained permanently.
3. **D** (Destroyed). This status is applied when the record is destroyed.

A record may have multiple status codes. An example of the index is found below.

| Inactive Record File Index | | |
|----------------------------|---------|---------------------------|
| Case Number | Address | Status and Date |
| 1976-01 | 1/1 | IS 1/1/1977 D 1/1/2002 |
| 2001-02 | 1/2 | P 2/2/2002 |
| 2001-56 | 1/2 | IS 2/15/2002 |

Box Index

This index records the status of a file box (which contains numerous records). The index includes a range of case numbers, the address of the box, an indicator if the files in the box must be maintained permanently, and a status date. Three status codes are available:

1. **IS** (In Storage). This status indicates that the box is in storage and is used for records that can be destroyed.
2. **P** (Permanent Record). This status indicates that the box contains records that must be maintained permanently.
3. **D** (Destroyed). This status indicates that the contents of the box were destroyed.

A record may have multiple status codes. An example of the index is found below.

| Inactive Box Index | | | |
|---|---------|-------------------|---------------------------|
| Case Number and Case Type | Address | Permanent Records | Status and Date |
| 1976-01 thru 1976-05 1976-10 thru 1976-50 Civil Cases | 1/1 | No | IS 1/1/1976 D 1/1/2002 |
| 2001-10 thru 2001-50 2001-60 thru 2001-70 Civil Cases | 1/2 | Yes | P 2/2/2002 |

When the contents of a box have been destroyed new file folders will be inserted into the box. Therefore, over time the index may include information about a box multiple times.

Follow these procedures when creating a new storage box.

1. Mark the box address on all sides of the box.
2. Update the Inactive Box Index. Initially the index will include the beginning case number, the address, the permanent records indicator, and the initial status code and date. The initial status code and date correspond to the date that the first record was added to the box.
3. When the box is full add the ending case number. In addition, mark the destruction date on the outside of the box if applicable. For example, "Destroy 2/2/2015." The destruction date should correspond to the date the last record in the box can be destroyed.

File Retrieval

Records that are removed from inactive storage must be tracked. Follow these procedures if a record is removed from inactive storage.

1. Complete an out-folder containing the date, case number, and the name of person who checked out the file.
2. Put the out-folder in place of the file in the box.
3. When the file is returned remove the out-folder.

Glossary of Terms

Archives: A place where records that are no longer active are stored.

Case File: A file containing one or more documents that represent a case, including the list of claims, list of responses, minutes, requests, petitions, notifications and receipts.

Civil Registration Book. A book used to register new civil cases as they are presented to the clerk's office.

Criminal Registration Book. A book used to register new criminal cases when the attorney general files them.

Criminal Appeals Registration Book. A book used to register cases that are appealed from the conciliation court to the court of first instance.

Court Calendar. A book used to track the hearing dates for each case. Each book contains the following information

Daily Calendar: An index arranged by day showing the cases that are set for hearing (by case number, but not necessarily in chronological order).

Execution: The process of enforcing a judgment (as against a judgment debtor)

Judgment Debtor: A person or business that is obligated to pay a debt or damages in accordance with a judgment entered by a court

Judgment creditor: a creditor who has a money judgment entered against the debtor and may enforce the judgment (through execution)

List of Claims. A description of the claim made by the defendant. |

List of Responses. A response by the defendant(s) to the List of Claims.

Minutes. A detailed description made by the court reporter of what occurred during a hearing.

Notification Index. An index used to track notifications that are issued by the court.

Petition. A request by either the plaintiff or defendant asking the court to take administrative action. For example, a request to make a copy.

Power of Attorney. A document filed on behalf of the plaintiff and defendant allowing an attorney to act on their behalf.

Record: A document regardless of form or medium created, retrieved, maintained and used by the court.

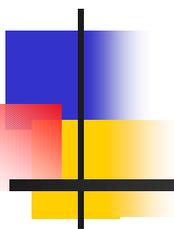
Records Management: Records management is the job of ensuring that information, paper and electronic, is managed economically and efficiently. Records management controls the creation, maintenance, use and disposition of records.

Receipt. A receipt for the filing fee paid by the plaintiff when the List of Claims was filed.

Request. A request by either the plaintiff or defendant asking the court to take judicial action (a restraining order). For example, a party may ask that the other party keep off of a certain piece of property until the case is adjudicated.

