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## North Central Regional Office

MENOMINEE TRIBAL COURT  
" MANAGEMENT AUDIT;  
TECHNICAL ASSISTANCE REPORT,  
March 22, 1982

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## INTRODUCTION

On January 21, 1982, James Farrar and Priscilla Wilfahrt, staff from the National Center for State Courts (NCSC) met with Chief Justice Wilmer Peters of the Menominee Supreme Court and Bureau of Indian Affairs (BIA) representatives Perry Baker, Rights Protection Officer, and Frank Annette, Government Relations Officer, to discuss possible technical assistance by NCSC to the Menominee Tribal Court.

Chief Justice Peters indicated a need for technical assistance in records management, court recording (e.g., recording equipment vs. a court stenographer), court docketing, and need for word processing equipment.

As a result of the meeting BIA on February 26, 1982, contracted with the NCSC to perform an on-site management audit of the Menominee Tribal Court. The Center agreed to conduct a general review of court management practices, (including those problems specified by Chief Justice Peters), identify and document operational problems, and make recommendations to improve court operations and correct any identified problems.

On March 4-5, 1982, James Farrar and Priscilla Wilfahrt site visited the Menominee Tribal Court and conducted a management audit of court operations. During their visit they met with and interviewed Indian court judges, court staff, and BIA representatives, including the following:

Menominee Tribal Court

Wilmer Peters	Chief Justice Supreme Court
Sara Skubitz	Associate Justice Supreme Court
Gerald Weso	Tribal Court Prosecutor
Lenard Oshkeshequoam	Probation Officer
Shirley Daly	Clerk of Court
Janet Corn	Deputy Clerk
Mary Wilson	Secretary

Bureau of Indian Affairs

Sylvia Wilbur	Field Representative
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Persons interviewed were asked to describe their function or duties in relation to the court, their perceptions of problems affecting court operations, and suggested improvements.

The NCSC staff also collected copies of tribal codes, court rules, reports, and job descriptions. In addition, staff observed a court session involving a plea change before the associate justice in the lower court. The staff then reviewed plans for a new court, inventoried equipment and library resources. Mr. Farrar drafted various sample forms which were provided to the court for immediate use.

At the completion of the site visit the NCSC staff met with Chief Justice Peters at a luncheon meeting to discuss preliminary findings and recommendations.

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## I. MENOMINEE JUDICIAL SYSTEM

The Menominee tribal code authorizes and provides for a lower court and supreme court system for reservation tribal members. The courts are currently exercising jurisdiction over all reservation residents "subject to any contrary provisions exceptions or limitations contained in either federal law, the Tribal Constitution, or as expressly stated elsewhere in the law and order code".<sup>1</sup> Jurisdiction over Indian and non-Indian parties is summarized in Chart 1 below.

CHART 1		
	<u>Criminal Jurisdiction</u>	<u>Civil Jurisdiction</u>
• Indian Plaintiff	Yes	Yes
• Indian Defendant	Yes	Yes
• Non-Indian Defendant	No (conflicting federal law)	Yes, if minimum contacts with the reservation
• Non-Indian Plaintiff	Yes, may file criminal complaint	may file civil complaint if minimum contacts with reservation

The Menominee Judicial System presently operates under a code adopted by the tribal council.<sup>2</sup> Both courts utilize the same staff which consists of a chief court clerk, two deputy

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<sup>1</sup> Tribal Judiciary and Interim Law and Order Code § 1-7-2(2).

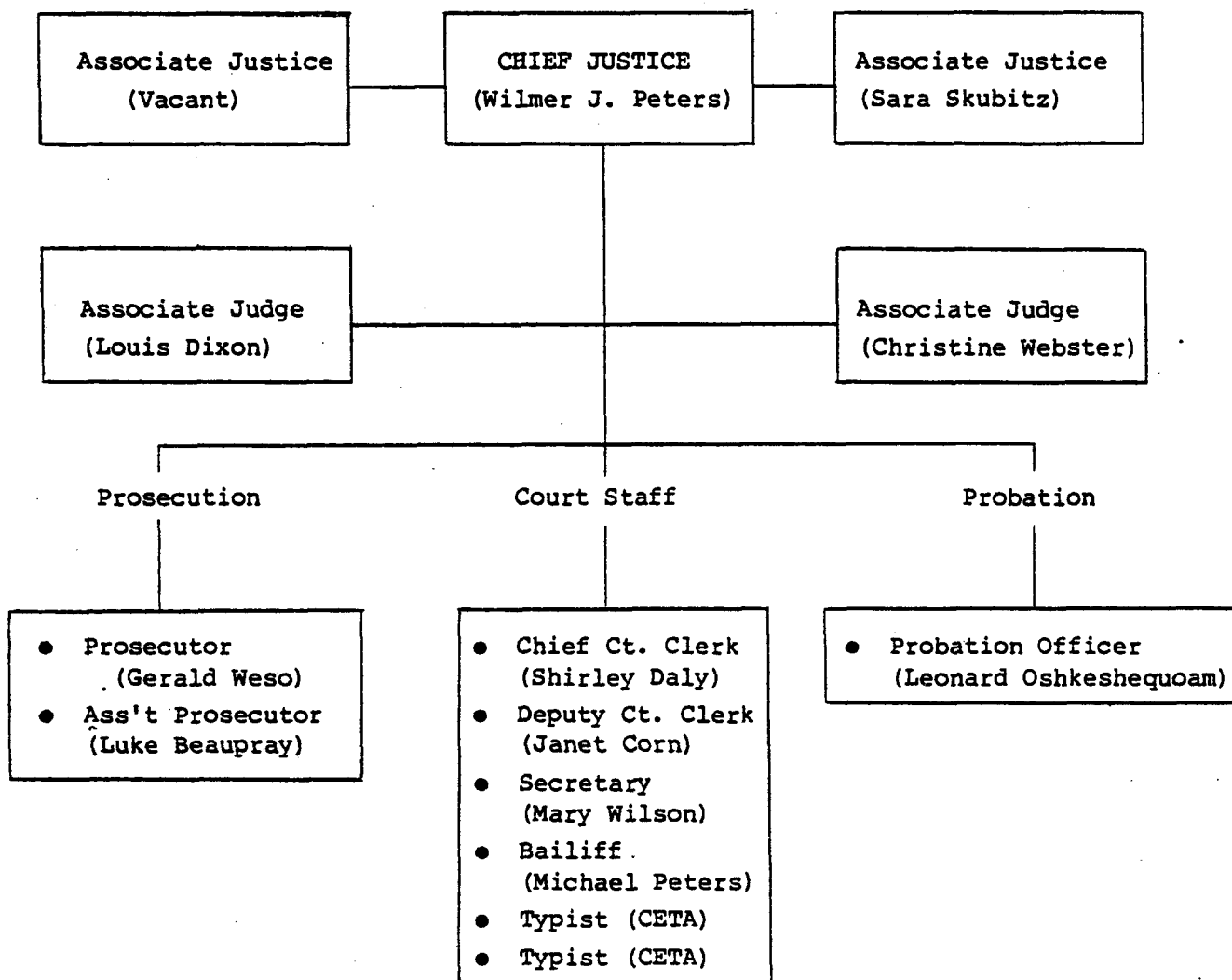
<sup>2</sup> The court was a CFR court up until 1976.

clerks, probation officer, bailiff, prosecutor, and (part-time) assistant prosecutor. The court staff are tribal employees and all revenues collected by the court are deposited in a tribal court fund.

The code also authorizes "such (trial) judges as the tribal legislature may determine for Tribal courts." (Explanation provided) Currently, two positions are authorized for the trial court, both of which were recently filled by tribal council appointment. These trial judges are appointed for two year terms and can be removed only for cause by the tribal Legislature during their term.

Tribal code § 1-2-2(1)(a) also authorizes an appellate court system called the Supreme Court, composed of a chief justice and two associates justices who are appointed by the tribal council for four year terms. They may not be removed during their term except for cause. Presently, the chief justice and only one associate justice position are filled. Supreme court justices also hear trials as tribal court judges when necessary. In such cases judges are brought in from other reservations to hear any resulting appeals.

## MENOMINEE COURT ORGANIZATION\*



\* The tribal council has licensed five (5) individuals to act as lay advocates (including Luke Beaupray, Wesley Martin, and Mr. Chevalier).



## II. FINDINGS AND RECOMMENDATIONS

Project staff identified a number of operational practices that should be changed to improve court operations and efficiencies. A number of the recommendations can be implemented immediately by the court. Other recommendations will required additional analysis and assistance.

NCSC initial findings and recommendations, if implemented by the court, could result in substantial cost savings and staff time. Using case summary sheets eliminates the cost of bound docket books and staff time in recording information in them. Changing the filing system to the "defendant" system will save on files and cabinets. Staff time will be saved by not filling out docket books, not typing daily court notes, and transcribing only those tapes necessary. In addition, an accurate schedule of court costs and management information system may result in increased funding for the court. A better management information system should provide the tribe with a more complete picture of benefits it receives from the court.

A. Operational Changes the Court Can Implement Immediately.

RECOMMENDATION 1

THE COURT SHOULD SUBSCRIBE TO SUPPLEMENT SERVICES, AND MAINTAIN BASIC LIBRARIES IN EACH JUDGE'S CHAMBERS.

As illustrated in Chart 3 below, the court does have an extensive library. However, certain books [e.g., Code of Federal Regulations (1978)] are outdated or lack supplements and should be updated. In addition, the court does not have copies of certain basic items or a minimum library for each judge, such as legal dictionaries, state statutes (where they are made applicable by tribal code), or copies of all NAICJA materials.<sup>2A</sup>

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<sup>2A</sup> The Menominee Tribal Legislature has adopted CFR Section 11.12 (a) which provides in part, ". . . each court shall be provided with copies of all applicable federal and state laws and regulations of BIA" (by the BIA).

MENOMINEE COURT LIBRARY1. Central Library

Indian Law Reporter, AILTP (1978-1980)  
Wisconsin Statutes (Supps. current to 1975-1976)  
United States Code Annotated (complete set)  
U.S. Code Congressional and Administrative News  
(1980-Oct. 1981)  
West's Federal Case News (1982)  
1981 Internal Revenue Code  
1980 Internal Revenue Acts

2. Chief Justice Peter's Chambers

Tribal Court Reporter (1980-1981) AILTP  
Federal Indian Law, Getches, Rosenfelt, Wilkinson (1978)  
Handbook on Federal Indian Law, Cohen (1942)  
Indian Law Reporter (AILTP)  
Tribal Government (MCI)  
25 Code of Federal Regulations (1978)  
18 United States Code Annotated (Federal Rules)  
Federal Rules of Civil Procedure  
Trial Judges Guide to Objections to Evidence  
McCormick, Evidence (2nd Ed. West)  
Blacks Law Dictionary

3. Justice Skubitz's Chambers

Wisconsin Statutes  
Tribal Code and Constitution

4. Prosecutor's Office

Wisconsin Statutes, West, (1975-1976) Supps.)  
Studies for Indian Court Judges, NAICJA (1975)  
Model Indian Court Rules of Criminal Procedure, NAICJA (1977)  
Criminal Court Procedure Manual, NAICJA (1971)  
Statistical Data for Planning, Menominee Reservation, BIA (1976)

4. Prosecutor's Office (cont.)

25 Code of Federal Regulations (1938 and 1949)  
Financial Management for Planning and Action Grants, LEAA (1973)  
Wisconsin Administrative Code Rules of DNR  
Introduction to Legal Research, NAICJA (1974)  
Handbook of Federal Indian Law, Cohen (1942)  
The Art of Cross Examination, Rothblatt (1971)  
Wisconsin and Federal Rules of Civil Procedure, CLEW (1966)  
The Litigation Process in Tort Law, Green (1945)  
CCH Federal Tax Guide (1977)  
Federal Income, Estate and Gift Tax, Bittker (1974)  
Commerical Transactions, Speidel, Summer, White (1969)  
Cases and Materials on Corporations, Cary (4th Ed.)  
Criminal Law and its Processes, Kadish and Paulsen (2nd Ed.)  
Cases and Materials on Torts, Gregory and Kalnen (1959)  
Statutes in Court, Hurst (1970)  
West Northwest Reporter (advance sheet, April 8, 1980)  
Recent Developments in Federal Income Taxes, Schwartz (1978)  
Introduction to UCC (1974)

5. Probation Officer's Office

Uses the central library.

6. Clerk's Office

Has no resources other than materials received at NAICJA training sessions.

## RECOMMENDATION 2

### COURTROOM CLERKS SHOULD MAINTAIN A STANDARD LOG OR INDEX OF ALL RECORDED PROCEEDINGS.

The tribal court maintains a cassette recording of all courtroom proceedings. The recording equipment is operated by a clerk who also takes selective notes during the proceedings. However, the types of notes vary and no effort is made to correlate events or witnesses to a location on the cassette. The only information recorded on the cassette is the date. These practices make it difficult for the courtroom clerk to locate a particular case or proceeding at a later date.

When a judge wishes to hear a portion of a recording or a defendant asks for a partial transcript, the clerks must listen to the whole tape until the needed testimony is found. This practice requires considerable clerical time. The use of a standard log (see, Charts 4 and 5 for proposed forms) to record the location of an event or testimony on the cassette would speed up the process of locating a specific item.

The proposed general courtroom log (Chart 4) was reviewed with the chief court clerk during project staff's site visit. She was provided with a rough format of the form and felt the new form could be implemented immediately. The ease and accuracy of locating information made available by the court log eliminates the need for a court stenographer. (See also NCSC report on Audio/Video Technology for Courts, Appendix A.)

## 1

MENOMINEE COURTROOM LOG

Date \_\_\_\_\_

Tape No. \_\_\_\_\_

[illegible]

[illegible]

# CHART 5

## MENOMINEE TRIAL LOG

Case Name \_\_\_\_\_

Date \_\_\_\_\_

Case Number \_\_\_\_\_

Recorder \_\_\_\_\_

Judge \_\_\_\_\_

Tape No. \_\_\_\_\_

### Plaintiff

### Defendant

Attorney: \_\_\_\_\_

\_\_\_\_\_

Party: \_\_\_\_\_

\_\_\_\_\_

Witness I: \_\_\_\_\_

\_\_\_\_\_

Witness II: \_\_\_\_\_

\_\_\_\_\_

Witness III: \_\_\_\_\_

\_\_\_\_\_

Witness IV: \_\_\_\_\_

\_\_\_\_\_

Witness V: \_\_\_\_\_

\_\_\_\_\_

TIME	SPEAKER/ EVENT	TAPE FOOTAGE	NOTES





Chart 4 (Courtroom Log) is a general log that would be used each day to record arraignments, sentences and trials. At the beginning of a court session the clerk would record the general information at the top of the form. As a case was heard, the clerk would then record the time, case name/number, proceeding, and tape footage (from the cassette).

An additional more detailed log [see, Chart 5 (trial log)] would be prepared for each trial. The top portion of the trial log would be the proper name of all persons appearing before the court. Thereafter, the clerk need only record an abbreviation to identify each speaker or event. This form is two sided and should be sufficient to index all proceeding for each trial.

At the end of each day, the courtroom clerk should insert the logs for that day in a three ring binder. If there is a need to transcribe a proceeding, the clerk need only locate the appropriate numbered tape used for that day and fast forward the tape to the noted footage for the required proceeding. The court will have to sequentially number and store all used tape for future retrieval. These tapes cannot be erased or reused until the required retention period has passed.

#### RECOMMENDATION 3

THE COURT SHOULD PURCHASE A DATE/TIME STAMP AND STAMP ALL DOCUMENTS FILED WITH THE COURT.

The court does not presently record when a pleading or document is filed. Envelopes are attached to mailed-in

documents in an effort to establish when an item was received. This practice increases the size of a court file. In addition, no record is kept when a document is filed personally by a party. All pleadings and documents filed with the court should have a notation indicating when the item was filed with the court. This practice protects the court and documents compliance or non-compliance with time requirements.

The cheapest and most efficient way of recording when a pleading or document was filed with the court is with an electric date/time stamp. The stamp would be kept on the counter and as soon as any document is filed, it should be inserted in the stamp.

#### RECOMMENDATION 4

THE COURT SHOULD REMOVE FROM A COURT FILE ALL UNNECESSARY OR DUPLICATIVE DOCUMENTS AS PART OF A DAILY ROUTINE.

Court staff do not remove or destroy any documents placed in a file. Such documents include envelopes, cover letters, and copies of pleadings placed in the file even after the original has been returned to the court. These items are either unnecessary or duplicative and need not be retained by the court. This practice increases the size of a file and the storage requirements of the court.

Envelopes and cover letters should not be placed in court files. Copies of pleading (e.g., summons, writs of garnishments and warrants) should be discarded when the

original is "returned" to the court. A more detailed review of papers kept in court files may reveal other documents that can be discarded by court staff.

#### RECOMMENDATION 5

THE COURT SHOULD CONVERT ITS PRESENT FILING SYSTEM FOR CIVIL AND CRIMINAL CASES TO A SINGLE FOLDER FOR CRIMINAL DEFENDANTS AND PLAINTIFFS IN CIVIL CASES.

The court presently assigns sequential case numbers to both civil and criminal cases filed with the court. Each case is then placed in a separate case folder.<sup>3</sup> A numerical index is kept for all assigned case numbers. However, court folders are stored in alpha order. Civil cases are arranged by plaintiff's name while criminal cases are filed by the defendant's name.

The need for court folders and storage space could be reduced significantly if all cases relating to an individual defendant (criminal cases) or plaintiff (civil cases) were stored in a single court folder arranged alphabetically in the filing cabinets. Civil and criminal cases should continue to be stored in separate filing cabinets.

This proposed filing system will also assist the probation department's preparation of presented reports since all prior criminal convictions are in a single folder by defendant's

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<sup>3</sup> Except in civil cases where both parties were litigants in a previous case. In this situation the court places the documents from the second case in the first case's court file.

name. To convert the existing system to the proposed system, the court need only consolidate a party's separate folders into a single folder. The old folders should be kept and reused. Implementation of this recommendation will make it unnecessary to purchase additional filing cabinets as anticipated by the court because of predicted storage problems in six (6) months.

B. Changes Requiring Additional Review and Assistance

RECOMMENDATION 1

THE PLANS FOR THE NEW COURT FACILITY SHOULD BE REVIEWED FOR PROPER COURT DESIGN.

