



USAID | **BOSNIA-HERZEGOVINA**

FOSTERING AN INVESTMENT AND LENDER-FRIENDLY ENVIRONMENT (FILE) USAID/BOSNIA AND HERZEGOVINA

Report Recommending a Common Case File Numbering Convention for Use by All
BiH Courts

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The author's views expressed in this publication do not necessarily reflect the views of the United States Agency for International Development of the United States Government.

USAID's Fostering an Investment and Lender-Friendly Environment (FILE) Project submits this document in accordance with its draft workplan for the twelve-month period ending June 30, 2005, pursuant to which FILE committed to recommend to the High Judicial and Prosecutorial Council (the "HJPC") a common case file numbering convention for use by all BiH courts.

As presently construed, the latest version of Article 28 (Case Numbering) of the **Draft Book of Rules on the Internal Operations of the Courts** states, in part, that:

The case number shall consist of the abbreviation of the register in accordance with article 20 of this Book of Rules, the sequential case number as provided in paragraph 3 below and the last two digits of the calendar year.

Under the current system, many BiH courts use similar or identical numbering schemes. This may create confusion at the appellate level. In addition, these duplicate numbers may create confusion for the general public and attorneys who do not have sufficient information to distinguish between the respective cases.

Case numbering rules must facilitate the crucial need for and the ability of courts to share accurate information with the public, attorneys, and other members of the justice sector. Consistent, unique numbering of cases enhances information retrieval for court personnel and all constituents, and facilitates automation of that information.

The goals considered in amending Article 28 should include the following:

1. Guarantee uniqueness for all cases in BiH.
2. Minimize the impact on local courts.
3. Keep the case number as short, meaningful, and as easy to use as possible.
4. Make adoption as easy as possible.
5. Ensure that whatever convention is adopted, the sequence does not interfere with the requirements of a color-coded, terminal digit filing system.

The ability to accurately reference court case information from any location within BiH also aids the purposes of:

1. Statistical reporting to the HJPC, the Supreme Court and state or local agencies or ministries
2. Electronic filing
3. Nationwide indexing

A case number is the *primary* reference point for access to case information. It is important that each case in BiH have a unique number to identify it.

However, there is no definitive study or report on the topic of case numbering protocols. To the best of this writer's knowledge, there is no standard as to the content of a case number or the order in which particular parts of the case number are arranged.

The process used to develop this recommendation included a review of case number strategies used by several American courts of different sizes, types and jurisdictions. This writer also researched various websites, contacted the National Center for State Courts for assistance and discussed the issue with the Court President and Court Secretary of the Mostar Municipal Court.

To save space and work, the case number should contain no hyphens or slashes and letters and numbers should be alternated.

With the potential for networking the courts, a location designation should be included. So, following a convention of alternating letters and numbers, a three-letter location designator code should be inserted at the beginning of the case number.

The year helps with general filing and archiving.

The major case type (two or three letters - civil CV, criminal CRM) is self explanatory.

Sequential number within major case type

A sub-case category, which many systems do not include, allows for one more level of detail.

Therefore, in cooperation and collaboration with Henryk Montygierd-Loyba, the Court Administration Specialist for the Justice Sector Development Project, this writer recommends the following common case file numbering convention for use by all BiH courts:

Geographic location and Canton, District, Municipal or Basic Court Designator Code (**SJM**)
Year (**04**)
Major Case Category (**CRM**)
Sequential Case Number (**000123**)
Sub-Case Category (**Kpp**).

So, for a Sarajevo Municipal Court criminal case, the expanded case number might be:

SJM 04CRM000123 Kpp

Some questions that might arise and their possible answers:

Q: When will the new Article 28 go into effect?

A: Hopefully by January 1, 2005.

Q: Our court is very comfortable with the way it numbers its cases now. Why do we have to conform to a new system?

A: The public, the courts, and the integrated justice community have demanded greater access to case information. Public safety and the responsible stewardship of public information demand that we utilize technology as a tool to serve the needs of justice both effectively and efficiently. Since courts will soon have the capacity to store and use automated integrated case management systems to manage court information, it is increasingly important that this information be shared with the HJPC, other courts, the integrated justice community and the public, as appropriate. For information-retrieval and research-sharing via computer, a standardized numbering system is required.

Q: This transformation sounds like it could cost courts some money in new supplies and staff training. Who is going to pay for that?

A: The HJPC does not foresee significant expense to local courts to implement unique case numbering. Most courts will be able to include the changes in their regular upgrade cycle with their vendors.

Q: Must the full case number appear on all pleadings?

A: Yes.

Q: To access data, must a user know the entire case number?

A: To be safe, yes. However, the search capabilities of certain software might allow searches with something less. Also, internal searches might not require the whole case number.

Q: Do I as a court secretary or chief of the registry office have to renumber every old case?

A: No.

Q: Where does the court code come from and what does it represent?

A: The first two characters represent the canton or district, the third character represents the level of the court, e.g., first or second instance. The individual court locator codes will be created and assigned by the HJPC.

If you have any questions or need additional information, please contact Keenan G. Casady, Court Administration and Management Specialist for the USAID FILE Project at (387 33) 296-623.