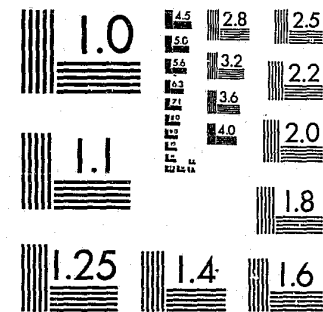


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National Institute of Justice
United States Department of Justice
Washington, D. C. 20531

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7/13/81

Report



National Center for State Courts

73042



CIRCUIT COURT MICROFILMING
AND
RECORDS RETENTION PROJECT
FOR THE
STATE OF SOUTH DAKOTA

NCJRS

AUGUST, 1979

NOV 4 1980

ACQUISITIONS

PREPARED BY:

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This report was prepared with support from Grant No. 9-02-05-001 awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this report are those of the authors and do not necessarily represent the official position of the United States Department of Justice.

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I. THE NATIONAL CENTER FOR STATE COURTS MADE SIXTEEN MAJOR RECOMMENDATIONS
FOR THE IMPROVEMENT OF THE RECORDS MANAGEMENT SYSTEM IN THE STATE OF
SOUTH DAKOTA.

This chapter summarizes the National Center's recommendations
which will be discussed more fully in Chapter IV.

RECOMMENDATIONS:

A. Policy Recommendations

- A-1 Acceptance standards concerning documents filed with the court
should be developed and enforced.
- A-2 Standard forms design techniques should be adopted for all
forms used within the court.
- A-3 All court case file records should be prepared on letter
size (8½" x 11") paper.
- A-4 Procedural manuals should be created which document the
systems developed for case processing and court administration.
- A-5 A uniform case numbering system should be initiated statewide,
including the year, type of case, and consecutive number.
- A-6 Following completion of statewide records inventory, a
comprehensive records retention and disposition schedule should
be developed and promulgated by court rule.
- A-7 Preserve the integrity of court files by controlling file
access.
- A-8 Greater expertise in the area of records management should be
developed.

B. Active Filing System Recommendations

- B-1 The use of bound books for court recordkeeping should be
eliminated as soon as possible. The court system should
consider adoption of a multi-part case action summary form.

B-2 The courts of South Dakota should convert all active case files to a lateral or open shelf filing system as soon as possible.

B-3 In conjunction with the open shelf filing equipment, standard filing components should be included in the court active filing system.

B-4 The Courts of South Dakota should convert file folders to a color-coded System and a color-coded numbering system for the case file number.

C. Inactive Filing System Recommendations

C-1 The courts should reduce all inactive case files to a microfilm system.

C-2 Microfilming programs should include provisions for the inspection, testing, and archival storage of the original microfilm produced.

C-3 The disposition of inactive case records should be determined by the record retention and disposition schedule. Inactive records should be periodically segregated from the active file section of the court.

II. THE STATE OF SOUTH DAKOTA ANTICIPATED THE BENEFITS OF A RECORDS MANAGEMENT ANALYSIS AND REQUESTED THE NATIONAL CENTER TO ASSIST THE STATE IN IDENTIFYING NEEDS.

This chapter will describe briefly the current records management environment in South Dakota; the identified need by the state; the selection of the National Center for State Courts; and the methodology used by the National Center.

A. The State of South Dakota has made continued progress in all phases of judicial administration.

A new judicial article was adopted by the voters of South Dakota on November 7, 1972. This historic piece of legislation provided for a unified judicial system consisting of a supreme court and circuit courts. The Chief Justice, through the Supreme Court, has ultimate authority for managing the system. The Chief Justice is served by a State Court Administrator (SCA) who is responsible for the daily operation of the courts. The SCA coordinates four functions: budgeting and finance, personnel and training, court services, and research and development.

The trial courts are organized into eight circuits. Circuits are controlled by a Presiding Circuit Judge who sits at the pleasure of the Chief Justice. The Presiding Circuit Judge may appoint a court administrator to assist in the day-to-day administrative tasks, magistrates (lawyer-trained or laymen) to provide selected judicial assistance, a county court clerk, and court services officers.

The individual circuits vary in size and population. The following chart identifies some of these differences:

CIRCUIT	POPULATION	SQ. MILES	JUDGES	LAW TRAINED MAGIS.	MAGIS.	CT. ADMIN.	CLKS OF COURT
First	96,757	5,471	4	2	.97		9
Second	95,209	813	5	2	.69	1	1
Third	115,929	10,292	6	2	0	1	11
Fourth	70,677	6,203	4	.96	.41		11
Fifth	84,554	8,411	4	2.5	.07		8
Sixth	62,074	17,731	5	1	2.7		13
Seventh	74,750	8,179	5	1.6	1.25	1	4
Eighth	61,307	18,859	3	2.0	.85		8

B. The Office of Records Management and the State Archive Resource Center of the Office of Cultural Preservation serve the record management needs of the state.

The Office of Records Management and the state Archives Resource Center are relatively new additions to the state's governmental structure. Although their respective functions differ, they are both responsible for preserving, protecting and managing the state's historical and active records.

The Office of Records Management operates within the Bureau of Administration. It was established in 1967 by the Legislature as a part of a State Records Management Program to achieve the following:

- Establish records retention and disposal schedules in cooperation the the State Records Destruction Board;
- Provide consulting and advisory services to state agencies seeking ways to manage records within statutory guidelines;
- Operate a records storage center for inactive records;
- Operate an archival quality central microfilm service.

This office recognizes the important role that records play in the operation of government, and that the state has a duty to properly manage its records.

The Legislature established the state Archives Resource Center in the Office of Cultural Preservation in 1974. Although the Center is new and, by archivist standards, relatively small (1300 cubic feet), the Center is the largest archival repository in the state.

Other historical repositories include:

- Historical Resource Center, formerly the South Dakota State Historical Society
- Secretary of State's Office
- Office of Records Management microfilm vault
- The originating agency
- University of South Dakota at Vermillion.

The state archivist's legal authority is defined in SDCL 1-18C. The archivist is obligated to "assemble, preserve, and service the permanently valuable records of the state". These records are defined as:

"...those non-current state records which are no longer essential to the functioning of the agency of origin and which the state archivist determines to have permanent value for research, reference, or other usage appropriate to document the organization, function, policies, and transaction of state government."

State statutes have provided further definitions, including:

- 1) all state records will be managed as provided by law (SDCL 1-27-10);
- 2) all records destruction will be supervised by a specified board (SDCL 1-27-11); 3) this board shall be supervised by the Bureau of Administration, but shall exercise its functions independently (SDCL 1-27-11.1); 4) state agency heads shall prepare records retention schedules (SDCL 1-27-13);
- 5) each agency head shall compile a list of obsolete records (SDCL 1-27-14); 6) non-record materials (so defined) may be destroyed without approval (SDCL 1-27-15); 7) procedure for new rulemaking (SDCL 1-27-16);
- 8) the Commissioner of Administration shall advise and assist the judicial and legislative branches in establishing a records management program upon request (SDCL 1-27-17); and 9) the destruction board shall meet at least once a year (SDCL 1-27-19).

There is some confusion over the authority of the archivist with respect to judicial (and legislative) records. SDCL 1-18C-1 identifies all "state agencies" as including the courts. However, SDCL 1-27-17 states:

"Upon request, the Commissioner of Administration shall assist and advise in the establishment of records management programs in the legislative and judicial branches of state government and may, as required by them, provide program services similar to those available to the executive branch of state government pursuant to the provisions of § 1-27-9 to § 1-27-16, inclusive."

Furthermore, Attorney General Opinion 77-35 states that the Legislature did not intend to include the legislative and judicial branches. (Statutes may be found in Appendix 1.)

In 1972, the Records Destruction Board prepared a preliminary set of retention schedules. Schedules were prepared for the following:

- Clerks of Court (p. 1016)
- Municipal/Magistrate court records (p. 1022)

These record schedules are listed in the State Records Management Manual, reprinted in 1978 (see Appendix 2). The two court schedules included in the manual follow this page as Exhibit 1.

SDCL §§ 1-27-4 and 19-7-12 provide for the microfilming of all court records. Microfilming standards are to meet the National Bureau of Standards requirements or the American National Standards Institute requirements. The Board of Records Destruction provide for the microfilming and destruction of non-permanent court paper records.

C. Needs Analysis

Throughout state government there has been a marked increase in the amount of paperwork being initiated, circulated, and filed. Pressures from increased use of audio/video communication systems, new electronic machinery, and actual users have created a bottleneck in governmental administrative operations.

The courts have not been excluded from this process. Increased demand on the courts' processes have been steadfast. New types of litigation and more litigants pave the way for administrative hardships. The courts have limited their use of new technologies and systems which will stem the document tide. Microfilming has been adopted by some of the courts as one solution.

Recognizing that microfilm technology without proper supervision is potentially destructive to the courts, the State Court Administrator's

EXHIBIT 1(1)

Minimum Retention Schedules for
Clerk of Courts
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

CLERK OF COURTS

MINIMUM RETENTION

Case Files	Permanent
Court Exhibits	Released by Court Order
Fee Book	Permanent
File Copies - Notary Public Commissions	Current Copy
Judgement Book	Permanent
Judgement Docket	Permanent
Jury Records - Member of	Permanent
Record of Fines, Forfeitures	5 Years
Register of Actions - Circuit/County Court	Permanent
Register Book - Notary Public Commissions	Permanent

EXHIBIT 1(2)

Minimum Retention Period for
Municipal/Magistrate Court Records
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

MUNICIPAL/MAGISTRATE COURT RECORDS

MINIMUM RETENTION

Minute Docket and Index Thereto	Permanent
Judgement Docket and Index Thereto	Permanent
Card Index to Cases -- Names, Judgement, Etc.	30 Years
Jury Lists	2 Years
Traffic Violation Tickets	Audit plus 1 Year
Parking Tickets	Audit plus 1 Year
Warrants	
Traffic	2 Years
Criminal	Until dismissed
Record of Fines, Forfeitures & Penalties	5 Years
Court Calendar	5 Years
Search Warrants	5 Years
Civil Action Papers -- Summonses, Etc.	5 Years
Criminal Action Papers	10 Years
Small Claims	5 Years
Register of Civil Actions	Permanent
Case Records	
Felonies	20 Years after case closed
Misdemeanors	5 Years after case closed
Parole and Probation Records	5 Years after case closed

NOTE: In the event of a conflict with the retention schedules listed in Part I, the
Maximum listed retention period will apply.

Office (SCAO) identified this problem in its 1979 Annual Criminal Justice Plan. A project was developed with the following goals:

- To determine whether or not standardized microfilming equipment should be installed, or whether county equipment should be utilized;
- To determine the repository requirements for duplicate microfilm records;
- To develop a suitable record retention schedule;
- To determine whether further study is needed.

The SCAO further recognized that the microfilming issue was one part of a greater issue--the state's judicial record management system. It was decided that an outside consultant should consider these issues and make appropriate recommendations.

D. Selection of the National Center for State Courts

The National Center for State Courts was selected as the lowest bidder on January 19, 1978 to conduct the Circuit Court Microfilming and Records Retention Project (CCMRRP) for the South Dakota Unified Judicial System. A project team was assembled to work with SCAO staff and the advisory committee to the CCMRRP (see Exhibit 2). The advisory committee was chaired by the Honorable Robert H. Miller, Presiding Circuit Judge of the Sixth Judicial Circuit (other committee members are listed in Exhibit 3).

The proposal identified the following tasks:

- Gather background information about and gain an overview understanding of current records management practices.
- Formulate project goals and objectives.

EXHIBIT 2

Project Organization Chart
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

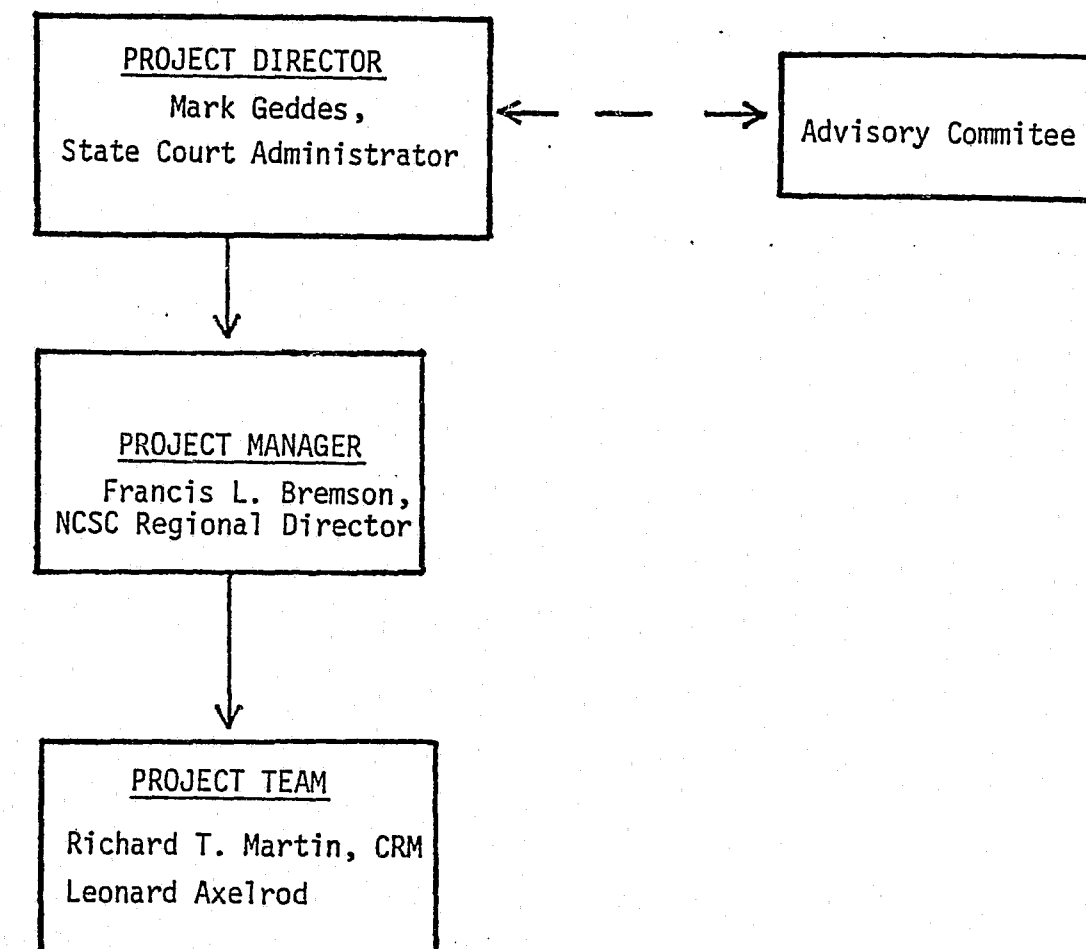


EXHIBIT 3

Advisory Committee Members
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

The Hon. Robert A. Miller
Presiding Circuit Judge
6th Judicial Circuit
Hughes County Courthouse
Pierre

Agnes O'Neal
Court Clerk Magistrate
Magistrate Court
Rapid City

Audrey Fraser
Court Clerk Magistrate
Brookings County Courthouse
Brookings

Dennis Walle
State Archivist
Pierre

Laska Schoenfelder
Register of Deeds
Davison County Courthouse
Mitchell

Ken Olander
Inventory and Supply Coordinator
Unified Judicial System
State Capitol
Pierre

Robert Gross
Edmunds County Abstractors Company
Ipswich

The Hon. Marshall Young
The Presiding Circuit Judge
7th Judicial Circuit
Rapid City

Roger Moan
Court Clerk Magistrate
Circuit Court
Minnehaha County Courthouse
Sioux Falls

Janice Lien
Court Clerk Magistrate
Lyman County Courthouse
Kennebec

Roy Engelbretson
Director
Records Management
Pierre

Mike Schirmer
Minnehaha County Commissioner
Minnehaha County Courthouse
Sioux Falls

William Daugherty
Court Administrator
Second Judicial Circuit
Minnehaha County
Sioux Falls

- Formulate project goals and objectives.
- Define in detail the tasks to be undertaken.
- Develop and test data collection instruments.
- Gather the prescribed information.
- Analyze the information.
- Consider alternative solutions.
- Prepare and submit to the State Court Administrator and the Advisory Committee final recommendations for comprehensive records management standards and guidelines.

The major on-site data collection was completed between February 20, 1979 and February 23, 1979. The project team completed the following site visit schedule:

- Seventh Judicial Circuit, Pennington County Courthouse, Rapid City, February 20, 1979
 - Hon. Marshall Young, presiding judge, Seventh Judicial Circuit
 - Mr. James Drubert, court administrator
 - Ms. Eileen Howe, circuit court clerk
 - Ms. Agnes O'Neal, magistrate court clerk
- Pierre; Mark G. Geddes, state court administrator February 20, 1979
- Second Judicial Circuit, Minnehaha County Courthouse, Sioux Falls, February 21, 1979
 - Mr. Roger Moan, circuit court clerk
 - Mr. Patrick Regor, magistrate court clerk
- Sixth Judicial Circuit, Stanley County Courthouse, Ft. Pierre, Ms. Ruth Johnson, circuit court clerk, February 22, 1979
- Pierre, Office of Records Management, Roy Engelbretson, director February 22, 1979
- Pierre, Office of Cultural Preservation; Dennis F. Walle, archivist; February 22, 1979
- Sixth Judicial Circuit, Lyman County Courthouse, Kennebec February 22, 1979

- Sixth Judicial Circuit, Hughes County Courthouse, Pierre, February 23, 1979

- Hon. Robert Miller, presiding judge
- Mrs. Eunice Cory, circuit court clerk

- Pierre, Advisory Committee, February 23, 1979

During these visits, the project team extensively interviewed court personnel; observed recordkeeping practices; tested the record inventory document (see Appendix 3); photographed some of the respective court record storage areas, and sketched some of the court record storage areas.

The remaining chapters will discuss the National Center's finding and recommendations, with appropriate appendices.

III. THE NATIONAL CENTER EXAMINED SEVEN COURTS IN FOUR COUNTIES WHICH REPRESENTED THE FULL RANGE AND SCOPE OF THE STATE'S RECORDS MANAGEMENT PROCEDURES AND PRACTICES.

In this chapter, the National Center will present its findings from the intensive four-day, seven-court on-site visit between February 20-23, 1979, including:

- Rapid City (Pennington County)
 - Circuit court
 - Magistrate court
- Sioux Falls (Minnehaha County)
 - Circuit court
 - Magistrate court
- Kennebec (Lyman County) circuit court
- Ft. Pierre (Stanley County) circuit court
- Pierre (Hughes County) circuit court

In addition, this chapter will discuss the following:

- A review of the Office of Records Management
- A review of the Office of Cultural Preservation
- The proceedings of the Advisory Committee meetings

A. Pennington County utilizes several types of modern records management equipment in addition to more traditional methods.

1. Circuit Court

The circuit court is located in the Pennington County Courthouse in Rapid City. The clerk's office occupies one corner of the main floor

of the courthouse. In this area, the clerk and her deputies operate the customer-counter service area, maintain the court's active records, microfilm records, and store microfilmed records.

The project team examined the following:

- current filing procedures and equipment
- the secondary and tertiary filing areas
- microfilming process and equipment

Within the recently redesigned clerk's work area, a rotating open shelf filing unit is used. Although open shelf filing is the most cost-effective and efficient, the rotating filing unit:

- is more expensive than standard, permanent open shelf filing;
- loses filing space due to the operating controls and the "out-of-sight" filing space, or the space not facing the open space;
- loses top shelf filing because the filing folders are top-tabbed;
- has a "protective" lip extending upward from the shelf which tends to catch files and ultimately tears folder covers during repetitive removal and return. In addition, the file folders are of a "bulky" thickness and are expensive.

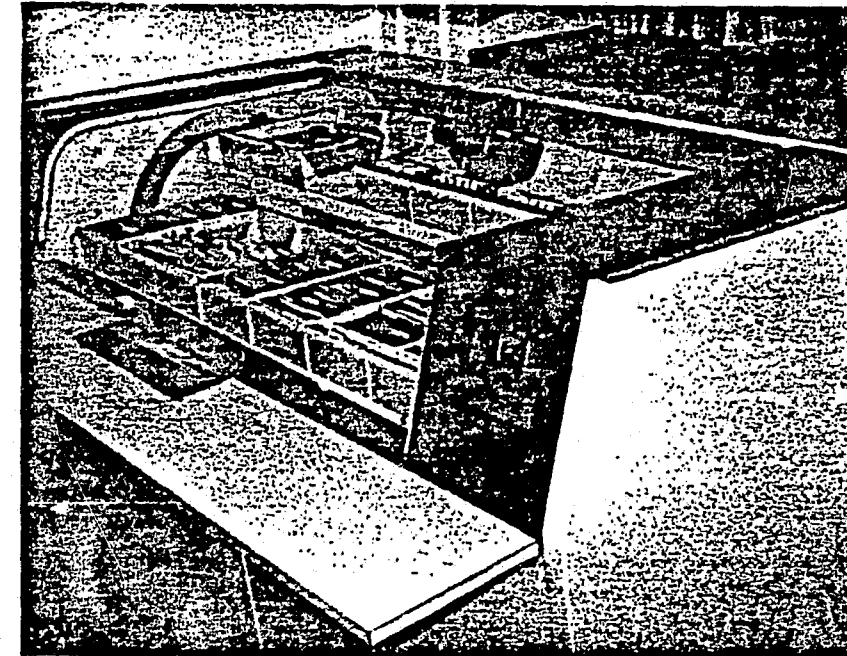
Behind the clerk's desk and the active work area is the microfilm center. This area includes the following equipment:

- Sperry Rand Kard Veyer 300
- 3M "500" reader-printer
- Canon 161G processor camera
- NB 1600 reader-filer

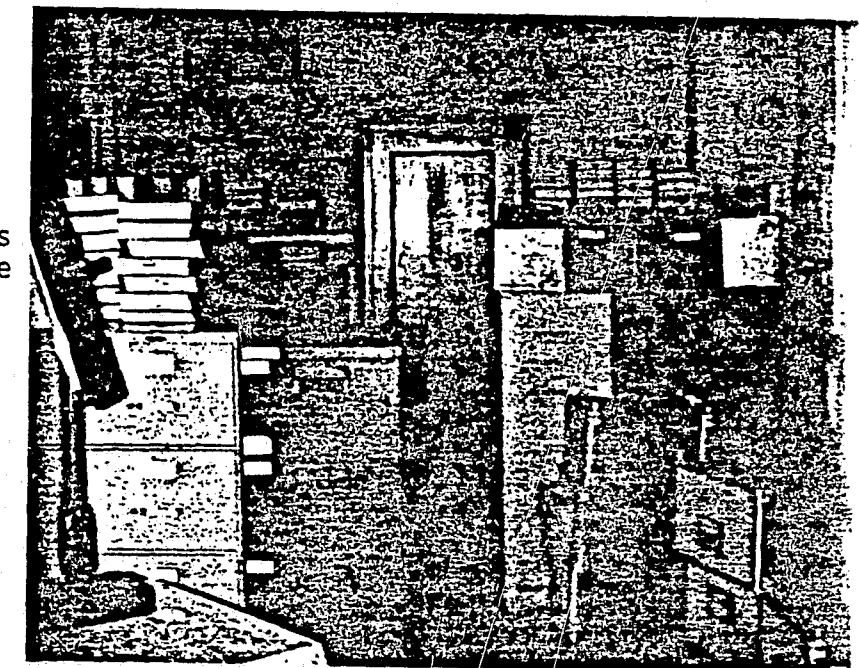
Upon reviewing this equipment, the project team observed the following (see Exhibits 4 and 5):

EXHIBIT 4

Pennington County Circuit Court
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



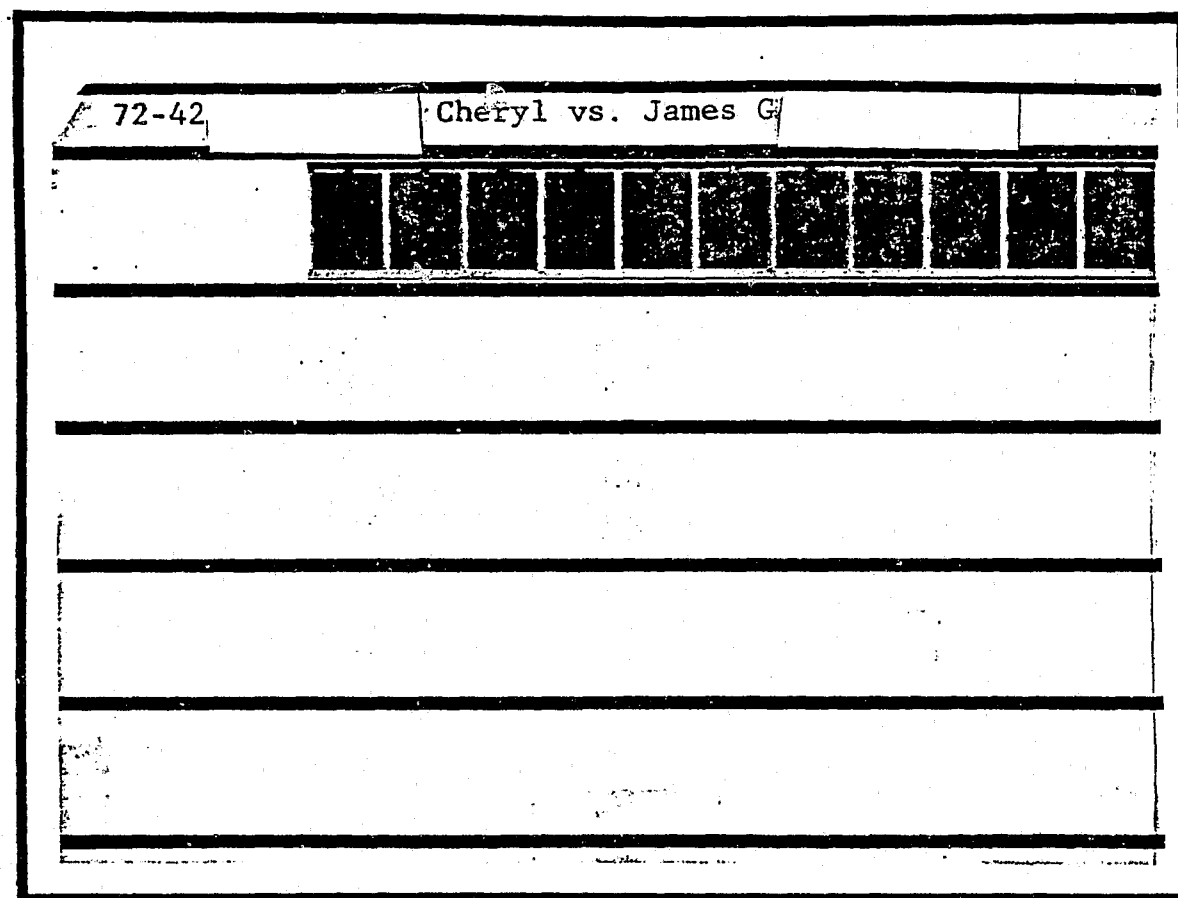
LEFT: The microfilm power file



RIGHT: Crowded attic typifies haphazard and unsecure storage

EXHIBIT 5

Diazo Microfiche
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



- The Canon processor must be covered with brown paper to prevent glare on the work space.
- The Canon processor doesn't provide for an archival quality wash of the film. The team noticed "blotches" and "spots" on the film which indicates a poor wash and chemical deterioration of the film.
- The density of the film was not within proper standards. Some film was extremely underexposed while other film was grossly overexposed.
- A power file for the microfiche is not necessary since the court should only retain a five year span of "jackets". Jackets older than this period should be transferred to the archives.

The inactive records are stored in the attic and in the basement vault.

The attic storage was less orderly than the basement storage. Cardboard storage boxes, filing cabinets, old stenographer notes, film, and docket books was haphazardly arranged. Although the basement storage area was more orderly, proper care of the court's records was questionable.

The project team observed:

- The temperature control in the attic storage and especially in the basement storage is non-existent.
- There are no precautions for fire or water damage to these original records.
- Many of the records are stored in cardboard containers and on wooden shelves. Although the project team did not see any evidence of termite damage, the potential exists.
- Despite the age of some of the paper records, the ink quality is still sufficient for microfilming.

2. Magistrate Court

The Magistrate Court of Pennington County is located in a separate building from the Pennington County Courthouse. Records are stored in three sites, including: a vault area adjacent to the office, a space in the basement, and an off-site warehouse storage room.

The central processing document for much of the court's criminal case volume is an 8" X 8" index card which contains the following defendant data: name, address, alias, sex, age and nationality. It also includes the date (of an offense), the offense, disposition (of the offense), and case number (see Exhibit 6). This card is completed for every defendant and is maintained in alpha-order. It accompanies the court records to the judge, is maintained on an on-going basis, and is never purged.

In the vault area, the court stores some microfilm of unknown origin or contents and supplies. In the basement, records are arranged haphazardly. There was evidence of water damage to some of the records. Additional records are stored in a moving company warehouse.

The project team observed:

- Records were improperly boxed without definite identification.
- Storage conditions were less than desirable, including safety of the records, temperature controls, and access by non-court or unauthorized personnel.
- Reliance on the central index card may constitute a breach of the defendant's rights.
- With the white card, regular removal and destruction of cards is impossible. The court should color code cards for purging every five years.