The court is currently located in an older two-story building. These facilities are temporary until a new court building is built in 1982. Construction is to begin in the spring of 1982.

The Center makes no recommendation regarding existing facilities. However, it is recommended that the Center review the proposed floor plan for new facilities with the court and make recommendations regarding layout of desks, placement of office, and equipment, etc. The Center feels that the Menominee court has the ideal opportunity to create the maximum setting for itself and the Center has the expertise in this area to help it do so. Most architects are not familiar enough

with court systems to create optimum court designs. This is an extremely important point since the potential impact on the court is so great and so long lasting.

#### RECOMMENDATION 2

##### THE COURT SHOULD IMPLEMENT A "ONE WRITE" ACCOUNTING SYSTEM FOR CASH RECEIPTING AND DISBURSEMENTS.

At the present time, separate receipting systems are used for criminal and civil receipts. No cumulative tally is kept between the two clerks offices; thus when the chief court clerk wants to tally money for each day for deposit, it is necessary to go to the other office, collect receipts and manually tally them.

It is the Center's recommendation that the Menominee court implement a "one write" system. Using the "one write" system, all receipts (both civil and criminal) would be located on one ledger for each day. The "one write" system creates a record of each receipt as it is written. Amounts are carried across the page into the appropriate column and may easily be tallied daily and are already broken down into various categories. The same system works well for both revenues and expenses. This would enable the court to keep a more complete record of court finances. (See Appendix B, "One Write" Pegboard Accounting System for Small Courts.)

### RECOMMENDATION 3

#### COURT CLERKS SHOULD USE CASE SUMMARY SHEETS RATHER THAN DAILY NOTES.

The court clerk currently keeps a daily log of notes on each case heard by the court. These notes are then typed up and placed in the file for the particular case.

It is the Center's recommendation that the clerk stop taking handwritten notes on each case and instead fill out a standard form for each case and attach it to the case file. The form would contain a complete history of the case, being updated each time there was any action on the case. This would allow easy access to information on the case without searching back through the whole file. Care should be taken that the form is printed on good quality paper to ensure record preservation. The case sheet format was explained and discussed with court clerks. They were in favor of changing current practices to the use of the case sheet. (See Appendix C: NCSC Report on Effective Forms Design.)

### RECOMMENDATION 4

#### A COMPARISON OF TRIBAL CODE, CONSTITUTION, COURT RULES AND COURT PRACTICES SHOULD BE MADE TO DETERMINE DIFFERENCES AND CHANGES RECOMMENDED TO CREATE CONFORMITY.

It came to the attention of project staff that there were certain instances when practices did not conform to the code, or did conform to the code, but the practice was unnecessary. For instance, the Menominee Interim Law and Order Code, Rules of Civil Procedure

#22 and Tribal Code § 1-2-12(2) require written records of all proceedings; the proceedings of all trials and continuances of trial to be transcribed verbatim by a court reporter or stenographer. Currently court clerks type what is needed and CETA clerks hired each summer work full time transcribing tapes.

It is the Center's recommendation that the tapes of all proceedings not be transcribed. Rather, tapes should be certified by the recording clerk and filed. Only those proceedings for which a transcript is needed or required should be transcribed. Care should be taken that the transcript is certified by the clerk who did the recording. Discontinuing the practice of transcribing all tapes will save staff time which could then be used for other purposes. Tapes need only be kept for the required record retention period and then could be erased and reused. In this instance, it is the Center's recommendation that the rules be changed to conform with the recommended practice. This change was discussed with the Chief Justice and court clerks who agreed with our recommendation.

An instance where practice did not conform to the code, but where we recommend a code change, is Civil Procedure Rule 23 which requires tribal court judges to render written opinions in all trials without a jury. The Chief Justice informed project staff that tribal judges currently are not writing opinions in every case. It is the Center's recommendation that they do not write opinions in every case; only those cases in which there are complex or controversial issues. The Rules of Civil Procedure should be amended to reflect this practice.



There may be other instances where court practice does not conform with the constitution, code, or rules. The Center recommends that further analysis be done to identify those situations and recommendations be made concerning remedies.

#### RECOMMENDATION 5

THE COURT NEEDS A RECORD RETENTION SCHEDULE TO DETERMINE WHEN IT MAY PURGE RECORDS IN ORDER TO ELIMINATE RECORD STORAGE PROBLEMS.

The court currently is using no record retention schedule; nothing is being purged from court files. The court is new enough that as yet this has not created a records storage problem. Clerks estimated that storage would begin to be a problem in six months. This is a good time to implement a uniform retention schedule since the clerks can deal with it before it becomes a problem. Files can be stored in such a way to facilitate proper record retention practices. (See Appendix D: NCSC Report on Record Retention and Disposition.) The Chief Justice expressed an interest in having a record retention schedule which conformed to state court practices.

It is the Center's recommendation that a record retention schedule be developed for the Menominee court, patterned after the Wisconsin state court record retention schedule. The Wisconsin state schedule could be adapted to include any additional records of Indian courts and to take into consideration any records requirements of the BIA. (See Appendix E: Wisconsin Record Retention Schedule.) In addition, the retention schedule will identify those items that can be thrown

away on an on-going basis such as copies, cover letters or envelopes.

#### RECOMMENDATION 6

THE COURT SHOULD STOP USING BOUND DOCKET BOOKS AND USE THE PROPOSED CASE SHEET FOR CIVIL AND CRIMINAL CASES.

The court is currently keeping bound docket books for all criminal cases. Information is recorded from the file into the docket books. This is an unnecessary duplication of effort. Presently no docket books are kept for civil cases. Court staff expressed the belief that they were required by code to keep docket books. Code § 1-2-12(2) requires the court clerk "keep all records, files, dockets or other records required to be kept." There is no requirement that dockets be kept in books.

It is the Center's recommendation that the Menominee court discontinue the maintenance of bound docket books and implement a standard form case summary sheet. Implementation and use of the case summary sheet would require less clerical time and would be much less expensive than buying the bound docket books. The case summary would also require less storage space and be much less awkward for clerks to handle. The case summary sheet concept was explained and discussed with court personnel.

The case summary sheet would be attached to the inside front of each file. Care should be taken that forms are printed on good quality paper to prevent destruction by age.

The form should be designed in consultation with clerical staff to ensure that the form contains all necessary information and that events are in the proper sequence.. The form should contain space for post judgment activities as well. A standard agreed upon format will assure acceptance and usage by all court personnel. All staff including judges should be trained to fill out the case summary sheet in the same way to ensure uniformity of records. The same form should be used for civil, criminal and probate cases.

#### RECOMMENDATION 7

THE COURT SHOULD DEVELOP AND IMPLEMENT A MANAGEMENT INFORMATION SYSTEM.

The Menominee court is currently required by the BIA to collect certain data for monthly and annual reports. Collection of some of the data may be duplicative of what is already on computer forms and mailed by tribal police to Brigham City, Utah for BIA statistical use. The information on the monthly and annual reports as currently reported provide minimal management information. Project staff could not identify any management use for these reports by the BIA.

Copies of annual and monthly reports were collected at the Menominee court. The annual report contained:

- civil cases, broken down by type
- cases heard and pending before the Supreme Court
- narrative report from probation officer
- quarterly report containing:
  - number of criminal cases
  - number of traffic and civil cases
  - number of juvenile cases

- amount of fines collected
- amount of court costs collected
- grand totals for each of above.

The 1982 monthly report contained:

- number of cases broken down by civil, criminal, juvenile
- narrative report on progress and objectives of the court
- offenses listed individually with fine and court cost.

These reports should be designed to be a more valuable management tool. It is the Center's recommendation that a more useful management information system and forms be developed. The BIA should decide what information it needs to determine funding, staffing, facilities and equipment needs of the court. (See Charts 6, 7, 8, and 9 for recommended formats.)

In addition the Menominee court is interested in purchasing IBM word processing equipment. (See Appendix F: Description of IBM Word Processing Equipment.) Center staff could work with the IBM representative to develop report formats for case-load activity, financial information and any other management information the court or the BIA determine either useful or necessary. Creating management information through the word processor would eliminate the need to manually generate the reports described in Charts 6-9, and require no more clerical time than is currently utilized in doing the present reports. Collection of all of the data in the recommended formats would allow both the court and the BIA to more accurately evaluate and determine future court needs. Management information would be available to document and justify funding proposals for the Menominee court.

The Chief Justice also indicated that better management information would help justify the court budget to the tribal council. Management information, if collected as proposed, should fulfill that need. For instance, complete information on case disposition will reveal to the tribe benefits it receives from a disposition of restitution or work programs. These benefits are not reflected in statistics which merely reveal the amount of dollars collected by the court.

# CHART 6

CASELOAD

	TRIAL COURT										APPELLATE COURT			
	Pending Previous Period	Filed	Disam'd	Plea	Dispositions	Judge Trial	Jury Trial	Informal Disp.	Warrants	Pending	Pending Previous Period	Filed	Decisions	Pending
I. Criminal														
II. Traffic (Civ/1/Crim.)														
III. Juvenile														
IV. Civil														
V. ICMA														
TOTAL														



REVENUE

	COURT FUND				Work		
	Fines	Court Costs	Fees	TOTAL	Restitution	Program	Judgments
I. Criminal							
II. Traffic (Civil/Crim.)							
III. Juvenile							
IV. Civil							
V. ICWA							
(TOTAL)							



CHART 9

	TRIAL COURT		SUPREME COURT		
	Judge I	Judge II	Judge I	Judge II	Judge III
PENDING					
Criminal					
Civil					
Traffic					
Juvenile					
ICWA					

## RECOMMENDATION 8

### AN APPROPRIATE SCHEDULE OF COURT COSTS SHOULD BE DEVELOPED

The Menominee court is authorized by tribal code [Rules of Civil Procedure § 24(c)] to assess costs of the case against the party whom judgment is given. The Rules of Criminal Procedure 20(b) also allow costs to be assessed against a defendant found guilty. The Rules of Civil Appeals (Rule VII) allow costs against the losing party. Costs are not allowed in criminal appeals. The court does currently assess costs against parties but does not have a uniform schedule of costs. Project staff were unable to determine whether costs assessed accurately reflect actual court expenses.

It is the Center's recommendation that the court develop a uniform schedule of court costs. An acceptable method used by many state courts to accurately determine costs is to divide the number of cases into total court expenditures. The Menominee court at present could not utilize this system since it has no central accounting system to determine total court expenditures. The amount of BIA contract funds and the amount spent out of the tribal court fund should be added to equal the total cost of operating the court. The Menominee court should implement a central accounting system to determine total court expenditures.<sup>3A</sup> With this information the court could create

<sup>3A</sup> The Tribal Legislature has adopted CFR Section 11.37 which provides in part, ". . . all money fines imposed shall be in the nature of an assessment for the payment of designated court expenses . . ." This section further provides, that "the disbursing agent and the clerk shall keep an accounting of all such deposits and withdrawals for the inspection of persons interested." These records were not available to project staff.

a justifiable schedule of court costs based on actual expenses. In addition, this budget information would be useful for determining future needs of the court.

#### RECOMMENDATION 9

##### THE SUPREME COURT PROCEDURAL RULES NEED FURTHER ANALYSIS.

The Supreme Court Chief Justice indicated that he thought there were some problems with procedural rules of the appellate court. In particular, he mentioned the length of time it took before an appeal could be heard. A brief review of the appellate court rules of procedure revealed that for a criminal appeal it could take 84 days from the date of sentencing before the appeal is heard by the Supreme Court. A civil appeal could take as long as 104 days from final judgment.

It is the Center's recommendation that the appellate rules be reviewed to identify those rules which create delay or other problems for the court and recommendations be made concerning them.

#### RECOMMENDATION 10

##### THE MENOMINEE COURT NEEDS A PERSONNEL RECORDS SYSTEM DEVELOPED AND IMPLEMENTED

Requests for job descriptions at the Menominee court revealed that few personnel records are kept at the court. Court personnel are tribal employees and complete personnel

files are kept at tribal government offices. The Chief Justice of the Supreme Court currently has primary responsibility over court operation and staff. The maintenance of court personnel files is crucial to a court personnel system.

The tribal constitution Article XV, § 1 requires all employment and promotions of tribal employees be based on merit and fitness as demonstrated by examinations or other evidence relevant to show competence for the particular employment. Terminations of employment shall be made solely on the basis of incompetence or any other reason which results in failure to perform employment duties satisfactorily. The Chief Justice of the Supreme Court is in the best position to evaluate court personnel and thus should have ready access to court personnel files, so that he can easily insert evidence of merit, fitness or competence for individuals.

It is the Center's recommendation that a system of personnel records be implemented at the court. If the tribal government prefers keeping certain required personnel records at tribal offices, a duplicate set of these records could be kept by the court. Any additional records would be maintained safely in the courts file.

#### RECOMMENDATION 11

THE COURT SHOULD CONDUCT A STAFFING NEEDS ANALYSIS AND DEVELOP APPROPRIATE PERSONNEL CLASSIFICATION SYSTEM AND SALARY SCHEDULES

The Chief Justice and court staff at the Menominee court expressed interest in the development and implementation of a complete personnel system including classification and pay

schedules. Court staff are tribal employees paid from BIA contract monies with salaries set by the tribal council. Although the tribal constitution mandates use of the merit principle in hiring and promotions, no documented system exists for meeting those requirements. Requests for job descriptions revealed that they do not exist for all positions.

The project staff observed that the Chief Justice is currently performing many of the administrative duties which could be assumed by a court administrator. These duties or tasks could be delegated to an administrator. The chief clerk of court has already been assuming some of the duties of a court administrator. An analysis might reveal that the present chief court clerk could assume the expanded duties of a court administrator. New classification and salary schedules would have to be adjusted to reflect increased duties and responsibilities.

It is the Center's recommendation that an appropriate personnel system be developed and implemented. Job descriptions with qualification requirements should be created for all positions. A salary schedule and uniform method of evaluation (including frequencies) should be created to conform with tribal constitution requirements. This effort would require desk audits to determine duties performed by all personnel, and preparation of job descriptions and minimum qualifications for all positions. Salary schedules should be developed in comparison to similar positions within tribal government.

These recommendations should take place after all operational changes have been implemented so that personnel descriptions accurately reflect current practices.

#### RECOMMENDATION 12

##### A PROCEDURAL MANUAL SHOULD BE CREATED FOR THE COURT.

The Menominee court currently uses two clerk's offices; criminal matters are handled in one office and civil in the other. Procedure sometimes varies between the offices. For instance, records are filed differently for civil and criminal and clerks must ask each other for directions to find information in the other's office.

It is the Center's recommendation that a uniform procedure manual be developed and implemented by the court. All forms and procedures should be documented after all operational changes have been implemented, including operational flow charts, so that the procedural manual reflects current operations more accurately. A standard procedure manual will assure uniformity in court operations. All clerks will know (or be able to identify) all procedures and operations, creating less dependence on any one staff person. Documenting procedures and practices insures smooth court operations through staff turnover. Uniformity in court practices and clerks thoroughly familiar with all phases of operations creates a more stable and reliable public image.

### RECOMMENDATION 13

#### A BENCHBOOK SHOULD BE DEVELOPED TO AID TRIBAL COURT JUDGES.

The Menominee court judiciary expressed interest in the creation of a benchbook. It would provide judges with a checklist of elements of offenses, procedures, and practices. Possibly an already existing benchbook could be adapted to fit the needs of the Menominee court.

In the Center's opinion a benchbook would be very helpful to the court especially in light of the tribal code provision which mandates judicial reappointment every four years for Supreme court justices and every two years for tribal court justices. This provision potentially allows relatively frequent judicial change. A benchbook would be extremely useful to new or inexperienced judges and would help keep the court operating smoothly during the training period for new judges.

### RECOMMENDATION 14

#### THE COURT STAFF, TRIBAL COUNCIL MEMBERS, AND POLICE NEED TRAINING ON COURT ROLES AND RELATIONSHIPS WITH OTHER GOVERNMENTAL BODIES.

The Chief Justice at the Menominee court indicated that he would like more training for court staff. Continuing education for court staff is one of the objectives listed in the court's January, 1982 monthly report.

The Menominee Tribal Council recently appointed two new tribal court judges, both of whom are relatively inexperienced. Substantive and procedural training should be provided for new judges, as well as training to update more experienced judges.

The National Indian Court Judges Association (NAICJA) provides excellent substantive and procedural training for Indian court judges as well as resource materials for Indian courts.

The tribal court prosecutor indicated that he felt the need for further training to increase his competence. The prosecutor was appointed in October of 1981. Prior to becoming court prosecutor he was a Menominee tribal policeman. The American Indian Lawyers Training Program (AILTP) provides excellent substantive training for tribal prosecutors and advocates. The Court may want to consider providing more substantive and procedural training to enable him to function more confidently in his position.

The clerical staff all indicated that they had had some training, but would like more. Their training in basic record-keeping seems to be adequate. It is project staff's opinion that training for clerks on-site in general administration, improvements in local operations, and revisions due to code or statutory change should be presented.

In addition, court staff generally need training regarding the role of a court and relationships with other governmental offices. Tribal personnel need training on issues regarding the appearance of justice (e.g., the various relationships, between police/prosecutor, police/court, tribal council/court). The importance of freedom from even the appearance of impropriety needs to be explained and stressed. It is the Center's recommendation that all court staff, police, prosecutor and tribal leaders receive training regarding roles and relationships with the court. This training should be provided on site.



APPENDIX A

AUDIO/VIDEO TECHNOLOGY AND THE COURTS

# AUDIO/VIDEO TECHNOLOGY AND THE COURTS GUIDE FOR COURT MANAGERS

## Courts' Equipment Analysis Project

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## Selecting Audio Equipment

Any recording system must provide an accurate record of the court proceedings. Although there are many choices in equipment design and features, not all audio systems are acceptable. The variety of options may confuse the court manager who is selecting audio equipment for courtroom use. Problems may arise because there are no precise national standards for audio fidelity recording for courtroom dialogue. Only a few audio recording systems have been developed primarily for courtroom recording, and several audio manufacturers have provided inferior or inappropriate audio recording systems to the courts during the 1960s and early 1970s—unfortunately, a few vendors still attempt to sell such equipment to some courts.

In the late 1960s, several state courts and research organizations began prescribing recording standards and equipment features needed to ensure a high quality, accurate audio recording system. As a result, several companies have developed audio systems specifically incorporating features and capabilities desired for recording judicial proceedings.