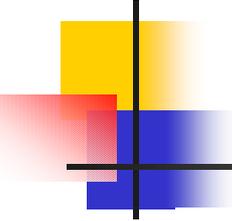
Requests Registration Book. A book used to register requests (motions) filed by a party.

Stamp. A fee stamp is affixed to every document filed in the court. The stamps may be purchased at the Post Office or from paralegals at the courthouse.



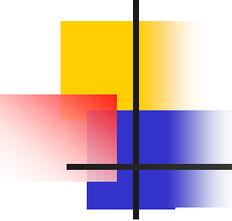
Records Management

A Guide for the West Bank
and Gaza



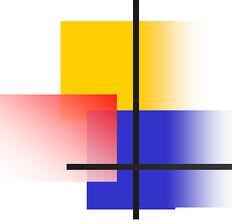
What Is Records Management?

- Records Management:
 - Ensures that information (paper and electronic) is managed economically and efficiently.
 - Controls the creation, maintenance, use and disposition of records.



Why Is Record Mgt Important?

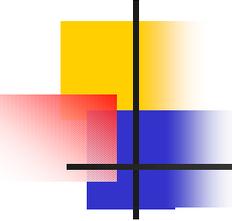
- Accurate records preserve the rule of law and demonstrate fair, equal and consistent treatment of citizens.
- Judges and court staff must have information to carry out their work and records represent a crucial source of information.
- Records provide a reliable, legally verifiable source of evidence of decisions and actions and they document compliance or non-compliance with laws, rules and procedures.



The Life Cycle of a Court Case

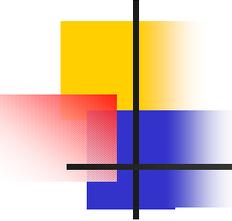
Every case has a life cycle with four phases:

- Case Initiation
- Active Case Maintenance
- Case Disposition
- Post Disposition Activities



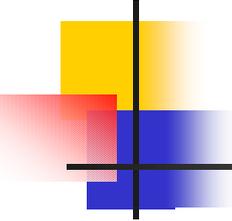
Case Initiation

- Case Numbering
- Case Categories
- File Folders
- File Folder Covers
- Adding Documents to File Folders



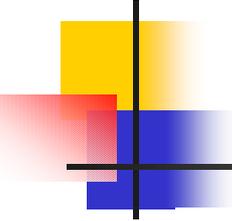
Maintenance of Active Cases

- Storage of File Folders
- Access to File Folders
 - Out Folder
- Photocopying File Folders
- Certifying Documents



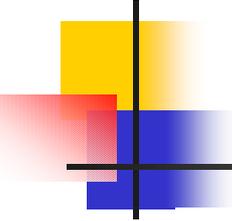
Maintenance of Active Cases (con't)

- Transferring Cases to Another Court
- Consolidating Cases
- Exhibits



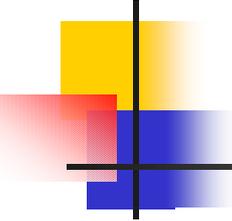
Post Disposition Activities

- Returning Exhibits
- Moving Files to Inactive Storage
- Implementing Records Retention Schedules



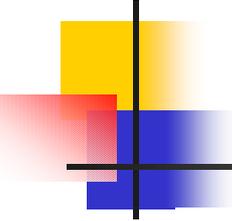
Judgment Execution

- Case Numbering
- File Folders
- File Folder Covers
- Placing Papers in the File Folder
- Storage of File Folders



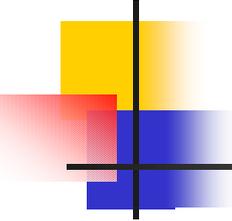
Notary Public

- Document Number
- Document Storage
- Document Retrieval
- Photocopying and Certification



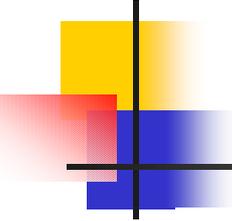
Records Retention and Destruction

- Retention and Destruction Schedule
- Destruction Procedure
 - Court Order
 - Notification
 - Objection Procedure
 - Destruction Procedure
 - Destruction Log



Electronic Record Keeping

- Protecting Electronic Records
- Accountability for Electronic Records
- Creating and Maintaining Electronic Records



Archives

- Equipment and Supplies
- Safety and Environmental Issues
- Responsibility for Archives
- Organization
- File Index
- Box Index
- File Retrieval