EXHIBIT 6

Pennington County Magistrates
Court Identification Card
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

[illegible]

B. Minnehaha County has adopted the same microfilming equipment as that used in Pennington County and currently depends upon drawer filing for storage.

1. Circuit Court

The circuit court is located in the Minnehaha County Courthouse in Sioux Falls. Sioux Falls is the largest city in the state, and its trial court has the largest workload. The Second Judicial Circuit Court includes Minnehaha County.

The project team reviewed the record management practices in the circuit court with Mr. Roger Moan, the circuit court clerk, and Mr. William Daugherty, the court administrator. The project team first reviewed the microfilming equipment which is located in the clerk's office (see Exhibit 7). The project team then reviewed the main storage vault off the clerk's office and the secondary and tertiary storage vaults located on the floor beneath the clerk's office.

The clerk's office owns the same type of equipment as that found in Pennington County, including:

- A Sperry Rand Kard Veyer 300
- A 3M Brand "500" reader-printer
- A Canon 161G processor camera
- A NB 1600 reader-filer

The project team reviewed the quality of the film that was processed through this system and had the following observations:

- There were many "splotches" on the film. This is a usual sign of chemical deterioration, or that the current equipment does not wash the chemicals properly from the film.
- The film also showed signs of "streaking".

EXHIBIT 7

Sioux Falls Outer Office, Circuit Court
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

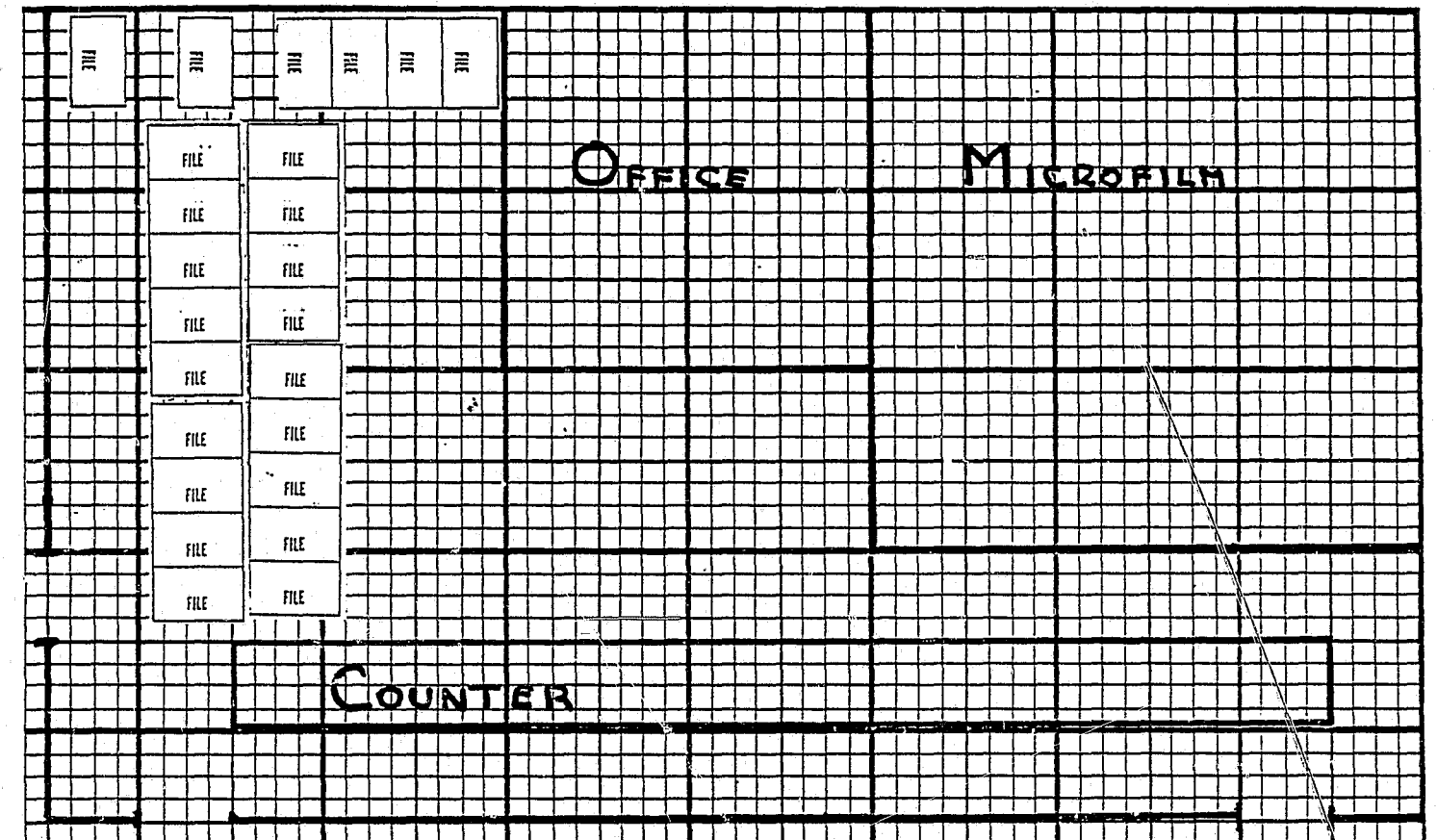
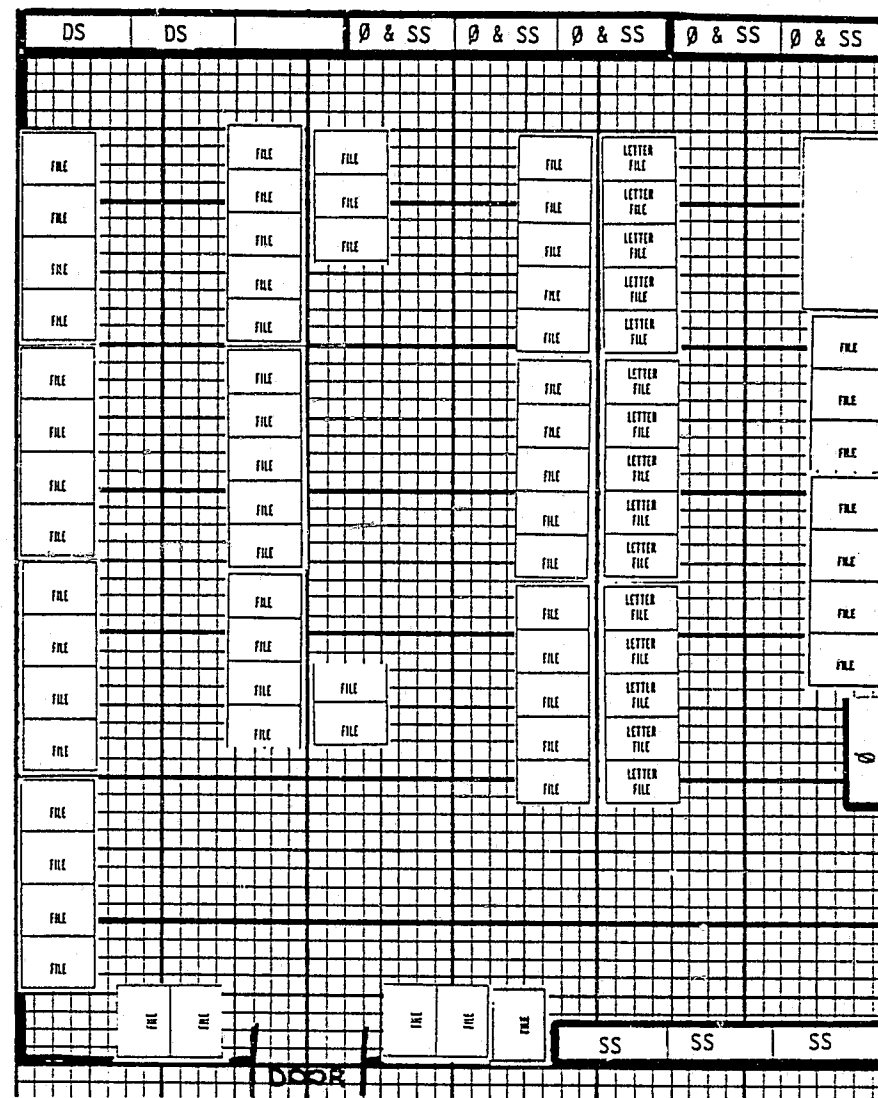


EXHIBIT 8

Sioux Falls Vault, Circuit Court
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

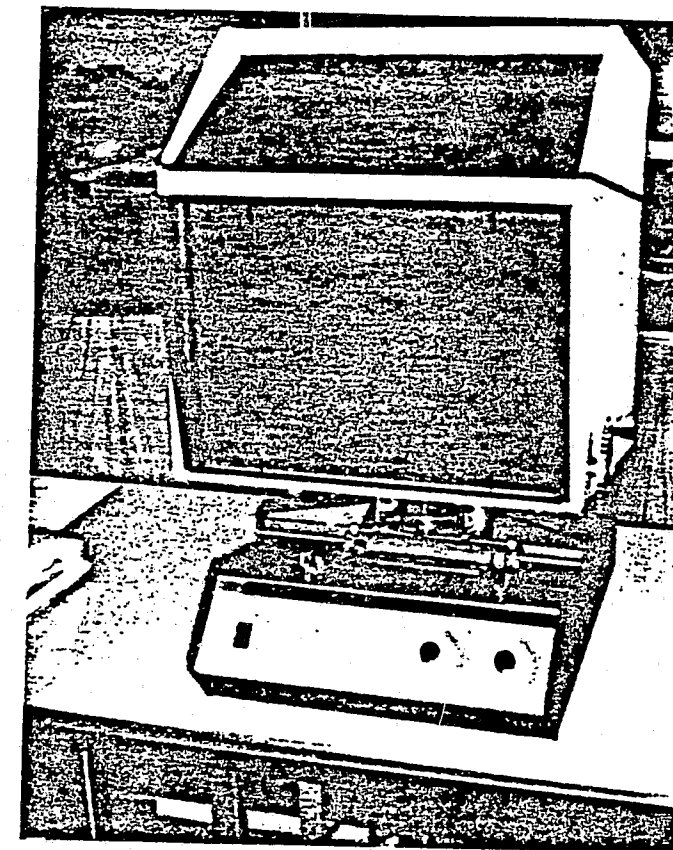


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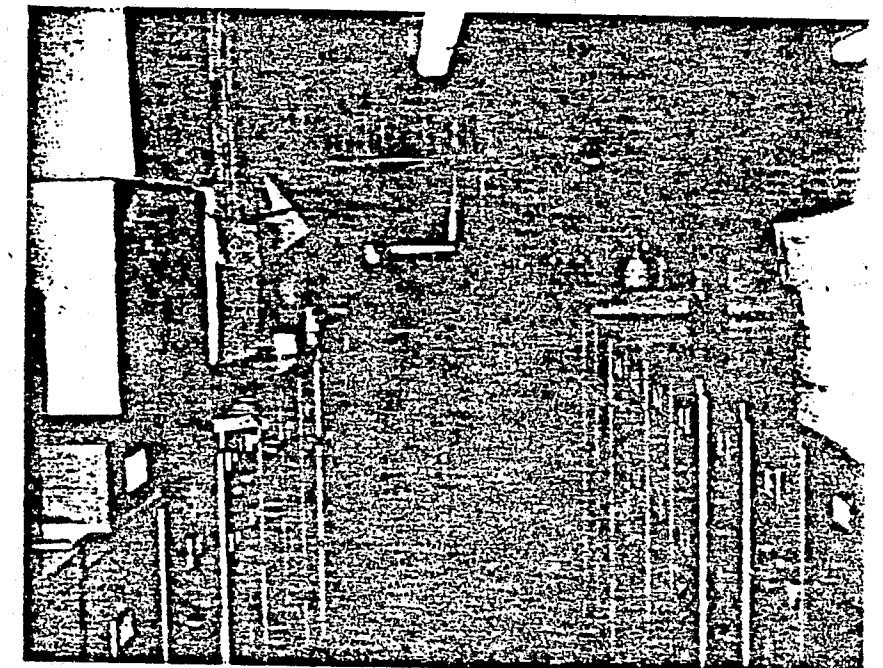
- SN Special Note
- DS Docket-type book storage
- File Letter or legal size four drawer file unless marked otherwise
- SS Shelf storage
- Ø (#) Shuck file
- |— Door
- Table
- // Denotes composition or number of documents by shelf
- X Open storage

EXHIBIT 9

Minnehaha County Storage Areas
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



LEFT: 3M Brand "500" reader-printer



RIGHT: The vault area next to circuit court clerk's office shows crowding, and dependence on drawer-style filing.

- The density of the film was not consistent; there were noticeable variations in the grayness of the film color.
- There were no diazo copies and all of the microfilm records were stored in one location.

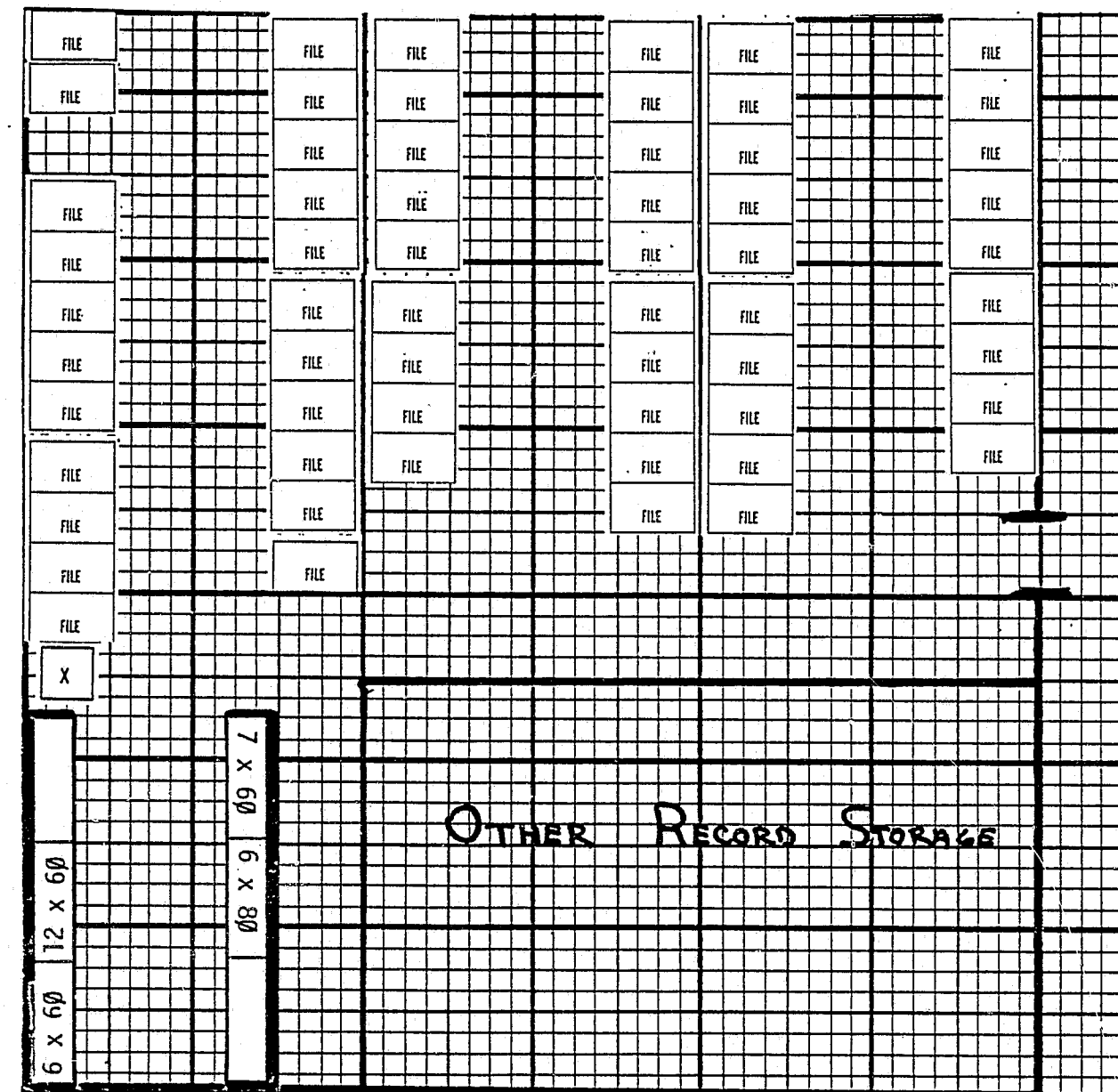
The project team next reviewed the records storage area inside the vault adjacent to the clerk's office. This storage area was crowded with seventy-seven (77) drawer-style filing cabinets. In addition, miscellaneous records and docket books were stored around the perimeter of the room (see Exhibits 8 and 9).

The project team also reviewed the north and south storage areas located on the floor beneath the clerk's floor in the courthouse. The north storage area contained sixty (60) drawer-style filing cabinets. This room also contained other governmental records and juvenile court records (see Exhibits 10 and 12). The south storage area was divided into two sections separated by a wood partition. In one area, there were numerous "shuck" files, a variety of docket books, microfilm storage, and general storage. The other section of the room contained thirty-six (36) drawer-style filing cabinets and some additional docket book storage (see Exhibits 11 and 12). The project team had the following observations:

- Each of the clerk's record storage areas are above one another within the courthouse structure. The centralization of this excessive weight on the upper floors, without proper structural foundation, could cause major structural defects in the courthouse building.
- There does not appear to be proper temperature, fire or water safety controls for these records.
- The court has used in the past various paper sizes including letter and legal size paper that creates inefficiency in paper filing and microfilming.
- The court needs to exercise greater control over removal of court records from the courthouse in order to maintain the integrity and safety of these original files.

EXHIBIT 10

North Vault Storage Area
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



KEY:

- SN Special Note
- DS Docket-type book storage
- FILE Letter or legal size four drawer file unless marked otherwise
- SS Shelf storage
- 0 (#) Shuck file
- |— Door
- Table
- // Denotes composition or number of documents by shelf
- X Open storage

EXHIBIT 12(2)

South Storage Area of the Minnehaha
County Courthouse
Circuit Court Microfilming and
Records Retention Project



LEFT: Secondary storage also have
dependence on drawer-style
filing cabinets which suggest
potential structural damage
from weight concentration.

RIGHT: Old style docket books can
be microfilmed and moved to
state archives. Cardboard
storage is unsafe and ineffective
in this setting.



2. The Magistrate Court

The magistrate court for Minnehaha County is located in a municipal building a few blocks from the Minnehaha County Courthouse. The active case file vault for the magistrate court is located adjacent to the court (see Exhibits 13 and 14). A storage vault is located in the basement. Following a review of these vault areas, the project team had the following observations:

- A number of old and unneeded records were maintained including small claims and parking tickets.
- Access to the secondary storage area was difficult and the safety of these records was questionable. Many of the records were being maintained in cardboard file boxes.
- Shuck files were evident in the primary storage vault.

C. The clerk of the Lyman County Court uses an aperture card microfilming system for court records.

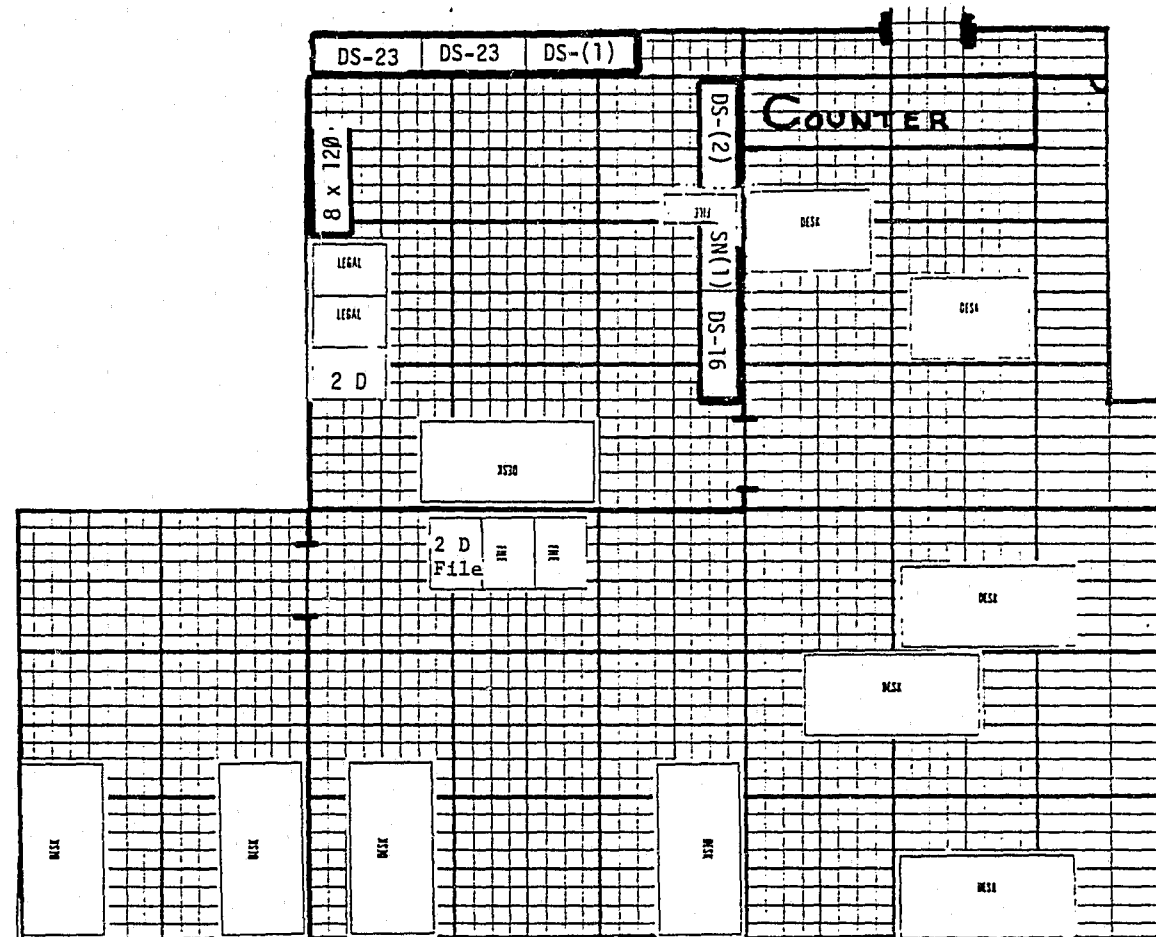
The Lyman County Courthouse is located in Kennebec, South Dakota. Ms. Janice Lien, clerk of courts for Lyman County, reviewed the records storage areas and the microfilming procedures for the court with the project team.

Lyman County has an aperture card system using the following equipment:

- A 3M 2000 processor camera
- A 3M Duplicator/Printer
- A 3M Reader/Printer

EXHIBIT 13

Sioux Falls Magistrate Court
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

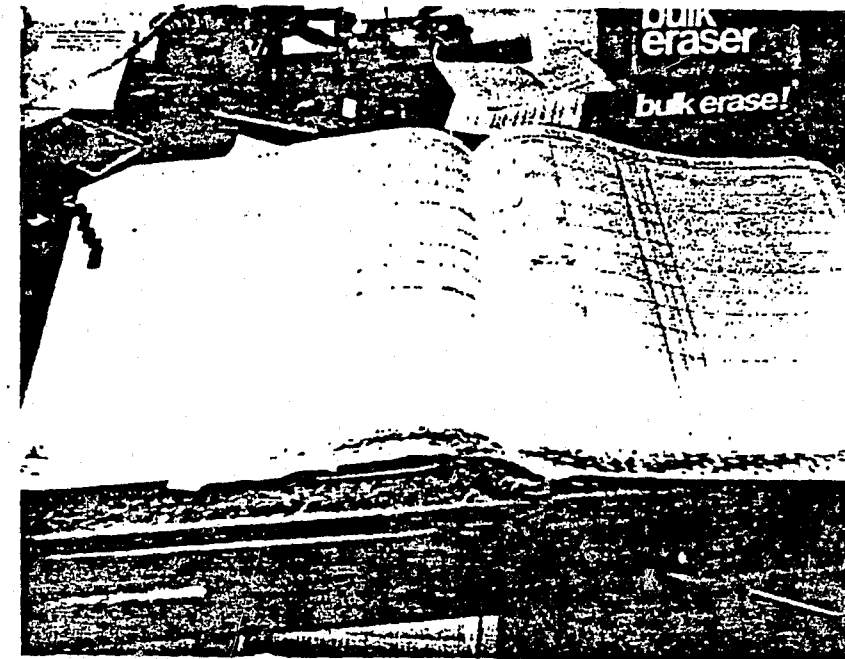


KEY:

- SN Special Note
- DS Docket-type book storage
- File Letter or legal size four drawer file unless marked otherwise
- SS Shelf storage
- Ø (#) Shuck file
- |— Door
- Table
- // Denotes composition or number of documents by shelf
- X Open storage
- DS-(1) 4/4X20/X /4x30
- DS (2) 10/10/10
- SN (1) 8 shelves microfilm

EXHIBIT 14

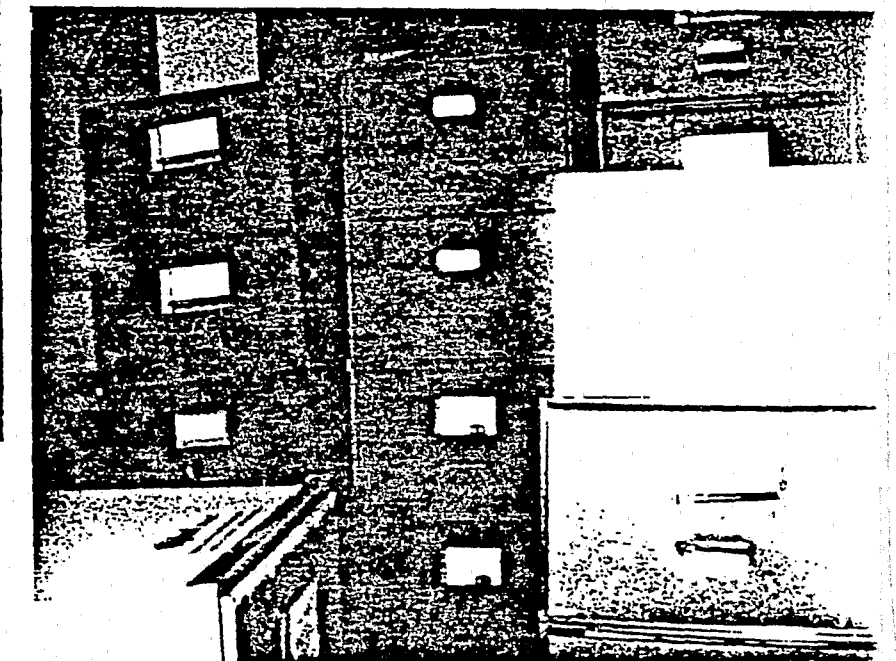
Active Case File Vault for
Minnehaha County
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE LEFT: Old style docket books should be replaced by cost/effective loose-leaf notebook forms.

LEFT: Magistrate court basement storage is ineffective and unsafe.

BELOW: Numerous records that may be destroyed are being retained by the Magistrate Court.



This system is located in the Register of Deed's office, is owned by the county, and is available to the court for use.

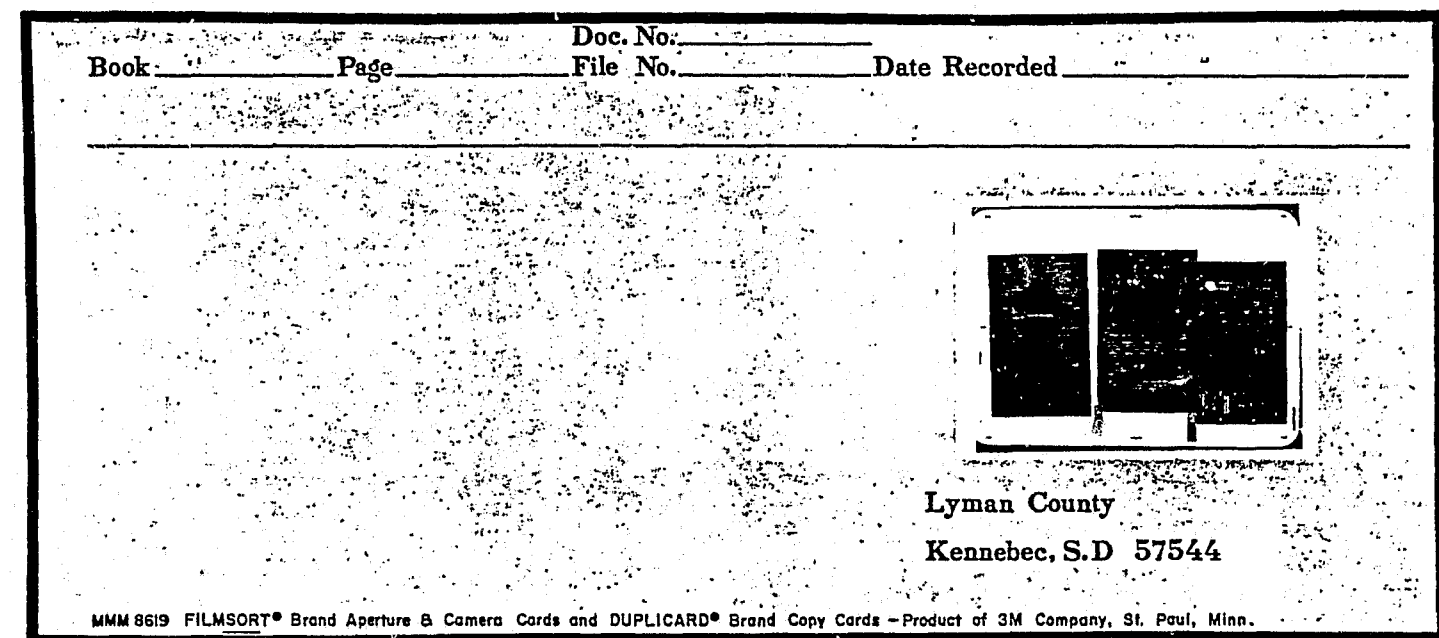
The project team reviewed some of the aperture cards that were on file in the clerk's office and also observed the process of microfilming the records. The clerk provided the project team with samples of some of the records that are microfilmed (see Exhibit 15). The project team also reviewed the filing procedures and the lateral and shuck files located in both the storage areas (see Exhibit 16).