Nationwide audio standards for courts are difficult to establish because courts differ in courtroom acoustics, type of proceedings, uses of equipment (recording, playback, transcription, or a combination of such tasks), portability requirements, and specialized court practices.

Nevertheless, many general features and capabilities discussed in this report should be mandatory to ensure a high quality audio recording in a courtroom, and if necessary, to efficiently prepare a verbatim transcript.

Any evaluation and selection process for audio recording systems should include a rigorous field test of the equipment in court. The court should require that any audio recording system be evaluated and operated continuously under actual court conditions for several days or weeks.

This chapter further elaborates on selected technical specifications and components and the rationale for such choices. Appendix A contains a detailed listing of the recommended system components and configurations for utilizing audio recording.

### AUDIO TAPES

#### Reels

Although polyester tapes are more expensive than acetate, they are recommended because of their greater tensile strength and resistance to moisture and brittleness. Acetate tapes should be avoided.

The tape size depends upon the time required for continuous recording in the courtroom, recording speed, and tape quality. The principal choices are 7-inch or 10-inch tape

reels because the 7-inch reels require smaller, less powerful motors and brakes within the tape recorder, allowing use of a less expensive and more portable machine. The 7-inch reels also require less time to locate a selected portion of the tape, provide the necessary continuous recording capability (few court proceedings last longer than three hours without a recess), and provide a more universal size that can be operated on another manufacturer's machines.

#### Cassettes

Standard tape cassettes are available with varying tape lengths and thicknesses. Mini-cassettes are not recommended for recording court proceedings. Cassette tapes should have a ferric oxide coating and a tensilized polyester backing for greater strength. Chromium dioxide coating is not recommended for cassettes because chromium dioxide is highly abrasive and will rapidly deteriorate the recording heads.

The major limitation of cassettes is the limited amount of continuous recording time. Three actions can increase the recording time: reducing the tape speed, decreasing the tape thickness, or installing a dual cassette recorder system.

The established industry standard for cassette tape speed is 1 7/8 ips. Established for music recording, this speed unnecessarily limits continuous recording time because it is unnecessary for voice recording in the courtroom. A 15/16 ips speed provides excellent recording quality for courtroom testimony and substantially increases the recording time for each cassette. While C-60 cassettes (60 minutes of continuous one-way recording at 15/16 ips without operator intervention to change tapes) are an excellent standard, most courts which have used high quality C-90 cassettes (composed of a smaller tape thickness than C-60 cassettes) have been satisfied with both audio quality and cassette reliability. Some manufacturers offer even longer recording time by lowering the tape speed below 15/16 ips. The courts should assess the tape savings possibility as long as acceptable audio fidelity can be maintained.

### MICROPHONES

Some microphone features are mandatory (balanced, low impedance). Other features (such as directivity of the microphone) will depend upon the type of court proceeding, the acoustics of the particular courtroom, the location of the particular microphone, and the number and locality of participants.

#### Microphone Type

The dynamic microphone is most suitable for recording

courtroom proceedings. The dynamic type is preferred over the electret condensor because it requires minimal maintenance and offers sufficient fidelity for voice recording, simplicity and sturdiness, and adaptability to public address systems.

A lapel (lavalier) microphone can be attached to a participant. It is not recommended for most judicial proceedings because a lavalier microphone is more expensive, is less reliable, and records extraneous noises—such as movements by the participant. In addition, it is often improperly attached to the participant, and causes inconvenience and delays when participants need to change lavaliers.

Some manufacturers offer a pause control (inhibitor) switch to be used by the judge or clerk to stop the recording during bench conferences and the like. Such an inhibitor switch is not recommended. Instead, a particular microphone should be temporarily disengaged to permit parties to have private conversations. A spring-loaded push-button switch allows a participant to momentarily disengage a microphone when the button is depressed. This push-button control ensures continuous recording without accidental stoppage, but allows participants to hold off-the-record conversations.

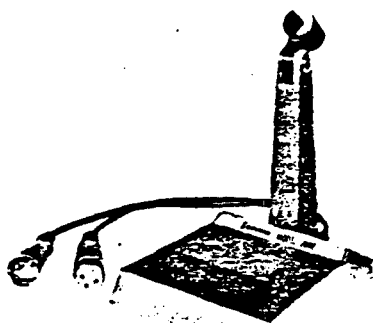


Figure 5.1. Spring-loaded microphone.

### **Output Impedance**

The microphone should have a low impedance (150-600 ohms) to help reduce or eliminate extraneous noise.

### **Balanced Microphones**

Balanced microphones contain three wires (two signal wires and a shield) connecting the microphone to the recorder. In many courts, microphones will require lengthy extension cords (20-75 feet) to be connected to the recorder. The microphone may pick up electrical interference from radio, television, or citizens band which must be screened out. If unbalanced microphones (containing only two signal wires) are installed, such signals will be recorded on the tape and may interfere with clarity of the courtroom testimony. Use of balanced microphone wires and connectors will reduce, and possibly eliminate, these extraneous signals and sounds. The recording device must also be equipped with balanced to ground input connectors. This type of connector

removes the extraneous noise from the audio track before it can be recorded on the tape.

### **Microphone Frequency Range**

The microphone must be capable of picking up a sufficient range of sound. For ordinary courtroom conversation the frequency response of the microphones should be 100 to 10,000 hertz (Hz).

### **Microphone Connections**

Microphones must be attached to the recorder. To ensure a permanent connection, professional quality three-prong locking connectors such as Cannon or Switchcraft (XLR) should be installed. This type of connector will prevent accidental disconnections of microphones from the recorder.

### **Directivity**

A microphone is designed to record sound from specific directions in relation to its placement. The recording pattern of microphones can be classified into two categories—uni-directional (cardioid) microphones and omni-directional microphones. The uni-directional microphone is more practical when speakers remain stationary or in close proximity to the microphone, when extraneous sounds from outside or inside the courtroom need to be reduced, and when participants are soft-spoken.

The omni-directional microphone may provide greater latitude in recording sound when a participant, such as a lawyer, does not remain stationary. However, this type of microphone will pick up more extraneous courtroom sounds.

There is no definitive standard concerning the directivity of microphones used at a particular location in the courtroom. The type of proceedings and general courtroom acoustics are important to determine whether a particular microphone should be uni- or omni-directional. The microphone standards listed in Appendix A suggest the type of directivity for a particular microphone location.

While the audio recording system must allow participants some flexibility in movement, some participants, particularly lawyers, might have to change walking patterns in order to ensure that the microphone picks up appropriate speech. Any speaker should face in the general direction of a microphone.

### **Microphone Stands**

Whenever possible, microphones should be inserted into sound-isolated (acoustically isolated) stands or holders to reduce extraneous noise or vibration. Sound-isolated stands are very important for microphones placed on tables or desks—such as counsel tables and at the judge's bench—to reduce noises such as writing, hitting, or shuffling papers. Microphones should be placed on floor stands which should contain sound-isolated holders. The use of portable microphone stands is suggested to allow some flexibility in positioning the microphones for different types of court proceedings.

### Microphone Mixer

Some courts may prefer or need to install more microphones in the courtroom than can be attached to the recorder. While a microphone mixer can be installed, it is not suggested because it requires a machine operator to monitor and to frequently change microphone signal levels.

Three alternatives to a separate microphone mixer are possible. In some courts, an additional microphone may be necessary for a short time such as during the voir dire examination. One of the regular microphones could be temporarily moved; a microphone normally located at the witness stand or counsel table could be moved close to the jury box. In other courts an additional microphone may be permanently needed.

Additional microphone inputs could be installed by using a Y-connector to connect two microphones into one recording track. In this way, eight microphones can be cascaded into a four-track recorder. While feasible, these Y-connectors weaken the signal strength and may affect sound fidelity.

Instead, the recording unit should contain a microphone mixer within the recorder. This approach allows additional microphones to be connected directly to the recorder without loss of signal strength or fidelity.

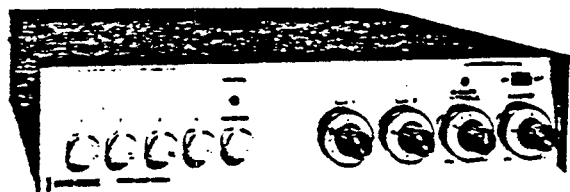


Figure 5.2. Microphone mixer.

### AUDIO RECORDERS

Recorders are the most critical and complex component in an audio recording system. Recorders must accurately record proceedings under varying conditions, different speakers, and diverse types of proceedings. There are various recorder designs and features available. Some are necessary to ensure comprehensive and comprehensible recording; other features are optional.

#### Dimensions

Courts tend to prefer smaller, portable recording machines. With the development of integrated electronic circuits, small recorders can now provide high quality audio fidelity with minimal audio distortion, excellent performance, higher reliability, and better portability. Both reel and cassette recording systems are becoming both smaller and easier to operate. As a result, the weight of any audio recording system should never exceed 50 to 55 pounds, but preferably would weigh 20 to 25 pounds. Heavier recorder units may contain outdated electronic components or may not be designed specifically for mobility or courtroom applications, such as police recording systems modified for courts. Some jurisdictions will prefer portable, lightweight equipment for relocating systems among courtrooms or

localities. A cassette recording system weighing under 25 pounds is recommended for such uses. Any audio recorders selected should be small enough to be placed on a standard desk or cabinet already available in the courtroom. Recorders should not exceed 24 inches in any dimension or exceed four cubic feet in volume.

#### Operating Conditions

A recorder should be operable in any courtroom facility regardless of atmospheric conditions; air conditioning is not required. The machine should be able to operate under conditions ranging from 32 to 105 degrees Fahrenheit temperature and 0 to 99 percent relative humidity, with a standard power supply (120 volts, 60 Hz), and withstand voltage variations ("brownouts") of up to 15 percent.

#### Multi-Track (Channels)

Multi-track recorders provide separate and distinct channels along which audio signals coming from different microphones are separately recorded on the tape and permit voices recorded from various microphones to be played back separately or in any combination desired. Multi-track recording equipment allows a listener or transcriber to more easily identify the speaker and clearly distinguish and isolate statements made simultaneously. The multi-track capability also permits the court to remove or reduce certain deleterious or undesirable background noises by listening to just the microphone nearest the individual and to modify the sound volume on a particular track to improve the muffled, whispered, or loud statement being made by a participant. These extraneous courtroom noises can be controlled both during the proceeding and also during playback of the tape.

The four-track recording system should be used for audio recording and transcription of court proceedings. Only under specialized circumstances should a six- or eight-track recording machine be considered. Four-track recorders should conform to NAB reel standards or Phillips cassette standards for four-track width and track spacing medium being used. This will permit compatibility of recorders and transcribers among jurisdictions which may use different manufacturers or models of equipment.

#### Motors

The number and type of motors can substantially affect the overall reliability of the recorder and tape speed control. Cassette recorders require only one motor. The best and most durable reel tape recorders utilize three separate motors: one drives the capstan, a rotating shaft which pulls the tape at a constant speed; another controls and powers the take-up reel; and a third controls the supply reel. The capstan should be controlled by solenoid-operated switches and servo-capstan drives are recommended.

The three-motor reel recorder is preferred because it stabilizes the tape speed better, reducing the wow (slow repeated fluctuations) and flutter (short rapid fluctuations), and reduces audio distortions; it is also a simpler mechanical

device and more reliable than a single motor system.

The single motor reel recorder system is less reliable and durable since it requires additional mechanical linkages, belts and pulleys to operate the capstan and reels.

### **Volume Control**

Because of the number and varied location of participants during a court proceeding, the recorder must allow the operator to control and adjust the volume input from the various microphones. The operator should be able to adjust the gain control separately for each microphone or channel connected to the audio system. Two types of automatic volume control devices are available—gain control or audio limiters—to modify weak or loud signals to a volume level comprehensible by most listeners. The automatic gain control device automatically amplifies weak signals and reduces loud signals so that the audio volume is within prescribed limits, regardless of the volume of the original sound. The audio limiter merely reduces loud signals to the prescribed volume range. Since sound levels are constantly changing in the courtroom and court personnel may not have time to make quick adjustments, automatic gain control or audio limiter control with a manual override is suggested.

### **Control Switches**

The recorder control, each clearly identified in English, should be located on the front panel and should include six modes: forward, pause, fast-forward, fast-reverse, stop and record. Solenoid switches are preferable to manual switches. The manual switches are cheaper but less reliable. The solenoid switch consists of a push-button relay coupled to a microswitch which activates an electromagnet. This switching mechanism is simpler to operate and provides better reliability.

### **Index Counter**

An index counter must be easily visible to the operator so that appropriate log notations may be made during the proceeding. Some jurisdictions may want to add to the recorder a display (such as a light emitting diode—LED) which permits any participant in the courtroom to see and record the precise index number. With an LED, participants are assured that the machine is operating, and counsel or court personnel can note for later reference, readback, or transcription the point on the tape that records a specific statement.

To reduce prolonged searching for a particular tape segment, the index counter must be so reliable that the desired information can be located within a few seconds after the counter number is reached. In addition, the counter should have a button to reset the counter to zero.

An automatic electronic search option, available from some manufacturers, permits the user to specify a counter number for which the recorder will automatically search. This mechanism permits very fast and accurate indexing, but will increase the cost for each machine.

## **Monitoring Equipment**

Court personnel should monitor the recorder during court proceedings to ensure that a complete record is being made and to readjust the audio recording system when necessary. The operator must be able to accomplish the following:

- quickly monitor each recording track by means of an earphone jack;
- quickly adjust the volume, if necessary;
- listen to the quality of the recorded signal on any track;
- easily view indicators that show strength of audio signals being recorded on the tape; and
- know when a serious malfunction has occurred.

The recorder, therefore, must have the following features:

- a separate VU-meter or light indicator for each audio track;
- volume (gain) control for each track;
- output signal connected by an earphone jack to a headset;
- a tape monitoring output from a playback head located after the record head;
- a signal-sensing circuit to automatically sense that a previously recorded audio signal is on the tape; and
- an audible signal to notify the operator and the participants that the recorder or the tape (end of tape or broken tape) has malfunctioned.

## **Recording Quality**

High quality audio recording of judicial proceedings is difficult to quantify precisely. Basically, audio fidelity is the degree to which original sound is faithfully and accurately reproduced. For judicial purposes, adequate audio quality is necessary to clearly record court proceedings with negligible distortion, whether caused by the machine or by extraneous noises. The audio quality necessary for recording verbatim statements in court does not require the same high fidelity as recording music for home entertainment or hi-fi equipment.

Many audio components affect audio quality.

Improvements in one particular capability are sometimes achieved at the expense of another. For example, increasing the frequency range may cause a deterioration in the signal-to-noise (S/N) ratio.

Unfortunately, manufacturers do not measure or report audio fidelity measurements such as frequency response range and signal-to-noise ratio in the same manner. Since manufacturers do not use comparable measurement techniques, a manufacturer's rating can be misleading or meaningless when compared to another manufacturer's. Courts should not use these measurements or ratings as the sole selection criteria. Judicial user experiences, vendor reputation, and, most critically, actual courtroom testing should be critical determinants.

**Audio distortion.** Distortion is the presence of extraneous sounds or harmonies which are not part of the original sound or statement. Technically, distortion is the difference in the sound wave form between the original signal wave form and the reproduced audio signal. Distortions are more critical with musical recording than courtroom (voice) recording.

The best recording equipment will always produce some distortion due to electronic or mechanical limitations in any audio recording system. Acceptable courtroom recorders will control and limit these distortions. Maximum distortion should be no more than 3 percent.

**Frequency response range.** Frequency response range of a recorder represents the range from the lowest (bass voice) to the highest (treble tones) pitched sound that can be recorded. The frequency response range is expressed in cycles per second (Hz). Courtroom recording equipment need only accurately record sound in the human voice range (100-6,000 Hz)—minimum acceptable range is 200 to 4000 Hz—and not of the musical fidelity range (50-20,000 Hz). Vendors should meet the specified frequency response range for both record and playback modes at the normal operating tape speed. The frequency range reported should be calibrated at  $\pm 3.0$  decibel (db) variation. To ensure that voice levels will be properly recorded, a court should test any proposed audio recording system with individual voices from the entire range.

**Signal to noise ratio.** By limiting the frequency response range, the manufacturer can provide improvements in the signal-to-noise ratio. This is a measure of the ratio of the desired audio signal compared to the extraneous noises caused by the recorder or its auxiliary components. If this ratio is too low, background noises due to hum (low frequency noises) or hiss (high frequency noises) can interfere with audibility of the voices being recorded. An acceptable rating is a minimum of 35 db, but a higher rating is desirable. Since manufacturers do not always calibrate or use the same standard for determining a signal-to-noise rating, courts must carefully compare vendor measurements and claims.

**Cross talk.** Multi-track recorders can create undesirable cross-talk. Cross-talk occurs when there is sound leakage between two channels, that is, when a statement recorded on one channel can be heard during playback on another channel. Cross-talk calibration must be above 32 db.

### **Transcribers**

A transcribing machine must be compatible with the recording machine so that the recorded tape can be played back properly and transcribed efficiently. Any machine used as a transcriber must have a foot control with forward, reverse, and stop modes and variable speed control. Controls which are optional include automatic back-up and speech compression.

The transcriber machine can either be the recording machine containing a few transcriber components or a transcriber containing features compatible with the recording machine, including the same tape medium, the same track specifications (equivalent track width and track spacing), the same tape speed, the same type of index counter and calibration, appropriate listening devices (both an internal loud speaker and an output signal connected to a headset), tone and volume control, speed control and separate audio

monitoring for each track or any combination of recording tracks.

Transcriber machines are useful when courtroom recorders are utilized daily and when transcript preparation is primarily done by court personnel during normal court work hours. An advantage of having a recording machine as a transcriber is that it can replace a malfunctioning recording machine. The best strategy depends upon the funds available for equipment expenditures, the personnel assigned to transcribe the tape, the location of transcription personnel in relation to the recording system, the transcript volume, and the availability of the recording machines for transcription.

If a recording machine is used to transcribe tapes, the machine must contain an indicator switch or mechanism to prevent accidental erasure or recording over while transcribing. If a transcriber machine is used, it should not contain a record or erase head.