Following the review of these facilities, the project team made the following observations:

- The aperture cards were maintained in the storage room adjacent to the clerk's office. This room had a radiator and windows which were used for temperature control during the respective seasons. At the time of the site visit, the room was extremely hot which suggests that the variation in temperature may affect the quality of the aperture card film over time.
- The density of the film was not consistent. It appeared that there was much "grayness" to the film and many of the images had "blotches" and "streaks".
- Many of the aperture cards only held a single microfilmed legal document.
- A variety of "shuck" files were examined in both the storage area adjacent to the clerk's office and in the upstairs storage area adjacent to the courtroom. The records from 1945, which are maintained in the storage room adjacent to the clerk's office, had black typewriter ribbon ink on the records and these records were in good shape. The older records from approximately 1908, which were maintained in the storage room off the courtroom on the second floor, appeared to be in good shape despite the fact that the typing was completed in blue ink (blue ink tends to fade over time and is not particularly responsive to microfilming).
- Some immediate recommendations to the clerk included
 - pressing all folded files into one cubic foot storage boxes (15"x12"x10")

EXHIBIT 15(1)

Sample Records
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE: Lyman County aperture card reveals limited use of the equipment, poor spacing, and over-lapping of documents.

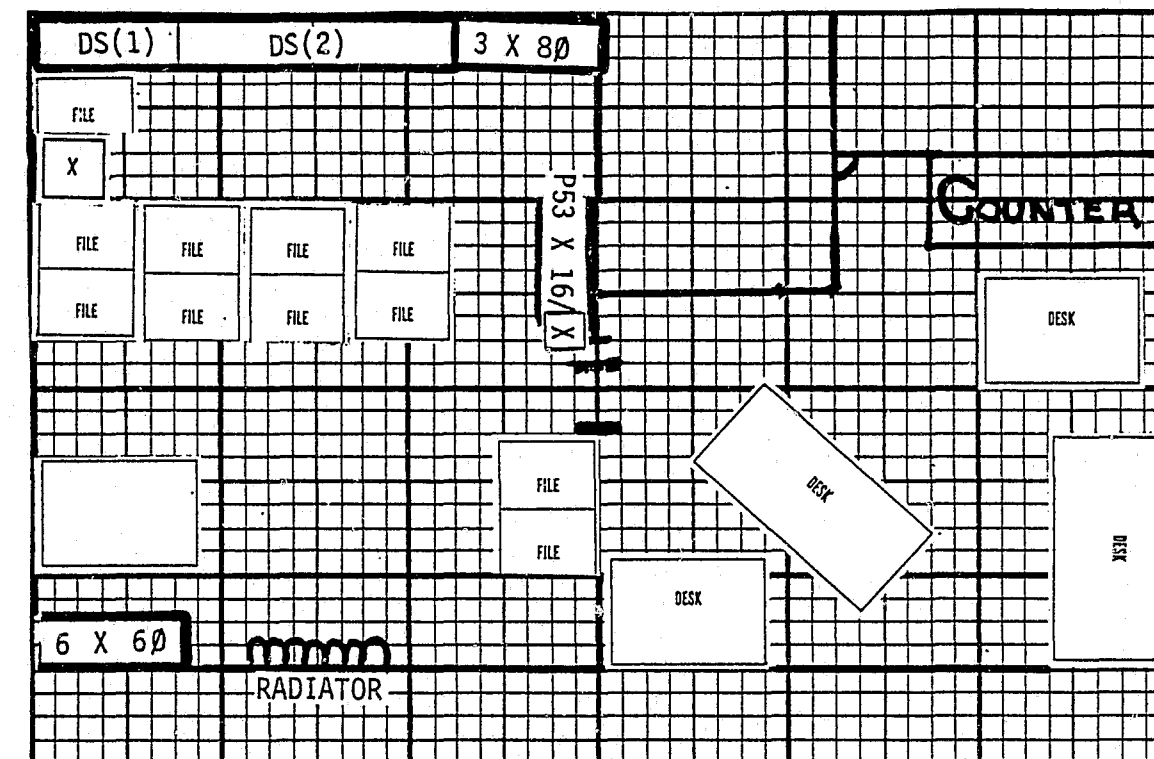
Sample Records
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

ABOVE: This aperature card shows poor density.

BELOW: Clouding will result in incomplete microfilmed records.

-36-

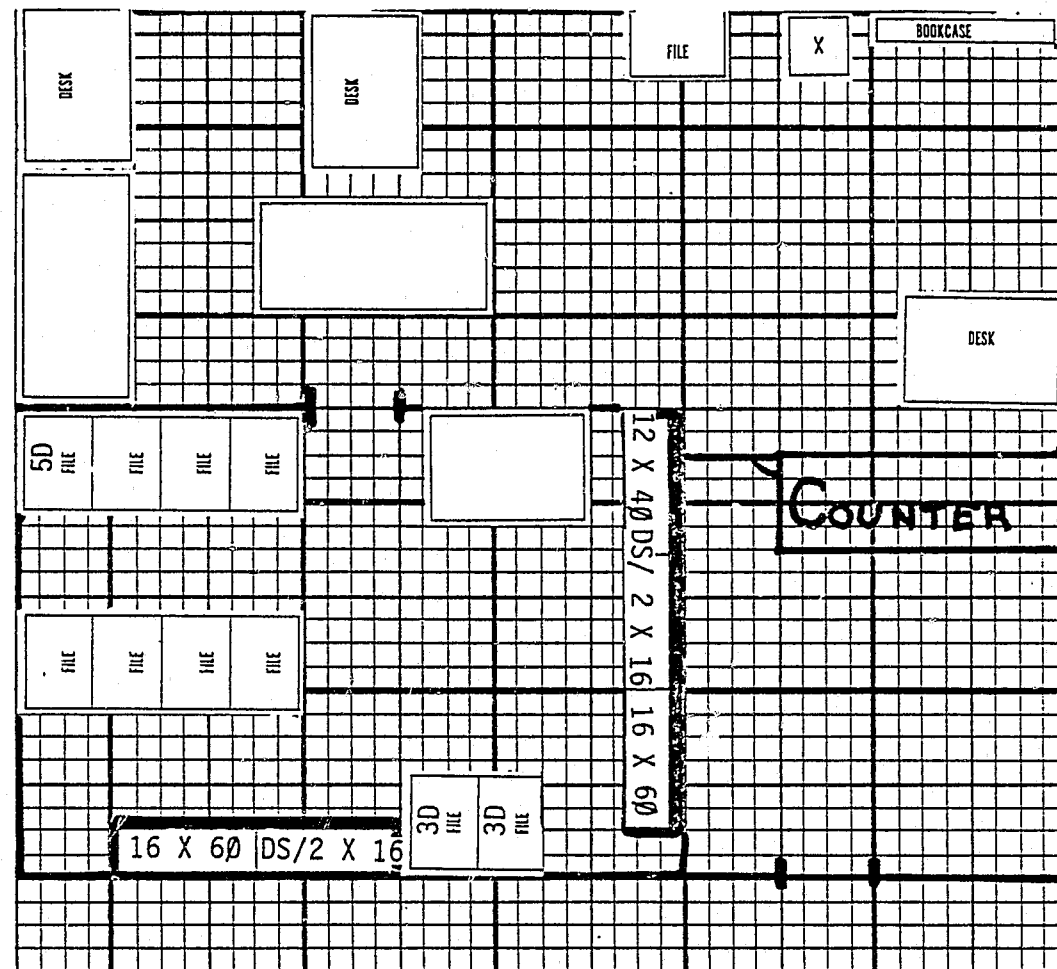
Lyman County Courthouse Storage Area
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



SN	Special Note
DS	Docket-type book storage
<input type="checkbox"/> File	Letter or legal size four drawer file unless marked otherwise
<input type="checkbox"/> SS	Shelf storage
<input type="checkbox"/> (#)	Shuck file
<input type="checkbox"/>	Door
<input type="checkbox"/>	Table
/ /	Denotes composition or number of documents by shelf
<input type="checkbox"/> X	Open storage
DS(1)	$\frac{18/16}{4/17}$
DS(2)	3 X 16/ <input type="checkbox"/>

EXHIBIT 16(2)

Stanley County Records Storage Area
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



KEY:

SN Special Note
DS Docket-type book storage
File Letter or legal size four drawer file unless marked otherwise
SS Shelf storage
Ø (#) Shuck file
- | - Door
Table
// Denotes composition or number of documents by shelf
X Open storage

D. Stanley County record facilities are similar to record procedures throughout the state.

The project team met with Ms. Ruth Johnson, circuit court clerk in Stanley County, which is located in Ft. Pierre, South Dakota. The purpose of this meeting was to review the current records management procedures and records storage areas in this courthouse (see Exhibits 17 and 18). In addition, the project staff conducted a records series inventory for demonstration purposes for the advisory committee. There were no new filings based upon staff review of their record management procedures. The project team was unable to review the secondary storage areas because the clerk could not locate the necessary access key.

The project team found that the older records which were maintained in the vault area adjacent to the clerk's office were in good shape. This courthouse is a newer facility and the temperature of the vault room appeared to be more constant and controlled. Despite this, the court still maintained a number of docket books and shuck files as well as drawer files which could better utilized.

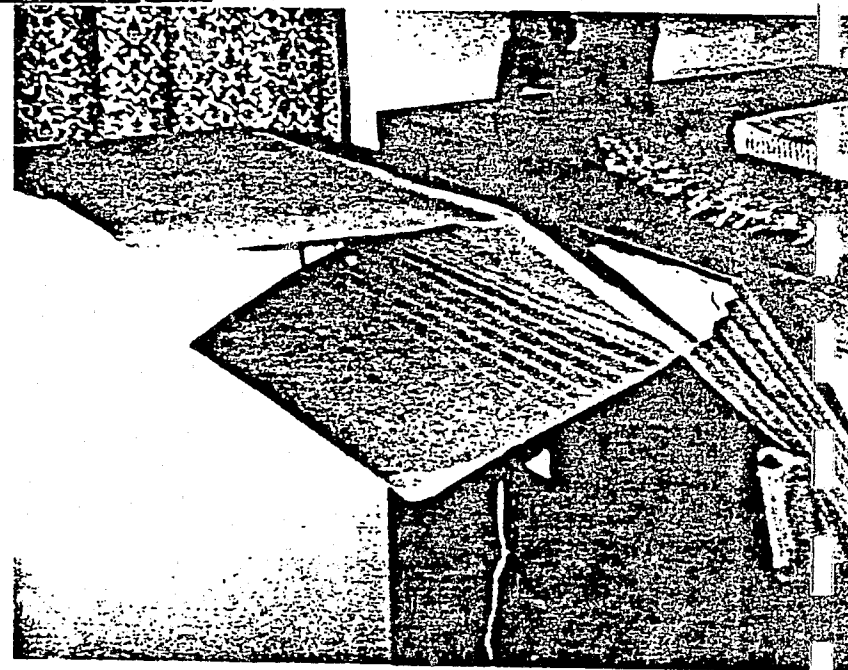
Other observations identified by the project team were:

- The older records should be removed from the shuck files and stored flat in one (1) cubic foot storage boxes for microfilming.
- Lack of standardized lateral filing equipment has caused a shortage of space.
- Lack of microfilm capabilities prevents adequate records control.



EXHIBIT 17

Lyman County Courthouse Storage Area
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE: Lyman County also relies
on old roller shelving
for docket-styled books,
and drawer filing for
current records

RIGHT: Valuable filing space is
lost by using the wrong
file folder or a combina-
tion of folders

BELOW: More documents can be
photographed at 24X

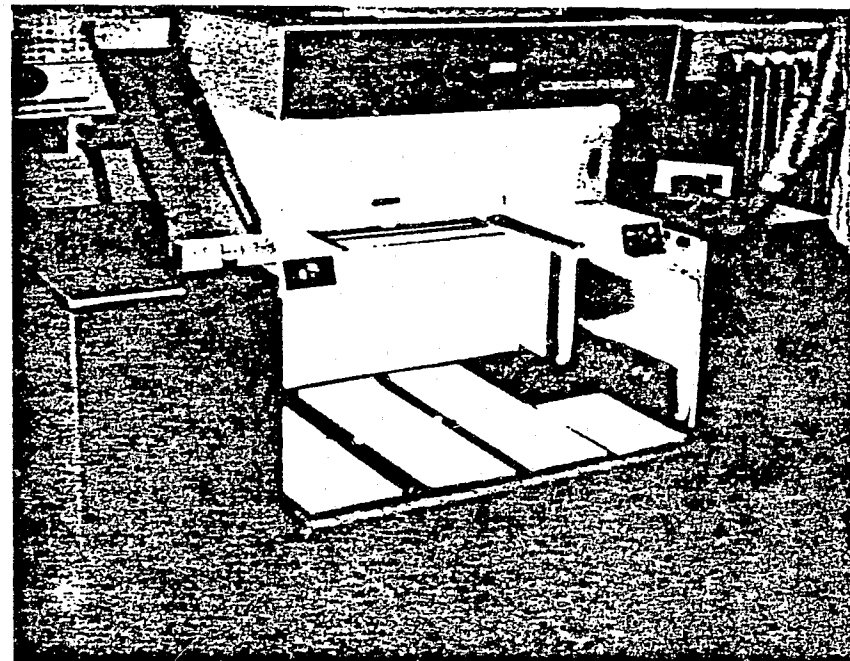


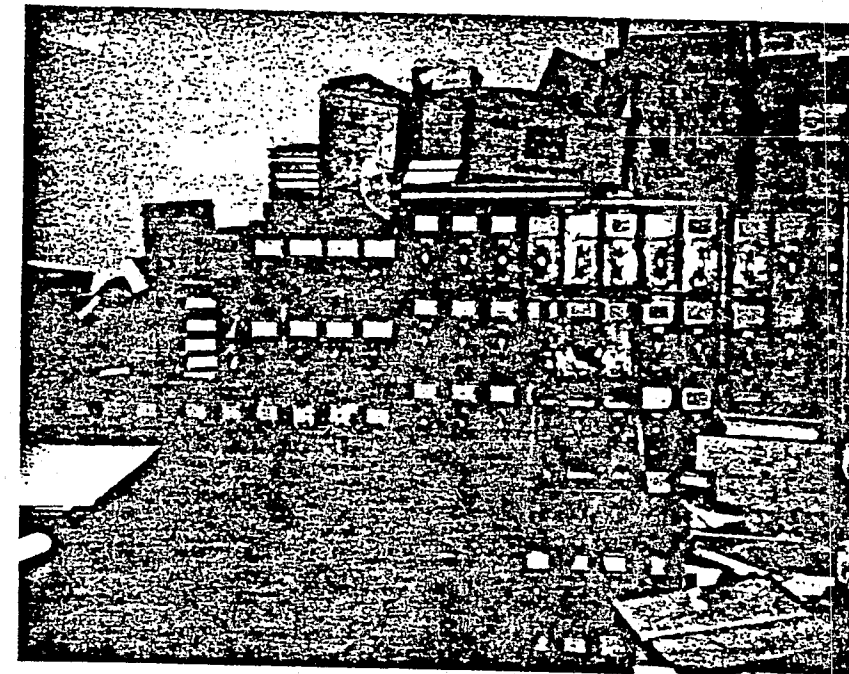
EXHIBIT 18

Stanley County Records Facilities
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

ABOVE: Stanley County relies
on old docket book.

RIGHT: The active file room
contains roller-shelving
and shuck files.

BELOW: Despite new facilities
crowding and poor storage
exists.



- E. The Hughes County Courthouse maintains similar recordkeeping procedures as the other counties, although termite damage was found in some of the records.

The Hughes County Courthouse is located in the city of Pierre, South Dakota. This courthouse was built in 1883 and typifies part of the space management problem that will continue to plague the state of South Dakota unless modern records management procedures and practices are adopted and implemented.

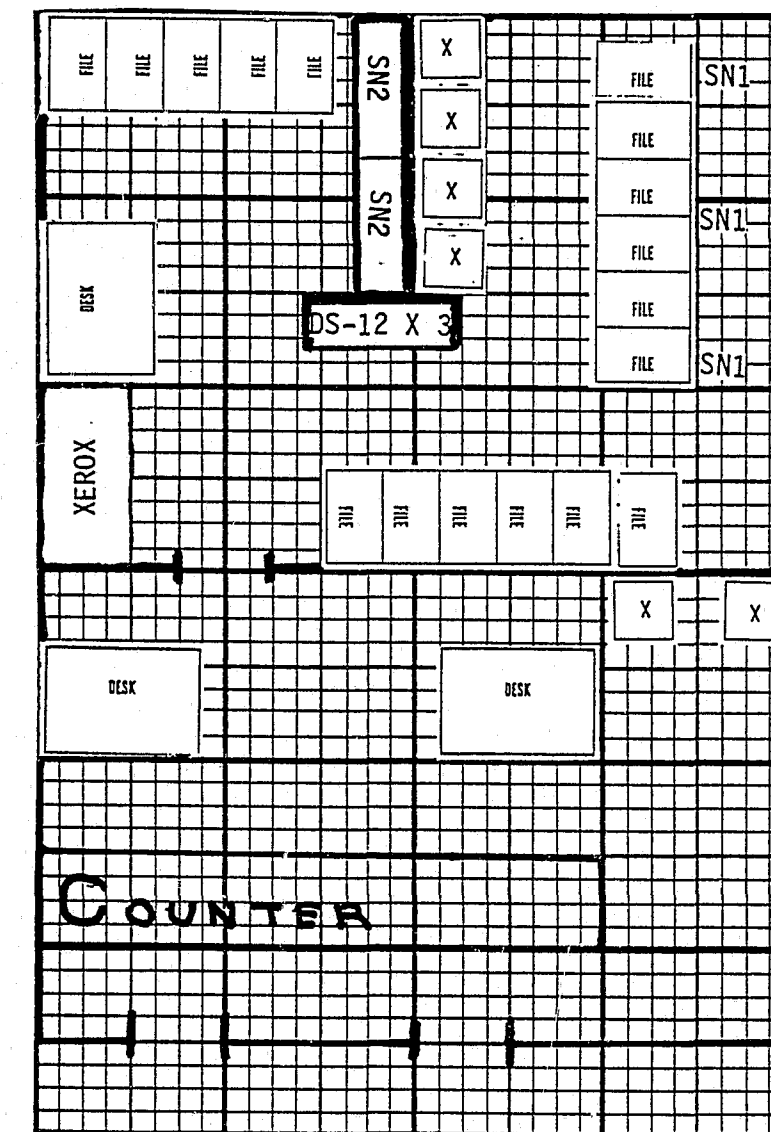
The purpose of this visit was to examine the record storage facilities for this court. During this examination, the project team examined the files in the storage room adjacent to the clerk's office and the inactive files in the basement of the courthouse. During the examination of the records in the basement, termite damage was discovered (see Exhibits 19, 20, and 21).

The project team made the following observations:

- There was evidence of severe records crowding in both record storage areas.
- Records were being improperly maintained in a variety of containers including wooden book shelves, cardboard boxes, chair seats, and some open shelf files.
- The temperature for these records was not consistent with the tolerable range for the maintenance of records.
- The secondary records storage area was accessible to unauthorized personnel by entering into the courthouse basement.
- Termites were found in the records stored in the basement.
- Record storage areas were very disorganized which made retrieval of records nearly impossible.
- Lack of standard-sized storage boxes creates problems in retrieval and will cause problems when records are committed to microfilm.
- Storage areas are not cleaned on a regular basis causing faster deterioration of records.

EXHIBIT 19

Hughes County Courthouse,
Records Storage Area
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



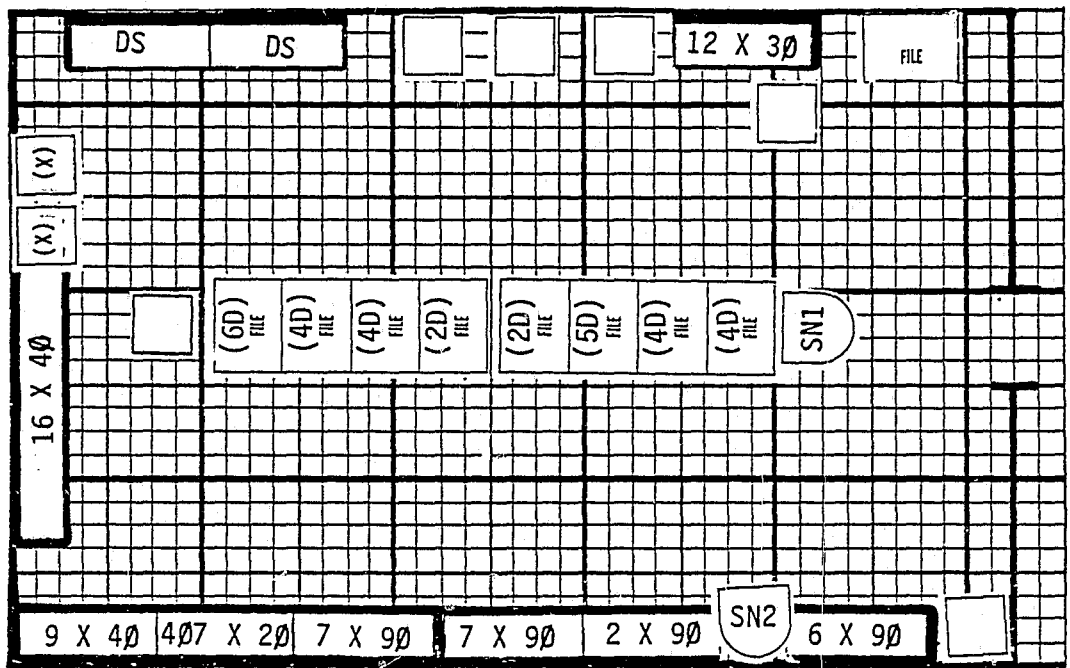
KEY:

- SN Special Note
- DS Docket-type book storage
- File Letter or legal size four drawer file unless marked otherwise
- SS Shelf storage
- 0 (#) Shuck file
- | | Door
- Table
- // Denotes composition or number of documents by shelf
- X Open storage

SN1 Exhibits from
special trial
SN2 120, 110, 110, 100
110

EXHIBIT 20

Primary Vault; Pierre, South Dakota
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

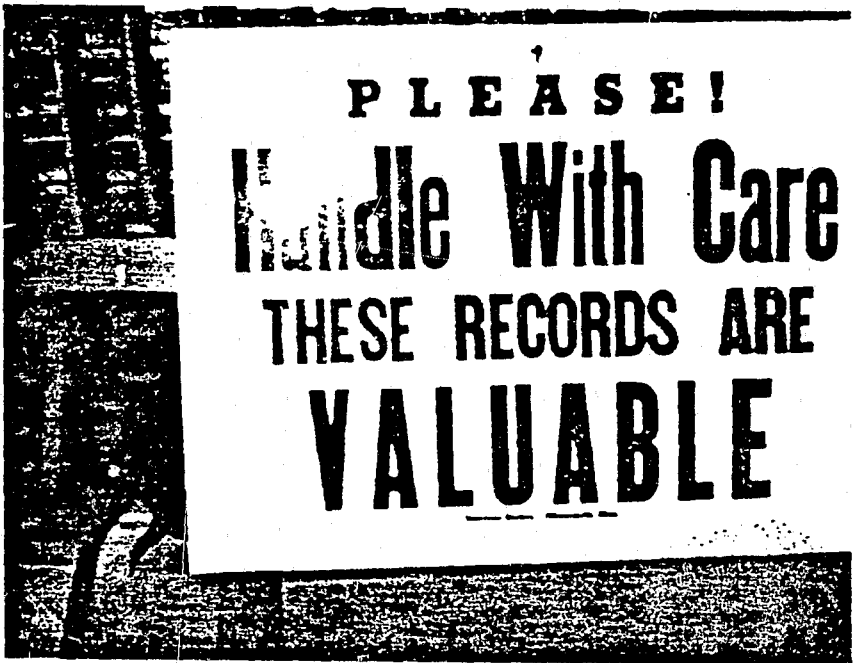


KEY:

- SN Special Note
- DS Docket-type book storage
- File Letter or legal size four drawer file unless marked otherwise
- SS Shelf storage
- Ø (#) Shuck file
- | — Door
- Table
- // Denotes composition or number of documents by shelf
- X Open storage
- SN(1) Seven flat books on a chair
- (X) Cardboard files

EXHIBIT 21(1)

Hughes County Courthouse
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE: This Hughes County sign suggests that records should be properly maintained.

BELOW: Improper storage may result in record loss due to termites.

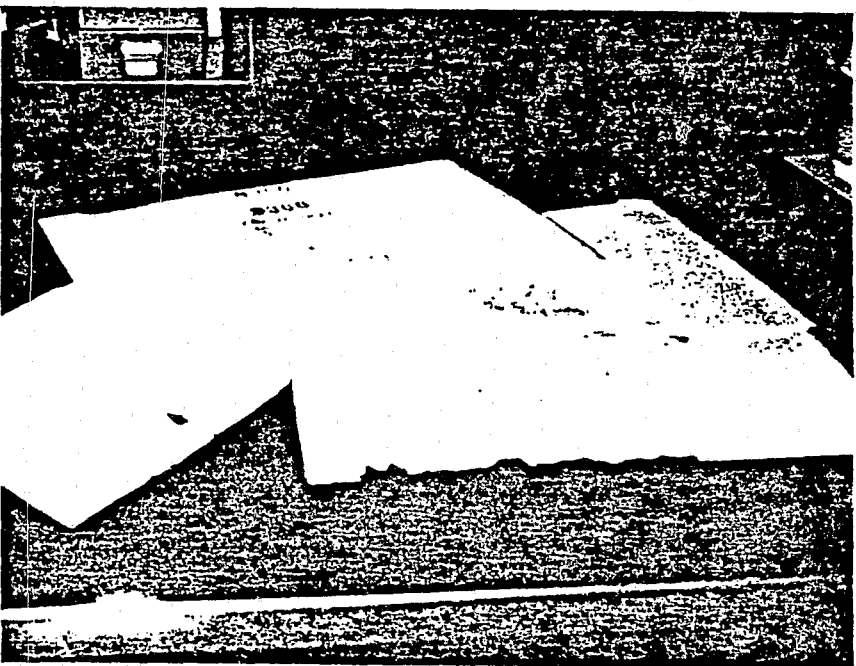
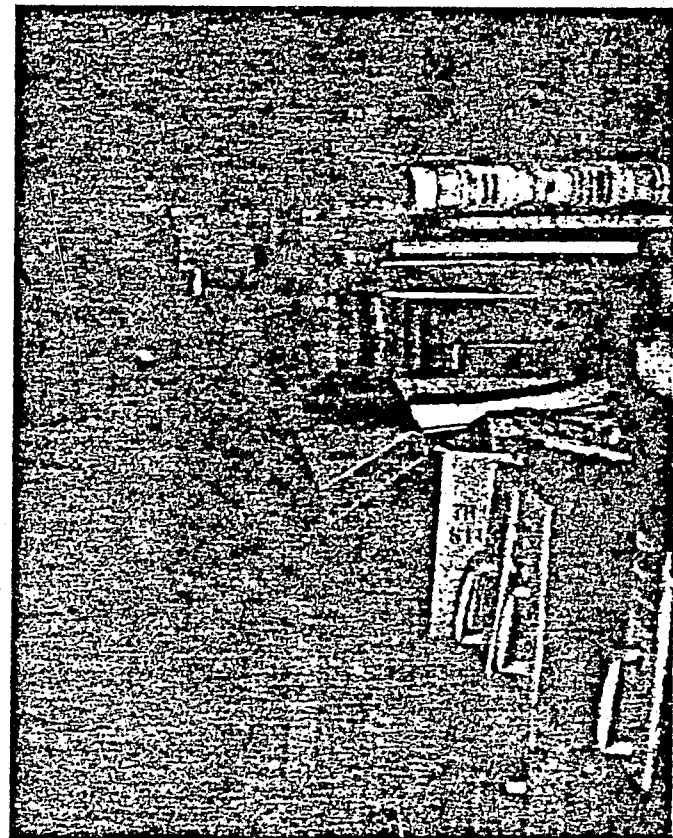
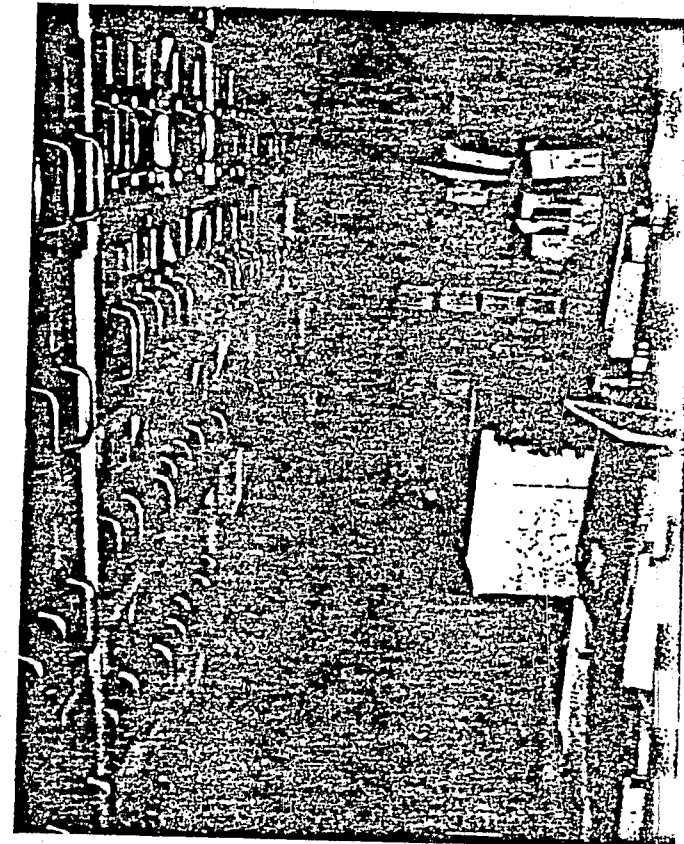


EXHIBIT 21(2)

Hughes County Courthouse
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE LEFT: Secondary storage in Hughes County is crowded, poorly lit, and unsafe.

ABOVE: Shuck files are stacked on unsafe wooden frames across from cardboard file boxes.

LEFT: Records are loosely shelved in open shuck cardboard boxes, shelves, and chair seats.

Following a review of the Hughes County Courthouse, the project team presented its preliminary findings to Presiding Circuit Judge Robert Miller of the Sixth Judicial District. Judge Miller was interested in learning of the various procedures used throughout the state and how the Sixth Circuit compared with the Seventh and Second Judicial Circuits. Judge Miller also stated that one objective of developing microfilm capability in the Sixth Judicial Circuit was to reduce the active workload in the court.

The project team raised certain questions regarding the archival quality of film used in the Sixth Judicial Circuit, and elsewhere throughout the state. This issue was subsequently addressed in greater detail by the full advisory committee (see below, page 55).

F. The Office of Records Management employs sound records management procedures for the protection of all governmental records that come under its purview.

The project team met with Mr. Roy Engelbretson, director of the Office of Records Management for South Dakota. During this meeting, the project team explained the nature of the site visits, the purpose of the project, and the team's preliminary findings. Mr. Engelbretson was very supportive of the project's efforts.

He briefly discussed the South Dakota Office of Records Management within the Bureau of Administration and the legislative intent of establishing this office. He also addressed the relationship between the Office of Records Management and the state archivist.

In discussing the nature of his office, he stated that his primary service is to serve the state capitol complex. He stated that he would

take his equipment when it was available to serve the needs of the courts and counties throughout the state. He also stated that he would assist in training operators in local areas to use the technology as it is available and that he would develop the film at his office. He was very supportive of having a mobile microfilm unit, and stated that his office could provide that equipment on a regular basis. He also stated that if microfilming is being properly used, he sees no need for retention of the paper unless it is for historical archival value (such as Book 1 of a court's historical records).

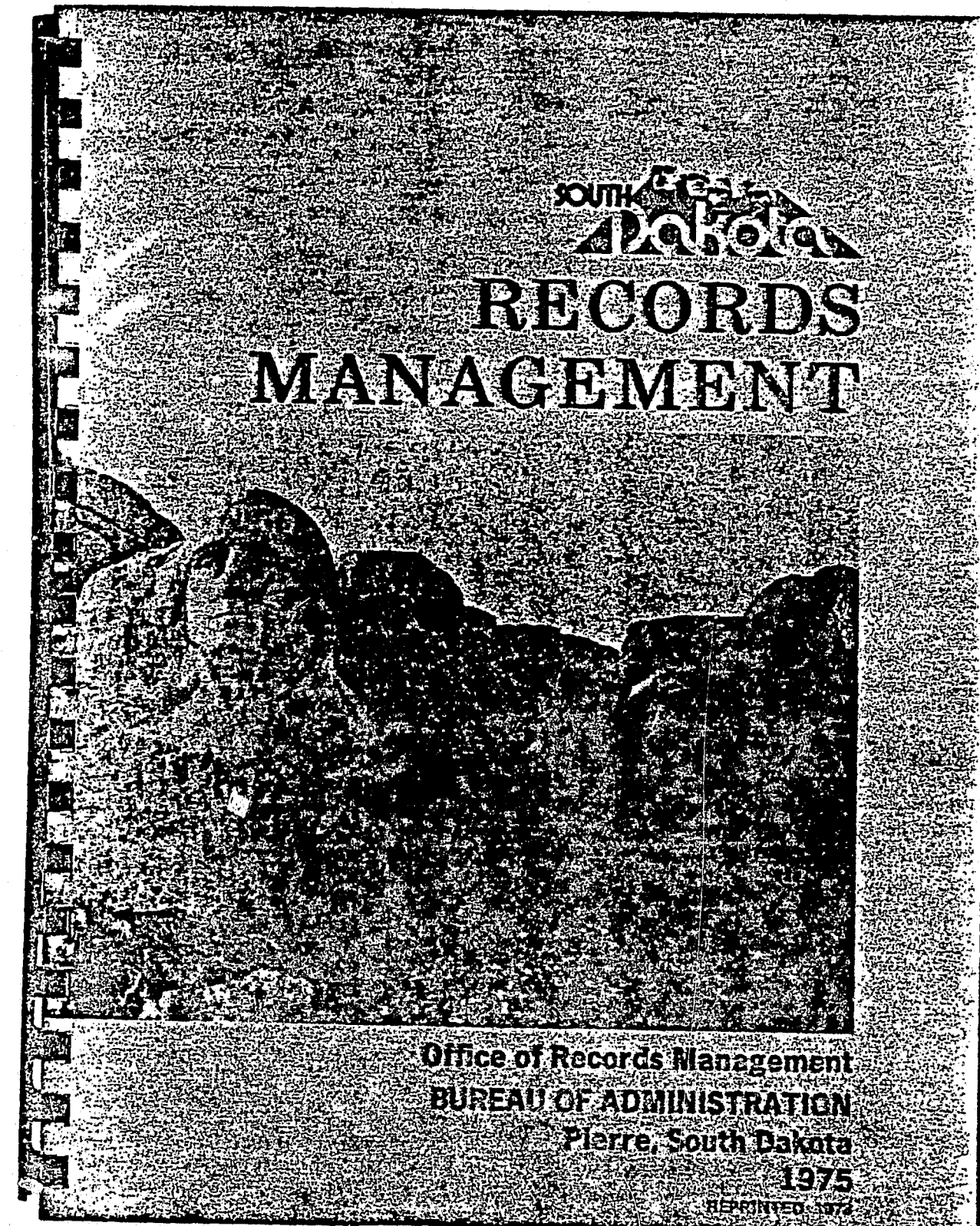
In discussing the process for destruction of records, he stated that, prior to 1968, there was complete and unauthorized destruction of records. In 1975, a manual was provided (see Exhibit 22). He also stated that an administrative rule was passed in 1976 to provide for the state archivist's review of materials within a defined time. He stated that this rule had not been enforced and is unknown to many administrators. Mr. Engelbretson stated that he is opposed to the use of power files because of cost; he prefers open shelving. He would also approve updatable microfiche if it was of archival quality. He does not believe that his office should police the management practices of the courts but rather should assist the courts in maintaining high quality records.

Mr. Engelbretson took the project team on a tour of the facility including the microfilm processing stations, microfilm and paper record storage areas. He noted these facility attributes:

- Proper lighting for equipment operations;
- Fresh water film washing;
- Trained personnel and equipment to meet microfilming standards;
- Regulated temperature controls in the microfilm storage vault with regular checks to insure microfilm integrity;

EXHIBIT 22

South Dakota Records Management
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



- Uniform retention of paper records with location, contents and destruction date markings.

This facility is used by both the Office of Records Management and the State Archivist (see Exhibit 23; see also, Appendix 4, for archival certification and processing control documents).

G. The Office of Cultural Preservation in which the State Archivist operates is relatively new in the State of South Dakota

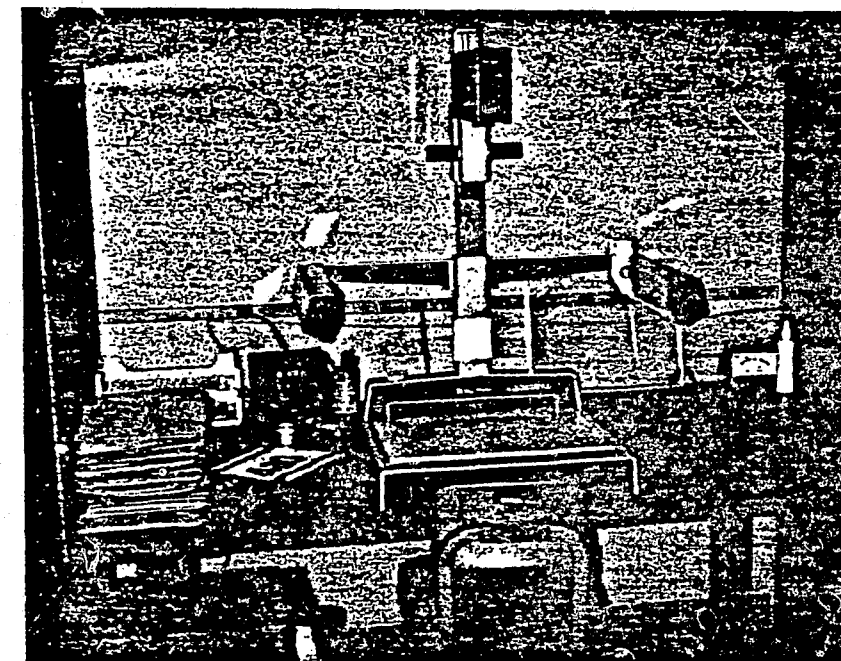
The project team met with Mr. Dennis Wall, State Archivist, to discuss the nature of the state records management project to the courts and to the state archivist, and to learn the record destruction procedures including microfilming and record retention schedules relative to the state archivist.

Mr. Wall was very supportive of the National Center's ideas regarding records management. He also stated that he would like to maintain all the paper documents including initial historical volumes, developed and maintained by the court. He stressed that under any compromise situation, he would want all the records prior to 1900 for the archives. For example, he noted there were no agricultural records prior to 1978 except for a few volumes prior to World War II. (This may be true for the state agriculture records; however, the project team found agricultural records dating back to the territorial days in the Hughes County Courthouse.)

Mr. Wall commented that he was not aware of any legal foundation for the current records retention schedule, and explained that no one is sure what procedures are authorized for records destruction. He stated that Administrative Rule 24-51 requiring approval by the state

EXHIBIT 23(1)

Office of Records Management
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE: Personnel have proper lighting equipment, materials and space.

BELOW: Film properly washed and monitored will meet archival standards.

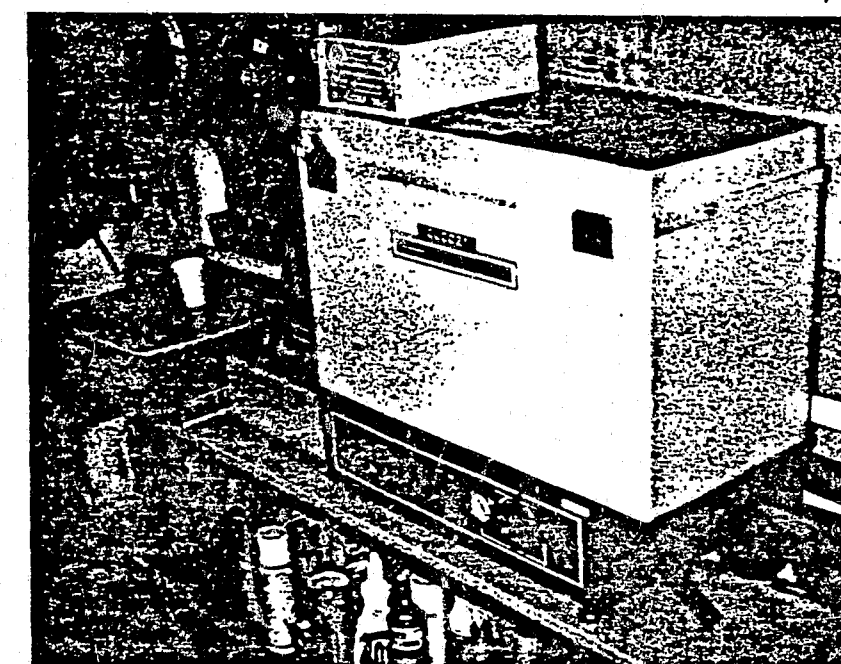
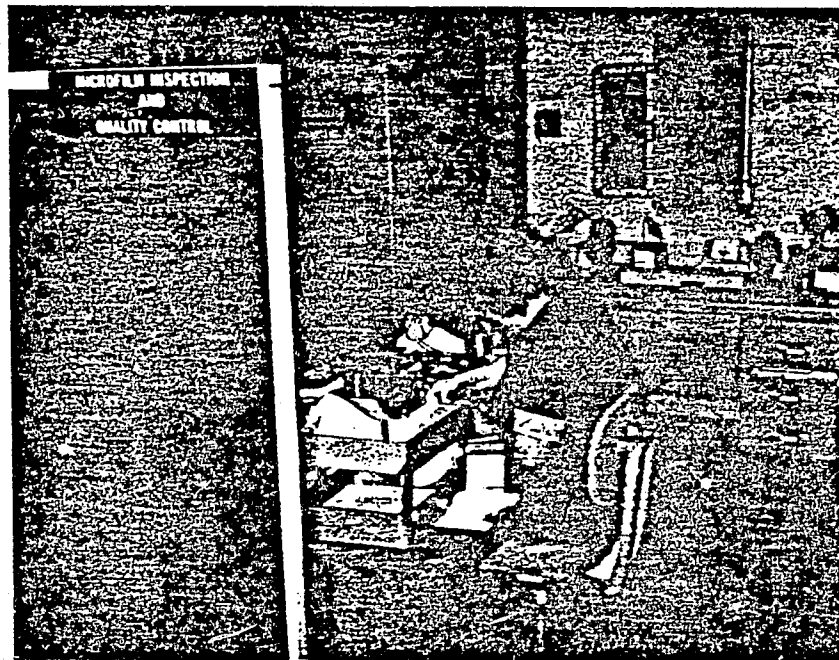


EXHIBIT 23(2)

Office of Records Management
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE and BELOW: Archival quality film must meet rigid standards before it can be accepted in lieu of paper records.



EXHIBIT 23(3)

Office of Records Management
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

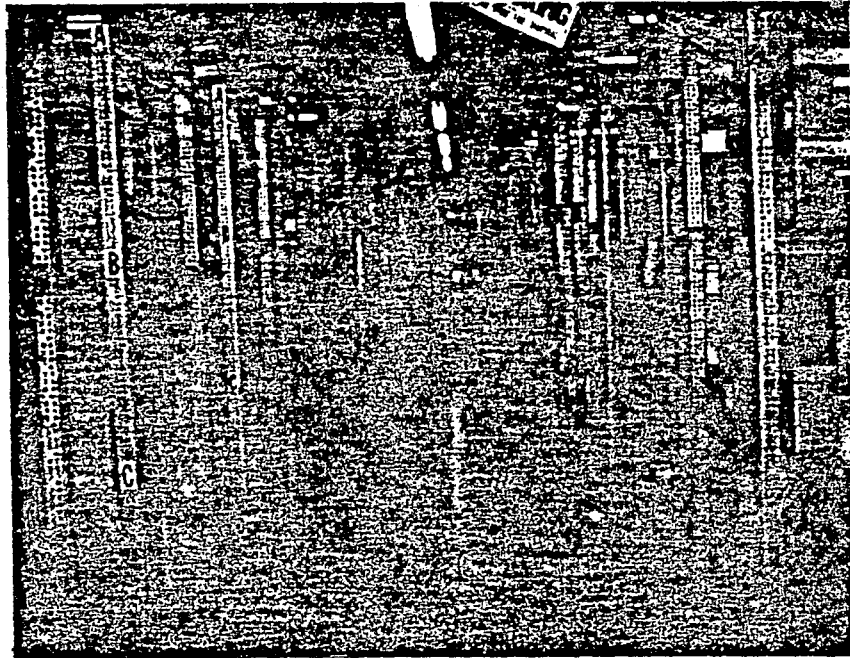


ABOVE and BELOW: Microfilm carefully stored will maintain its integrity.

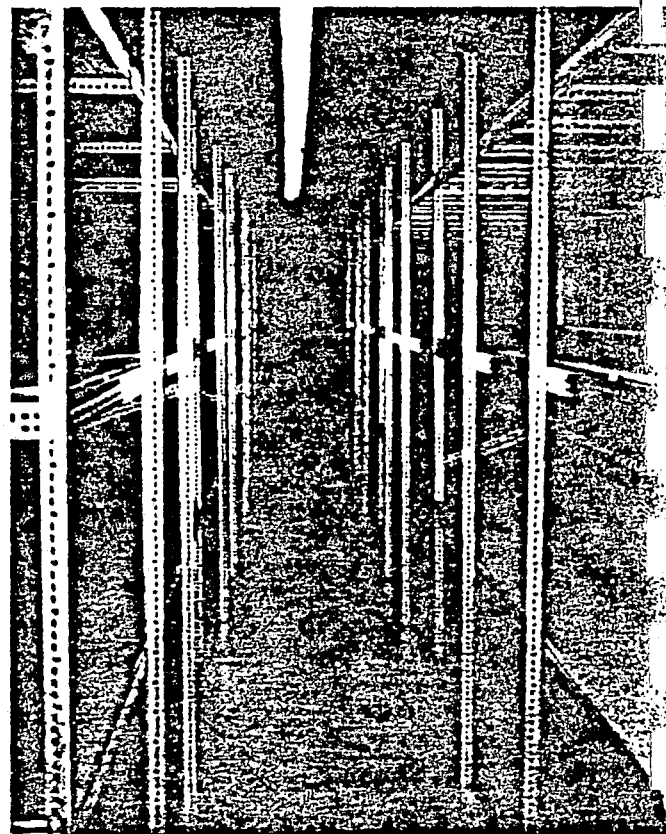


EXHIBIT 23(4)

Office of Records Management
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



ABOVE and RIGHT: Paper records should be properly boxed, identified and stored in acceptable storage areas.



archivist for records destruction, is generally ignored. He stated that the records management guidebook prepared by the Office of Records Management is not used or even known by many administrators. He stated that the Commissioner of Administration had the retention rules promulgated, but they were not based on any legal foundation. He strongly encouraged the need for legalized rules and the making of these rules known to all the courts. He also stated that a statewide records inventory was needed for the State of South Dakota. He stated that the records retention schedule is 18 pages long and that in most states it is 300-500 pages long.

The state archivist also stated that his current facility is extremely limited and that he has only 500 feet left for new records. He stated that if the Bureau of Lands closes operations, the law requires the archivist to maintain all the records. In 1971, a letter from the Commissioner informed the Archivist that current space would only provide for one year's worth of additional records. As of 1979, the archivist is still in the same location. He also explained that he is not an independent agency, but rather is in the Department of Education, Division of Cultural Affairs, in the Office of Cultural Preservation.

H. The National Center project team presented its preliminary findings and recommendations to the 13-member advisory committee.

The project team reviewed briefly the site visits that had been conducted during the previous week, and presented its preliminary findings and recommendations, including:

Preliminary Findings:

- Generally, South Dakota record management problems are not unique from other states;
- No up-to-date state-wide inventory of court records currently exists.
- Records problems include lack of space, termites, and proper tracking of files. Records in the west river area show a higher level of deterioration than other parts of the state.
- The aperture cards used in some of the courts do not meet archival standards; the film observed was either over- or under-exposed and operators are oftentimes inexperienced. The card's glue and paper stock are not believed to be archival.
- The state archivist has final authority to determine the historical value of paper records before destruction.

Preliminary Recommendations:

- The SCAO should undertake a comprehensive state-wide inventory of court records.
- An improved and standardized form of indexing and docketing needs to be implemented.
- The records management center should microfilm 20-30% of the historical records and should turn over the originals to the archives.
- Whenever microfilming is conducted throughout the state, minimum standards for archival quality should be maintained and regularly monitored. "Archival"¹ means that the film has a minimum film life of 100 years, and that the film meets ANSI (American National Standards Institute) standards for quality and integrity. In order for film to meet these rigid and necessary standards, several conditions must be met, including:

¹During the site visits, the project team identified possible infractions of the above-stated guidelines, and made appropriate recommendations to individual courts and the advisory committee. Notwithstanding some vendor opposition to the recommendations of the National Center, the project team believes its opinions to be fair and accurate (see Appendix 7).

- Operators must be fully trained to operate the equipment;
- Internal quality control must be exercised;
- Regular equipment service must be provided and guaranteed;
- Regular laboratory tests must be conducted to verify the archival quality of the film;
- Proper storage and record identification must be achieved.
- Better case tracking for files needs to be implemented including "out" cards, and the elimination of the practice of allowing non-court personnel (attorneys) to take files.
- A need exists for a document-by-document description of the records in the state (a court records inventory), and the development of a records retention schedule.
- The judiciary should not continue to maintain records not recognized as court records, including: school records and notary records, etc.

The committee expressed interest in identifying 1) cost figures, including the costs of microfilming versus standard filing for the courts current paperflow; 2) the merits of 8½ x 11 versus 8½ x 14 paper, including the impacts on tradition, copying paper, filing cabinets, folders and the uniformity of paper size; 3) the merits of filing equipment such as side tabs, length of drawers; 4) court policy on filing equipment purchases; and 5) future microfilm practices and procedures. In the following section, each of the above issues is treated in recommendation form.

IV. THE NATIONAL CENTER HAS DEVELOPED SIXTEEN RECOMMENDATIONS TO IMPROVE THE CURRENT RECORDS MANAGEMENT PRACTICES IN THE STATE OF SOUTH DAKOTA.

This chapter details the recommendations developed by the project team. Recommendations have been categorized as follows:

- Policy recommendations;
- Active filing recommendations; and
- Inactive filing recommendations.

Each recommendation is followed by a discussion of the details of such recommendation.

A. Policy Recommendations

The National Center developed eight records management policy recommendations regarding the state's overall program.

A-1 ACCEPTANCE STANDARDS CONCERNING DOCUMENTS FILED WITH THE COURT SHOULD BE DEVELOPED AND ENFORCED.

Information enters the court system on forms sent to the court by other agencies on legal documents filed by prosecutors or attorneys, on calendar entries prepared by the clerks, or through verbal pronouncements rendered by the judge. As part of a comprehensive records management system, it is recommended that acceptance standards be implemented which will apply to all document submitted to the court, whether they originate from inside or outside the court.

Courts may expect a variety of benefits, such as improved storage and handling of records, to result from adopting document standards. Space and equipment expenditures are generally reduced when records are of a uniform size. Case processing is facilitated when recorded information is clearly legible and when specific data is always found in a unique location, i.e., the case number in the upper right-hand corner of all forms. The adoption of document acceptance standards also facilitates the production of higher quality microfilm (see Appendix 8).

By enforcing acceptance standards, the court's information processing requirements will be greatly simplified. When initiating such a program, it may be beneficial for the court to provide sample forms to affected agencies and attorneys. (Specific recommended standards for court forms design are included in Recommendation A-2).

A-2 STANDARD FORMS DESIGN TECHNIQUES SHOULD BE ADOPTED FOR ALL FORMS USED WITHIN THE COURT.

Many forms currently being used in the court, while containing the necessary information, are extremely difficult to complete. All forms presently being used should be reviewed as part of a comprehensive paper flow analysis. This analysis should result in the consolidation and elimination of some existing forms (one new form may be designed to replace several others) as the information flow is examined and streamlined.

The following recommendations should be included in an effective court forms design program:

- Forms should be printed on one side only. If the back side is to be used, it should be for instructions and/or information only.

- The case number should appear in one unique location (e.g., upper right hand corner) on all forms. This is a key element of any filing system and microfilm program.
- The title of each form should appear at the top. This will reduce errors and clearly state to persons using or receiving the form what action is required.
- When a form is to be furnished to various people, the use of carbonless paper or one-time carbon sets should be considered. The court copy should always be the original, and it should always be white paper, with black ink. Distribution information for multipart forms should be printed clearly on each part of the form.
- Variable information to be completed on forms should be aligned to the left hand margin and/or located at a few (three or four, maximum) predetermined tab stops. Typing is facilitated if small vertical bars are printed along the top of the form indicating the tabs. The use of box design is generally an additional aid to those completing or reading forms.
- Formal legal nomenclature and Latin terminology should be eliminated on all forms. Excess verbiage currently appearing on most court forms, orders, and judgments make these documents more difficult for readers to understand. The use of this language requires additional space, makes proper forms design difficult and is highly labor intensive for court clerks.

A-3 ALL COURT CASE FILE RECORDS SHOULD BE PREPARED ON LETTER SIZE (8½" x 11") PAPER.

Traditionally, court case file records have been prepared on legal size paper. Advocates of legal size paper claim that the extra paper length enables all 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, letter size paper has become a standard for business and the general community. 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 conversion to letter size paper, according to some experts, will save the federal government between \$10 million and \$15 million a year in paper costs alone.

The court's records management program should include a letter size paper standard. First, legal size paper, filing equipment, and supplies cost 10% 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 over 75% of the documents filed are actually letter size; yet, legal size filing equipment and supplies must still be provided to accommodate the larger forms. Third, most forms, orders, and letters can be conveniently prepared on letter size paper, provided proper forms design techniques are incorporated.

As a result of the compelling cost and space benefits provided by letter size paper, eight states have now mandated that all court case file records be on letter size paper. Exception is made for certain exhibits, traffic tickets, and index cards. The transition to letter size paper can be accomplished over several years to enable the court and attorneys to exhaust their supply of legal size paper and forms, and to enable the court to acquire the appropriate equipment and supplies to efficiently handle letter size paper.

A-4 PROCEDURAL MANUALS SHOULD BE CREATED WHICH DOCUMENT THE SYSTEMS DEVELOPED FOR CASE PROCESSING AND COURT ADMINISTRATION.

As new systems are developed, procedures should be documented in detailed procedural manuals. These manuals can be used to speed the

learning process of new staff and answer questions for existing staff. Portions of the manual can be completed as new procedures are implemented and updated; pages can be recompiled as necessary at the end of the development project to provide a comprehensive description. It is not recommended that procedural manuals be developed to document existing systems which will be modified in the near future.

In conjunction with the procedures manual, the courts should conduct an on-going training and orientation program to keep the staff abreast of new changes and procedures, and to provide an opportunity for staff input to further improve the system.

A-5 A UNIFORM CASE NUMBERING SYSTEM SHOULD BE INITIATED STATEWIDE, INCLUDING THE YEAR, TYPE OF CASE, AND CONSECUTIVE NUMBER.

Current case numbering systems are related solely to the docket books and in no way provide relevant case-related information. It is, therefore, recommended that a new numbering system be initiated which will include information concerning the year the case was filed and the type of case. For example, the recommended case number may read "80CR723". The elements of this number show the case was filed in 1980, and that it is the 723rd criminal case to be filed in the designated year. By using a numeric-alpha-numeric format for designating the case number, no hyphens or spaces are needed. This format for case numbering automatically provides some statistical information for the court. It also eliminates the need for the current practice of purchasing color coded folders to designate the type of case and, therefore, further reduces supply costs.

A-6 FOLLOWING COMPLETION OF STATEWIDE RECORDS INVENTORY, A COMPREHENSIVE RECORDS RETENTION AND DISPOSITION SCHEDULE SHOULD BE DEVELOPED AND PROMULGATED BY COURT RULE.

The records retention period denotes the time frame during which a court record may be useful to the court. It reflects the period in which the record may be required for a court proceeding or to verify an individual right. As such, the record is attributed some legal, administrative, fiscal, or historical value during the period.

A retention schedule ensures that the record will be maintained in at least one form during the retention period, but generally provides the court clerk discretion to determine the most reasonable form and location. The schedule must reflect the nature of the records and retrieval requirements, any legal constraints, and the facilities and resources available to the court.

At the conclusion of the retention period, the records should be destroyed or removed 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.

Following completion of the State-wide records inventory currently being conducted by the SCAO², a records retention and destruction schedule

² Following the February advisory committee meeting, SCAO staff, with assistance from NCSC project staff, began a comprehensive inventory. Attached as Appendices 5-6 are the SCAO's initial inventory reports for the 6th and 7th Judicial Circuits.

should be developed, 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 still allowing for future changes if necessary.

Initial retention schedule development efforts should address two areas: First, a retention schedule should be developed for record series that had limited or one-time utility. Second, a dynamic retention schedule should be developed for records that occur annually.³

A-7 PRESERVE THE INTEGRITY OF COURT FILES BY CONTROLLING FILE ACCESS.