## **ACCESSORY EQUIPMENT**

### **Bulk Erasers**

Erase heads should be excluded or removed from all court recorders and transcribers. A bulk eraser, a special electromagnetic device generating a strong magnetic field, can be purchased inexpensively (approximately \$25 to \$50) that can quickly erase any recorded tape within 5 to 15 seconds. The bulk eraser provides a reliable method of completely erasing a recorded tape and preventing accidental erasure on a recorder or transcriber machine.

### **Duplicators**

In some jurisdictions, lawyers or other government agencies may request a copy of the audio recording of the court proceeding. There are two alternatives: (a) If the request is made before the court proceeding begins, another recording device can be attached to the main recorder for simultaneous recording. The requesting party could be permitted, upon proper notification of the court, to attach his

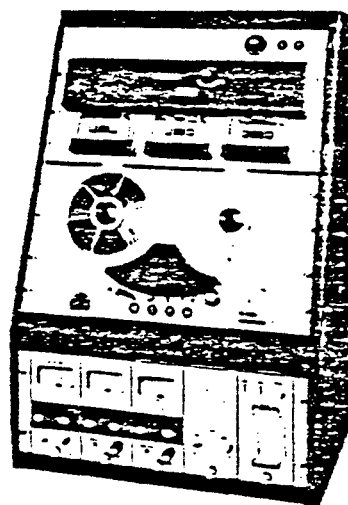


Figure 5.3 Duplicator.

own recording device and provide his own tapes to obtain duplicate recorded copies of the proceeding; and (b) if requests are received after the testimony has been recorded, a duplicator machine can be used.<sup>1</sup>

A duplicator is a high-speed audio reproduction system

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<sup>1</sup>Another alternative, although cumbersome and time-consuming, is to connect two standard recorders together to reproduce a second tape. If requests for duplicate tapes are infrequent (a few times a year) this alternative is feasible.

which permits the original tape recording to be duplicated onto one or several tapes in minutes. Duplicators are available to copy one tape recording onto another tape such as cassette to another cassette, or from a reel to a cassette.

There is little need for duplicators in most jurisdictions; however, some jurisdictions may provide audio duplicating service instead of a typed manuscript to requesting parties or to appellate courts. Other courts may contract with an independent transcription service to produce additional copies.



APPENDIX B

"ONE WRITE" PEGBOARD ACCOUNTING SYSTEM  
FOR SMALL COURTS

## Accounting poses problems for courts

All courts handle money for one purpose or another. As such, they are required to maintain accounting systems to manage the receipt and disbursement of funds for a variety of different accounts. All courts receive payment for filing fees, court costs, and fines, and some may receive child support and installment judgment payments. The filing fee will generally constitute one lump sum per case, although many states still require separate payment for individual transactions relating to a case. In terms of disbursement, the courts may expend money for operating expenses, juror and witness fees, child support, and, perhaps, payroll. In each case the court is responsible for maintaining accounting records that can be reviewed by an independent auditor.

The integrity of the accounting records in many courts depends primarily on the use of traditional bound record books and on procedures that require accounting data to be posted in multiple locations. Most courts typically maintain the following types of records: receipt book or multipart receipt forms, cash book or journal, account books or ledger cards, deposit records, check-books, cash disbursement book or journal, payroll, court budget, and reports.

With the increase in court workloads and the demand for additional information and services by the public, courts are hard pressed to maintain their current accounting systems accurately and up-to-date without increasing personnel requirements. Alternative accounting systems are therefore needed to enable courts to continue operating effectively. Three alternative systems are discussed in this report: pegboard accounting systems (for small courts), intelligent or programmable cash registers (for small to medium courts), and computers (for medium to large courts).

# National Center for State Courts REPORT

## Court Improvement Through Applied Technology (CITAT)

ACCOUNTING SYSTEMS IN THE COURTS

MARCH 1980

## Pegboard accounting systems offer solutions for small courts

Most small courts throughout the country continue to use traditional accounting books and procedures since many believe that these approaches are the only economical way for them to maintain accurate accounting records. This belief, however, is often incorrect since modern manual accounting systems can offer substantial improvements and solutions at a minimal cost. The pegboard accounting system, in particular, responds to the needs of small courts through a forms system that generally costs less than current accounting books, reduces personnel time required for accounting functions, and provides even greater accuracy than traditional accounting methods.

The pegboard accounting system utilizes a board with pegs along the left side as the sole piece of equipment. Forms such as general ledger sheets (such as receipt or disbursement journals), individual account ledger cards (for cases or individual accounts), receipts, checks, deposit slips, and others are

specially designed as part of the system to meet the needs of the court. The unique part of the pegboard accounting system is that multiple forms relating to the same transaction (such as receipts, deposit slips, and the cash receipts journal) are designed so that corresponding columns of information are securely aligned by the pegs when these records are placed on the pegboard. For example, in a cash receipt system, when the appropriate information is written on the receipt, the impression is simultaneously recorded on the deposit slip and the cash receipt journal through the use of carbon backing (on the top of the receipt) and carbon paper (between the deposit slip and cash receipt journal). Similarly, in a child support system, information is also transcribed on the individual account records while producing a receipt to be given to the individual, an entry for the daily deposit slip, and a chronological entry in the cash receipt journal.

Pegboard accounting systems can be customized to meet the individual needs of courts. For example, if the court is required to divide filing fees among the court fund, sheriff's fund, and library fund, appropriate columns could be provided on the cash journal sheet for that purpose; after the receipt is prepared, these additional columns are completed indicating portions of the filing fee to be allocated to each account. Each column can then be tallied at the bottom to determine the total amounts to be transferred to each of these different accounts.

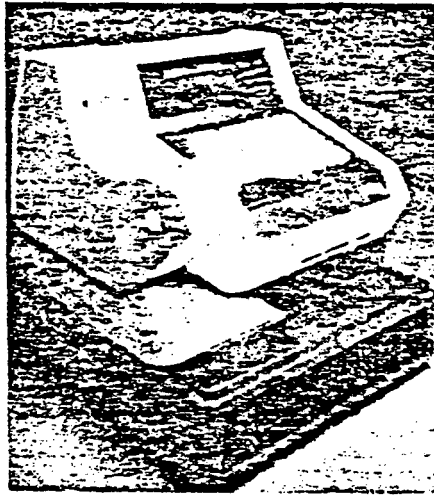
The court could also design a combined cash receipt and disbursement accounting system for child support (or installment payments for judgments). The child support system consists of specially designed cash receipt and disbursement journal sheets, individual account cards, and a receipt/check form that runs the entire width of the cash receipt and journal sheet. Similarly, many other systems could be designed that would enable the court to record information on several different records with one impression.

Pegboard accounting system, combining receipts, cash receipt journal, and deposit slip.

# Automation streamlines accounting in large courts

While the pegboard accounting system offers tremendous advantages over traditional accounting book systems, it is still totally manual and becomes cumbersome for a large number of transactions. Larger courts should therefore explore three automated alternatives: intelligent or programmable cash registers, computer-based accounting systems, and computer-based accounting systems with point-of-sale terminals.

Several different manufacturers now produce "intelligent" cash registers with capabilities to provide receipts, validate court records, and automatically divide money received into the appropriate accounts. Although some standard cash register systems are appropriate for court use, it is generally desirable to obtain one that can be programmed with specific codes to meet court needs. For example, special keys could be coded to indicate the type of payment (e.g., filing fee, misdemeanor fine, traffic ticket), the case number, the department of the court, and the individual handling the transaction. The system could also be programmed to calculate automatically a fixed dollar amount or percentage of the payment to be allocated to different funds such as the court fund, sheriff's account, and library fund. The cash register system automatically maintains data on all transactions (on a printed tape or magnetic media) and provides totals for each account on request. This system thus saves substantial personnel time in balancing and



*"Intelligent" cash register*

reconciling cash receipts for various accounts.

The intelligent cash register system, however, will not prepare checks or manage accounts. The court should therefore consider using the pegboard accounting system for preparing checks and for recording information for individual accounts and for the cash disbursement journal.

Courts may also want to use computer equipment to perform accounting functions. For smaller volume users, microcomputer systems are now available (for less than \$5,000) with accounting software for main-

taining cash disbursement journals and individual accounts, for preparing disbursements and printing reports, and for performing other court applications. With these less sophisticated computer systems, the court generally uses the cash register as indicated above and then rekeys the receipt information into the microcomputer for processing. The advantages offered by a low-cost computer system include personnel cost savings (especially in preparing reports), accuracy, speed, and space savings.

The larger courts should obtain more sophisticated minicomputer or large-scale computer equipment. The increased storage capacity and processing power of these systems will enable larger courts to operate the system interactively and to manage a larger number of transactions and accounts. Under ideal circumstances the computer system is linked with the intelligent cash register so that, once the information is recorded at the cash register, no additional keying is needed to update the computer accounts. This type of configuration is called "point-of-sale" and reflects the concept being used in many retail stores to capture important sales and inventory data at the cash register where the sale occurs. The data from the intelligent cash register can be transmitted to the computer through telecommunications or by manually transporting a magnetic media (generally a cassette tape) from the intelligent cash register to the computer.

## COURT IMPROVEMENT THROUGH APPLIED TECHNOLOGY PROJECT of the NATIONAL CENTER FOR STATE COURTS

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## Pegboard system pluses given

The pegboard accounting system offers courts the following advantages:

☐ **Reduces personnel time.** The pegboard accounting system may save up to 75% of clerical time compared with that for maintaining traditional accounting books. Time savings generally result because an entry can be made on multiple records with only one impression and because all records are in close proximity and easy to handle.

☐ **Reduces or eliminates transcription errors.** Traditional court accounting systems require that one record be created from another. Even when the original receipt is used to create all other records, there is still some potential for error when the information is transcribed. With a pegboard accounting system, the information transcribed onto subsequent records is exactly the same as the information written on the original receipt, check, or other record.

☐ **Reduces costs.** The pegboard accounting system costs approximately \$100 for the pegboard and approximately \$300 to \$500 for an annual supply of forms (depending on volume); the annual cost is, therefore, often less than the cost for traditional accounting books. The greatest cost savings, however,

will be achieved through a substantial reduction (up to 75%) in clerical time required to maintain accounting records.

☐ **Reduces training time.** The pegboard accounting system is easy to learn and operate. No extensive bookkeeping experience is needed by individuals who record most information in the system. (One person, however, should be experienced in the policies governing the court accounting system and the methods for managing various accounts.)

☐ **Produces up-to-date records.** With traditional accounting systems, the receipts may not be posted to the individual accounts or cash journal until later in the day or week. With a pegboard accounting system, all records are updated immediately, and their current status can be accurately determined.

☐ **Reduces auditing time.** Since the pegboard accounting system enables the court to transcribe information to multiple records with one impression, an auditor need not trace each location where information was transcribed to insure that the transcription was accurate. As a result, most auditors will endorse the use of the pegboard accounting system.

APPENDIX C

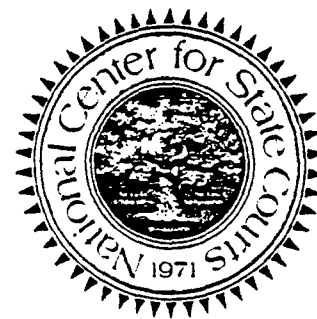
NATIONAL CENTER FOR STATE COURTS  
REPORT ON EFFECTIVE FORMS DESIGN

# REPORT

## Court Improvement Through Applied Technology

A TECHNICAL ASSISTANCE PROJECT

FEBRUARY 1979



Old docket books

### Effective forms design programs save courts time and money

Courts have experienced substantial savings in both personnel time and money through an effective forms design program. The State of Alabama, for example, reduced form costs for courts statewide from \$3 million to \$800,000 annually through the development of a comprehensive statewide forms design program. Courts elsewhere could experience comparable savings resulting from the consolidation and elimination of forms (designing one form to replace several others), improved forms design, and bulk purchasing.

The following techniques are recommended in order to ensure an economical and effective court forms design program:

- ☐ Case number should appear in one unique location (generally upper corner) on all forms.

- ☐ Form numbers, date of issue, and issuing agency should appear on all forms in the same location.
- ☐ Form titles should appear on top of all forms and uniquely define the form's purpose.
- ☐ Forms should be written in plain English; Latin, foreign terms, and legal terminology should not be used.
- ☐ Forms should be printed on letter-size paper; legal-size paper should not be used.
- ☐ Information on the forms should flow in a logical sequence.
- ☐ Forms should be simple to understand; if necessary, instructions regarding how to fill out the form should be printed on the back of the form.
- ☐ Space should be provided to insert variable (fill-in) information using the box design; space allocated should conform to the amount of information required to be inserted.
- ☐ Titles describing the variable (fill-in) information should be printed in small letters in the upper left-hand corner of each box.
- ☐ Variable (fill-in) information should generally be aligned to the left-hand margin to facilitate typing; other variable (fill-in) information should be located at a few predetermined (3 or 4) tab stops; small vertical bars should be printed along the top of the form to indicate the location of tab stops.
- ☐ Line spacing on the form should be designed to correspond to typewriter spacing.
- ☐ Distribution information for multipart forms should be printed clearly on each part of the form.
- ☐ Forms should be consolidated whenever possible.

### Multipart forms replace docket

Courts in Colorado and Alabama and a few other states have developed alternative manual systems for smaller courts to replace the hard bound books, commonly called a Docket or Register of Actions, for listing case-related actions. These courts now use a multipart form system similar to the one shown below. The system consists of a Register of Actions sheet and two or more index cards forming the multipart form. When the basic case information such as case number, style, and attorney names are typed on the top of the form, the index cards are also produced at the same time through the use of carbon interleaves or carbonless paper. The Register of Actions sheet can then be maintained in a tub file or loose

*Continued on next page*

Alabama civil case action summary multipart form

# Letter size paper becoming legal norm

Traditionally, court case file records have been prepared on legal size paper. Advocates of legal size paper claim that the extra paper length enables form information to fit on one side of a page and shortens the total number of pages of briefs and other long documents.

In contrast to the courts, the rest of the business community generally uses letter size paper (8½" × 11") for most communications. Letter size paper has become a standard for business and the general community (except for the federal government) because it is sufficiently large to meet user needs. It is also relatively inexpensive compared with other paper sizes because the paper industry can cut this size inexpensively due to the huge demand.

Besides the courts, the federal government has been the only significant group that has not adopted letter size paper as the standard. Since the 1920's, the federal government has used 8" × 10½" for government work. In December 1978, after much heated debate and research, the federal government finally decided to conform to the industry letter

size standard effective January 1, 1980. The switch to the letter size, according to some experts, will save the federal government between \$10 million and \$15 million a year in paper costs alone.

Should the courts also conform to the letter size paper standard? The facts are compelling. First, legal size paper, filing equipment, and supplies cost 20% to 30% more than letter size. Second, legal size filing equipment occupies 30% more floor space than comparable letter size equipment. This is particularly relevant for courts with limited filing and storage space. Often substantial space is wasted in a legal size filing system because 50% to 70% of the documents filed are actually letter size; yet, legal size filing equipment and supplies must still be provided. Third, most forms, orders, and letters can be conveniently prepared on letter size paper, provided proper forms design techniques are incorporated. (See Forms Design Checklist.)

As a result of the compelling cost and space benefits provided by letter size paper, some states have now mandated that all court case file records be on letter size paper. The following states have already adopted the letter size paper standard: Alaska, California, Connecticut, Kentucky, Massachusetts, New Jersey, Oregon, and Washington. (See California Rule 201. "Form of Papers Presented for Filing" below.) Several other states and individual courts have either adopted the letter size paper standard informally or are considering adopting the letter size standard. The transition to letter size paper normally is accomplished over several years to enable

courts and attorneys to exhaust their supply of legal size paper and forms, and to enable the courts to acquire the appropriate equipment and supplies to efficiently handle letter size paper.

Some courts wishing to convert to letter size paper have experienced resistance from groups clinging to traditional attitudes: "Letter size paper is just not legal!" Like any new system, the letter size paper standard must be sold to users by showing the substantial benefits of the new approach.

## California Court Rule 201(b)

Rule 201(b) of the California Rules of Court is excerpted below as a good example of a court rule controlling the form of documents presented for filing.

**Rule 201(b) Size of paper, pagination, etc.** All papers shall be typewritten or printed, or prepared by a photocopying process or other duplication process that will produce clear and permanent copies equally legible to printing, in type not smaller than pica size, on opaque, unglazed white paper of standard quality not less than 13 pound weight, 8-½" x 11" in size . . . Only one side of the paper shall be used, and the lines of each page shall be one and one-half spaced or double spaced and numbered consecutively; provided, however, descriptions of real property may be single spaced and printed forms of corporate surety bonds and undertakings may be single spaced and have unnumbered lines if they comply generally with the space requirements of subdivision (c). Paper shall be numbered consecutively at the bottom. All pages shall consist entirely of original pages without riders, and shall be firmly bound together at the top. Exhibits may be fastened to pages of the specified size and, when prepared by a machine copying process, shall be equal to typewritten material in legibility and permanence of image. (As amended effective January 1, 1976 . . .)

## COURT IMPROVEMENT THROUGH APPLIED TECHNOLOGY PROJECT

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## MULTIPART FORMS

*Continued from previous page*

leaf to facilitate easy access while the case is open. The index cards are maintained in true alphabetical order in card filing equipment or as input to a computer data entry system.

The multipart Register of Action form was developed in response to severe problems caused by maintaining records in bound books. Bound books were once appropriate to ensure record integrity when case volumes were low. Docket books are now extremely expensive (costing up to \$600 per book) and must be stored on expensive roller shelving (costing \$800 to \$1,200). Books are extremely heavy and difficult to handle and all too often live up to the name "hernia books" given to them by the CITAT Project staff. The books are difficult to microfilm,

requiring the binding to be cut and a special planetary camera to accommodate the oversized pages (often as large as 18" × 22").

The Register of Actions sheet is much easier than books for the staff to handle and use. This sheet can also be rapidly microfilmed. In addition, substantial staff time is saved by simultaneously producing the index cards when the Register of Actions heading is typed, without additional staff effort. Courts using this system have been very pleased with the results.

(The Colorado multipart Register of Action system is described in the National Center publication *Manual Case Processing: A Model System*, E007. \$3.25.)