Active courts process enormous amounts of paper. Case files need to be complete with all filings and available to the court when requested. In order to ensure this case file integrity, the court should control all files. Whenever a file is removed, an "out card" (see Appendix 9) should be used.

The court may also wish to consider a reading room in which files may be checked out and read, but under the court's aegis. Photocopying equipment should be provided for file document copying. This process will minimize the possibility of file loss, misfiling, or other file abuses. By not allowing any records outside of the court, the court's files will be protected.

³This recommendation has been discussed with and approved by the Office of Records Management.

A-8 GREATER EXPERTISE IN THE AREA OF RECORDS MANAGEMENT SHOULD BE DEVELOPED.

There are currently a number of associations which are active in the records management field, and the court should consider the benefits to be attained through membership in some of these associations. Of particular interest to the court should be the Association of Records Managers and Administrators (ARMA), and the National Micrographics Association (NMA). Both of these organizations conduct seminars and publish materials which provide valuable information on the feasibility, design, and implementation of record systems.

ARMA National Headquarters
P.O. Box 281
Bradford, Rhode Island 02808

NMA
8728 Colesville Road
Suite 1101
Silver Springs, Maryland 20910

In addition, it is recommended that the court consider subscribing to some of the publications and reference materials now available in the area of court records management. In this regard, the National Center for State Courts has produced a number of comprehensive reports in the areas of microfilm, business equipment, audio/video recording, and data processing. These reports are intended to guide court managers in understanding basic concepts, identifying problems, selecting and implementing appropriate systems, and developing standards.

B. Active Filing System Recommendations

The National Center for State Courts has made six recommendations which will improve the active filing systems in South Dakota Courts.

B-1 THE USE OF BOUND BOOKS FOR COURT RECORDKEEPING SHOULD BE ELIMINATED AS SOON AS POSSIBLE. THE COURT SYSTEM SHOULD CONSIDER ADOPTION OF A MULTI-PART CASE ACTION SUMMARY FORM.

Books have traditionally been used to preserve the integrity of the court records; information is either handwritten directly on to a bound book or typed on a page to be inserted into a post binder. Book indexes are maintained in semi-alphabetical order rather than in true alphabetical order, and require some random scanning to find a particular case. It is common to find case-related information separated into a variety of books, i.e., docket, fee, minute, judgment, index, etc.

Books are expensive, cumbersome, difficult to handle, difficult to complete and occupy a great amount of space. Manual recordkeeping systems now exist which are far more cost-effective and efficient.

A multi-part Case Action Summary (CAS) form can be designed to effectively eliminate the use of these books by consolidating their function and simplicity in the case processing system. The various parts of the form are listed below:

Case Action Summaries:

This sheet is used to record all case-related information, name, dates, number, fees, units, order and judgment. Customized forms may be designed for various civil and criminal cases. Space should be designed for typewriter use, with check boxes to eliminate repetitive typing wherever possible. Additional space should be provided at the bottom or on the back for variable information which cannot be entered in the preprinted sections.

Index Cards:

3 x 5 or 4 x 6 index cards are used to maintain plaintiff and defendant index information in true alphabetical order. The multi-part Case Action Summary form should have 1) criminal cases or 2) civil cases index cards attached to the top portion. These cards may be color-coded for rapid identification. When the top sheet is prepared, the basic information (case number, names, attorneys, dates) will be simultaneously transferred to the cards through the use of one-time carbon paper or carbonless paper. Judgment information should be included on the back of these cards, if necessary. Both cards will be identical; the plaintiff and the defendant names will appear in the same order and same location on each card. They should then be filed separately, in true alphabetical order, by plaintiff or defendant names, respectively. After a period of time, the index information should be keyed into a computer for the production of microfiche from computer output microfilm equipment. (see below, Recommendation C-1).

Calendar Cards:

The calendar card would provide the same identifying information as the index card. This card can be used by the judge or by the clerk to track and schedule cases.

Additional Part:

Additional components may be added to the multi-part form to create file folder labels, statistical or computer input, etc. The total paper weight of the combined form must be limited to ensure that the last part will be readable.

After the basic information has been recorded on the CAS form, the parts are separated. The top CAS sheet should be filed in a conveniently located tub file or three ring notebook while the case is active. This provides for the greatest ease in answering information requests and/or updating case information. When a case closes, the Case Action Summary should be placed in the case file. This provides for the maintenance of all case-related information in one place, and will assist in the micro-filming operation at a later date.

Index cards should be filed in their respective card file drawers in a true alphabetical order. Any additional parts should be used or distributed as planned. The calendar cards should be filed by next court date in a tickler file. Every case should always be assigned or continued to a specific date to ensure that no case will get lost in the system.

Additional information can be added to the Case Action Summary through the use of self-adhesive strips or direct impression (typewriter) and/or handwritten (as new court activities occur).

The cost of the summary forms described above should be approximately 10¢ per form. When compared to the cost of maintaining the current books (\$1.50-1.75 per page), it will represent a substantial cost savings to the court budget. In addition, the recordkeeping system developed around these forms will substantially reduce personnel and effort.

Attached as Appendix 10 is model CAS form and manual developed for Colorado Courts which could be modified to meet South Dakota's needs.

B-2 THE COURTS OF SOUTH DAKOTA SHOULD CONVERT ALL ACTIVE CASE FILES TO A LATERAL OR OPEN SHELF FILING SYSTEM AS SOON AS POSSIBLE.

Lateral or open shelf filing systems are the cheapest system on the market for providing the maximum in filing inches and ease in filing and retrieval. (See Appendix 11, literature on lateral and open shelf filing equipment.)

Due to the extreme shortage of space in the clerk's office around the state of South Dakota, the conversion from a drawer file to a

lateral file system will increase the clerk's floor space by approximately 30% to 40%, providing additional working space for clerical staff.

In addition, a lateral filing system provides easier access for clerks and facilitates microfilming.

B-3 IN CONJUNCTION WITH THE OPEN SHELF FILING EQUIPMENT, STANDARD FILING COMPONENTS SHOULD BE INCLUDED IN THE COURT ACTIVE FILING SYSTEM.

A variety of accessories are available for use with open shelf filing equipment. The court should use standard, letter-size, side tab folders of 11 to 14 point weight. These folders are designed to aid retrieval since the case numbers are clearly visible along the side edge. Color-coded tabs should be pre-applied by the vendor on these folders to increase filing accuracy and reduce list files. No additional printing should appear on the folders.

File guides should also be a component of the court's open shelf filing system. Guides should be located in intervals of approximately one hundred folders to facilitate rapid location of records.

File supports should also be used in conjunction with the open shelf filing equipment. These supports are thin metal sheets that are attached to the back and the base of the file unit to prevent folders from falling over. Supports should be placed approximately six inches apart. They should also be movable-type supports.

The courts should use plastic out-folders (see Appendix 9) to indicate location of in-files which have been removed from the shelves. These out folders are highly durable, and their design allows for not only pertinent information about the location of the file, but also provide a pocket for the temporary filing of documents which may be received while the original

file is out. Those courts not using out folders at the current time in South Dakota should obtain this type of equipment.

B-4 THE COURTS OF SOUTH DAKOTA SHOULD CONVERT FILE FOLDERS TO A COLOR-CODED SYSTEM AND A COLOR-CODED NUMBERING SYSTEM FOR THE CASE FILE NUMBER.

Due to the various types of cases that the courts in South Dakota are presently handling, it would be extremely helpful to the clerical personnel if the type of case files were color-coded for easy identification. The case file folders should be of approximately 11 point but folders with a top tab and side tabs so they can be used in either the pull-out drawer or lateral filing system during the conversion. The top tab should be eliminated once the court has converted to a lateral or open shelf filing system

C. Inactive Filing System Recommendations

The National Center for State Courts believes that the inactive records in South Dakota can be best protected by properly using microfilm.

C-1 THE COURTS SHOULD REDUCE ALL INACTIVE CASE FILES TO A MICROFILM SYSTEM.

Based on the critical space of the clerk's offices and due to increased volume of the court, it is highly recommended that the court procure microfilm equipment or utilize the facilities of the Office of Records Management or a service bureau to microfilm those court records which must be maintained permanently. (See above, Retention Schedule, Recommendation A-6.)

The microfilming program of these courts should be on a 16mm roll application or an updatable microfilm system. All film in a roll format should be blipped, identifying each case on a roll of film. On roll film, reduction ratio of film should be no greater than 32 to 1. The index to roll film should be done in such a way that at any future date the index can be placed on a computer and merged with the proposed automated indexing system of the court (see above, Recommendation B-1).

Any microfilm program considered by the courts should be under the direction of the SCAO so that continuity throughout the state can be maintained. The facilities of the office of records management are available to provide some or all of the assistance required. In addition, it is possible that federal funds could be made available through the SCAO for these microfilming programs.

C-2 MICROFILMING PROGRAMS SHOULD INCLUDE PROVISIONS FOR THE INSPECTION, TESTING, AND ARCHIVAL STORAGE OF THE ORIGINAL MICROFILM PRODUCED.

After processing, all film should be inspected and tested to assure that images are readable and will remain stable over time. The microfilm should be scanned for visible defects with the assistance of a magnifying glass at a light box station. The density should be measured to determine whether the film has been over-exposed or under-exposed. The resolution or sharpness of the microfilm image should be checked by inspecting the special resolution test pattern which is being filmed at the beginning and the end of each roll. This test pattern should be inspected under a microscope.

Since the permanence of court records selected for microfilming is so vitally important, the courts must insist on archival quality testing of their microfilm. Archival quality refers to the degree to which the microfilm image will resist deterioration over prolonged periods of use or storage. Silver film can achieve the required permanent retention, provided that the film is properly washed during processing and properly stored. The methane blue test is used to determine the archival quality of the microfilm; this test must be performed within two weeks after the film is processed. The original silver film produced during the microfilming of the court records should be stored at the archives. It is important that this original film be stored in a fireproof, air conditioned storage vault maintained at a constant temperature between 50° and 70° Fahrenheit, and at a constant relative humidity between 20% and 40%. These conditions will prevent the film from deteriorating prematurely, and will ensure the availability of the original film should a new duplicate ever need to be produced for use on-site in the clerks' offices around the state.

C-3 THE DISPOSITION OF INACTIVE CASE RECORDS SHOULD BE DETERMINED BY THE RECORD RETENTION AND DISPOSITION SCHEDULE. INACTIVE RECORDS SHOULD BE PERIODICALLY SEGREGATED FROM THE ACTIVE FILE SECTION OF THE COURT.

Court space is expensive and often limited--especially easily accessible office space. With the increase in new cases and the number of documents submitted, record retrieval time lengthens and misfiling becomes more frequent. To free court space and alleviate filing congestion, closed or inactive case files should be removed from the main filing area and filed separately.

Inactive court records are now being maintained permanently in a variety of storage facilities around the state of South Dakota. Many of these records have outlived their value and should be destroyed. The cost of records destruction is minimal, while the benefit of space savings and improved operation could be substantial. Some records may even be shredded for recycling, with the revenues used to help find the answer to records management programs throughout the state.

Records which are no longer used for daily court operations but cannot be destroyed should be removed to an inactive storage area or an off-site, low cost storage facility. These records should be placed in a one cubic foot (15x12x10") records storage box and put either in a low cost storage area within the courthouse or sent to the state records center for the inactive storage period or microfilming of those records.

It is important to remember that inactive records storage requires protection from fire and/or water damage. The storage facility should never be located in a room which has water pipes overhead or in a basement below street level subject to flooding. The lowest shelf on the filing unit should be elevated to at least four inches above the surface. Smoking should be prohibited in any records area either active or inactive. An appropriate smoke detector, fire extinguishers, and water sprinkler systems should exist.

All major record areas in the courthouse around the state should be protected by early warning smoke detectors, preferably connected directly to both a local fire alarm and the fire department and having individually activated water sprinklers set at 250-286 degree Fahrenheit.⁴

⁴William Benedon, Records Management (Los Angeles; The Trident Shop, 1969), p. 83.

Appropriate fire hoses and extinguishers should be provided. This system provides a delayed water discharge enabling minor fires to be extinguished without intense water damage to the records. In the event of a major fire, the water sprinklers will react in time to provide protection to the building. Fire hoses should be equipped with a fog stream shutoff nozzle, and Class A extinguishers should be provided. The local fire department should be consulted for expert advice.

APPENDIX 1

Circuit Court Microfilming and
Records Retention Project
State Records Statutes
State of South Dakota

1-27-1. Records open to inspection. In every case where the keeping of a record, or the preservation of a document or other instrument is required of an officer or public servant under any statute of this state, such record, document, or other instrument shall be kept available and open to inspection by any person during the business hours of the office or place where the same is kept.

1-27-2. Repealed by SL 1977, ch 16, § 3.

1-27-3. Records declared confidential or secret. Section 1-27-1 shall not apply to such records as are specifically enjoined to be held confidential or secret by the laws requiring them to be so kept.

Source: SL 1935, ch 177, § 2; SDC 1939, Amendments.
§ 48.0701; SL 1977, ch 16, § 1. The 1977 amendment inserted "confidential or."

1-27-4. Photographic and mechanical processes authorized for copying and recording.—Whenever any officer of the state of South Dakota, any political subdivision, municipal corporation, or public corporation is required or authorized by law to record, copy, file, recopy, or replace any document, plat, paper, voucher, receipt, or book on file or of record in his office, he may do so by photostatic, microphotographic, microfilm, or other mechanical process which produces a clear, accurate, and permanent copy or reproduction of the original in accordance with the standards not less than those approved for permanent records by the national bureau of standards or the American National Standards Association.

Source: SL 1963, ch 327, § 1; 1971, Opinion of Attorney General, ch 9. Authority of clerk of courts to microfilm public records and destroy original with permission of state records destruction board, Opinion No. 74-2.

Cross-Reference.
Cultural preservation office microfilms of records, § 1-18B-9.

1-27-5. Repealed by SL 1970, ch 10, § 1.

1-27-6. Retention of reproduced records.—Whenever any record or document is copied or reproduced in a method described in § 1-27-4, the officer shall retain a copy or reproduction in his office.

Source: SL 1963, ch 327, § 4; 1970, ch 10, § 2.

1-27-7. Viewing and reproduction equipment to be provided.—If the original records or documents are disposed of or destroyed, the officer shall, unless viewing equipment is otherwise available within the corporate limits of the town or city wherein the records or documents are kept, provide suitable equipment for displaying such record or document in whole or in part by projection to no less than its original size, or for preparing for persons entitled thereto copies of the record or document, but which shall not be required to be in its original size.

Source: SL 1963, ch 327, § 4; 1970, ch 10, § 3.

1-27-8. Reproductions admissible in evidence.—Preparation of enlarged copies.—A photographic, microphotographic, or microfilm copy of any such record, or a certified copy thereof, shall be admissible as evidence in any court or proceeding and it shall have the same force and effect as though the original record has been produced and proved. It shall be the duty of the custodian of such records to prepare enlarged typed or photographic copies of the records whenever their production is required by law.

Source: SL 1963, ch 327, § 3.

1-27-9. Records management programs.—Definition of terms.—As used in §§ 1-27-9 to 1-27-18, inclusive:

- (1) "State agency" or "agency" or "agencies" includes all state officers, boards, commissions, departments, institutions and agencies of state government.
- (2) "Record" means document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.
- (3) "State record" means:
 - (a) A record of a department, office, commission, board or other agency, however designated, of the state government.
 - (b) A record of the state Legislature.
 - (c) A record of any court of record, whether of state-wide or local jurisdiction.
 - (d) Any other record designated or treated as a state record under state law.
- (4) "Local record" means a record of a county, city, town, township, district, authority or any public corporation or political entity whether organized and existing under charter or under general law, unless the record is designated or treated as a state record under state law.

Source: SL 1967, ch 253, § 1.

1-27-10. Records as property of state.—Damage or disposal only as authorized by law.—All records made or received by, or under the authority of, or coming into the custody, control, or possession of public officials of this state in the course of their public duties, are the property of the state and shall not be mutilated, destroyed, transferred, removed, or otherwise damaged or disposed of, in whole or in part, except as provided by law.

Source: SL 1967, ch 253, § 6. microfilm public records and destroy original with permission of state records destruction board, Opinion No. 74-2.

Opinion of Attorney General.
Authority of clerk of courts to

1-27-11. Board to supervise destruction of records — State records manager as ex officio member — Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record shall be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of such board that the record has no further administrative, legal, fiscal, research or historical value.

1-27-11.1. Direction and supervision of board by bureau of administration—Independent functions retained.—The board created by § 1-27-11 shall be administered under the direction and supervision of the bureau of administration and the commissioner thereof, but shall retain the quasi-judicial, quasi-legislative, advisory, other nonadministrative and special budgetary functions (as defined in § 1-32-1) otherwise vested in it and shall exercise those functions independently of the commissioner of administration.

1-27-12. State records management program to be established.—The commissioner of administration shall establish within the organizational structure of the bureau of administration a records management program, which will apply efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of state records.

Source: SL 1967, ch 253, § 2.

Commission Note.

The code commission has substituted references to the commissioner and bureau of administration in this

section for references to the secretary and department of finance to reflect the changes made by § 11, ch 7, SL 1970 and by § 12, ch 2, SL 1973. See §§ 1-14-2.1 and 1-33-3.

1-27-13. Records management procedures proposed by state agencies.—The head of each agency shall submit to the commissioner of administration, in accordance with the rules, regulations, standards, and procedures established by him, schedules proposing the length of time each state record series warrants retention for administrative, legal, or fiscal purposes after it has been received by the agency.

Source: SL 1967, ch 253, § 3.

Commission Note.

The code commission has substi-

tuted "commissioner of administration" in this section for "secretary of finance" to reflect the change made by § 11, ch 7, SL 1970. See § 1-14-2.1.

1-27-14. Obsolete records listed by state agencies.—The head of each agency, also, shall submit lists of state records in his custody that are not needed in the transaction of current business and that do not have sufficient administrative, legal or fiscal value to warrant further keeping for disposal in conformity with the requirements of § 1-27-11.

Source: SL 1967, ch 253, § 3.

1-27-14.1. Transfer of records by outgoing agency heads — Terminated agency records. Upon termination of employment with the state, each agency head shall transfer his records to his successor or to the archives resource center for appraisal and permanent retention, unless otherwise directed by law. The records of any state agency shall, upon termination of its existence or functions, be transferred to the custody of the archivist, unless otherwise directed by law.

Source: SL 1975, ch 24, § 7.

1-27-14.2. Transfer of jeopardized nonessential agency material to state archivist. In any case where material of actual or potential archival significance is determined by a state agency to be in jeopardy of destruction or deterioration, and such material is not essential to the conduct of daily business in the agency of origin, the agency head shall have authority to transfer said records to the physical and legal custody of the state archivist whenever the archivist is willing and able to receive them.

Source: SL 1975, ch 24, § 10.

1-27-14.3. Title to transferred records pending formal transfer. Records transferred to the physical custody of the archivist remain the legal property of the agency of origin, subject to all existing copyrights and statutory provisions regulating their usage, until such time as the agency head formally transfers legal title to the archivist.

1-27-15. Destruction of nonrecord materials.—Nonrecord material or materials not included within the definition of records as contained in § 1-27-9 may, if not otherwise prohibited by law, be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

1-27-16. Rules, standards and procedures. The commissioner of administration shall promulgate such rules, standards, and procedures as are necessary or proper to effectuate the purposes of §§ 1-27-9 to 1-27-18, inclusive, except that rules, standards, and procedures relating to disposal of records pursuant to § 1-27-11 shall be issued by the board created by § 1-27-11.

1-27-17. Legislative and judicial records management programs.—Upon request, the commissioner of administration shall assist and advise in the establishment of records management programs in the legislative and judicial branches of state government and may, as required by them, provide program services similar to those available to the executive branch of state government pursuant to the provisions of §§ 1-27-9 to 1-27-16, inclusive.

Source: SL 1967, ch 253, § 5.

Commission Note.

The code commission has substi-

tuted "commissioner of administration" in this section for "secretary of finance" to reflect the change made by § 11, ch 7, SL 1970. See § 1-14-2.1.

APPENDIX 2

Circuit Court Microfilming and Records Retention Project Records Retention Schedule for South Dakota Analysis State of South Dakota

Memo

South Dakota Records Management

At present, court records are being retained on the basis of an executive department retention schedule. The basic statutory authority is SDSC Section 1-27-1 et seq., which states that all records of any court of record whether of statewide or local jurisdiction, are state records. While the Office of Records Management, within the Bureau of Administration, provides a general schedule for the retention of court records, telephone correspondence with a Clerk of Court reveals that the Clerks retain all records permanently.

Specific provisions could not be located on the allowability of transferring records outside of the Clerk's Office. However, a Clerk of Court did reveal that records were often checked out of the Clerk's Office, and the authority was essentially based upon tradition.

Land records, birth certificates, and marriage certificates are not considered judicial records.

The final authority for authorizing the destruction of records rests with the State Records' Destruction Board, which consists of the Commissioner of Administration, the state auditor, the attorney general, the auditor general, and the state archivist. Each agency head is required to submit proposed retention schedules to the Commissioner of Administration, which must subsequently be approved by the Board. There appears to be a statutory construction problem with the court records of South Dakota. The chief staff person of the State Records' Destruction Board, the state records's manager, interprets the statutes to read that all court records are state records, and therefore fall within the preceding guidelines. However, SDCL Section 1-27-17 would seem to provide permissive guidelines rather than mandatory provisions. Irregardless of the statutory construction problem, conversation with a Clerk of Court reveals that all records are presently being permanently retained.

SDCL Sections 1-27-4 and Section 19-7-12 provide for the microfilming of all court records. Microfilming standards must meet the National Bureau of Standards

requirements or the American National Standards Association requirements. Provide that the record need not be retained permanently, an order of September 3, 1974 by the Board of Records' Destruction granted blanket approval to the destruction of original paper records which had been microfilmed in compliance with the above stated statutes.

South Dakota (1)

Record Retention Summary Sheet

Judisdiction: Circuit Court (general jurisdiction)

Division: Clerk of Courts

Record Type	Applicable Statutes	Retention Period (yrs)	Retention Counting Event	Microfilm Permitted	Transfer of Records Permitted Outside Court	Form of Record
Case File	SDCL 1-27-1 et. seq. General Retention Schedule - Part I	Permanent	N/A	Yes	Yes	?
Court Exhibits	"	Varies	Order of Court	?	?	N/A
Fee Book	"	Permanent	N/A	Yes	?	?
Notary Public Commission- File copies	"	Current copy	?	?	?	?
Judgment Book	"	Permanent	N/A	Yes	?	?
Judgment Docket	"	Permanent	N/A	Yes	?	?
Jury Records	"	Permanent	N/A	Yes	?	?
Record of fines/ forfeitures	"	5 years	?	Yes	?	?
Register of Actions	"	Permanent	N/A	Yes	?	?
Notary Public Commission- Register Book	"	Permanent	N/A	Yes	?	?

Court Improvement through Applied Technology Project

Record Retention Summary Sheet

South Dakota (2)

Jurisdiction: Circuit Court (general jurisdiction)

Division: Magistrate

Record Type	Applicable Statutes	Retention Period (yrs)	Retention Counting Event	Microfilm Permitted	Transfer of Records Permitted Outside Court	Form of Record
Minute docket and index	SDCL 1-27-1 et. seq. General Retention Schedule - Part I	Permanent	N/A	Yes	?	?
Judgment docket and index	"	Permanent	N/A	Yes	?	?
Card index to cases	"	30 years	?	Yes	?	?
Jury lists	"	2 years	?	Yes	?	?
Traffic violation tickets	"	1 year	Audit	Yes	?	?
Parking tickets	"	1 year	Audit	Yes	?	?
Traffic warrants	"	2 years	?	Yes	?	?
Criminal warrants	"	Upon dismissal	Dismissal	Yes	?	?
Record of fines, forfeitures, and penalties	"	5 years	?	Yes	?	?
Birth calendar	"	5 years	?	Yes	?	?
Search warrants	"	5 years	?	Yes	?	?
Civil action papers	"	5 years	?	Yes	?	?
Criminal action papers	"	10 years	?	Yes	?	?
Small claims	"	5 years	?	Yes	?	?
Register of civil actions	"	Permanent	N/A	Yes	?	?
el ca recq	"	10 year	Case	Yes	?	?

South Dakota (3)

Record Retention Summary Sheet

Jurisdiction: Circuit Court (general jurisdiction)

Division: Magistrate

Record Type	Applicable Statutes	Retention Period (yrs)	Retention Counting Event	Microfilm Permitted	Transfer of Records Permitted Outside Court	Form of Record
Indemaneor case records	SDCL 1-27-1 et. seq. General Retention Schedule - Part I	5 years	Close of case	Yes	?	?
Parole and Probation records	"	5 years	Close of case	Yes	?	?

CONTINUED

1 OF 3

SOUTH DAKOTA (4)

Record Retention Summary Sheet

Jurisdiction: Supreme Court (appellate)

Division: N/A

Record Type	Applicable Statutes	Retention Period (yrs)	Retention Counting Event	Microfilm Permitted	Transfer of Records Permitted Outside Court	Form of Record
Original transcript	<u>Comparative Outline of Basic Appellate Court Structure and Procedures in the United States (1978)</u>	Returned to trial court for permanent retention	N/A	?	?	?
Original briefs	as above	Permanent	N/A	?	?	?

APPENDIX 3

Circuit Court Microfilming and
Records Retention Project
Records Inventory Worksheet
State of South Dakota

STATE OF SOUTH DAKOTA NCSC-3350-00		RECORDS INVENTORY WORKSHEET			RECORD SERIES NO.					
1. RECORD SERIES TITLE		2. AGENCY		3. DIVISION						
		4. BUREAU		5. SECTION						
		6. LOCATION								
		7. CONTACT (NAME & TELEPHONE NUMBER)								
8. DESCRIPTION (CONTENTS, PURPOSE, AND USE; INCLUDE FORM TITLES AND NUMBERS IF ANY)										
9. FILE TYPE <input type="checkbox"/> a. Subject <input type="checkbox"/> b. Case <input type="checkbox"/> c. Working Papers <input type="checkbox"/> d. Reference <input type="checkbox"/> e. Index		10. CUT-OFF <input type="checkbox"/> a. Calendar Year <input type="checkbox"/> b. Fiscal Year <input type="checkbox"/> c. Continuous <input type="checkbox"/> d. Other _____		11. HOW FILED <input type="checkbox"/> a. Individual (Loose) <input type="checkbox"/> b. In Folders <input type="checkbox"/> c. Bound <input type="checkbox"/> d. Other _____		12. AUTHORIZATION FOR SERIES <input type="checkbox"/> a. Statute <input type="checkbox"/> b. Regulation <input type="checkbox"/> c. Administrative _____ (Citation)				
13. ARRANGEMENT <input type="checkbox"/> a. Alpha by _____ <input type="checkbox"/> b. Numeric by _____ <input type="checkbox"/> c. Chronological by _____ <input type="checkbox"/> d. Other _____		PLACE AN "X" IN THE PROPER COLUMN (If answer is "yes" explain on reverse side.)				YES	NO			
		16. ARE THERE COPIES OF THIS RECORD SERIES (OR MAJOR PORTION OF IT) - IN THIS AGENCY?								
		- IN ANOTHER AGENCY?								
		17. DOES THIS RECORD SERIES CONTAIN CLASSIFIED INFORMATION REQUIRING SECURITY HANDLING?								
14. SIZE <input type="checkbox"/> a. Letter <input type="checkbox"/> c. Other _____ <input type="checkbox"/> b. Legal		18. IS THERE ANY LEGAL REQUIREMENT AFFECTING THE DISPOSAL OF THIS RECORD SERIES?								
		19. DOES THIS RECORD SERIES PROVIDE DATA AS INPUT TO AN EDP FILE?								
		20. DOES THIS RECORD SERIES CONTAIN DOCUMENTATION PRODUCED AS EDP PRINTOUT?								
15. INCLUSIVE DATES From _____ Thru _____		21. IS THIS RECORD SERIES (OR ANY PART OF IT) EVER REPRODUCED ON MICROFILM?								
		22. DOES THIS RECORD SERIES CONTAIN INFORMATION USED IN THE AUDIT PROCESS?								
23. HOLDINGS TIME PERIOD		VOLUME - TYPE OF SPACE			24. REF RATE	25. EQUIPMENT USED (CIRCLE APPROPRIATE SYMBOL) C=Cabinet, T=Trans Files, S=Shelving				
		Office	"A" Storage	"B" Storage				Total		
		CURRENT YEAR								C T S OTHER _____
		LAST YEAR								C T S OTHER _____
		PRECEDING YEAR								C T S OTHER _____
ALL PRIOR YEARS						C T S OTHER _____				
TOTAL						C T S OTHER _____				
26. RECOMMENDED RETENTION PERIOD INCLUDING "VITAL RECORD" VALUE.					27. INVENTORIED BY - DATE					

APPENDIX 4

Circuit Court Microfilming and
Records Retention Project
Archival Certification;
Processing Control Documents
State of South Dakota

State of South Dakota

Records Management

CERTIFICATE OF AUTHENTICITY

THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGES
APPEARING ON THIS ROLL OF MICROFILM:

STARTING WITH _____

ENDING WITH _____

ARE ACCURATE REPRODUCTIONS OF THE RECORDS OF:

AGENCY _____

RECORDS SERIES NO. _____

TITLED _____

AND WERE MICROFILMED IN THE REGULAR COURSE OF BUSINESS
ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED
LAW 1-27-4.

IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS
USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A
MANNER AND ON MICROFILM WHICH MEETS THE RECOMMENDED
REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR
PERMANENT MICROPHOTOGRAPHIC REPRODUCTIONS.

EXPOSURES _____ REDUCTION _____, ROLL NO. _____

Date Microfilmed _____

Camera Operator _____

DATE MICROFILMED _____

CAMERA OPERATOR _____

STATE OF SOUTH DAKOTA - BUREAU OF ADMINISTRATION - OFFICE OF RECORDS MANAGEMENT - CERTIFICATE OF AUTHENTICITY
THIS IS TO CERTIFY THAT THE MICROPHOTOGRAPHIC IMAGES APPEARING ON THIS ROLL OF MICROFILM IS AN ACCURATE REPRODUCTION OF THE
ORIGINAL RECORD AND WAS MICROFILMED IN THE REGULAR COURSE OF BUSINESS ACCORDING TO THE PROVISIONS OF SOUTH DAKOTA COMPILED
LAW 1-27-4. IT IS FURTHER CERTIFIED THAT THE PHOTOGRAPHIC PROCESS USED FOR MICROFILMING OF THE ABOVE RECORDS WAS IN A MANNER
AND ON MICROFILM WHICH MEETS THE RECOMMENDED REQUIREMENTS OF THE NATIONAL BUREAU OF STANDARDS FOR PERMANENT MICROPHOTOGRAPHIC
REPRODUCTIONS. ROLL NO. _____

START OF

RETAKE

END OF

RETAKE

START

E N D

APPENDIX 5

Circuit Court Microfilming and
Records Retention Project
Records Retention and Disposal
Schedule for the 6th Judicial
Circuit
State of South Dakota

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM
CLERK OF COURTS

RECORDS RETENTION AND DISPOSAL SCHEDULE
SIXTH JUDICIAL CIRCUIT

INDEX

NOTE: Those records classified as permanent should be micro-filmed for security. When a permanent record is permitted to be microfilmed and disposal or transfer to an archives allowed, the microfilm in silver negative form will become the permanent record. The silver negative microfilm shall be duplicated in diazo form for use and the original silver negative microfilm shall be safely stored off premises. This requirement also shall be observed for security microfilm when the records are retained.

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Section B.	CIVIL ACTION CASES
Section C.	COURT REPORTER RECORDS
Section D.	CRIMINAL ACTION CASES
Section E.	FISCAL RECORDS
Section F.	JURY RELATED RECORDS
Section G.	JUVENILE CASES
Section H.	MAGISTRATE, JUSTICE OF THE PEACE AND CITY COURT RELATED RECORDS
Section I.	MENTAL ILLNESS CASES
Section J.	MISCELLANEOUS RECORDS
Section K.	NATURALIZATION RECORDS
Section L.	PROBATE CASES (GUARDIANSHIPS)

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Record Series Discontinued*
Instrument Now Microfilmed and Filed with Case**

Section A. ADOPTION CASES

1. ADOPTION CASE FILES

This confidential file can be opened by court order only. It contains a petition for adoption by the prospective parents, notice of hearing, terminated rights order, consent form, order declaring child adopted, and the court report of adoption. The purpose of the record series is to record the proceedings of the initiation of parental rights of anyone adopting a child that they have had in their home for six months. Case background investigation records are maintained on microfilm in the Department of Social Services, and the Court Report of Adoption is filed with the Department of Health.
Disposition: Retain permanently; either hard copy or microfilm.

2. ALPHABETICAL INDEX AND REGISTER OF ACTIONS

Index section contains an alphabetical listing of names and reference to Register of Action section page number. The Register of Action section lists the instruments filed, and the dates they were filed.
Disposition: Retain permanently; either hard copy or microfilm.

3. MASTER CARD INDEX--ADOPTIONS

These 3" x 5" cards are cross indexed by child's given name and child's adopted name. The cards also give the Register of Actions book number, case number, and adoptive parent's name.
Disposition: Retain permanently; either hard copy or microfilm

Section B. CIVIL ACTION CASES

1. ALPHABETICAL INDEX AND REGISTER OF ACTIONS

The index lists all plaintiff names alphabetically; and all defendants names alphabetically, also the title of case, date each instrument related to the case if filed, type of action, and the amount of fees that were collected for the filing.
Disposition: Retain permanently; either hard copy or microfilm

2. ASSIGNMENT OF JUDGEMENT

These hard bound books cover the period of June 1888 through 1954 when they were discontinued. The alphabetical index gives a listing of the names of the parties whom the judgements were against. The assignments are recorded chronologically to include the names of the parties, date of judgement, amount of judgement, signature of assignor, and acknowledgement of notary. They are never referenced.
Disposition: Transfer pre 1901 books to an Archives; balance of books may be destroyed 30 years after final assignment.

Section B. CIVIL ACTION CASES, Continued

3. CIRCUIT COURT ORDER BOOK

From June of 1886 to about 1975, this book was used to summarize civil actions listing orders, decrees, and bonds. The books also contain the plaintiff and defendants name, court order, and judges signature. To date there are about 12 full books of this type. In 1975 instruments containing this information started to be microfilmed on aperature cards, and the original paper filed in with the civil action case files.

Disposition: Transfer pre 1901 books to an Archives; balance of books may be destroyed 20 years after last entry.

4. CIRCUIT COURT JUDGEMENT BOOK

Twenty books have been filled since October, 1881. In 1976, the information content of these instruments commenced to be microfilmed on aperature cards and the original instrument filed in with their respective civil and criminal case files. The books contain Plaintiff's and Defendant's name, date, details of the judgement, and the judge's signature. If the civil and criminal case files are ever microfilmed, it would make the permanent keeping of these books redundant.

Disposition: Transfer pre 1901 books to an Archives; balance of books may be destroyed 20 years after last entry.

5. CIRCUIT AND DISTRICT COURT JOURNAL

Inclusive dates of these hard bound books are July, 1881 to 1899. They describe the case, list the plaintiff and defendants involved, and the dates of the court proceedings. The purpose of the Journal seemed to be to maintain a record chronologically, of all cases that appeared before the court and the disposition of each.

Disposition: Transfer to an Archives.

6. CIVIL ACTION CASE FILES

This file exists to provide a record of all civil cases as required by law. The files contain a summons, complaint, orders, answers of defendants, motions, statements of judges, disqualifications, briefs, transcripts if requested, judgement, notice of appeal, and all other information pertinent to the case. Current practice is to microfilm judgements, bonds, decrees, etc. on aperature card and file the original in case folder. Since 1881, almost 12,000 civil cases have been filed which consume over 40 cubic feet of storage space. An average of 50 civil cases are filed each month in Hughes County.

Disposition: Disposal 20 years after final disposition of action.

Section B. CIVIL ACTION CASES, Continued

7. CIVIL MASTER INDEX BOOK (PLAINTIFF/DEFENDANT)

To date a total of four hard bound books have been filled. They include the names of the plaitiffs and defendants in alphabetical order, the date the action was started, the case number, the Register of Action book number, and the Register of Action book page number. This book is a refinement of the Civil and Criminal Case Master Index Book by Defendant, and the Civil and Criminal Case Master Index Book by Plaintiff in which both civil and criminal case plaintiffs and defendants were listed.

Disposition: Disposal 20 years after final disposition of action.

8. CIVIL AND CRIMINAL CASE MASTER INDEX BOOK (DEFENDANT)

CIVIL AND CRIMINAL CASE MASTER INDEX BOOK (PLAINTIFF)

These two book series have been discontinued and replaced by one book for all civil cases that includes an alphabetical listing of plaintiffs, and one for defendants; and one book for all criminal cases that includes an alphabetical listing of plaintiffs, and one for defendants. The books include the the date the action was started, the case number, and the Register of Action book and page number.

Disposition: Disposal 20 years after final disposition of action.

9. (SPECIAL) EXECUTION DOCKET

One book was started in 1883 and appears to be discontinued in 1905. It was a docket for collection purposes that shows that an execution was issued and how it was carried out. Information content includes the date execution issued, name of party against whom judgement was rendered, amount of judgement, and officers return.

Disposition: Transfer to an Archives.

10. GENERAL INDEX DISTRICT COURT

This index was used in Hughes County from 1881 to 1886. It listed the plaintiff and defendant names, filing dates, and Register of Actions page and book number. The book was an index to old civil actions in District Court.

Disposition: Transfer to an Archives.

11. JUDGEMENT DOCKET FOR CIRCUIT COURT

This book series was started in October of 1882, and is still being used today. Its purpose is to provide an index to any case that involves a judgement. It also provides a record of all judgements against any one person and refers to the location of where the actual judgement instrument can be found. Information content includes judgement debtor, judgement creditor, amount of judgement, date of judgement, date filed, and date judgement is satisfied. To date 10 books have been filled.

Disposition: Disposal 20 years after final satisfaction.

12. REAL ESTATE TAX JUDGEMENT BOOK

During the period of 1899 through 1904, four books were filled to record delinquent tax on real property. They contained a description of land, amount of taxes delinquent, costs, amount of judgement and date satisfied.

Disposition: Transfer to an Archives.

13. REGISTER OF ACTIONS FOR CIRCUIT COURT

This book series was started in June of 1881 and replaced by the Alphabetical Index and Register of Actions Binder in 1976. These 27 books list the instruments filed pertaining to each case, and the dates they were filed. They include title of cause, attorneys, plaintiff and defendant's names, papers filed, Circuit Court Order Book number, fees paid and date, and case number.

Disposition: Disposal 20 years after final disposition of action.

14. TRANSCRIPT OF JUDGEMENTS AND SATISFACTIONS

Since 1895 over two cubic feet of these records have accumulated. The purpose of the Transcript is to show the amount of judgement, and when it has been certified by a Clerk of Courts as satisfied. The form is used especially to send to another county in which the levy will be made. Information content includes the name of the judgment creditor and debtor, amount of judgment and costs, date of judgment, when filed, when docketed, judgment book page, satisfaction remarks, and Clerk of Court's certification of satisfaction.

Disposition: Disposal 20 years after final satisfaction

Section C. COURT REPORTER RECORDS

1. SHORTHAND NOTES

About six cubic feet of court reporter shorthand notes exist from 1946 through 1970. They give a word-by-word account of both magistrate and circuit court proceedings. Shorthand was discontinued in about 1970 and replaced by stenograph notes and/or sound tape recordings.

Disposition: Criminal Cases--Retain 50 years or microfilm and destroy after 20 years.

Civil Cases--Retain for 20 years and destroy.

2. SOUND TAPE RECORDINGS

At the Court's request, sound tape was used in addition to recording court proceedings by hand. Magistrate Court uses only sound tape to record proceedings at times. To date about 1 cubic foot of 7" sound tape reels with proceedings on exist.

Disposition: Criminal Cases--Retain permanently.

Civil Cases--Retain for 20 years.

Section C. COURT REPORTER RECORDS, Continued

3. STENOGRAPHIC NOTES

This has been the accepted method of court reporting in Hughes County since 1968. Approximately 40 cubic feet of stenograph tapes have been generated to date. Most of the bulk is Circuit Court proceedings, however there are some notes from Magistrate Court. They give a coded word-for-word account of what was said in each court proceeding. About 12 cubic feet of tapes are generated each year.

Disposition: Criminal Cases--Retain 50 years or microfilm and destroy after 20 years.

Civil Cases--Retain for 20 years and destroy.

Section D. CRIMINAL ACTION CASES

1. ALPHABETICAL INDEX AND REGISTER OF ACTIONS

This index lists all plaintiff names alphabetically, and all defendants names alphabetically, also the title of case, date each instrument related to the case is filed, type of action, and the amount of fees that were collected for the filing.

Disposition: Retain permanently; either hard copy or microfilm.

2. CIRCUIT COURT DISPOSITION SHEET

These sheets contain the date, name of individual, offence, plea, and disposition. They are used to provide local, county, and state law enforcement officials with this type of information for the completion of their activity reports. It is from these sheets that the news media also gathers data for their court news stories.

Disposition: Retain for 10 years and destroy.

3. CIRCUIT COURT JUDGEMENT BOOK

Twenty books have been filled since October, 1881. In 1976, the information content of these instruments commenced to be microfilmed on aperture cards and the original instrument filed in with their respective civil and criminal case files. The books contain Plaintiff's and Defendant's name, date, details of the judgement, and the judge's signature. If the civil and criminal case files are ever microfilmed, it would make the permanent keeping of these books redundant.

Disposition: Transfer pre 1901 books to an Archives; balance of books may be destroyed 20 years after last entry.

4. CRIMINAL ACTION CASE FILES

This series contains all cases involving criminal offenses tried in County, District, or Circuit Court since 1881. A typical case file could include information sheet, motions, bonds, uniform traffic ticket or summons, computer rap sheet, and preliminary investigation (sealed). The files are arranged

Section D. CRIMINAL ACTION CASES, Continued

4. CRIMINAL ACTION CASE FILES, Continued

chronological by year, then by numerical case number.

Disposition: Prison Sentence--Retain 50 years or microfilm and destroy after 20 years.

Nonconfinement Sentence--Retain for 20 years and destroy.

5. PENDING CRIMINAL CASES BY JUDGE (PRINTOUTS)

These computer printout reports are sent out to each judicial district in the state on a regular monthly basis. The report contains the breakdown of cases assigned to their respective judges. These are timely reports that serve no reference purpose after the first year.

Disposition: Retain 1 year and destroy.

6. REGISTER OF ACTIONS FOR CIRCUIT COURT

This book series was started in June of 1881 and replaced by the Alphabetical Index and Register of Actions Binder in 1976. These 27 books list the instruments filed pertaining to each case, and the dates they were filed. They include title of cause, attorneys, plaintiff and defendant's names, papers filed, Circuit Court Order Book number, fees paid and date, and case number.

Disposition: Disposal 20 years after final disposition of action.

Section E. FISCAL RECORDS

1. ACCOUNTS PAYABLE CARD FILE

This system was started in late 1977. The 4" x 8" cards offer a list of accounts that need to be paid, relative case number, date, name and address of creditor, each entry of payment, and balance of debt. Once the debt is paid, the card is transferred to a closed file. This information is duplicated in a Disbursement Journal. The record series, once paid and closed, serves no value except for audit purposes.

Disposition: Retain 1 full year after audit, and destroy

2. ACCOUNTS RECEIVABLE CARD FILE

This system was started in late 1977. The 4" x 8" cards offer a list of accounts not yet collected, relative case number, date, name and address of debtor, each entry of receipt, and the balance yet outstanding. Once the account has been collected, the card is transferred to a closed file. This information is duplicated in a Receipt Journal. The record series, once closed, serves no value except for audit purposes.

Disposition: Retain 1 full year after audit, and destroy

Section E. FISCAL RECORDS, Continued

3. ADJUSTING ENTRY FORM, UCS036

This form is used to increase or decrease a charge when a mistake has been made. It is an explanation of the correction for audit purposes.

Disposition: Retain 1 full year after audit, and destroy.

4. BANK STATEMENTS

These statements are received monthly with cancelled checks paid against the court's account. The bank provides the amount of the account balance prior to the check writing activity for the month, the current account balance, and any deposits. The only other reason for retaining these bank statements for any period of time other than for audit purposes would be for a rare case of proof of restitution.

Disposition: Retain 1 full year after audit, and destroy.

5. CASH RECEIPT TRANSMITTAL, UCS034

This form is used to itemize funds for deposit with the County Treasurer by payee and amount. It also directs the Treasurer to deposit the funds in the account designated on this form. The white copy goes to the Treasurer with the funds, and the yellow copy is retained by the Clerk of Courts.

Disposition: Retain 1 full year after audit, and destroy.

6. CLERK OF COURTS CASH JOURNAL

This Journal contains a summary of cash receipts deposited or forwarded. Clerk of Courts Transaction Register Sheets are filed in with this journal.

Disposition: Disposal after 10 years and audit.

7. CLERK OF COURTS COST BOOK

This book series was used from 1881 to 1886. It was used to record costs of each individual case and to list the instruments filed relative to each. It gives the plaintiff and defendant names, attorneys, amount of debit and credit.

Disposition: Transfer to an Archives

8. CLERK OF COURTS RECIPROCAL LEDGER

This ledger is used to record the amount of money received by an individual, and that that same amount was payed out to the party or parties that the court has directed it to go to. An example of when this would be used is for support and alimony payments. The information is duplicated in the County Treasurer's Office.

Disposition: Disposal after 25 years and audit

Section E. FISCAL RECORDS, Continued

9. CLERK OF COURTS TRANSACTION REGISTER

The main purpose of this record is to keep track of all cash and charge transactions. It includes the date of transaction, received from, case number, receipt number, description, whether the transaction is charge or cash, amount received on account, balance due, docket number, type of fees collected, fines and costs, trust fund transactions, unpaid fines, account with court appointed attorney, and with law officers, and also other related remarks are recorded in this Register.

Disposition: Disposal after 25 years and audit

10. CLERK OF COURTS TRUST LEDGER

This ledger is kept to maintain a record of transactions dealing with the Clerk of Court's Trust Fund. An example of a transaction would be the deposit of bond money, and later the return of the bond amount. The Ledger records the name of the party the money is received from and paid to, relative case number, receipt number, description, and balance.

Disposition: Disposal after 25 years and audit

11. CLERK'S FEE BOOK

This book series was started in 1891 and discontinued in 1976. It recorded all fees collected, including filing fees, fines, and costs. The date, receipt number from receipt book, case number, which court money was collected from, amount, and miscellaneous services was other data written in this book. The entries are numerical by receipt number, and the information is also duplicated in the Treasurer's Office. Fourteen books exist.

Disposition: Transfer pre 1901 books to an Archives; balance of books may be destroyed 10 years after last entry and audit.

12. FINES RECORD BOOK

From 1929 to 1976 this book was used to record the amounts of fines, forfeitures, penalties and costs. The new Accounts Receivable Card File has replaced this book. Cards were made for all outstanding costs and dues before the books were retired. Other information content includes the name of the party, address, date cost imposed, amount, days imprisoned, total dollars to date paid, date funds transferred to County Treasurer, and Treasurer's receipt number.

Disposition: Disposal 10 years after last entry and audit

13. J.P.'s CASH RECEIPT BOOK

These books were kept from June, 1974 to January, 1976 at a time when there still was Justices of Peace. The books provided a record of all monies received by J.P.'s. The individuals name, address, amount received, how paid, and name of individual receiving the money was typical of the information found in these books. About one cubic foot of these books exist.

Disposition: Disposal 5 years after last entry and audit

Section E. FISCAL RECORDS, Continued

14. LEDGER OF FUNDS DEPOSITED WITH CLERK OF COURTS AND ACCOUNTS WITH ATTORNEYS BOOK

One book exists covering the period of 1905 to 1919. It provided a record of all funds deposited by the Clerk of Courts into banks. It gave the date of deposit, amount, and source of money.

Disposition: May be transferred to an Archives or destroyed.

15. MAGISTRATE COURT DISBURSEMENT JOURNAL

This Journal provides a record of all monies disbursed. It gives the date, amount, and where the money was disbursed to. The information is also available on the new Accounts Payable Cards. There is never any reference after the third year to this Journal.

Disposition: Disposal after 3 years and audit.

16. MAGISTRATE COURT RECEIPT JOURNAL

This Journal provides a record of all monies received. It gives the name of the person monies were received from, date, amount, if it was cash or charge. This information is also available on the new Accounts Receivable Cards. There is never any reference after the third year to this Journal.

Disposition: Disposal after 3 years and audit.

17. MONTHLY FINANCIAL STATEMENT REPORT-CIRCUIT COURT

This report was started as a result of court reorganization, and implemented in 1976. The original report is filed with the Supreme Court, a copy is filed with the Presiding Judge of the county, and a copy is retained by the Clerk of Courts. The report is divided in to seven sections consisting of: Transaction Register Summary Report, Reconciliation of Accounts Receivable Book Balance to Control Ledger Balance, Accounts Receivable Detail Account Listing, Book Balance to Control Ledger Balance, Trust Fund Detail Account Listing, Cash Fees and Law Library Collected, and Summary of City and State Collections Fines, Costs, and Forfeitures.

Disposition: Disposal 1 year after an audit.

18. MONTHLY FINANCIAL STATEMENT REPORT-MAGISTRATE

This report was started in 1976 as a result of court reorganization. It is basically the same as the Financial Statement filed by the Circuit Court. It provides the Court Administrator's Office with a monthly record of fiscal transactions. The information for this report is compiled from the Disbursement Journal and the Receipt Journal. It is never referenced after the second year.

Disposition: Disposal 1 year after an audit.

19. TRUST FUND DISBURSEMENT VOUCHER FORM, UCS037

This form is used to withdraw money from the Trust Fund. The original copy goes to the County Auditor, and the copy is filed in the Clerk of Court's Office. Information on the form includes date, payee, description of payment, case number, amount, total payment, authorized signature, and County Auditors warrant number. Disposition: Disposal 1 year after an audit.

Section F. JURY RELATED RECORDS

1. CIRCUIT COURT CALENDAR

In Hughes County, there are two terms of Court during the year. A Circuit Court Calendar is made for each term listing the dates, times, assigned judge, plaintiff and defendant, and whether the trial will be active criminal or inactive criminal, or civil jury or civil court cases. This information can also be obtained from the Court Minute Book (Journal Circuit Court). From 1978 to present, about 1/4 cubic foot has accumulated. Disposition: Maintain current term only.

2. COURT CALENDAR

This bound book was used to record the cases to be tried along with attorneys, title of cause, term of court, clerk's and judge's notes. From October, 1882 through May, 1913 these books were maintained. It is presumed that the Court Calendar Book was superseded by the currently kept, Court Minute Book (Journal Circuit Court). The series consists of 6 bound books. Disposition: Maintain permanently in hard copy or microfilm form.

3. COURT CERTIFICATE

This certificate is sent to the County Auditor from the Clerk of Courts ordering payment to jurors for their time and mileage. It lists the days, hours, costs, and clerk's signature. A corresponding stub is maintained by the Clerk of Courts for that office's record. Disposition: Disposal 1 year after an audit.

4. COURT MINUTE BOOK (JOURNAL CIRCUIT COURT)

To date, seven books of this series have accumulated. They provide a master jury list, jury case proceedings, names of jurors selected for each term of court. This seems to be a continuation of the old Court Calendar Books. Disposition: Maintain permanently in hard copy or microfilm form.

5. JUDICIAL TIME SHEET FORM, UCS070

This form is used for the Bailiff's payroll purposes. It lists the name, position, circuit number, date, hours worked, employee signature, supervisor's signature, administrative approval, and period of time covered dates. Disposition: Disposal 1 year after an audit.

Section F. JURY RELATED RECORDS, Continued

6. JUROR PERSONAL HISTORY QUESTIONNAIR

This data sheet is used by attorneys and judges to gather background information on individuals for possible jury duty. It lists the name, address, phone number, criminal charges if any, miles from Court House, occupation, acknowledgement and acceptance of notice of summons to serve as a petit juror. These forms are sent out each year and used each time a jury is drawn. Copies of this information is also filed with the States Attorney, Judges, and attorneys. They have no value after the court term has ended. The current series includes 1974 through 1979 records. Disposition: Maintain current term only.

7. JURORS LIST

This record book was used from 1896 to 1914. It appears to be a book to record the notifications of citizens, that they were chosen for jury duty. The books include the names of the prospective jurors, date notice returned to Clerk of Courts, date name drawn, term of court selected for, township or city of residence, and the Clerk's name. Disposition: Transfer to an Archives or destroy.

8. JURORS RECORD

This book was started in 1911 and is still being maintained. To date only one book exists. It contains the attendance record of the jurors, amount of mileage, fees paid to date, fees not yet paid. Its main purpose is to keep a record of payments due jurors. Disposition: Disposal after 10 years and audit.

9. NOTICE OF APPORTIONMENT AND REQUISITIONS OF JURORS

These documents were issued from the judge to the Clerk of Courts as a court order to select electors to serve as jurors. The instrument listed the number of electors to be selected, designation of jury district, term of court, and name of judge ordering the selection. The documents were kept to cross check to see that no juror served twice within a four year period (SDC 32.1008). The records are no longer generated, and have no value to the Clerk of Courts office. Disposition: Immediate Disposal

10. SUMMONS FOR PETIT JURORS

This form is sent to the persons selected for jury duty as the official summons and notice of the date and time a juror must appear. It is witnessed by the judge, and signed by the Clerk of Courts. A brief explanation of the importance of the matter, and obligation and responsibility is also included on this summons form. Disposition: Maintain current term only.

Section F. JURY RELATED RECORDS, Continued

11. WITNESS RECORD BOOK

This book covers a period from October 1883 to 1886. It lists witnesses, title of cause, date, number of days in attendance, miles traveled, and amount paid each. It appears to be a record of what witnesses were paid, and what amounts are due them.

Disposition: Transfer to an Archives or destroy.

Section G. JUVENILE CASES

1. ALPHABETICAL INDEX AND REGISTER OF ACTIONS

The index section of the books (binders) contains an alphabetical listing of names of the juveniles and a Register of Action page number. The Register of Action section lists the instruments filed, and the dates they were filed.

Disposition: Retain permanently; either hard copy or microfilm.

2. JUVENILE CASE FILES

These confidential case files are maintained to provide a record of a complaint and final court disposition of juvenile offenders. Typical cases can be classified as "delinquent", "dependent and neglect", and "supervised". Documents included in a folder may include notification to guardian, recommendation of the court, complaint, and final disposition of the case. The States Attorney may have copies of these case files. About 60 cases were filed in Hughes County last year. They are almost never referenced after the case is closed.

Disposition: Disposal 20 years after final disposition of action.

3. MASTER CARD INDEX--JUVENILES

These 3" x 5" cards contain juvenile's name, related case number, and book number. They are maintained primarily to provide an index to the Register of Action Book and each case number.

Disposition: May be disposed of 20 years after final disposition of action, as in the case of the Juvenile Case Files.

Section H. MAGISTRATE, JUSTICE OF THE PEACE AND CITY COURT RELATED RECORDS

1. BOND SCHEDULE OF FINES

These schedules are published periodically to show new and revised costs for violations. They are actively used during the time that they reflect correct and current information. After they have been superseded by the latest schedules, the old ones serve no useful purpose.

Disposition: Maintain current only.

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND CITY COURT RELATED RECORDS, Continued

2. CRIMINAL DOCKET

These hard-bound books were maintained during a period from 1885 to 1887. Their purpose was to record the complete proceedings of criminal cases. They include names of plaintiff and defendants, offense charged, when bound over, when arraigned, amount of bond, when committed, plea, verdict, and name of case. It seems that these books later became known as Justice Dockets.

Disposition: Transfer to an Archives.

3. CRIMINAL REGISTER OF ACTIONS BY LAW TRAINED MAGISTRATE

The standard form UCS001 is used to keep a list of papers filed relative to criminal cases handled by the Law Trained Magistrate. The form provides for the following information: case number, action for, title of case, attorneys, date, papers filed, docket book number, and docket page number. A total of four books exist from August, 1976 to present. The recorded information is referenced daily for the first couple of years, weekly for the next three years, and occasionally from five years on. This information can be obtained from each individual criminal case.

Disposition: Disposal 10 years after final disposition of action

4. DOCKET IN MAGISTRATE COURT--CLASS II

As tickets are issued by authorities, statistical information is obtained from the ticket and recorded in this Docket. The Docket is used for statistical reports for the Department of Public Safety and the Supreme Court. Since July, 1977, about 3/4 cubic foot has accumulated.

Disposition: Maintain for 1 year after an audit.

5. INACTIVE BUT UNDETERMINED CASES (PRINTOUTS)

This monthly computer printout is sent to each District on a regular basis to indicate what cases still have to be disposed of, but are currently not on the calendar for for action. This information is extracted from the Docket in Magistrate Court and sent to the Supreme Court Administrator's Office for submission to Central Data Processing for the printout report.

Disposition: Destroy monthly reports when superseded by year-end report. Destroy year-end report after three years.

6. JUSTICE DOCKETS

About five cubic feet of these books have accumulated since May of 1959. They were discontinued in June of 1976. The alphabetical index in front of the book contains the defendant name, page number and charge. The docket section contains parties involved, costs, attorneys, filings and dates of filings, and proceedings. The purpose of the record is to record cases handled in Magistrate Court and provide a summary of the case. Information is duplicated in the Case Files.

Disposition: Disposal 10 years after final disposition action.

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND CITY COURT RELATED RECORDS, Continued

7. JUSTICE OF THE PEACE CASES

Since 1959 approximately eight cubic feet of these cases have accumulated. They contain traffic ticket or summons, criminal complaint, warrant of arrest, any preliminary information, and the final disposition of the case. In 1975 these cases ceased to accumulate when all J.P. work load was delegated to a Law Trained Magistrate.

Disposition: Disposal 10 years after final disposition action.

8. JUSTICE'S QUARTERLY REPORT

From 1963 to 1968, the J.P.'s filed a report of the proceedings of an action or matter to the County Commissioners. Typical information included on the report includes: fees, fines, and costs, description of the case, and the J.P.'s signature.

About 1-1/2 cubic feet of these reports exist.

Disposition: Immediate Disposal

9. LAY MAGISTRATE CASE FILES

From 1975 to 1976, about 2 cubic feet of these cases have accumulated. These cases have since been delegated to the Law Trained Magistrate for handling. The cases consist only of local misdemeanor charges. A typical file will contain power of attorney, bond, warrant, preliminary information, and judgement or sentence. The local law enforcement authorities or complainant initiate this file. This information is summarized in Magistrate Docket Books.