APPENDIX D

NATIONAL CENTER FOR STATE COURTS  
REPORT ON RECORD RETENTION AND DISPOSITION



*De facto destruction*

## Inactive records present problems for courts

Courts throughout the country are experiencing difficulty with the management and maintenance of inactive records. Court space is expensive and often limited—especially easily accessible office space. With the increases in new cases and documents, retrieval time increases, and misfiling becomes more frequent. In order to free court space and alleviate filing congestion, closed or inactive case files should be removed from the main filing area and filed separately. Most courts, however, do not have adequate storage space or expertise in long-term records maintenance. As a result, many valuable court-records may be damaged or destroyed through improper storage.

Courts records storage areas often have the following characteristics:

- Records are stored without any systematic control as to storage location or record content.
- Records are often maintained in a disorderly manner, with records lying loose on the floor or spilling off shelves.
- Records are stored under water pipes or in basements subject to flooding.
- Rats and other pests are often found in the records area.
- Unauthorized persons are given access to the records room, and valuable records are sometimes damaged or stolen.
- Records are deteriorating because of the passage of time, improper usage, or climate.

If these problems describe your inactive records storage, the development of a records retention or efficient inactive records storage program is needed immediately.

# National Center for State Courts REPORT

## Court Improvement Through Applied Technology (CITAT)

INACTIVE RECORDS: RETENTION AND DISPOSITION

August 1979

## Retention and disposition schedule aids effective records management

Unlike wine and cheese, court records do not improve with age. A comprehensive records-retention and -disposition schedule facilitates the preservation of valuable records and the destruction of valueless records.

The development of an effective retention and disposition schedule begins with a complete list of all record types currently being maintained by the court. The legal, administrative, fiscal, or historical value of each record must then be determined. A retention period is then assigned, according to this value. This generally reflects the period during which the record may be required for a court proceeding or to verify an individual right. During the retention period, the record must be retained in some form (either on paper or microfilm), either in the court facilities or in some remote location.

At the conclusion of the retention period, the records should be destroyed or eliminated from the jurisdiction of the court according to the predetermined schedule. It is vital that destruction be not only allowed, but *required* if the records-management program is to be successful. The major reasons for developing a strong retention and destruction schedule are cost, space, and time savings, and these savings can only be realized if valueless records are regularly purged.

It is recommended that the records-retention and -destruction schedule be implemented and enforced through the use of court rule. It is important that court rule rather than statutes be developed, for statutes are far more difficult and time consuming to enact and revise. The Supreme Court, by exercising its statewide authority in this area, will be able to develop the records-management program faster and more uniformly, while



*Warehouse open steel shelving and record center boxes*

still allowing for future changes if necessary.

Once a records-retention and -disposition schedule has been established, inactive records can be effectively managed. Generally, records will be handled in one of the following three ways:

(1) **Destroy Valueless Records:** Destruction of records is the recommended way to eliminate records whose retention has expired. The cost is minimal, and the benefit in space savings and improved operation could be substantial. Some records may even be sold for recycling with the revenue used to help finance the records-management program.

(2) **Store Inactive Records in Low-Cost Storage Facility:** Records that are no longer needed for daily court operation but cannot be destroyed may be relegated to a remote, less accessible, low-cost records storage area.

(3) **Destroy Inactive Records After Microfilming:** Inactive records should be microfilmed only if the retention period is more than 10 years and if the paper records will be destroyed after the microfilm has been verified.



# Guidelines given for inactive records storage

## Warehouse Open Steel Shelving

☐ **Height:** Warehouse steel shelving should extend as high as the facilities permit or to a maximum height of 12 to 14 boxes. A clearance of 18 to 24 inches from the ceiling is generally required for lighting fixtures and water sprinklers.

☐ **Width:** Shelving units should be as wide as possible, because wider shelves provide the best cost-to-filing inches ratio and require fewer units to fill a given size records room. Generally a 42- to 48-inch shelf is recommended. Sufficient space (two to three inches per shelf) should be provided to insert and remove storage boxes.

☐ **Depth:** Warehouse shelving should be sufficiently deep to accommodate two boxes back-to-back on the shelf. Most storage boxes will be adequately supported two deep by a 30-inch shelf.

☐ **Number of Shelves:** Two storage boxes may be stacked on top of each other on each shelf, generally requiring a 23-inch separation between individual shelves. Boxes may also be placed on individual shelves (11 inches apart) without stacking to facilitate retrieval; this approach, however, is more costly in terms of equipment, since more shelves are required.

☐ **Side and End Panels:** No side or end panels should be used with warehouse

steel shelving.

☐ **Support Design:** "T"-shaped upright supports are preferred, since one support can be used to connect two units of shelving. These supports are recommended when the shelving unit will remain stationary. If the units will be moved, "L"-shaped supports that attach to all four corners of the shelving will be required.

☐ **Assembly:** Units should be acquired that require minimal assembly but provide the requisite strength and support.

☐ **Aisles:** Warehouse shelving requires only a 30-inch aisle between the units. Shelving rows should not extend more than 30 feet without an access aisle to facilitate movement within the files.

☐ **Accessories:** A mobile steel ladder will facilitate access to the higher levels of the filing tier, and movable carts are recommended to aid in the transfer and retrieval of the storage boxes.

## Storage Boxes

☐ **Size:** A standard-size storage box measures 15" x 12" x 10". These boxes are designed to hold legal-size folders in one direction and letter-size folders in the other.

☐ **Material:** Boxes should be made from heavy-duty corrugated cardboard.

☐ **Strength:** The double wall 175#

strength is preferred, although a single wall 200# strength is acceptable.

☐ **Opening:** Top-opening storage boxes provide dense record storage at the lowest cost. When boxes are stacked on top of each other, it will be necessary to remove the top box in order to gain access to the lower one. Since these boxes will weigh 30 to 50 pounds when full, moving them can be difficult.

Front-opening storage boxes are designed to store side-tab file folders. Even when boxes are stacked on top of each other, records can still be accessed without the need to remove or relocate any box. Front-opening storage boxes, however, cost five to ten times more than the equivalent standard top-opening storage box and provide less protection for the records.

☐ **Acid Content:** For long-term records storage (100 years or more) acid-free boxes are recommended.

☐ **Hand hold:** Hand holds should be provided on two sides of the box. The cut-outs for the hand holds should swing down to enclose and protect the records when not in use.

☐ **Assembly:** Boxes should be easy to assemble, with instructions clearly marked on the box.

☐ **Construction:** No staples should be used on the boxes as they may injure users and rust with time. Seams should be glued with non-water-soluble glue.

## Proper storage protects records from damage by fire and water

When adequate space is available within or near the court, the court-operated records center will generally prove to be the least expensive and most convenient means to store inactive court records. All records will remain under court control and can easily and inexpensively be retrieved.

Protection from fire is a primary concern when storing paper documents. Tests have shown that records packed tightly in corrugated cardboard storage boxes will not burn easily. A water sprinkler system should be installed equipped with sprinkler heads that will discharge independently to extinguish a localized fire without discharging the whole sprinkler system. A smoke detector should be installed in conjunction with the water sprinkler to give early warning of fire to enable the staff to extinguish the flames with fire extinguishers; the smoke detectors can be hooked directly to the fire department or to an alarm in the clerk's office. Fires can therefore be extinguished early, before the heat discharges the water sprinkler and possibly damages the records. Fire extinguishers

should be readily available and all staff trained in their use. A Halon gas system, which will automatically extinguish fires with minimal damage to the records, should also be considered by courts. Of course, the best way to combat fires is to prevent them. Smoking prohibitions should be enforced in the records area and in the surrounding areas.

Court records could also be damaged from water pipes or flooding. The storage facilities should never be located in a room that has water pipes overhead. In addition, the lowest shelf on the filing unit should be elevated at least four inches to allow for potential flooding.

Inactive records are best maintained at a temperature below 70° F and a low humidity (50-60 percent). Records should not be stored near a heat source, such as a furnace or hot-air vent.

Inactive records rooms should have lighting, preferably fluorescent, located over aisles. This is especially important for inactive records, since high filing equipment is used, which might obstruct the light.

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APPENDIX E

WISCONSIN RECORDS RETENTION SCHEDULE

WISCONSIN STATE COURTS RECORDS RETENTION SCHEDULE  
AND DISPOSITION PROCEDURES

SCOPE:

The following contains information concerning the preservation, retention and destruction of papers, books and records filed with the clerk of the circuit court and the register in probate.

STATUTORY REQUIREMENTS:

Clerk of Circuit Court

The clerk of the circuit court shall file and keep all papers properly deposited with him or her in every action or proceeding unless required to transmit such papers and keep other court papers, books, and records as specified in section 59.39.

Registers in Probate

The register in probate shall file and keep all papers properly deposited with him or her unless required to transmit such papers. [§ 851.72(1)].

DESIGNATION OF CASE PAPERS THAT DO NOT HAVE LONG TERM  
RETENTION VALUE:

Certain case papers have value only as long as the case is active. They do not have long term retention value.

These papers include:

1. Correspondence not pertaining to the substance of the case e.g. transmittal letters, letters dealing with scheduling and affidavits of mailing.

2. Receipts.
3. Briefs, memorandum of law, memorandum of briefs.
4. Copies of documents for which the court is not the primary office of record, e.g. police reports, probation reports.
5. Duplicate copies of proceedings.
6. Copies of documents attached to an affidavit of service.
7. Judge's bench notes.
8. Typed or hand written notes of court personnel.
9. Interrogatories.

These papers are date stamped upon receipt and may also be stamped "Received" if the clerk or register wishes to do so. At case disposition, these papers are discarded from the file folder.

AUTHORITY TO DESTROY COURT RECORDS:

Counties with less than 500,000 persons:

Records of any court of record in counties of less than 500,000 which have been photographed or microphotographed under section 59.715(20) or deemed obsolete and useless and ordered destroyed by the judge of the court may be destroyed if title is not accepted by the historical society within 60 days after a written offer is made under sections 59.716, 59.717, 59.716. It should be noted, however, that the State Historical Society waives the right to notification for the following record numbers as set forth on pages 7-13 below: 4, 7, 8, 9, 16, 18-21, 23, 25, 27, and 28. No prior notification of

intent to destroy these records is required to be sent to the State Historical Society.

Counties with 500,000 or more population:

Counties with a population of 500,000 or more may provide by ordinance for the destruction of obsolete public records without regard to sections 59.715 to 59.717 provided that the period of time any public record is kept before destruction fulfills the specific time periods expressed with section 59.715. [§ 19.21(6)]

METHODS OF RECORDS DESTRUCTION:

When records are approved for destruction, the clerk of court or the register in probate should destroy the records promptly and effectively. The primary purpose of such destruction shall be to reduce the records to an illegible condition. Burning, pulping, shredding or using for land fill are the most effective methods for accomplishing that purpose.

Pursuant to appropriate authorization from the Court Records Management Committee, a court may destroy records by reselling them for recycling purposes, under the following conditions:

1. The prompt destruction of the record shall be ensured and responsibility for such destruction shall continue to be that of the agency until effectuated.
2. Records shall not be kept in unattended or unprotected storage awaiting their destruction.
3. The person or entity to whom the records are sold provides evidence of the destruction of such records in the form of a destruction certificate.

A certificate of destruction should be prepared indicating the records destroyed.

Confidential records should be destroyed only by court personnel.

COURT RECORDS MANAGEMENT COMMITTEE:

A state court records management committee will oversee records management issues and make recommendations as to when certain types of court records should be declared obsolete and useless. The committee will meet at least annually and consist of:

- 2 Judges designated by the Chief Judges Conference;
- 2 Clerks of Court designated by the Clerks of Court Association;
- 1 Representative designed by the State Court Administrator;
- 1 Representative of the State Historical Society;
- 1 Representative of the Judicial Conference, Juvenile Section;
- 2 Representatives of the Registers in Probates Association.

The specific duties of the committee shall be to:

1. Recommend to the Supreme Court when court records should be deemed obsolete and useless under the provisions of section 59.715(20)(c).
2. Recommend any statutory or rule changes related to records management, retention and destruction.
3. Establish standards, procedures and techniques for effective management of records.
4. Designate papers that do not have long term retention value for each case type.
5. Develop standards to ensure the proper and efficient utilization of microfilming services.

#### COURT RECORDS LIASON OFFICER:

Each court should designate a court records liason officer to implement the standards, procedures and techniques of the court records management program. The court records liason officer should cooperate with and assist the courts records management committee in the performance of its duties.

#### FORMS:

Several forms are available to assist the courts in carrying out their records retention and disposition responsibilities. (See Appendix) Courts should use forms substantially in the same format as these forms.

1. Stipulation and order for return/destruction of exhibits and/or unopened dispositions
2. Stipulation and order releasing exhibits
3. Order for destruction of exhibits
4. Order and notice to Wisconsin State Historical Society
5. Order for transfer of records to the Historical Society
6. Order for destruction (after microfilming)
7. Order for destruction (obsolete and useless)
8. Order to transfer records to repository (University of Wisconsin)
9. Receipt of records.

## RECORDS RETENTION SCHEDULE:

The following records retention schedule outlines for each clerk of court and register in probate the required retention periods for each record series. Current statutes require the permanent retention of almost all court records either in hard copy or microfilm form unless a judge deems the record "obsolete and useless".

[§ 59.715(20)(c)] The schedule recommends when each record series should be deemed obsolete and useless. The recommended time periods are based on an analysis of the useful legal life of the record. The research value of the record may extend beyond its legal life. As its resources permit, the State Historical Society will selectively retain records of permanent research value. It will not be possible for the State Historical Society to retain all records of potential research value, particularly where the records have not been locally microfilmed.



## WISCONSIN CIRCUIT COURT RECORDS RETENTION SCHEDULE

<u>Type of Record</u>	<u>When Deemed Obsolete &amp; Useless*</u>
1. CASE FILES	
1.1 Civil	
a. Dismissed cases (including stipulations)	10 years after final order excluding time on appeal or 10 years after case becomes dormant <sup>1</sup>
b. Cases not disposed by dismissal	20 years after final order excluding time on appeal or 10 years after case becomes dormant <sup>2</sup>

---

\* The paper copy of all court records may be destroyed after ten years if microfilmed. [§ 59.715(20)]

- 1 Various states allow for destruction of dismissed civil cases in even less than 10 years. See California Gov't. Code § 69503.1(c) for destruction after seven (7) years.
- 2 Courts wishing to maintain some record of the case beyond its legal life may elect to retain the judgment and order record series. This approach parallels the approach in Idaho. Rule 79(d) of the Rules and Civil Procedure allow for the "destruction of all pleadings, motions, affidavits, orders, exhibits and documents of every nature, kind and description pursuant to order of the court" one year from expiration of the time for appeal provided the final order, judgment or decree is preserved indefinitely. The 20-year period fulfills the requirements of abstractors to include in abstracts judgments and state tax warrants docketed for more than 10 years. (Abstracting Standards Approved by the Real Property, Probate and Trust Section Abstract Standards Committee of the State Bar Association, August 19, 1975.) Section 893.40 states "An action upon a judgment or decree of a court of record of any state or of the United States shall be commended within 20 years after the judgment or decree is entered or be barred."

<u>Type of Record</u>	<u>When Deemed Obsolete &amp; Useless</u>
1.2 Small Claims	
a. If service is not obtained	60 days after filing of complaint <sup>3</sup>
b. Cases not disposed by dismissal	20 years after final order excluding time on appeal or 10 years after case becomes dormant
1.3 Family, paternity, civil commitment, adoption probate and guardianship	
a. Dismissed cases	10 years after final order excluding time on appeal or 10 years after case becomes dormant
b. Cases not disposed by dismissal	75 years after final order
1.4 Felonies	
a. Dismissed cases	10 years after final order or after case becomes dormant
b. Cases not disposed by dismissal	75 years after final order
1.5 Misdemeanors	
	10 years after final order excluding time on appeal or 10 years after case becomes dormant <sup>4</sup>

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<sup>3</sup> A court having subject matter jurisdiction may render a judgment against a party personally only if a summons is served upon the person pursuant to 801.11 or if service is dispensed with under 801.06 (\$ 801.04). Therefore, without service the court has no jurisdiction and there is no action.

<sup>4</sup> This time period parallels the retention periods adopted by several states (Arizona; California although California Rule of Court 55 requires that minutes, the register of action [court record], and the original reporter's transcript in cases where judgment is affirmed be retained; New Mexico; Minnesota which requires five year retention after last activity).

Type of RecordWhen Deemed Obsolete  
& Useless

1.6	Criminal traffic, non-criminal traffic, non-traffic ordinance violations, conservation violations, county ordinance violations other than traffic	10 years after final order excluding time on appeal or 10 years after case becomes dormant <sup>5</sup>
2.	COURT RECORD/DOCKET	Same as case file
3.	INDEXES	Same as case file
4.	JUDGMENT AND LIEN DOCKET	
	Civil, Family, State tax warrants, transcript, foreign judgments, liens, hospital liens, condominium liens	10 years after docket entry <sup>6</sup>
5.	JUDGMENT AND ORDER BOOK	10 years after last entry
6.	INFORMATION/INDICTMENT BOOK	10 years after last entry
7.	CLAIMS FOR LIENS	10 years after filing
8.	HOSPITAL LIENS	10 years after filing
9.	WARRANTS	
	Delinquent income tax, unemployment compensation, and others	10 years after docket entry <sup>7</sup>

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<sup>5</sup> The 10 year minimum retention period for traffic records as required by section 59.715(20) exceeds the retention requirements of almost every state researched, e.g. Minnesota (3 years), Washington (7 years).

<sup>6</sup> No liens under Chapter 779 have any legal effect after two years unless an action is commenced. Our recommendation for ten years recognizes that if an action is commenced it may take several years for resolution. Judgments when docketed are liens against real estate for ten years. [§ 806.15(1)]

<sup>7</sup> Tax warrants and unemployment compensation warrants, when properly docketed, have the same legal effect as a final judgment creating a perfected lien upon the person's right, title and interest in all of the real and personal property of the taxpayer against whom it is issued in the county where the warrant is docketed. [§§ 71.13(3)(b), 108.22(2)]

<u>Type of Record</u>	<u>When Deemed Obsolete &amp; Useless</u>
10. MINUTE RECORDS	
a. Bound books	10 years after last entry
b. Minutes not in bound books	Same as case file
11. EXHIBITS	
a. Civil	10 years unless the parties stipulate to their return or destruction prior to the completion of 10 years <sup>8,9</sup>
b. Small Claims	10 years unless the parties stipulate to their return or destruction prior to the completion of 10 years <sup>9</sup>
c. Family, Paternity, Probate, Adoption	10 years unless the parties stipulate to their return or destruction prior to the completion of 10 years <sup>9</sup>
d. Felonies	
(1) when defendant <u>not</u> incarcerated	10 years unless the parties stipulate to their return or destruction prior to the completion of 10 years <sup>9</sup>

---

<sup>8</sup> Hawaii allows for the destruction of exhibits one year after the closing order or expiration of the appeal period if the party fails to retrieve the exhibit after notice. Hawaii Revised Statutes 606-4. California requires exhibits to be maintained for three years and then a notice of destruction given or for five years without notice of destruction. California Gov't. Code § 1952.3.