Disposition: Disposal 10 years after final disposition action.

10. MAGISTRATE COURT DISPOSITION SHEETS

These sheets contain the date, name of individual, offence, plea, and disposition. They are used to provide local, county, and state law enforcement officials with information to complete their arrest reports. It is from these sheets that the news media acquires data for their court news stories.

Disposition: Retain for 10 years and destroy.

11. MAGISTRATE COURT SOUND TAPES

The Law Trained Magistrate records the proceedings of of his court on occasion. These recordings either back up the stenograph notes, or replaces them altogether. Since November, 1977, about 1/4 cubic feet of these tapes have accumulated.

Disposition: Retain for 10 years.

12. MAGISTRATE CRIMINAL CASE FILES

This file of cases provides a record of all criminal cases and actions taken in Magistrate Court. Typical information contained in these files would be court minute sheet, preliminary information, bond, ticket, sentence of the court, defendant action form, and motions. Some cases may contain an application for court appointed attorney, and a warrant. About nine cubic feet of this

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND CITY COURT RELATED RECORDS, Continued

12. MAGISTRATE CRIMINAL CASE FILES, Continued

record series exists. After the fourth year, the files are almost never referenced.

Disposition: Disposal 20 years after final disposition action.

13. MAGISTRATE CRIMINAL DOCKET MASTER INDEX (DEFENDANT) PRINTOUT

This monthly printout is summarized quarterly and at the end of the year. It serves as an alphabetical list of defendants names, date of offence, and final disposition. The purpose is mainly for a quick alphabetical reference to a defendant's name. Just Class 1 misdemeanors and felony charges.

Disposition: Disposal of monthly reports when superseded by quarterly reports. Disposal of quarterly reports when superseded by year end reports. Disposal of year end reports 20 years after final final disposition action.

14. PENDING CRIMINAL CASES BY JUDGE (PRINTOUTS)

This monthly computer printout report gives a list of criminal cases that are set for trial, and the respective judge that will hear the case. The alphabetical list is by judge's name, followed by the cases he is scheduled to hear.

Disposition: Maintain current reports only.

15. POLICE MAGISTRATE DOCKET

This series was maintained from August, 1956 through 1968. The two cubic feet of books contain the name of the Magistrate, charge, plea, verdict judgement, fine paid, and court proceedings. Each book contains an alphabetical index by defendant name. These books are no longer generated. The duty has been delegated to the Law Trained Magistrate, and similar cases are now recorded in the Docket in Magistrate Court.

Disposition: Disposal 10 years after final disposition action.

16. SMALL CLAIM CASES

Since December of 1973, about 10 cubic feet of these cases have accumulated. Some are maintained in a 5" x 8" envelope, and some have been inserted into a Justice's Docket book. The defendant's name, address, plaintiff, finding, and judgement is included in these cases to provide information on all small claim cases. The case files are never referred to after 5 years.

Disposition: Disposal 10 years after final disposition action.

17. SMALL CLAIM MASTER INDEX CARDS

These 3" x 5" index cards contain the plaintiff's and defendant's names, case number; and are maintained to provide a cross index for either finding procedure. About 160 cards to date equal 1 cubic foot of this record series.

Disposition: Disposal 10 years after final disposition action as with Small Claim Cases.

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND CITY COURT RELATED RECORDS, Continued

18. TICKET CARD INDEX

This card index file spans from July of 1976 to 1978. It has been discontinued in the Clerk of Courts office. The cards list the offense, plea, case number, name, date, and disposition. They were once kept to provide an index to Uniform Traffic Tickets. They have no further value, and consume about 1/4 cubic feet of file space.

Disposition: Immediate Disposal

19. UNIFORM TRAFFIC TICKET, STATE OF SOUTH DAKOTA

Since 1975, about eight cubic feet of tickets have accumulated. These tickets serve as the formal complaint on Class II violations. They are used for arrest and summons to court for law violators. Information contained on the tickets can include the defendants name, charges, county, court in which to appear, drivers license number, issuing officer, defendant signature, and court date. They are filed chronological by year and case number.

Disposition: Disposal 10 years after final disposition action.

Section I. MENTAL ILLNESS CASES

1. ALPHABETICAL INDEX AND REGISTER OF ACTIONS BINDER

The index section of the books (binders) contains an alphabetical listing of names of the mentally ill and a Register of Action page number. The Register of Action section lists the instruments filed, and the dates they were filed.

Disposition: Retain permanently; either hard copy or microfilm.

2. INSANE RECORD BOOK

This bound book was used from 1882 to 1951. It contained the names of those judged and committed insane, parents name, date of commitment order, and order to discharge. This information was later recorded in the Probate files, then currently in a separate Mentally Ill file.

Disposition: Transfer to an Archives or destroy.

3. MASTER CARD INDEX--MENTAL ILLNESS

These 3" x 5" cards contain names of mentally ill, case number, papers filed and date filed, and any fees paid. They are maintained primarily to provide an index to the Register of Action Book number, and each case number.

Disposition: May be disposed of 20 years after final disposition of action, as in the case of the Mental Illness Case Files.

Section I. MENTAL ILLNESS CASES

4. MENTAL ILLNESS CASES

These confidential case files are maintained to provide a record of application for emergency treatment, evaluation, confidential medical reports, court order, and disposition of mentally ill people. About 10 to 15 cases are filed each year in Hughes County, and since 1922, about one cubic foot of this record series has accumulated.

Disposition: Disposal 20 years after final disposition of action.

Section J. MISCELLANEOUS RECORDS

1. ALFALFA RECORD

This large bound book appears to have never been used. It is a non record item.

Disposition: Immediate disposal

2. APPLICATION FOR ADMISSION OF PATIENT TO THE SOUTH DAKOTA STATE SANATORIUM FOR T.B.

These files were kept from 1917 to 1934 and included the application from an individual, report of examining physician, admission order from court, and related correspondence. All of these documents were generated in the course of admitting an individual to the State Sanatorium. About two cubic feet exist, and have no value to the office.

Disposition: Immediate disposal

3. ATTORNEYS AND PUBLISHERS AFFIDAVITS

These records were kept from 1902 to 1903. They appear to be documenting the attempt to notify all parties concerned before any property is sold. The legal size files contain real estate discription, affidavit of publication in newspaper, summary of fees collected for examining of the land. About 1/2 cubic foot exists, but has no value to the office.

Disposition: Immediate disposal

4. AUDIT REPORTS (FILED)

At one time, audit reports from the Department of Legislative Audit were filed with the County Clerk of Courts. This practice is no longer continued. About one cubic foot of audit reports for the City of Pierre, school district, Hughes County, and municipal liquor store are being maintained for the period of 1968 through 1974. They are never referenced, and serve no value to the Clerk of Courts office.

Disposition: Immediate disposal

Section J. MISCELLANEOUS RECORDS, Continued

5. CASE FILES, LEDBETTER, JUDGE CLAIR B.

This cubic foot file appears to be Judge Ledbetter's own personal file of cases he heard. It dates from 1971 to 1974, and contains items like charge of the court to the jury, judges instructions to the jury, verdict for the defendant and plaintiff.

Disposition: Return to the family, or transfer to an Archives.

6. CERTIFICATE OF PEDIGREE

These legal size folders amount to less than 1/4 cubic foot of file space. This record was maintained from 1892 to 1938 and contained the name of the owner, name of critter, age, and statement of pedigree, breeding charges, County Auditor's signature, and date recieved by the Clerk of Coruts.

Disposition: Transfer to an Archives or destroy.

7. CORRESPONDENCE, LEDBETTER, JUDGE CLAIR B.

This series of correspondence consists of letters written by the judge and received by him during the period of 1971 to 1974. These copies of replies, and original letters received appear to be the Judge's personal office file. About two cubic feet have accumulated to date.

Disposition: Return to the family, or transfer to an Archives

8. CORRESPONDENCE, WINANS, JUDGE

This series of correspondence dates from 1961 to 1971, and includes letters from attorneys, States Attorneys, other judges, and citizens. Copies of the Judge's replies are also contained in this two cubic foot series.

Disposition: Return to the family, or transfer to an Archives

9. COURT APPOINTMENTS

These are orders from the judge appointing people to various boards, commissions, or panels. They are filed with the Clerk of Courts, and are occasionally referenced to determine whether or not an individual was indeed appointed, and at what time the appointment was effective.

Disposition: Disposal 5 years after file date.

10. COURT MISCELLANEOUS RECORD

About six pages in one book have been filled. The time covered is from March, 1914 to June, 1921 and includes service records of optomitrists along with a registration of their licenses to prictice. The record has no useful value.

Disposition: Transfer to an Archives or destroy.

Section J. MISCELLANEOUS RECORDS, Continued

11. CIRCUIT JUDGE CASE RELATED CORRESPONDENCE

This series covers the period from 1962 to 1965, and consists of letters from attorneys and other judges. It appears to have been maintained to provide a record of any correspondence received and transmitted by the Circuit Judges. About 1/4 cubic foot has accumulated during the time this record series was being kept.

Disposition: Transfer to an Archives or destroy.

12. DISTRICT ATTORNEY'S DOCKET

This large bound book was used from 1889 to 1940 to document the proceedings of cases handled by the District Attorney. It includes dates, proceedings, information filed as witnessed by J.P., attorneys, charges, and findings. The book has no useful value to the Clerk of Courts office.

Disposition: Transfer to an Archives or destroy.

13. JOURNAL BOOK

From 1923 to February of 1932, a bound journal was maintained to create a statistical record of all births, deaths, marriages, and divorces for the month and year. This does not contain names of individuals, just a running total for Hughes County.

Disposition: Transfer to an Archives

14. LAST WILL IN TESTIMENT (WILLS FILED)

These are wills that have been filed with the Clerk of Courts for safekeeping. They are filed by the general public at no cost. They can only be removed by judge's order upon the death of the party whos will is filed, or by the individual who filed the will at any time. Since 1942, about 1/2 cubic foot of filed wills have accumulated.

Disposition: Must be retained permanently in sealed form until Court Order releases the instrument, or the individual who filed the will requests its return.

15. MOTION CALENDAR DISTRICT COURT

This calendar of motions and orders granted was kept for the period of 1882 to 1889. It listed the plaintiff and defendant's names, motions granting a divorce, orders to dismiss an action, and motions allowing attorneys to practice in the court. The one book that comprises this record series is never used, and has no value to the Clerk of Courts office.

Disposition: Transfer to an Archives or destroy.

16. NOTARY PUBLIC COMMISSIONS

This series starts in December of 1903 and was no longer filed in the Clerk of Courts office in January of 1975. The series consists of the name of appointee, date commission effective, signature of the Governor and the Secretary of State. The commissions were valid for eight years, then had to be renewed. These commissions

Section J. MISCELLANEOUS RECORDS, Continued

16. NOTARY PUBLIC COMMISSIONS, Continued

are now handled by the Secretary of State's office. Since the Clerk of Courts is no longer required by law to file these records, they serve no value to that office.
Disposition: Immediate disposal

17. NOTARY PUBLIC RECORD BOOK

There are five large bound books that span a period from May, 1880 to December 1974. They list the name of the appointee, date effective, and Clerk of Court's signature. Since the Clerk of Courts is no longer required by law to file these records, they serve no value to that office.
Disposition: Transfer to an Archives or destroy.

18. OFFICIAL BOND AND OATHS OF TOWNSHIP CLERKS AND COUNTY OFFICIALS

This record series dates from 1882 to 1976, and consumes about 1/4 cubic foot of filing space. The purpose of the record is to have a signed statement by public officials declaring their loyalty to the government which they serve. Also, the record shows that the official is bonded. Information on these legal size folded instruments includes the amount of bond, name of official, oath statement, witness, notary's signature and seal, and County Commissioner's approval. It is believed that these types of records are now filed with the County Auditor.
Disposition: Transfer pre 1901 records to an Archives, and destroy balance.

19. ORDERS APPOINTING DEPUTIES

This series was started in 1943 and is still active. An example of the types of appointments found in this file would be sub-registrar's, sheriffs, States Attorneys, Clerks of Courts, and Judges. The instruments contain the name of the appointee, appointor, and the effective date.
Disposition: Disposal 5 years after the effective date.

20. PROTEST REGISTER

This bound book was used from 1925 to 1934 to make available a medium for recording protests and demands in an official way. The books contain dates, name of parties involved, the demand, specifics of the demand or request, and the notary's signature. Some entries include the disposition of the protest or demand. The two books are never referenced and have no value to the Clerk of Courts office.
Disposition: Transfer to an Archives or destroy.

21. REGISTER OF FARM NAMES

This one book was used beginning in December, 1911 and discontinued in 1927. The purpose seems to be to give local farmers an opportunity to register their farm name officially. Information includes

Section J. MISCELLANEOUS RECORDS, Continued

21. REGISTER OF FARM NAMES, Continued

location by county, description, name of farm and owner, and date filed. After the name was registered, a certificate was given to the individual farmer with the registered farm name inscribed on it.
Disposition: Transfer to an Archives or destroy.

22. REGISTER OF OFFICIAL BONDS AND OATHS

This bound book was started in 1885 and discontinued in 1912. It was used as a record book for recording the names of those officials who were bonded. The book gives the names of the officials being bonded, address, office represented, whether appointed or elected, effective date, amount of bond, when qualified, date bond was approved, and expiration date of bond.
Disposition: Transfer to an Archives or destroy.

23. RESOLUTIONS FILED

In the 1940's a few resolutions were filed with the Clerk of Courts. No resolutions have been filed since, and are no longer required to be filed in that office. The resolutions found in this file include: Resolution Honoring Deceased Clerks of Courts; Highway Department Resolutions. They are never referenced, and serve no value in the Clerk of Courts office.
Disposition: Transfer to an Archives or destroy.

24. RULES OF CIVIL APPELATE PROCEDURES

These set of rules were filed several years ago and govern the procedure of civil appeals to Supreme Court. These rules have since became law and are found in South Dakota Compiled Laws.
Disposition: Immediate Disposal

25. RULES AND REGULATIONS (FILED)

These rules are copies of the rules of agencies that are filed with the Secretary of State. Since 1939, less than 1/4 cubic foot of these rules have been filed with the Clerk of Courts. The agency rules included in this series are Agriculture Department, Board of Cosmetics, Board of Charities, Board of Embalmers, Public Utilities Commission, State Police Civil Service Commission, Game Fish and Parks, Employment Agencies, Investment of Surplus Funds for Insurance Companies and Stock Brokers, Banking Commission, Weed Control Board, Child Welfare, School and Public Lands, State Brand Board, Board of Health, Board of Pharmacy, Division of Taxation, Department of Revenue, Division of Licensing and Inspection. They are never referenced, and have no value to the Clerk of Court's office.
Disposition: Transfer to an Archives or destroy.

Section J. MISCELLANEOUS RECORDS, Continued

26. SALE CONFIRMED AFFIDAVIT AND ORDER

This one bound book was started in 1882 and discontinued in 1892. It lists the plaintiff and defendant, property description, parties of the sale, and dates. The book has no value to the Clerk of Courts operation.

Disposition: Transfer to an Archives

27. SUPREME COURT ORDERS AND MEMOS

This series dates back to 1939, and contains orders to set administrative procedures and set operating standards for Courts and related personnel. The orders and memos contain the order number, effective date, and Chief Justice's signature. They are issued irregularly whenever the Supreme Court asks for an administrative change.

Disposition: Maintain current orders and memos only.

28. TORRENS APPLICATION RECORD

This large bound book appears to have never been used. It is a non record item.

Disposition: Immediate disposal

29. TRANSCRIPTS, PENITENTIARY

This less than 1/4 cubic foot record series dates from 1963 to 1965 and consists of a written transcript of certain cases dealing with a defendant who was sentenced to the State Penitentiary. If an attorney or the inmate requested a copy of a transcript, it was made from the court reporter's notes and sent to the requestor. This series is a copy of what was sent to the requestor.

Disposition: Immediate disposal

30. TRANSCRIPTS, PROBATION AND PAROLE

This series is less than 1/4 cubic foot and dates from 1963 to 1965. Typewritten transcripts of court proceedings are made from court reporters notes for the party requesting a copy. This series is a copy of the typewritten transcript of those proceedings dealing with probation and parole matters.

Disposition: Immediate disposal

Section K. NATURALIZATION RECORDS

1. CERTIFICATE OF NATURALIZATION BOOK

Three booklets are on file ranging from 1906 to 1929. They certify that an individual is naturalized. The information contained on the record includes the name, age, certification number, and date of naturalization. This information is also recorded with the United States Government.

Disposition: Permanent

Section K. NATURALIZATION RECORDS, Continued

2. CITIZENSHIP PETITIONS GRANTED AND DENIED

This small binder dates from 1930 to 1954 and contains court information that includes petition number, name of petitioner, and change of name of petitioner. The record shows that the court has heard testimony of the petitioner, and also whether citizenship was granted or denied.

Disposition: Permanent

3. INDEX TO 1ST AND 2ND NATURALIZATION RECORDS

There are two bound books that date from 1881 to 1906. The record contains the sir name and the given name of the individual, and also tells what book and page number 1st and 2nd papers can be found in relating to that individual.

Disposition: Permanent

4. NATURALIZATION CORRESPONDENCE

This series consists of one manuscripts box full of miscellaneous documents relative to naturalization records. Inclusive dates for this series are 1933 to 1954. The series includes notices to take depositions, interrogations of depositions of witnesses, application to take oath of allegiance of the United States, correspondence to and from Immigration Services in St. Paul, Minnesota, and alien registration card (Clerk's copy).

Disposition: Permanent

5. NATURALIZATION PAPERS FINAL

These three hard bound books dating from 1890 to 1906 contain information showing an alien has become an United States citizen. Books are divided by men, women and minors; and sailors and minors. Inclusive information is proof of residence of present address, oath to uphold the Constitution of the United States, and a court order permitting an individual to take the oath of allegiance.

Disposition: Permanent

6. NATURALIZATION RECORD AND ALPHABETICAL INDEX

These hard bound books date from 1890 to 1906 and contain the information as recorded in the Naturalization Papers Final Book, and also include an alphabetical index to the names and pages within the book respective naturalization data can be found.

Disposition: Permanent

7. NATURALIZATION RECORD 1st PAPERS

This bound book dates from 1881 to 1906, and contains the applicants prior allegiance and states that he or she wants to be a United States citizen. This book shows that the applicant renounces his or her home countrys allegiance. The record is signed by the applicant and the Clerk of Courts.

Disposition: Permanent

Section K. NATURALIZATION RECORDS, Continued

8. RECORD OF DECLARATION OF INTENSION

There are three bound books dating from 1881 to 1956 that show a declaration of the applicatns intent to become a United States citizen, along with personal data. The declaration is signed by the Clerk of Courts. This data is also on file with the Federal Government.

Disposition: Permanent

Section L. PROBATE CASES (GUARDIANSHIPS)

1. ALPHABETICAL INDEX AND REGISTER OF ACTIONS, UCS002

The index section contains an alphabetical listing of names and reference to Register of Action section page number. The Register of Action section lists the instruments filed, and the dates they were filed.

Disposition: Retain permanently; either hard copy or microfilm.

2. FINAL DECREE RECORD

This record book was used from 1904 to 1930 to record the final decree of probate cases and the distribution of estate as determined by the court. Typical information includes distribution of estate, names of individuals receiving portions, and a description of the estate. It is no longer used, and has no value to the Clerk of Courts operation.

Disposition: Transfer to an Archives or destroy.

3. INVENTORY AND APPRAISMENT BOOKS

These 16 books were used from 1881 to 1976 when the instruments started to be microfilmed and the original filed in with the respective probate case. The purpose of the record is to serve as an inventory and appraisal of any estate and also as an index to each probate case. It includes the certificate of appointment and oath of appraisers, inventory of estate, order approving inventory, and appraisal.

Disposition: Retain permanently; either hard copy or microfilm.

4. MASTER INDEX BOOK (ALPHABETICAL/CHRONOLOGICAL)

This book was started in 1890 and is still being used today. It provides an index to the Register of Action Books. This index book is alphabetical by name, and refers to the case number and what Register of Action Book the related data can be located in. Three books have been filled to date.

Disposition: Retain permanently; either hard copy or microfilm.

5. PROBATE CASE FILES

Since 1882, about 82 cubic feet of these files have accumulated. These files contain documents such as petition for probate, copy of will, notice of hearing, notice of hearing published in paper,

Section L. PROBATE CASES (GUARDIANSHIPS), Continued

5. PROBATE CASE FILES, Continued

and order appointing appraisers. In addition, oath of appraisers, itemized list of property for inheritance tax, inheritance tax receipt, final decree and distribution report. If property is involved, a copy of the final decree and distribution report is given to the County Register of Deeds. The main purpose of the Probate File is to have a record of removing property from a deceaseds name, and put it in the name of the heirs. About 100 probate cases are handled in Hughes County each year, the equivalent of 2 cubic feet of filing space.

Disposition: Permanent; suggest microfilming after case is closed and destroying the original files.

6. PROBATE ORDER BOOKS (PROBATE COUNTY COURT RECORD BOOKS)

These books were started in 1881 and in 1976, the record information commenced to be microfilmed and the original record filed in with the Probate Case file. These books record all orders of the court concerning probate and guardianship matters. Included in the record are appointments of the administrator of estate, all orders of court, oath of administrator, and probate court judge's signature. To date, 37 books have been filled.

Disposition: Maintain permanent on microfilm; either destroy books after microfilming, or transfer to an Archives.

7. REGISTER OF CASES AND FEES HUGHES COUNTY PROBATE

This book was started in 1882, and later became the Alphabetical Index and Register of Actions Book/Binder that is currently being used. The old books list the instruments filed, fees paid, and dates of each filing. They provide an alphabetical index to the Register of cases and fees in the book. Other information includes the papers filed and dates, attorneys names, and the County Court Order Book and page number

Disposition: Maintain permanent on microfilm; either destroy books after microfilming, or transfer to an Archives.

8. TRANSFER DOCKET BOOK

This book was used from November, 1889 to February, 1890 to record the order transferring casue to state court in probate matters. It included the deceaseds name, date transferred, filed date, and Clerk of Courts and Judges signature.

Disposition: Transfer to an Archives

9. TRANSFER ORDER RECORD

These books were used for one year in 1890 to record cases that have been transferred from District to Circuit Court. It includes the plaintiff and defendant's name, order, dates, Judge's signature, and attested by the Clerk of Courts.

Disposition: Transfer to an Archives

APPENDIX 6

Records Retention and Disposal
Schedule for the Seventh Judicial
Circuit
Circuit Court Microfilming and
Records Retention Schedule
State of South Dakota

SOUTH DAKOTA UNIFIED JUDICIAL SYSTEM

CLERK OF COURTS

RECORDS RETENTION AND DISPOSAL SCHEDULE
SEVENTH JUDICIAL CIRCUIT RECORDS INVENTORY

INDEX

NOTE: Those records classified as permanent should be micro-filmed for security. When a permanent record is permitted to be microfilmed and disposal or transfer to an archives allowed, the microfilm in silver negative form will become the permanent record. The silver negative microfilm shall be duplicated in diazo form for use and the original silver negative microfilm shall be safely stored off premises. This requirement also shall be observed for security microfilm when the records are retained.

Section A. ADOPTION CASES

Section B. CIVIL ACTION CASES

Section C. COURT REPORTER RECORDS

Section D. CRIMINAL ACTION CASES

Section E. FISCAL RECORDS

Section F. JURY RELATED RECORDS

Section G. JUVENILE CASES

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND CITY COURT RELATED RECORDS

Section I. MENTAL ILLNESS CASES

Section J. MISCELLANEOUS RECORDS

Section K. NATURALIZATION RECORDS

Section L. PROBATE CASES (GUARDIANSHIPS)

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Section A. ADOPTION RECORDS

1. ADOPTION CASE FILES

These files are confidential and can be opened by court order only. The file contains a petition for adoption by the prospective parents, notice of hearing, terminated rights order, consent form, order declaring child adopted, and the court report of adoption. The purpose of the record series is to record the proceedings of the initiation of parental rights of anyone adopting a child that they have had in their home for six months. Case background investigation records are maintained on microfilm in the Department of Social Services, and the Court Report of Adoption is filed with the Department of Health, where it is maintained on microfilm. From 1952 to present, 16 cubic feet exist.

DISPOSITION:

2. ORDER BOOKS (Picture Books)

Since June 1959, eight of these books have been generated. They are legal size xerox copies of the orders signed by the Judge declaring an adoption. These books also contain orders relating to relinquishments and dependency. To present, one cubic foot exists.

DISPOSITION:

3. RECORD BOOKS

Two large bound books cover the period from 1959 to 1975 with a record of all documents filed, file date, and any fees paid relative to an adoption case. This book was discontinued when the new USC002 form was introduced as the format to keep a record of alphabetical index of names and register of actions.

DISPOSITION:

4. REGISTER OF ACTIONS AND ALPHABETICAL INDEX BINDER/ADOPTIONS

The index section contains an alphabetical listing of names and a reference to the register of action page number. The register of action section lists the instrument filed and the dates they were filed. Four binders exist from 1975 to present.

DISPOSITION:

5. REGISTER OF ACTIONS AND ALPHABETICAL INDEX BINDER/
RELINQUISHMENTS AND DEPENDENCIES

The index section contains an alphabetical listing of juveniles' names who are dependent on the court, along with a reference to the register of actions section page number. The register of actions section lists the instruments filed and the date they were filed. This is the same USC002 form that is used in other court indexes and register binders. The binder exists from 1978 to present.

DISPOSITION:

Section A. ADOPTION RECORDS, Continued

6. RELINQUISHMENTS AND DEPENDENCIES, CASE FILES

These case files include petitions for voluntary termination, consent and verification, waiver of service, order terminating parental rights, letter to Judge, and related correspondence. They are maintained to have a record of what children are being given up for adoption, and/or what children are neglected and are dependent on the court. Since 1963 to present, about three cubic feet of these case files have accumulated.

DISPOSITION:

Section B. CIVIL ACTION RECORDS

1. APPEALS TO SUPREME COURT, CIVIL AND CRIMINAL

The appeals files are located on the fourth floor of the Pennington County Court House. Since 1971, approximately 40 cubic feet of this record series have accumulated. A typical file contains complaints, orders, subpoenas, transcripts, returns, affidavits, letters, and certified copies of orders. After the decision has been given, and the case filed, there is virtually no activity to the file.

DISPOSITION:

2. APPEALS TO SUPREME COURT, CIVIL AND PROBATE

These files are kept separate because they are awaiting a decision from the Supreme Court. Once the appeal is heard and the decision made, the closed case is filed back with the other civil action files.

DISPOSITION:

3. APPEARANCE DOCKET

This large bound book is kept in the basement archives of the Pennington County Court House. One book exists and spans the period 1877 to 1890. Information contained in the docket includes the attorney's name, case number, parties, kind of action, date of summons, return of summons, time of filing, and any fees collected for the filing.

DISPOSITION:

4. ASSIGNMENT OF JUDGMENT, CIRCUIT COURT

This series consists of three hard-bound books dating from 1885 through 1943. Over the period of years the books names changed from Assignment of Judgment, Circuit to Satisfaction and Assignment of Judgment, to Satisfaction of Judgment. The three books resemble each other in that the alphabetical index gives a listing of the names of the parties whom the judgments and/or satisfactions were related. The assignments are recorded chronological to include the names of the parties involved, date of judgment, amount of judgment, signature of assigner, and acknowledgement of notary. The use of this type

Section B. CIVIL ACTION RECORDS, Continued

of book has been discontinued and the information is now recorded in a judgment docket with the original document filed with the case file, and a xerox copy of the judgment added to a loose bound Civil, Criminal Judgment Book.

DISPOSITION:

5. CIVIL ACTION CASE FILES

A typical file may contain a summons, complaint, orders, answers of defendants, motions, statements of judges, disqualifications, briefs, transcripts if requested, judgment, notice of appeal, and all other information pertinent to the case. The files are stored in three locations in the Pennington County Court House; basement vault equals case numbers 1 through 1114 (1877-1885), and case numbers 1 through 6642 (11/1890-1925), all the equivalent of 134 cubic feet; fourth floor equals (1925-6/1975), the equivalent of 246 cubic feet; and the main office accommodates (7/1975-Present) the equivalent of 63 cubic feet. Since 1877, a total of 443 cubic feet of civil action case files have been filed. Currently, about 15 cubic feet per year are being added to this total.

DISPOSITION:

6. CIVIL ACTION CASE FILES, MUNICIPAL/MAGISTRATE

The main difference in the contents of these files is the fact that municipal and magistrate cases of civil actions deal with dollar amounts of under \$2,000. Currently, about 200 are filed in Magistrate Court each year, the equivalent of two cubic feet. Records in this series are stored in two locations; the Northwest Warehouse, Room 7, houses case numbers 1 through 3998 (6/1935-1/1973), the equivalent of 32 cubic feet; and the main office accommodates the balance of the cases to present, equaling 18 cubic feet. Since 1935, a total of 50 cubic feet of civil action cases in Municipal (later Magistrate) Court have accumulated.

DISPOSITION:

7. CIVIL JUDGMENT REGISTER AND ALPHABETICAL INDEX

This series is maintained in legal folder fashion, dating from 1976 to present. The purpose is to have a separate record of judgments on civil cases. Information is simply a copy of the judgment rendered by the court. It is a duplication of effort and information. This same information can be found in the civil case itself, and also in the bound civil judgment docket in Magistrate Court.