<sup>9</sup> Parties should be requested to stipulate to the return of exhibits after expiration of appeal time whenever possible. (See Form No. GF 102, in the Forms Manual, and Section 11.3, General Standards.)

<u>Type of Record</u>	<u>When Deemed Obsolete &amp; Useless</u>
(2) when defendant <u>is</u> incarcerated	75 years after final order, unless defendant's prison term expires. If prison term expires, standard in 11.d.(1) applies <sup>10</sup>
11.5 Misdemeanors	10 years unless the parties stipulate to their return or destruction prior to the completion of 10 years <sup>11</sup>
11.6 Criminal traffic, non-criminal traffic, non-traffic ordinance violations, county ordinance violations other than traffic	10 years unless the parties stipulate to their return or destruction prior to the completion of 10 years <sup>11</sup>
12. WILLS DEPOSITED FOR SAFEKEEPING	75 years after filing
13. INDEX OF WILLS	75 years after will filed
14. WILL BOOK	75 years from last entry
15. GUARDIANSHIP RECORD BOOK	Same as case file
16. CERTIFICATES OF CONVICTION	Same as case file unless certificate of conviction filed pursuant to § 971.09 and no complaint is filed by the district attorney in which case discard upon receipt

---

10 Firearms and ammunition used as exhibits in criminal proceedings should be ordered transferred to the Wisconsin State Crime Laboratory for disposition as soon after trial as possible, pursuant to section 968.20. Local judges and district attorneys should be requested to establish a policy for the return and/or destruction of all exhibits of a dangerous nature as soon after trial as possible.

11 Parties should be requested to stipulate to the return of exhibits after expiration of appeal time whenever possible. (See Form No. GF 102, in the Forms Manual, and Section 11.3, General Standards.)

Type of Record

When Deemed Obsolete  
& Useless

17. FAMILY MAINTENANCE PAYMENT RECORD

A record of all payments and arrears in payments ordered by the court in family maintenance [§ 767.29]

a. Closed Accounts

10 years from date  
account closed<sup>12</sup>

b. Open Accounts

75 years after date  
account opened

18. ACCOUNTING RECORDS

a. Minor settlement

Passbook certificate or other evidence of investment of monies awarded in a minor's claim [§§ 807.10(3), 880.04(2)(a)]

4 years from date  
account closed

b. Trust Account Records

Records of monies ordered deposited with the court and held until further order of the court.

4 years from date  
account closed

- 
- 12 Recipients are entitled to maintain a civil action to collect arrearages in court ordered family maintenance obligations, independent of the original action. The civil action must be filed within six years of the date the obligation to make such payments terminates (e.g., when the child reaches the age of majority, in the case of child support), unless the state is the recipient. If the state is the recipient, the limitation on commencement of an action is 10 years. [§§ 893.43, 893.50] Closed accounts include those where the obligation to pay support has terminated, as when the child for whom support is paid has reached majority. Open accounts are those where this obligation has not terminated or where it cannot be determined if the obligation has terminated, as in the case of alimony accounts.

Type of Record

When Deemed Obsolete  
& Useless

c. Certificates

A book called the certificate lists which are statements authorizing payment for fees and expenses of visiting judges, witnesses, jurors, bailiffs, interpreters, etc.  
[§ 59.395(3)] 4 years

d. Jury Payroll

List of jury fees paid showing: name, check number, miles traveled, days served, payment per day, mileage paid, total paid each juror and certification by the clerk of court. [§ 255.24] 4 years

e. Receipt Books 4 years<sup>13</sup>

f. Journals 4 years

g. Machine accounting 4 years

h. Bank transactions

(1) Deposit slips 4 years

(2) Bank statements 4 years

(3) Cancelled checks 7 years<sup>14</sup>

19. COURT REPORTERS' NOTES

Complete record in stenographic characters of all testimony before a judge or commissioner  
[§ 757.56] 75 years for felony notes;  
10 years for all other case types

---

<sup>13</sup> Four-year period parallels retention requirements for Wisconsin State Income Tax records.

<sup>14</sup> Seven-year period dictated by section 59.715(18).

<u>Type of Record</u>	<u>When Deemed Obsolete &amp; Useless</u>
20. JUROR QUESTIONNAIRE	
Form sent to prospective jurors to determine eligibility for jury services	2 years after panel has completed service
21. JURY LISTS	
Lists of names of persons eligible to serve as jurors	2 years after panel has completed service
22. MINISTERS' CREDENTIALS	
Credentials of ordination required to be filed with the clerk of court [§ 245.17]	Permanent; title to this record may be transferred to the Historical Society pursuant to section 844.09 after 75 years
23. NOTARY PUBLIC APPOINTMENTS.	
Recording of a notary's commission [§§ 137.01(b) (b) and 137.01(7)]	4 years; exception: attorneys' commissions are 75 years
24. NATURALIZATION FILES	
Files containing documents relating to naturalization hearings	As per Immigration and Naturalization Service <sup>15</sup>

---

<sup>15</sup> Naturalization records created prior to June 29, 1906, are county records and may be permanently transferred to the Wisconsin State Historical Society. Naturalization records created thereafter are considered federal records and may not be destroyed, and title to the records may not be transferred to any other agency. However, the National Archives and Records Service and the Immigration and Naturalization Service have indicated that it would be appropriate to transfer custody to the Historical Society. These records are valuable historical documents and the Archives division of the Historical Society should be consulted prior to any action regarding their disposition.



Type of Record

When Deemed Obsolete  
& Useless

25. OATHS OF OFFICE

The following oaths of office shall be filed with the clerk of circuit court.

- |  |                                     |
|--|-------------------------------------|
| a. Deputy clerks of circuit court<br>[§ 753.30]              | 7 years after expiration<br>of term |
| b. Commissioner of Condemnation<br>[§ 32.08]                 | 7 years after expiration<br>of term |
| c. Court Commissioners<br>[§ 757.68(2)]                      | 7 years after expiration<br>of term |
| d. Deputy Sheriff<br>[§ 59.219(5)]                           | 7 years after expiration<br>of term |
| e. Deputy Sheriff (Special)<br>[§ 59.21(5)]                  | 7 years after expiration<br>of term |
| f. Family Court Commissioner<br>[§ 247.13(1)(a)]             | 7 years after expiration<br>of term |
| g. Family Court Commissioner<br>(assistant) [§ 247.13(1)(b)] | 7 years after expiration<br>of term |
| h. Jury Commissioner<br>[§ 756.03(1)]                        | 7 years after expiration<br>of term |

25. OATHS OF OFFICE, continued

- |  |                                     |
|--|-------------------------------------|
| i. Juvenile Court Commissioner<br>[§ 48.065] | 7 years after expiration<br>of term |
| j. Register in Probate<br>[§ 851.71]         | 7 years after expiration<br>of term |
| k. Probate Registrar<br>[§ 865.065]          | 7 years after expiration<br>of term |
| l. Special Prosecutor<br>[§ 59.44]           | 7 years after expiration<br>of term |
| m. Municipal Judge<br>[§ 757.02]             | 7 years after expiration<br>of term |
| n. Deputy Coroner<br>[§ 59.365]              | 7 years after expiration<br>of term |

Type of Record

When Deemed Obsolete  
& Useless

26. REGISTER OF OFFICIALS

A book and record of the names of court commissioners, deputy sheriffs, notaries, public and municipal judges. [§ 59.395(2)]

7 years after expiration of term

27. SEARCH WARRANT

Return of the search warrant and the affidavit or complaint made in support of the warrant are filed with the clerk together with a written inventory of any property taken and the transcript of any testimony taken [§ 968.17(1)(2)]

Expiration of the warrant plus 5 years<sup>16</sup>

28. JUDGES' COURT CALENDARS

Cases reviewed or upcoming during the year.

3 months or less

---

<sup>16</sup> If the search warrant results in the arrest of a person because an alleged crime has been committed, the warrant and supporting documents may become a part of the case file and subject to the retention/destruction schedule that governs that file.

## NOTICE TO WISCONSIN STATE HISTORICAL SOCIETY

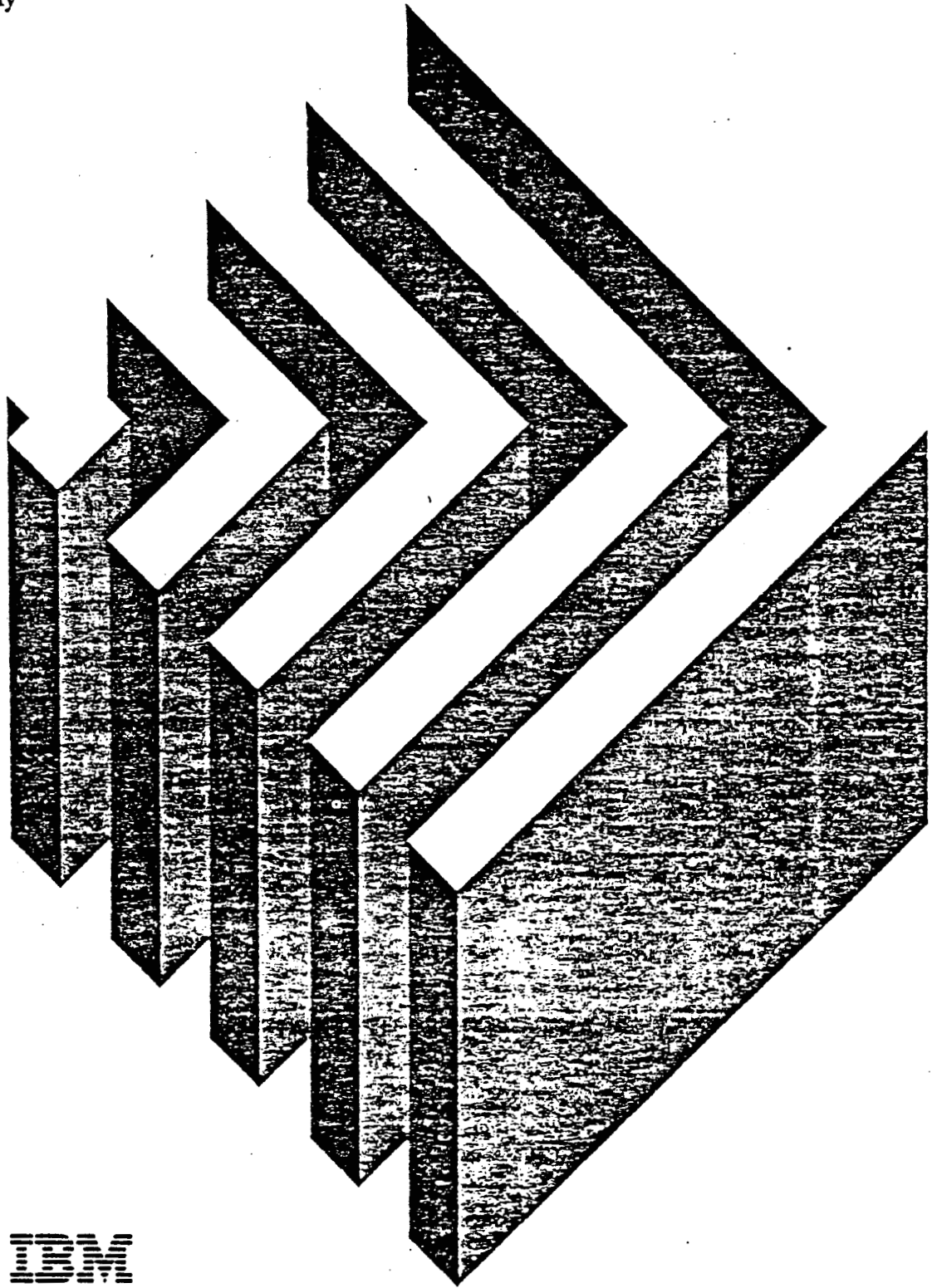
- [illegible]

- Chief Judge of the District

Signed

# The IBM Displaywriter System

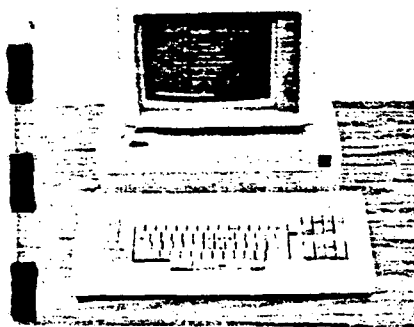
To help typists perform  
productively and comfortably



IBM

APPENDIX F

THE IBM DISPLAYWRITER SYSTEM



### Display Module

- Characters clearly displayed on a 5-line screen, with minimal glare
- Uses contrast/brightness control to adjust to office lighting conditions
- Tilts and swivels for added comfort and convenience
- Understandable prompts and messages to help guide typists

### Keyboard Module

- Familiar, typewriter-like keyboard
- Large, nonglare keys for productivity and comfort
- Easy-to-understand labels on keys

- Movable for maximum convenience
- Your choice of 92 or 96 characters

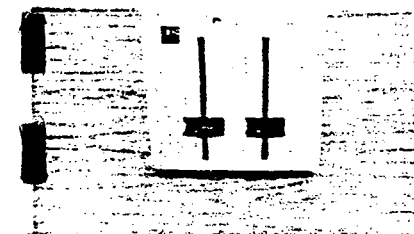
### Electronics Module

- Supplies intelligence and power
- Easily upgradable to add memory for increased functions

**Display Module Specifications:**  
 Dimensions: 15 in. (381mm) wide, 13.7 in. (348mm) deep, 11.5 in. (292mm) high  
 Color: Pearl White with Pebble Gray accent  
 Weight: 15 lbs. (6.8 kg.)  
 Cable Length: 7.9 in. (200mm)  
 0-22° tilt  
 0-12° ability to pivot either side of center around the base

**Keyboard Module Specifications:**  
 Dimensions: 21 in. (538mm) wide, 8 in. (213mm) deep, 4 in. (101mm) high  
 Weight: 15 lbs. (6.8 kg.)  
 Color: Pearl White with Pearl White keybuttons  
 Cable Length: 3.3 ft. (1m)

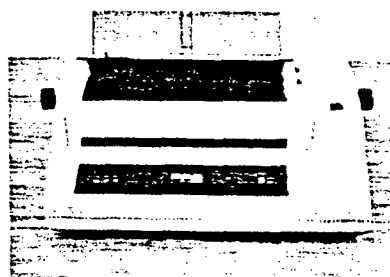
**Electronics Module Specifications:**  
 Dimensions: 19 in. (490mm) wide, 14 in. (355mm) deep, 7 in. (179mm) high  
 Color: Pearl White  
 Weight: 30 lbs. (13.6 kg.)  
 Power Cord Length: 9.8 ft. (3m)



### Diskette Unit

- Choice of 4 diskette units with storage capacities ranging from about 284,000 to approximately 1,000,000 bytes of usable characters and controls
- Selection of basic units for maximum economy—others for increased storage; less diskette handling and higher productivity
- Operational flexibility for convenience

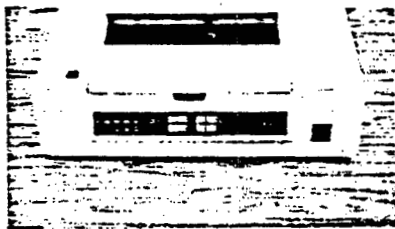
**Specifications:**  
 Dimensions: 10 in. (258mm) wide, 15.7 in. (398mm) deep, 11.5 in. (293mm) high  
 Color: Pearl White  
 Weight: Single (1-slot) 30 lbs. (13.6 kg.)  
 Dual (2-slot) 35 lbs. (16 kg.)  
 Cable Length: 3.3 ft. (1m)



### "Selectric" Element Printer

- Up to 15.5 characters per second (cps) rated burst speed in 12 pitch
- Supports a standalone work station
- High-quality printed impressions
- Wide choice of "Selectric" typing elements
- Modestly priced
- Capable of trail printing, playing out one page of a document while a typist is working on another page
- Optional pinfeed platen

**Specifications:**  
 Dimensions: Printer Case 26.75 in. (679.5mm) wide (from outside of platen knobs), 18.3 in. (464mm) deep, 10 in. (257mm) high. (Top of acoustical hood)  
 Color: Pearl White  
 Weight: 55 lbs. (25 kg.)  
 Paper Width Capacity: 15 in. (381mm), writing line 12.5 in. (317.5mm)  
 Cable Length: 13 ft. (4m)  
 Power Cord Length: 6.8 ft. (2.1m)



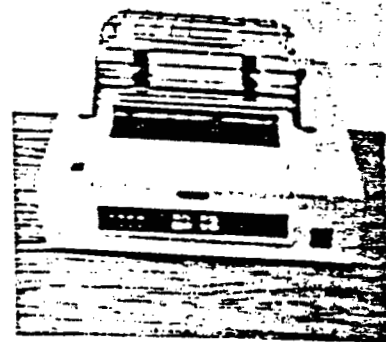
### IBM Printwheel Printers

- 40 and 60 cps rated burst speeds in 10 pitch
- Capable of trail printing, playing out one page of document while a typist is working on another page
- Separate, convenient, slip-in cartridges for ease of insertion and removal of printwheels and ribbons
- Less ribbon changing, because the yield of the IBM ribbon is approximately 1,000,000 characters
- Automatically positions each sheet at the first typing line selected by the typist

- Capable of producing proportionately spaced type, as well as 10, 12 and 15 pitch
- Each supports as many as three work stations in a shared resource arrangement, reducing cost per work station
- High-quality printed impressions
- Bidirectional printing

#### Specifications:

Dimensions: Printer Case 26 in. (660mm) wide, 23 in. (583mm) deep, 7.8 in. (200mm) high  
 Color: Pearl White  
 Weight: 64 lbs. (29 kg.)  
 Paper Width Capacity: 15.4 in. (392mm), writing line 13.2 in. (335mm)  
 Optional cable lengths: 9.8 ft. (3m), 19.6 ft. (6m), 98.2 ft. (30m), 196.5 ft. (60m). (Cables must be ordered.)  
 Power Cord: 9.8 ft. (3m)

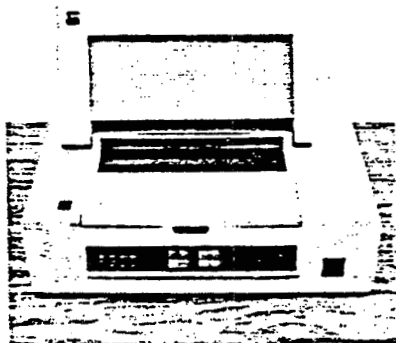


### Tractor Feed

- Can be attached to either IBM Printwheel Printer
- Can automatically position continuous paper during printing

#### Specifications:

Dimensions: 20.7 in. (525mm) wide, with wire guide, 19.6 in. (498mm) deep, without paper guide, 9.4 in. (240mm) deep, 5.1 in. (130mm) high  
 Color: Pearl White  
 Weight: 8.8 lbs. (4 kg.)



### Sheet-Feed Paper Handler

- Attachable to either IBM Printwheel Printer
- Two supply trays, each with a capacity of approximately 200 sheets of 20-lb. bond paper
- Feeds cut-sheet paper in sizes up to 11.7 wide x 14.3" long automatically
- Inserts letter-size paper which has been stacked vertically or horizontally
- Automatically positions each sheet at the first typing line selected by the typist
- Stacks paper in printed sequence

#### Specifications:

Dimensions: Paper Handler 21.3 in. (540mm) wide, 24 in. (610mm) deep, 11.2 in. (284mm) high  
 Color: Pearl White with Pebble Gray accent  
 Weight: 25 lbs. (11.4 kg.)  
 Paper Capacity: Will sheet-feed any paper weights within the range of 16 to 24 lbs. Two supply trays, each holding up to 200 sheets of 20-lb. bond paper per tray. Output tray will hold up to 400 sheets.

Paper Sizes: The following United States paper sizes can be fed either lengthwise or sideways unless otherwise noted

7.0 x 10.5 in.	(178 x 267mm)
7.25 x 10.5 in.	(184 x 267mm)
7.5 x 10.5 in.	(191 x 267mm)
8.0 x 10.5 in.	(203 x 267mm)
8.0 x 13.0 in.	(203 x 330mm)
8.5 x 11.0 in.	(216 x 279mm)
8.5 x 13.0 in.	(216 x 330mm)
8.5 x 14.0 in.	(216 x 356mm)

The following International paper sizes can be fed either lengthwise or sideways unless otherwise noted.

5.83 x 8.27 in.	(148 x 210mm)
7.17 x 10.12 in.	(182 x 257mm)
7.75 x 10.75 in.	(197 x 273mm)
8.0 x 10.0 in.	(203 x 254mm)
8.27 x 11.69 in.	(210 x 297mm)
8.5 x 11.0 in.	(216 x 279mm)
9.84 x 13.90 in.	(250 x 353mm)
10.12 x 14.33 in.	(257 x 364mm)

\*Feed lengthwise only

## Displaywriter Mag Card Unit

Holds 50 magnetic cards  
Serves as an added information  
resource by taking information  
from magnetic cards and altering  
it, storing it on Displaywriter  
diskettes, or printing it

### Specifications:

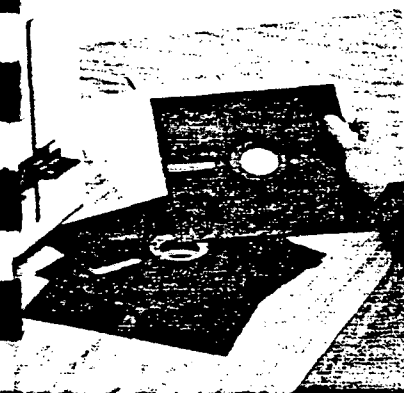
Dimensions: 12 in. (305mm) wide, 19 in.  
(483mm) deep, 26.5 in. (676mm)  
high

Color: Pearl White Mag Card Unit with  
Raven Black faceplate

Weight: 57 lbs. (26 kg.)

Cable Length: 13 ft. (4m)

Power Cord Length: 9.8 ft. (3m)



## IBM Licensed Program Diskettes

- Displaywriter functions come to you on programmed diskettes.
- The same Displaywriter diskettes that make many automated capabilities possible and eliminate many manual steps

The capabilities on the diskettes include: advanced text processing, automated records management, spelling verification aid and arithmetic verification and statistical typing aids

Among the Displaywriter  
Licensed Program diskettes are:

- Textpack 1—Text, Spelling (160K)\*
- Textpack 2—Text, Spelling, Printer Sharing (192K)\*
- Textpack 3—Advanced Text, Spelling, Statistics (224K)\*
- Textpack 4 and Reportpack—Advanced Text, Spelling, Statistics, Automated Records Management (256K)\*

\*Required memory installation

### Note:

Electrical Requirements: For safety and proper system operation, each branch circuit must be grounded. Both a Display Station and a printer can be plugged into the same outlet.

Power Requirements: Operates on 110 volt, 60 hertz, grounded receptacle, 15 amperes, single phase.

Maximum BTU/Hour: 2140 for a single system.

Environmental Limits: Temperature 50-90°F, 10-32°C, relative humidity 8-80%

The Licensed Programs below  
require a minimum of Textpack 2  
(192K Memory)

- Languagepack
- Asynchronous communications
- Magnetic Card Conversion
- Binary synchronous communications require 224K of memory.



## IBM Displaywriter System

The Displaywriter is a display-based, advanced text processing system. It is designed to be cost efficient for today's needs. And modular, to grow as your needs grow.

### Select only the equipment you require

The various units in the IBM Displaywriter System have several common traits. They can help people work productively and comfortably. And Displaywriter equipment can be enhanced, without being replaced.

The IBM Display Station consists of display, keyboard and electronics modules.

You have a choice of four diskette units to meet a variety of needs.

There's also a choice of three impact printers with rated burst speeds of up to 60\*, 40\* and 15.5\*\* (IBM Selectric® Element Printer) characters per second (cps). You can have optional automatic sheet-feed or tractor-feed paper handlers that can be attached to either the 40 or 60 cps\* Printwheel

Printers. Each of the IBM Printwheel Printers can work with as many as three work stations.

As an added information resource, there's an optional Displaywriter Mag Card Unit.

### Time- and effort-saving diskettes

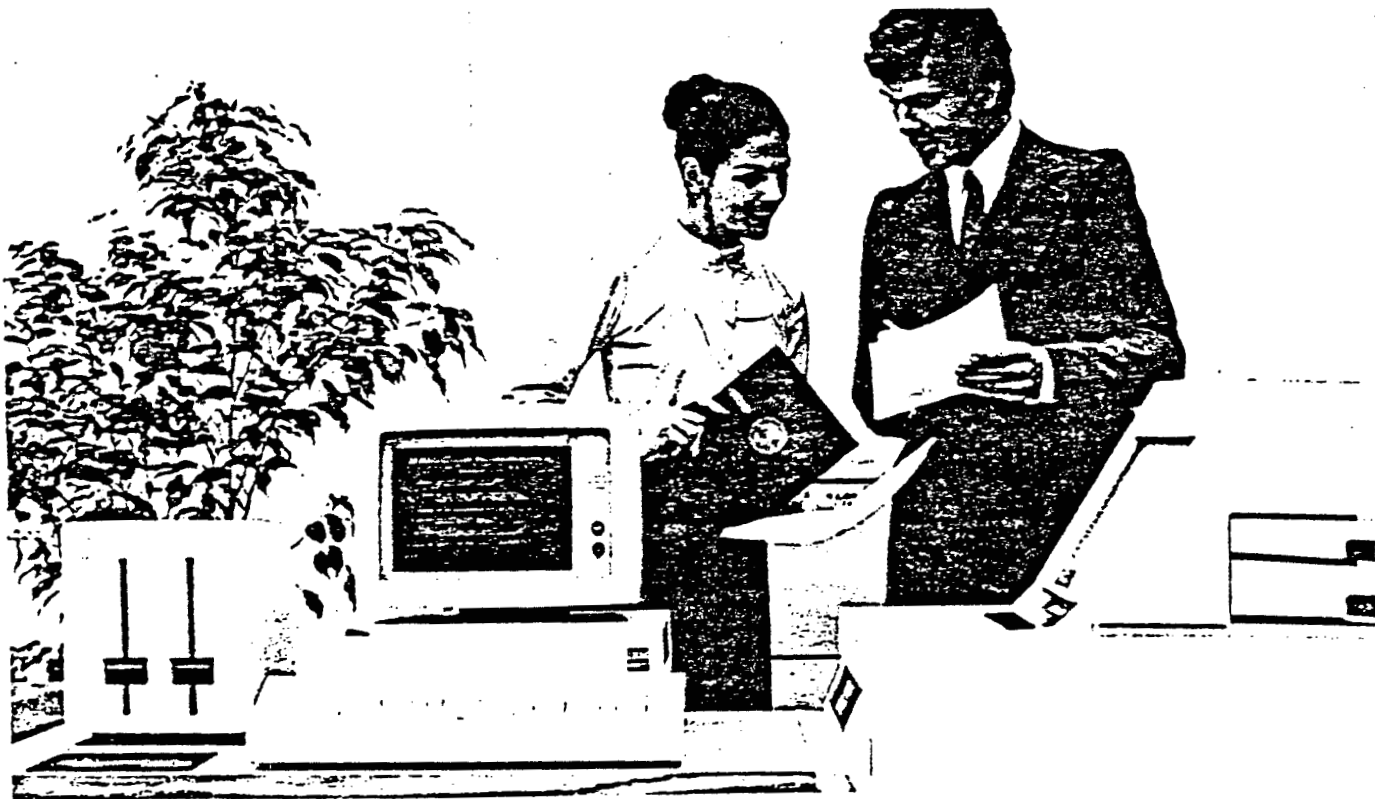
Displaywriter functions come to you on IBM Licensed Program Diskettes. There's no need for you to do any programming. Instead of performing many manual tasks, typists using the Displaywriter simply insert a programmed diskette, perform a few simple steps and gain access to many automated typing, and information handling aids.

Like the equipment, functions are also upgradable.

The Displaywriter represents the quality of design, manufacture and service that people have come to expect from IBM.

\*rated burst speeds in 10 pitch

\*\*rated burst speed in 12 pitch



# Price Worksheet

Equipment	W/S 1	W/S 2	W/S 3	Monthly Price	Purchase Price
Display Station					
Additional Memory					
Diskette Unit					
Single Drive 1					
Dual Drive 1					
High-Density Single Drive 2D					
High-Density Dual Drive 2D					
Printer					
Electric Element					
40 cps Printwheel					
60 cps Printwheel					
Optional Paper Handling					
Communications					
Single EIA					
Dual EIA					
Keylock					
Tag Card Unit					
Functions	W/S 1	W/S 2	W/S 3	Monthly License Fee	Purchase Price
Textpack 1					
Textpack 2					
Textpack 3					
Textpack 4					
Reportpack					
Languagepack					
SYNC					
BYSINC					
Tag Card Conversion					
Cables					
Printer Sharing					
5 meter cable					
60 meter cable					
Printwheel Printers					
3 meter cable					
6 meter cable					
30 meter cable					
60 meter cable					
Total Price—Equipment					
Total Price—Functions					

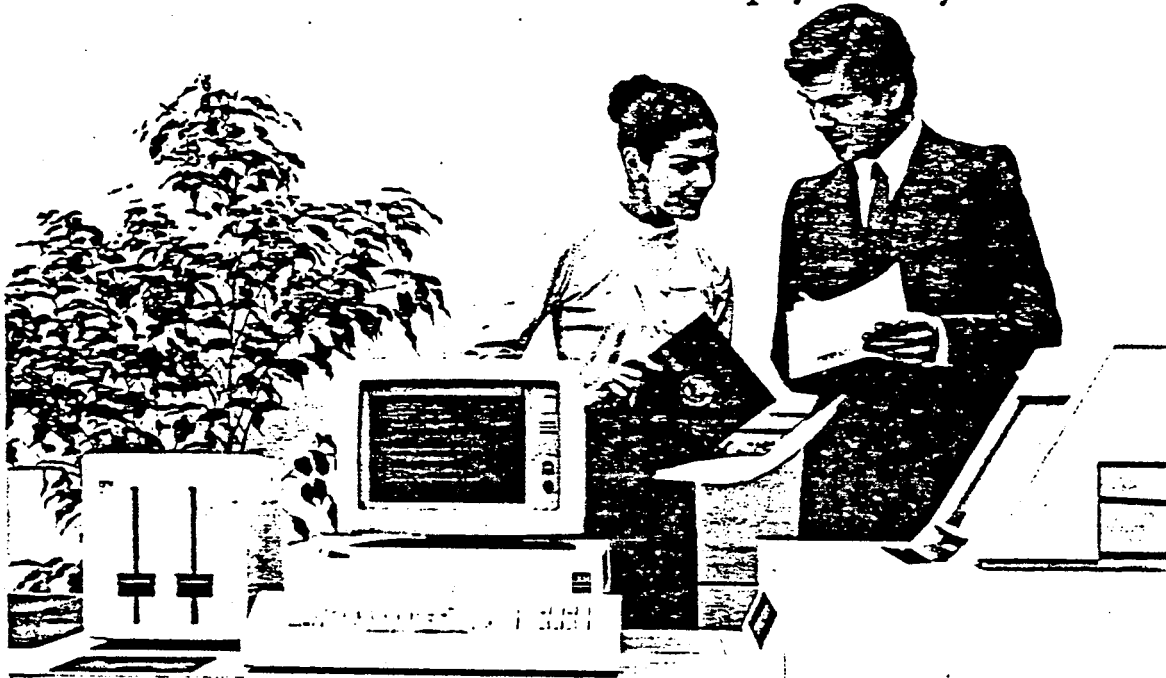
The above information is not a proposal. These prices should be used for planning purposes only, and might not represent actual IBM charges. Your IBM Marketing Representative can provide you with a formal proposal.

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Office Products Division  
For additional information, contact the  
nearest IBM Branch Office.  
OPD Adv. Form No. G552-0303-2  
Printed in USA 680/581  
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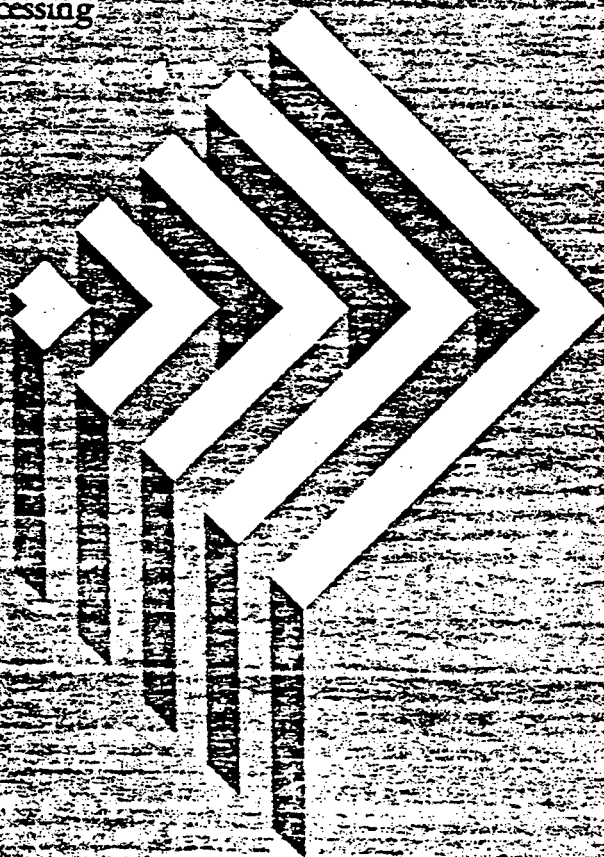
References in this publication to IBM products or services do not imply that IBM intends to make them available outside the United States.  
Photographs show IBM Displaywriter System engineering design models. Changes may be incorporated on production models. Displays on screens were simulated.

To order supplies, contact an IBM Marketing Representative or call IBM DIRECT, toll free, 800-631-5582. In New Jersey, call 800-352-4960. In Alaska and Hawaii, call 800-526-2484.

# The IBM Displaywriter System



## Court Records and Text Processing



IBM

## Heavy workloads

A number of observers have commented on the undesirable effects of the *growing workload* of the American court system.

## Backlogs and added paperwork

Most judges, clerks and support staffs work longer hours than ever before and individual cases tend to require more time. As a result, backlogs of cases and paperwork continue to grow.

## Need for streamlined procedures

Much of the delay can be traced to administrative methods and procedures. As a court action progresses, many people must be informed of calendars, continuances and petitions.

An administrative system based on conventional typewriters requires manual removal of information from space-consuming files. Many routine documents may also require time-consuming cross checking of files.

This system is now being strained both by the heavier court workloads and limited clerical staffs. Productivity increases, in this situation, can be difficult.

When the document and report production systems are inefficient, the result is usually *further delay*.

## Productivity with Displaywriter

These concerns can be resolved. You can put modern technology to work for you, with the capabilities you need, at an affordable price.

Creating a ma

Useful for crisi

Information u

## The IBM Displaywriter System alternative

### Creating a master case file

The Displaywriter enables a typist to electronically record information about each case, add or revise information as the case progresses, retrieve selected portions as necessary and distribute reports or other documents.

You can choose as many as 100 fields (or categories of information) for the case file. Each file may contain up to 1000 characters.

As an example, a master file for criminal cases could include the following fields:

- |                            |                                     |
|----------------------------|-------------------------------------|
| 1. Case number             | 18. Reset time                      |
| 2. Date filed              | 19. Defense attorney                |
| 3. Defendant's title       | 20. Telephone                       |
| 4. First name              | 21. Prosecuting attorney            |
| 5. Middle name             | 22. Date of last pre-trial activity |
| 6. Last name               | 23. Last pre-trial activity         |
| 7. Street address          | 24. Judge                           |
| 8. City                    | 25. Courtroom number                |
| 9. State                   | 26. Trial date                      |
| 10. Zip code               | 27. Disposition                     |
| 11. Case status            | 28. Disposition date                |
| 12. Offense description    | 29. Sentence                        |
| 13. Offense code           | 30. Amount of fine                  |
| 14. Date of offense        | 31. Arrest date                     |
| 15. First setting date     | 32. Arresting officer               |
| 16. Time                   | 33. Bond amount                     |
| 17. Most recent reset date |                                     |

### Useful for criminal and civil records

The case file used as an example above is a possible format for criminal cases. A civil court could use a similar file for its needs.

### Information used several times, and revised often

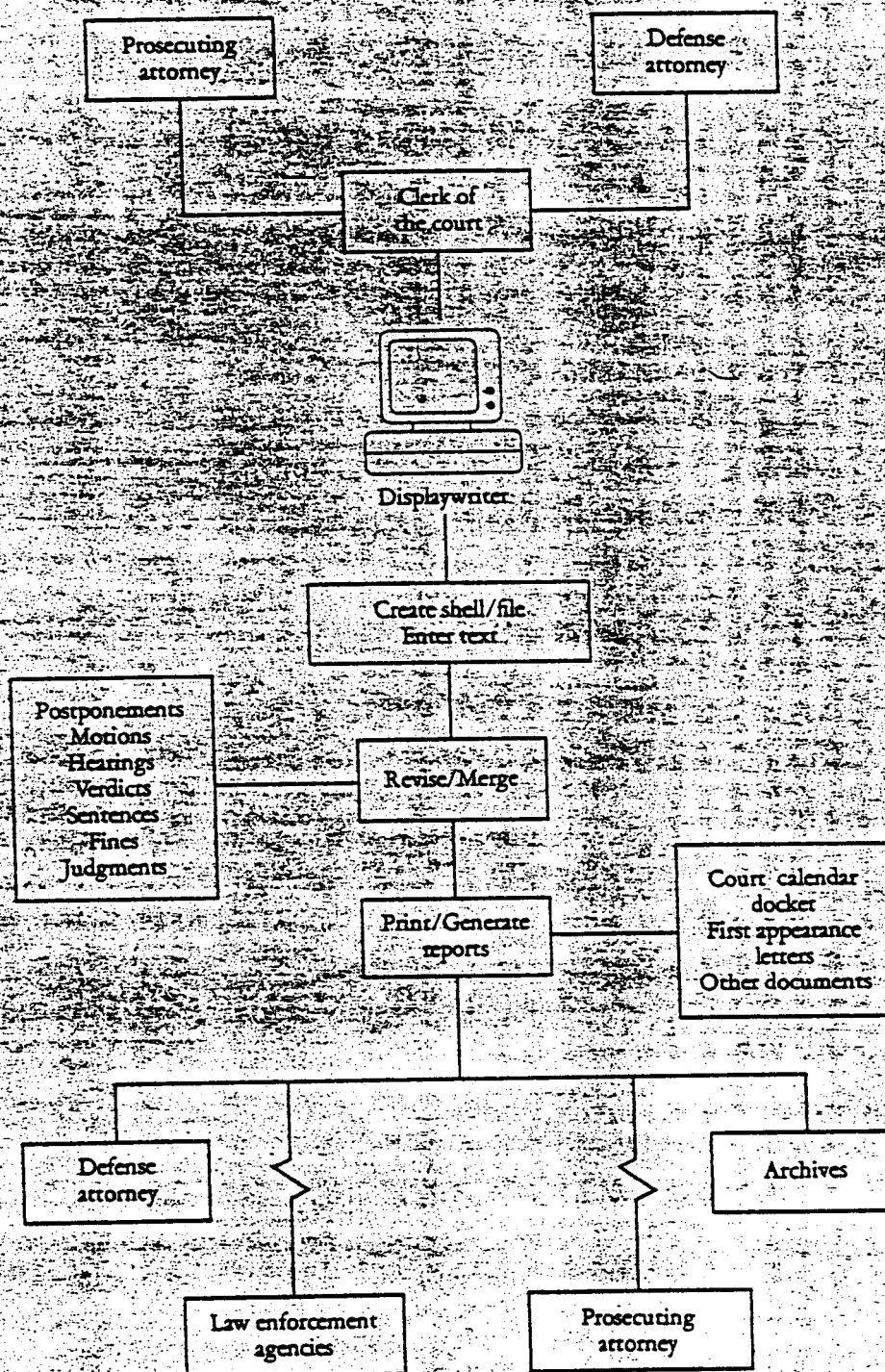
Once the information is within your electronic case file, it is available for automated production of many of the administrative documents needed to keep a court working:

- Individual case tracking
- Docket preparation
- Court date notification letters
- Speedy trial reports
- Caseload management

As cases progress, the court's clerical staff can easily update the file with a few quick keystrokes.



# A streamlined court administrative and records system, using the Displaywriter



- Bot
- Ma
- Fir
- cre
- Up
- req
- Re
- Fur
- jud
- Co
- Re
- an
- Sel
- co

- Both attorneys can enter information into the case file
- Master case file entry created for each case
- First appearance letter, court calendars, other documents may be created automatically
- Updates of case file are made, based on Docket Call and attorney requests
- Revised court calendars are prepared using the Displaywriter
- Further updates of case file, including verdicts, sentences, fines, judgments, entered. Closed case data may be archived
- Court documents can be created, revised and printed
- Reports may be automatically generated, using sort, sequence, arithmetic and merge capabilities
- Selected information or complete reports may be electronically communicated to other governmental agencies

## The IBM Displaywriter System—a typing and text handling family of equipment and functions

### A modular, affordable system

- Display, keyboard and electronics modules
- Diskette unit
- Choice of printers

### Designed for ease of learning, ease of use

- Familiar, adjustable typewriter-like keyboard
- Nonglare screen, contrast control
- Helpful prompts

### Arithmetic capabilities, statistical aids

- Add, subtract, multiply, divide
- Check accuracy of column or row totals
- Automatic column alignment

### Spelling verification aid

- Electronic dictionary of about 50,000 words
- 500 words unique to the law can be added

### Records processing/automatic merge

- Names, addresses, dates, amounts, etc. from files can be merged with stored formats and text to create new documents
- Formats can be designed to meet your needs
- Sequencing, qualifying and other capabilities allow timely creation of reports
- Production of reports, forms, and repetitive letters can be automated

### Communications options

- Displaywriter can communicate over ordinary telephone lines

with: suitably programmed computers, compatible IBM OS/6, 6670, 5520, and other office equipment

### Quality printers

- IBM Selectric® Element Printer (up to 15.5 cps\*)
- IBM Printwheel Printer (up to 40 cps\*\*)
- IBM Printwheel Printer (up to 60 cps\*\*)

### Sheet-feed paper handler for Printwheel Printers

- Feeds cut-sheet paper automatically
- Automatically positions each sheet at the first typing lines selected by the typist

### Printer-sharing option

- One IBM Printwheel Printer can serve as many as three Displaywriter work stations

### Trail printing

- The Displaywriter is capable of "trail" printing one page of a document while the typist works on the next page to be printed

### Extensive media storage

- Approximately 2,000,000 bytes of controls and usable characters can be stored on an optional dual diskette unit to help reduce media handling

\*characters per second, rated burst speed

\*\*characters per second, rated burst speed in 10 pitch





Reports may be easily, automatically produced by  
the Displaywriter

## Case history

All transactions for a  
case can be stored and  
used to create a case  
history.

CASE HISTORY			
CASE #:	4344	PERSON:	ROGIAN
FILED:	801231		
DEFENDANT:	TOM ROBERTS 609 Carpenter Lane South Royalton, Vermont 05048 (221) 425-8101		
OFFENSE:	Recklessness	OFFENSE DATE:	801214
FIRST HEARING DATE:	810112	TIME:	10:30
HEARING DATE:		TIME:	
LAST PRE-TRIAL ACTIVITY:	Arrest filed	DATE:	810107
ATTORNEY:	Red Bain	ATTORNEY PHONE:	425-9999
PROSECUTING ATTORNEY:	Betty Lisman		
JUDGE:	James Smith	COURT ROOM:	6
DISPOSITION:			

## Caseload report

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## Calendar

JUDGE ARNON SMITH'S CALENDAR January 12, 1981							
DATE	TIME	CASE #	DEFENDANT	OFFENSE	PROSECUTING ATTORNEY	DEFENDING ATTORNEY	PHONE
810112	8:30	4234	Dorothy Aster	Theft by check	Betty Lisman	Lenny Parker	642-8181
810112	9:30	4239	Marty McNulty	Driving while intoxicated	Ralph Orley	Red Bain	641-8390
810112	10:00	4338	Beth Reider	Forgery	Ralph Orley	Allen Smith	641-8436
810112	10:30	4344	TOM ROBERTS	Recklessness	Betty Lisman	Red Bain	425-9999
810112	11:00	4345	Charles Bonneries	Theft by check	Betty Lisman	Lenny Parker	642-8181
810112	1:00	4356	Robert Lewis	Forgery	Ralph Orley	Lenny Parker	642-8181
810112	1:20	4357	James Powell	Theft by check	Betty Lisman	Allen Smith	641-8436

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## Caseload report

### CASE DURATION REPORT

CASE #	DEFENDANT	OFFENSE	DISPOSITION	ARREST DATE	DISPOS. DATE	DAYS IN SYSTEM
4129	Vaughn Brooks	Driving while intoxicated	Sentenced	800213	810323	38
4125	Joseph Stokes	Theft by check	Sentenced	800215	810323	36
4168	Beth Smith	Forcary	Sentenced	800221	810325	32
4340	Lana Godwin	Theft by check	Sentenced	800228	810327	27
4344	Tom Roberts	Embezzlement	Sentenced	801101	810119	78

Average Days in System 42.2

Reports may be automatically generated by using the sort, sequence and merge capabilities of the Displaywriter.

## First setting letter

Variable information (case number, defendant's name, address) may be merged automatically into an established format with standard phrases. Printout can be on letterheads or pre-printed forms, ready for signature.

### FIRST SETTING LETTER

STATE OF TEXAS CASE NUMBER: 4344  
VS. DATE: January 2, 1981

Tom Roberts  
609 Carpenter Lane  
South Royallton, Vermont 05068  
(221) 435-0101

You are hereby ordered to appear before the County Court at Law, Sample County, Texas, located on the first floor, Courtroom 6, County Courthouse, 1111 Main Street, on January 12, 1981 at 10:30 a.m.

You are advised:  
(1) If you do not appear as ordered, your bond will be forfeited and a warrant issued for your re-arrest.  
(2) Your attorney should also be present.  
(3) Witnesses will not be needed at this appearance.

\_\_\_\_\_  
MAGISTRATE



## How Displaywriter can help expedite text processing

A judge's written opinion can range from a few paragraphs to hundreds of pages. Using conventional typewriters, revisions of first drafts may require much repetitive typing and redundant proofreading for typists' errors. Using the Displaywriter, however, only revisions need be typed for subsequent drafts.

Typists can work at rough-draft speed, confident that the spelling verification aid and correcting capability will help them to make necessary corrections from the keyboard before text is committed to paper.

Other original documents appropriate for Displaywriter keyboarding include correspondence, memoranda and administrative notices.

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### Judge's opinion

#### ON APPEAL FROM THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF COLUMBIA

##### OPINION BELOW

The unreported opinion of the district court (District Judge Harvey L. Robinson) is contained in a handwritten notation made by Judge Robinson on the first page of the complaint. This appears at page 1 of the appendix.

##### JURISDICTION

Final judgment dismissing the complaint for lack of jurisdiction was entered on April 20, 1979 (A. 21). A notice of appeal was filed by the Committee to Preserve Rhodes Towers and the National Processional Route (the Committee) on April 23, 1979 (A. 10). This Court's jurisdiction rests on 28 U.S.C. 1291.

##### STATUTES AND REGULATIONS INVOLVED

The Shipstead-Lane Act of 1930, 40 U.S.C. 121, and Section 104 of the National Historic Preservation Act of 1946, 16 U.S.C. 4702, are primarily involved in this lawsuit and are set forth in the addendum to this brief. The Act of May 17, 1920, 36 Stat. 371, 40 U.S.C. 104, establishing the Commission of Fine Arts is also set forth in the addendum.

##### ISSUES PRESENTED

1. Whether a private developer's applications to demolish several of its buildings located along the Pennsylvania Avenue parade route, which require approval by the Mayor of the District of Columbia, must, under the Shipstead-Lane Act, be referred to the Commission of Fine Arts for "recommendations."

### Designed to be highly reliable, easily maintained

The Displaywriter incorporates proven, modern, and reliable electronic technology. A nationwide service network can keep your system performing at top capacity.

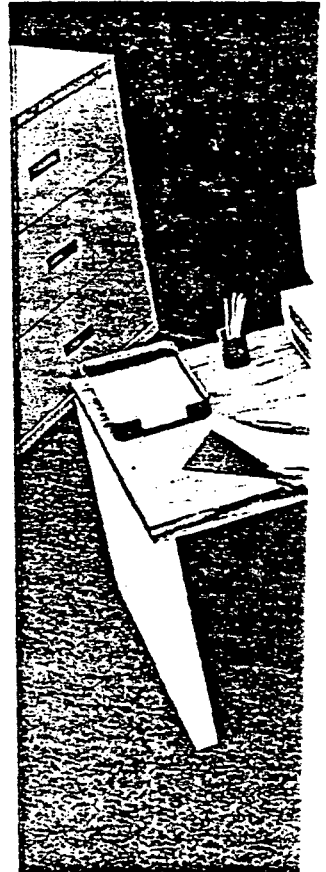
- Special Problem Determination Diskette helps diagnose operational problems quickly
- Toll-free "hot line" telephone service offers assistance during normal business hours

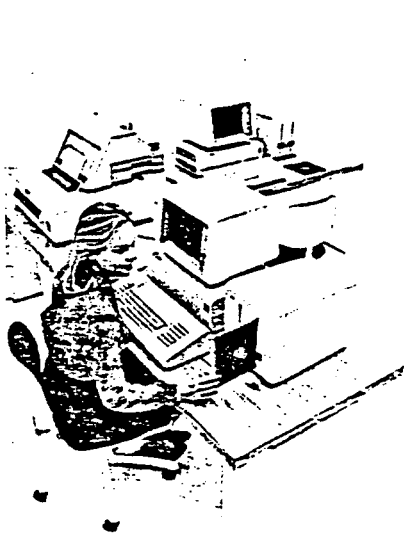
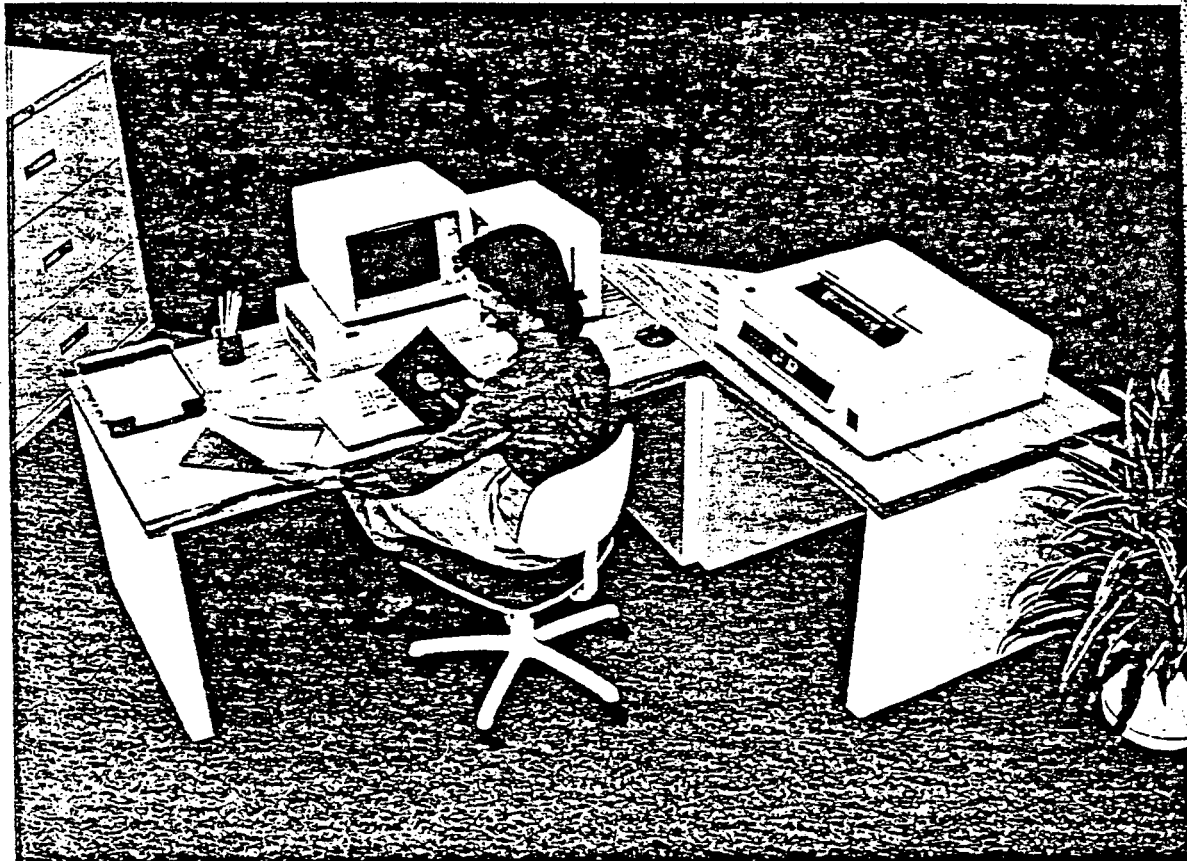
### Automated aids to productivity

In addition to a spelling verification aid which can check spelling accuracy at a rate of about 1,000 words per minute, the Displaywriter offers many other automated features which help enhance typists productivity:

- Carrier return, indenting and centering
- Error correcting backspace
- Global search/replace
- Pagination
- Alternating headers and footers
- Block delete, overstrike, move and copy
- Column layout
- Decimal alignment

IBM is ready to help you select the specific cost-effective system you need and to show you the details of its potential value to your court. We would like to help you develop an action plan to put this new productive resource to work for you as soon as possible.





**IBM.**

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Photographs show IBM Displaywriter System engineering design models. Changes may be incorporated on production models. Displays on screens were simulated. The sample documents are comparable to documents which could be produced by the IBM "Selectric" Element Printer.

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