DISPOSITION:

Section B. CIVIL ACTION RECORDS, Continued

8. CONFIRMATION OF SALES RECORD, DISTRICT COURT

Two large-bound volumes are stored in the basement archives of the Pennington County Court House. Volume 1 dates from 1885 to 1925 and Volume 2 dates from 1925 to 1942. These volumes contain orders confirming sale of property, plaintiff's and defendant's names, and the purpose of the record is to show an order of the sale of private property to satisfy a judgment. The books also contain orders confirming the sale, and a Judge's signature, attested by the clerk.

DISPOSITION:

9. DEFENDANTS IN CIVIL ACTIONS, LIST OF BOOK

This Magistrate Court bound book was located in the City Hall basement vault. It contains the defendants' names, case number, and page number for civil actions case numbers 86 through 3,000. It is of no value to the court.

DISPOSITION:

10. DIVORCE INDEX CARDS

These 3" x 5" cards in the Clerk of Court's office furnish an alphabetical listing of last names of plaintiffs and defendants. They are used for a quick reference and include the case number, reason or cause for divorce, and who the judgment was for.

DISPOSITION:

11. EXECUTION DOCKET (Executions)

This series includes two bound volumes, and a manuscript box of "Execution Documents". Information content includes the date of execution issued, name of party against whom judgment was rendered, amount of judgment, and officers return. One volume dates from 1893 to 1894. The other volume dates from 1916 to 1934. The folded legal size documents date from 1891 to 1910. All execution related records are never referenced and stored in the Court House basement.

DISPOSITION:

12. JOURNAL, CIRCUIT COURT/CIRCUIT AND DISTRICT COURT/COUNTY COURT

This nine large-bound-volume series is stored in the Court House basement and never referenced. The books describe the case, list the plaintiff and defendants involved, and the dates of the court proceedings. The purpose of the Journal seems to be to maintain a chronological record of all cases that appeared before the courts, and the disposition of each. The Circuit Court Journals include Volumes one through five, and date from 1889-1929. The Circuit and District Journals include Volumes six and seven, and date from 1929 through 1945. The County Court Journal Volume one dates from 1890 to 1935.

DISPOSITION:

Section B. CIVIL ACTION RECORDS, Continued

13. JUDGMENT BOOK, CIRCUIT COURT/COUNTY COURT/DISTRICT COURT

This 11 book series consists of large-bound volumes as follows; Volume one, County Court judgment book (1890-1892); District Court judgment books Volumes two through nine (1880-1903); Circuit Court judgment books Volume ten (1903), and Volume 48 (1958). All volumes are stored in the Court House basement with the exception of Volume nine which is on the fourth floor. This series has been discontinued and now the information is being recorded in the new civil and criminal judgment books. This 11 book series contains the plaintiff's and defendant's names, date, details of the judgment, and the Judge's signature.

DISPOSITION:

14. JUDGMENT BOOK, CIVIL AND CRIMINAL

Ten legal size, loose-bound books have been generated since 1976. These xerox copies of the judgments and decrees signed by the Judge, along with some satisfaction of judgments, are provided to title companies as a working copy. The original judgments, decrees, and satisfactions are microfilmed and the original is filed with the respective case.

DISPOSITION:

15. JUDGMENT DOCKET FOR CIRCUIT COURT/COUNTY COURT

This 17 volume series consumes the equivalent of five cubic feet of storage space. Volumes one through nine are stored on the fourth floor of the Court House, and numbers ten through seventeen are stored in the main office. The period of time covered is 1891 to present. The purpose of these books is to provide an index to any case that involves a judgment. They also provide a record of judgments against any one person and refers to the location of where the actual judgment instrument can be found. Information content includes; judgment debtor, judgment creditor, amount of judgment, date of judgment, date filed, and date judgment is satisfied. The books from 1945 to present remain active in the course of business.

DISPOSITION:

16. JUDGMENT DOCKET, MAGISTRATE COURT

Books number two and number three (9/1949-2/1976) contain an alphabetical index by judgment debtor and by judgment creditor; and the docket section contains the civil case number, case name, judgment rendered by, Judge's name attested by Clerk of Courts. The third book (7/1977-Current) includes a similar alphabetical index, and the docket section contains all civil and small claims information as follows: Amount of judgment, damages and costs, date of judgment, when filed, judgment book number and page, name of court, attorneys of judgment creditor, and satisfaction remarks.

DISPOSITION:

Section B. CIVIL ACTION RECORDS, Continued

17. JUDGMENT INDEX BOOK, MUNICIPAL COURT

This one bound volume is stored in the basement of City Hall, and appears to contain the judgment book and page number for civil action case numbers 1 through 1,500. The alphabetical index is according to plaintiff's name. This series is no longer maintained or referred to.

DISPOSITION:

18. MASTER INDEX BOOK PLAINTIFF/DEFENDANT, CIVIL

This series is composed of five hard-bound volumes and one new ring binder. The books are similar in information content and purpose. They include an alphabetical listing of plaintiffs and one for defendants. Other information in the books includes: The date the action was started, case number, and the Register of Action book and page number. These Circuit Court books cover all civil action cases from the first one through present.

DISPOSITION:

19. ORDER BOOK, CIRCUIT COURT

This 23 large-bound books series is stored in the basement of the Court House. Volumes cover a period from 1894 to 1959. These books were used to summarize civil actions, and to list orders, decrees, and bonds. Information content includes plaintiff's and defendant's names, court order, and Judge's signature. This series was discontinued and replaced by "Civil and Criminal Order (Picture Book)".

DISPOSITION:

20. ORDER (PICTURE BOOK), CIVIL AND CRIMINAL

This record series includes all orders signed by a Judge relative to civil matters, and criminal orders of probation. Six legal-size xerox copy, loose-bound books exist for the period of 9/1977 to present. The original orders are micro-filmed and the original document filed with the respective case.

DISPOSITION:

21. RECORD OF ORDERS APPOINTING RECEIVERS OF JUDGMENT DEBTORS

One hard-bound volume is stored in the basement archives of the Court House. It is for a period of one year, 1885. The large-bound volume is handwritten and includes the plaintiff's and defendant's names, court proceedings, and an order appointing a referee or receiver for the collection of monies due a third party.

DISPOSITION:

Section B. CIVIL ACTION RECORDS, Continued

22. REGISTER OF ACTIONS AND ALPHABETICAL INDEX, (BINDERS) REGISTER OF ACTIONS AND ALPHABETICAL INDEX, CIVIL

The hard-bound and the ring binder book information are similar in this series. The index lists all plaintiff's names alphabetically, and all defendant's names alphabetically; also the title of case, date each instrument related to the civil case was filed, type of action, and the amount of fees collected for the filing. Bound books number 1 through number 18 (1893-2/1964) are located on the fourth floor of the Court House; bound books numbers 19-26 are kept in the main office; and ring binders numbers 27-42 (1975-Present) are also maintained in the main office. All of the books in this series take the equivalent of 14 cubic feet of storage space. One volume, Volume 1, was located in the Court House basement (1887-1893); a second stray volume number 1 was located on the fourth floor "Register of Civil and Criminal Action" (1888-1952).

DISPOSITION:

23. REGISTER OF ACTIONS AND ALPHABETICAL INDEX, DIVORCE AND RECIPROCAL CASES

At the Judge's request, a separate file for divorce and reciprocal cases was started in 1979. When a party in a divorce contests the decree, or asks for support, this new series is added to with the file removed from the civil action case files and placed here. A typical divorce file contains a summons, complaint, admission of service, order to show cause, decree or judgment. An out-going or in-coming reciprocal file contains a complaint, order, decree affidavit of support, testimony of plaintiff, certificate, and transmittal letter. The register of actions and alphabetical index from UJS001 is used to record the documents filed as in all other civil action cases. To date, four cubic feet of this record series exist.

DISPOSITION:

24. REGISTER OF CIVIL ACTION, MUNICIPAL COURT

Four, large-bound books are maintained in the Magistrate Court Clerk's office in City Hall. Books number one through number four cover a period of 6/1935 through 1/1976. The information contained includes: Title of cause, attorneys, judgment rendered, costs and fees, damages and interest, paper filed-plaintiffs/defendants, date, case number, and alphabetical index of plaintiffs and defendants. These bound books are no longer used since they have been replaced by the new ring binders.

DISPOSITION:

Section B. CIVIL ACTION RECORDS, Continued25. SATISFACTION OF ASSIGNMENT OF JUDGMENT
SATISFACTION OF JUDGMENT

See "ASSIGNMENT OF JUDGMENT, CIRCUIT."
DISPOSITION:

26. TRANSCRIPT OF JUDGMENTS AND SATISFACTIONS

These transcripts are legal size documents, folded in three, and stored in manuscript boxes. Records from 1893 to 1/1971 are stored on the fourth floor of the Court House, and 1971 to present are kept in the main office. About five cubic feet of these records have accumulated to date. The purpose of the transcript is to show the amount of judgment and when it was certified by a Clerk of Courts as being satisfied. The form is used especially to send to another county in which the levy will be made. Information content includes: The name of judgment debtor and creditor, amount of judgment and costs, date of judgment, when filed, when docketed, judgment book page, satisfaction remarks, and Clerk of Court's certification of satisfaction.
DISPOSITION:

Section C. COURT REPORTER RECORDS

1. ARRAIGNMENT BOOK

The arraignment book is kept in Magistrate Court by the reporter as requested by the Judge. The purpose is to have a word-for-word account of the arraignments. It is filed alphabetically by defendant, and to date, one cubic foot of these books has accumulated.
DISPOSITION:

2. SHORTHAND NOTES

Shorthand notes are used in Magistrate Court to give a word-by-word account of the court proceedings. Approximately 22 cubic feet of these spiral notebooks are stored in the Northwest warehouse, Rooms Seven and Nine, and date from 1952 to 1975 in that building. The balance of the years to present is stored in City Hall, and approximately ten cubic feet are being generated each year. They are never referenced after five years.
DISPOSITION:

Section C. COURT REPORTER RECORDS, Continued

3. SOUND TAPES RECORDINGS

During the period 1959 to 1968, magnetic sound tapes were used to record the proceedings of Circuit Court. They are no longer used and maintained, but are now recorded and transcribed and the tapes erased and re-used. Approximately six cubic feet of sound tape reels are stored on the fourth floor of the County Court House.
DISPOSITION:

4. STENOGRAPHIC NOTES

This method of court reporting has been used in the Pennington County Circuit Court from 1956 to present. Over 250 cubic feet of steno notes have accumulated. They give a word-by-word account of what was said in each court proceeding.
DISPOSITION:

5. TRANSCRIPTS, CIRCUIT COURT CASES

Approximately two cubic feet have accumulated and are stored on the fourth floor of the Court House. They are typed 8-1/2" x 11", with many having duplicate copies. They are never referenced and have no further value to the courts.
DISPOSITION:

6. TRANSCRIPTS, MAGISTRATE CASES

These 8-1/2" x 11" typed accounts of Magistrate Court proceedings are stored in two locations. From 1953 through 1975, approximately eight cubic feet are stored in Rooms Seven and Nine of the Northwest warehouse. Approximately three cubic feet are stored in the basement vault of City Hall, with dates from 1965 to 1975. They are never referenced and generally would have no value five years after the case is closed.
DISPOSITION:

Section D. CRIMINAL ACTION RECORDS

1. APPEALS TO THE SUPREME COURT, CRIMINAL AND CIVIL

Approximately 40 cubic feet of this series are stored on the fourth floor of the Court House. They date from 1971 to present. Typical documents filed within the appeals cases include complaints, letters, and certified copies of orders.
DISPOSITION:

Section D. CRIMINAL ACTION RECORDS, Continued

2. APPEALS TO SUPREME COURT, CRIMINAL AND JUVENILE

This series is a current file that is merely kept separate from all other criminal action case files because they are pending an appeal to the Supreme Court. The file usually never exceeds 1-1/2 cubic feet, and after the appeal is heard and the decision made, the closed case is filed back with the other criminal action files.

DISPOSITION:

3. ARRAIGNMENT BOOK

These ring binders were kept from the period of 1955 through 1959. Two books were filled with information such as criminal case number, charge, name of judge, time, date, plea, whether accepted or not, and judgment. The books are no longer maintained, and stored on the fourth floor of the Court House.

DISPOSITION:

4. CITY CASES

One pronto file box containing the legal-size, bandless filing envelopes, totals two cubic feet of city cases dating from 6/1959 through 10/1959, and 6/1973 through 8/1973. A typical case would include the traffic ticket and complaint, arrest report, power of attorney, bail bond, City of Rapid City complaint, officer's report of person charged, judgment, modification of judgment, and discharge. This series is no longer generated. It is now included under Magistrate criminal case files.

DISPOSITION:

5. CONVICTIONS-VIOLATIONS OF MOTOR VEHICLE LAWS, RECORD OF

This series consists of the Department of Public Safety Form Number DL-201 (R4-73). The Northwest warehouse contains three boxes, or six cubic feet, dating from 1/1973 through 1/1975 of 8-1/2" x 11" forms filed alphabetically by offender's name. Information content includes driver's license number, social security number, sex, name, date of birth, out-of-state license number, vehicle license number, street address, city, state, zip code, violation data, conviction date, violation location, state law, municipal ordinance, offense, speeding miles per hour, whether or not an accident was involved, plea, disposition or judgment, and a certification of the information by the Municipal Judge. Also, one-half cubic foot of these same records, now 4" x 7" cards, is stored in the Magistrate Court Clerk's closet at City Hall. They date from 1/1970 to 12/1970, and are never referred to. This series was discontinued in 1977 and replaced by a computer sheet from Pierre.

DISPOSITION:

Section D. CRIMINAL ACTION RECORDS, Continued

6. CRIMINAL ACTION CASE FILES, CIRCUIT COURT/CRIMINAL

This series contains all cases involving criminal offenses tried in County and Circuit Court since 1889. A typical case file would include information sheet, motions, bonds, Uniform Traffic Ticket or summons, computer rap sheet, preliminary investigation (sealed). The files are arranged chronologically by year, then numerical by case number. Approximately 178 cubic feet have accumulated over the years and are stored in three locations. From 1889 to 1925, cases can be located in the basement archives of the Court House. The balance through 1975 can be located on the fourth floor, and from 1975 to present, approximately 40 cubic feet are maintained in the Clerk of Court's office.

DISPOSITION:

7. CRIMINAL ACTION CASE FILES, MAGISTRATE COURT

This series contains a record of all criminal cases and actions taken in Magistrate Court. Typical information contained in these files would be court minute sheets, preliminary information, bonds, ticket, sentence of the court, defendant action form, and motions. Some cases may contain an application for a court appointed attorney and a warrant. About 40 cubic feet of this record series exist from 1948 to present. After the fourth year, the files are almost never referenced.

DISPOSITION:

8. CRIMINAL COMPLAINTS, JUSTICE COURT

This series was started in 1958 and discontinued in 1963, a time when the complaints were not included or filed with the criminal case. They are located on the fourth floor of the Court House and are never referenced.

DISPOSITION:

9. CRIMINAL DOCKET, CIRCUIT COURT

One large-bound volume dating from 1885 to 1887 is stored on the fourth floor of the Court House. The docket includes the defendant's name, cause of action, date of indictment, name of prosecuting attorney, counsel, plea, verdict, sentence, and costs.

DISPOSITION:

Section D. CRIMINAL ACTION RECORDS, Continued

10. CRIMINAL DOCKET, MAGISTRATE COURT

These binders were used from a period of 2/1976 to 1977, when reorganization eliminated the requirement for keeping these dockets. They include the names of the plaintiff and defendant, the offense charged, when bound over and arraigned, the amount of bond, when committed, the plea, the verdict, and the name of the case. To date, 18 binders exist and are never referenced.
DISPOSITION:

11. CRIMINAL AND TRAFFIC CASES, MAGISTRATE COURT

This record series was maintained from 1/1975 to 12/1975. It set aside those cases that involved traffic and Class I & II misdemeanors that had reference to felony cases dealt with in Circuit Court. This series is no longer referenced and has no value to the Magistrate Court office.
DISPOSITION:

12. DOCKET IN MAGISTRATE COURT-CLASS II

As tickets are issued by authorities, statistical information is obtained from the ticket and recorded in this docket. The docket is used for statistical reports for the Department of Public Safety and the Supreme Court. Since 5/1977, about four cubic feet have accumulated.
DISPOSITION:

13. DRIVERS LICENSE, RECORD OF

These small record books in Magistrate Court have been kept since 1974. They are maintained to prove receipt of driver's license from defendant when it was required to be surrendered. The books also tell the reason the driver's license was sent to Pierre. Other information includes the charge, whether is was city of state, defendant's name, date received, and the date retired. The books have an alphabetical index by defendant's name and the entries are chronological by surrender date. One book has been generated to date.
DISPOSITION:

14. D.W.I. WORK PERMIT ORDERS, MAGISTRATE COURT

These typewritten orders contain the plaintiff's and defendant's name, the driver's license number, the defendant's address, place of employment, driving restrictions, the places and times permitted, the Judge of Magistrate Court and the Clerk of Court's signature. The record is kept on the Judge's order to document where and when the person driving under revocation for a D.W.I. charge is permitted to operate a motor vehicle. The permits expire in 30 days and are

Section D. CRIMINAL ACTION RECORDS, Continued

14. D.W.I. WORK PERMIT ORDERS, MAGISTRATE COURT, Continued

rarely extended to 60 days. Since 1977, approximately one-half cubic foot of this series has accumulated. From creation to the time they are destroyed, they are never referenced.
DISPOSITION:

15. JUDGMENT BOOK, CRIMINAL AND CIVIL

Ten legal size, loose-bound books have been generated since 1976. These xerox copies of judgments and decrees, signed by the Judge, along with some satisfaction of judgment, are provided to title companies as working copies for them. The original judgments, decrees, and satisfactions are microfilmed and the original is filed with the respective case.
DISPOSITION:

16. MAGISTRATE CRIMINAL DOCKET MASTER INDEX (DEFENDANT PRINTOUT)

This monthly printout is summarized quarterly and at the end of the year. It serves as an alphabetical list of defendants' names, date of offense, and final disposition. The purpose is mainly for quick alphabetical reference to a defendant's name. Just Class I misdemeanors and felony charges are listed on this report.
DISPOSITION:

17. MINUTE INDEX BOOK, MUNICIPAL COURT

There are nine large-bound books in this record series dating from 5/1935 to 12/1975, when they were discontinued. One book is stored in the City Hall basement vault. The remaining eight books are maintained in the Magistrate Court Clerk's office. These books provide an alphabetical index of defendants' names, case number, minute book number, and minute book page number.
DISPOSITION:

18. PENDING CRIMINAL CASES BY JUDGE (PRINTOUTS), CIRCUIT COURT

This monthly computer printout report gives a list of criminal cases that are set for trial, and the respective Judge that will hear the case. The alphabetical list is by Judge's name, followed by the case he is scheduled to hear.
DISPOSITION:

Section D. CRIMINAL ACTION RECORDS, Continued

19. PENDING CRIMINAL CASES BY JUDGE (PRINTOUTS), MAGISTRATE

This monthly computer printout report gives a list of criminal cases that are set for trial and the respective Judge that will hear the case. The alphabetical list is by Judge's name, followed by the case he is scheduled to hear.

DISPOSITION:

20. RAP CARDS

Each time Magistrate Court is held, this record series file is searched and respective rap cards are pulled and sent to court to provide a complete summary of everything that has happened to an individual (the defendant) in court during the past. Information includes the date of offense, disposition, DCI Number, date of birth, case number, aliases, sex, age, nationality, and whether or not the case had been transferred to Circuit Court. The current practice is to maintain five years of these cards in the Magistrate Court Clerk's office. To date, 20 cubic feet of these cards are being maintained. The information is used by the Police Department, Sheriff's Office, Highway Patrol, State's Attorney, City Attorney, and the Law-trained Magistrate in Magistrate Court.

DISPOSITION:

21. REGISTER OF ACTIONS AND ALPHABETICAL INDEX (CIRCUIT COURT)

This index lists all plaintiff's and defendant's names alphabetically, title of the case, date each instrument related to the case is filed, type of action, and the amount of fees that was collected for the filing. From 1890 to 1975, eight large-bound volumes were generated. The first volume is stored in the basement archives of the Court House, and the balance on the fourth floor. From 1976 to present, the universal ring binders are being used, and, to date, 12 have been generated.

DISPOSITION:

22. REGISTER OF ACTIONS, CRIMINAL (MAGISTRATE COURT)

Five ring binders from 1/1963 through 9/1969 were generated. They include the name of the case, charge, disposition, and the date. Each book is preceded by an alphabetical index by defendant's name.

DISPOSITION:

Section D. CRIMINAL ACTION RECORDS, Continued

23. REGISTER OF ACTIONS BY LAW-TRAINED MAGISTRATE, CRIMINAL

The standard form UCS001 is used to keep a list of papers filed relative to criminal cases handled by the Law-trained Magistrate. The form provides for the following information: Case number, action for, title of case, attorneys, date, papers filed, docket book number, and docket page number. A total of 12 ring binders exist from 5/1976 to present. The recorded information is referenced daily for the first couple of years, weekly for the next three years, and occasionally for up to five years. The information can be obtained from each individual criminal case.

DISPOSITION:

24. REGISTER OF CITY OFFENSES

This record series was discontinued in 2/1974. From the period of 2/1964 until discontinued, 31 books were filled. They include the case number, attorney, date arraigned, date continued, date sentenced, court trial date, preliminary hearing, jury information, sentence, charge, plaintiff's and defendant's names, the papers filed and the date of filing. Book numbers include numbers 25-55.

DISPOSITION:

25. REGISTER OF CITY OFFENSES INDEX

These large-bound index books were discontinued in Magistrate Court. Two books exist, covering the period from 1954 through 3/1961. They contain case number, defendant's name listed alphabetically, the register of city offenses book number, and page number.

DISPOSITION:

26. REGISTER OF CITY AND STATE OFFENSES

Thirteen large-bound volumes exist from the period covering 2/1974 through 10/1975, the equivalent of four cubic feet. The index is alphabetical by defendant's name. The register section contains the name of the defendant, page number, case number, name of case, charge, sentence date, papers filed, attorneys, bond, arraignment date, plea, whether continued, sentence, whether or not a court trial was held, whether there was a preliminary hearing or not, and jury information. The series was discontinued in 1975.

DISPOSITION:

Section D. CRIMINAL ACTION RECORDS, Continued

27. SEARCH WARRANTS

One legal size file folder in Magistrate Court contains several original and duplicate copies of search warrants from 1974 to 1978. They contain the state, county, and affidavit for search warrant information. No reference is made to the name of property owner, or the cas number if one resulted.

DISPOSITION:

28. SUBPOENA RECORD BOOK

These spiral notebooks in Magistrate Court contain the name of plaintiff, state and city, defendant, day, time, charge, and the name and address of people subpoenaed. The purpose of the record is to give a quick reference of who was subpoenaed and the date. The information is obtained from the State's Attorney or the City Attorney. Eleven books have been filled since 1975. The record is amended daily, and has value to the office for six months, and none thereafter.

DISPOSITION:

29. SUBPOENAS AND BENCH WARRANTS, UNSERVED

This fraction of a cubic foot of records were discovered in Magistrate Court Clerk's office. The subpoenas and bench warrants appear to be very old, and no one knew where they came from or why they were never served or docketed.

DISPOSITION:

30. SURETY AND PERSONAL RECOGNIZANCE BONDS BOOK, MAGISTRATE

Three 5" x 8" bound books cover a period from 1975 to present. They contain the name of the defendant, type of bond, amount, bond number, date filed, and date appeared. These books make available a quick reference check (alphabetically) to see if defendant has paid bond and/or whether the case is closed. The information is accessed during the first year after recording, and never after that.

DISPOSITION:

Section E. FISCAL RECORDS

1. ACCOUNTS RECEIVABLE CARDS, CIRCUIT AND MAGISTRATE

This system was started in late 1977. The 4" x 8" cards offer a list of accounts not yet collected, relative case number, date, name and address of debtor, each entry of receipt, and the balance yet outstanding. Once the account has been collected, the card is transferred to a closed file. This information is important for an audit.

DISPOSITION:

Section E. FISCAL RECORDS, Continued

2. ADJUSTING ENTRY FORM, UJS036, CIRCUIT AND MAGISTRATE

This form is used to increase or decrease a charge when a mistake has been made. It is an explanation of the correction for audit purposes.

DISPOSITION:

3. APPLICATION FOR DETERMINATION OF INDIGENCY, MAGISTRATE COURT

This legal size file has consumed 1-1/2 cubic feet of storage space since its beginning in 9/1977. The purpose of the file is to keep a record of the defendant's statement that he/she is unable to pay a fine, but is requesting permission to defer payment until times outlined on the request form. The form contains personal information, a list of assets that the defendant owns, what amount if any can be borrowed, a sworn statement of truth, and the Judge's approval of the application. The file is alphabetical by defendant's name, and is not duplicated anywhere else. After the fine is paid the record is filed with the respective case file.

DISPOSITION:

4. AUDIT RECORDS

This file in Circuit Court contains 1957 audit reports of the City of Rapid City, City of Wall, and the City of Box Elder, SD. Since these audits no longer have to be filed with the Clerk of Courts, they should no longer be retained in the office. Only audit reports for the Clerk of Courts office should be retained.

DISPOSITION:

5. BANK DEPOSIT SLIPS

This series was located on fourth floor of the Court House. It dates from 1964 to 1969, and is duplicate copies of bank deposits for the Pennington County Clerk of Courts.

DISPOSITION:

6. BANK STATEMENTS AND CANCELLED CHECKS

This series in Magistrate Court dates from 1973 through 1975, and equals 1/4 cubic foot. This series is necessary for audit purposes.

DISPOSITION:

7. CASH RECEIPT TRANSMITTAL, UJS034

This form is used to itemize funds for deposit with the County Treasurer by payee amount. It also directs the treasurer to deposit the funds in the account designated on this form. The white copy goes to the treasurer with the funds, and the yellow copy is retained by the Clerk of Courts. Approximately 1/8 cubic foot exists on the fourth floor of the Court House

Section E. FISCAL RECORDS, Continued

7. CASH RECEIPT TRANSMITTAL, UJS034, Continued
covering a period from 7/1976 through 6/1977. Magistrate Court does not use these forms as their deposits go directly to a local bank account.

DISPOSITION:

8. CASH BOND LEDGER

From a period of 1960 through 9/1976 this information was recorded on "Cash Bail Bond Account Cards, then "Alphabetical Bond Index Books". From 1977 to present this series recorded the date the bond was received, amount, cash or check, who bonded, who received from, who paid to, case number, receipt number, and description of charge. About 1/4 cubic foot of this series exists. Current practice is to destroy after 7 years.

DISPOSITION:

9. CLERKS FEE BOOK, CIRCUIT/COUNTY AND MAGISTRATE/MUNICIPAL COURTS
This book series was started in 1881 in Circuit Court and discontinued in 6/1976. During this period eleven large-bound books accumulated. Both Courts "Fee Books" have essentially the same information recorded, including all fees collected such as filing fees, fines, and costs. The date, receipt number from the receipt book, case number, which court money was collected from, amount, and other miscellaneous data is also included in this book. The entries are numerical by receipt number.

DISPOSITION:

10. CLERKS FEE BOOK INDEX

This book dates from 1957 to 9/1976 and served as the Clerk of Court's statement of fees and receipts. It gives the Clerks Fee Book number, and page number where a recorded fee can be located.

DISPOSITION:

11. DELINQUENT FINES COLLECTION RECORDS

A special effort to collect delinquent fines was made from 1/1977 to 8/1977. During this time a special record series was initiated that contained registered letters, affidavits to show fines outstanding, order to show cause, finding of fact, sheriff's return of service, write offs, worksheets for delinquent fines, and bench warrants. Since this was a onetime effort, the series serves no further administrative or fiscal value to the Magistrate Court Clerk's office.

DISPOSITION

Section E. FISCAL RECORDS, Continued

12. DISBURSEMENT JOURNAL, MAGISTRATE COURT

This journal provides a record of all monies disbursed. It gives the date, amount, and where the money was disbursed to. About 1/2 cubic foot of these books exist from 9/1976 to present. There is no reference to the records after the third year.

DISPOSITION:

13. FINANCE MISCELLANEOUS

One cubic foot of a mixture of finance records is packed away in Magistrate Court. Inclusive dates on the documents are 1949 to 1965. Included in the box is duplicate receipts, monthly financial reports, and budgets.

DISPOSITION:

14. FINANCIAL STATEMENT REPORT, CIRCUIT/MAGISTRATE COURT

This report was implemented in 9/1976 as a result of court re-organization. The original report is filed with the Supreme Court, a copy filed with the Presiding Judge of the County, and a copy is retained by the Clerk of Courts. The report is divided into seven sections consisting of: Transaction Register Summary Report, Reconciliation of Accounts Receivable Book Balance to Control Ledger Balance, Accounts Receivable Detail Accounts Listing, Book Balance to Control Ledger Balance, Trust Fund Detail Account Listing, Cash Fees and Law Library Collected, and Summary of City and State Collections Fines, Costs, and forfeitures. These reports are never referenced in the clerk's office after the second year.

DISPOSITION:

15. FINES RECORD BOOK

From 1923 to 1939 this book was used to record the amounts of fines, forfeitures, penalties and costs. Information content includes, an alphabetical index of names, and a chronological listing of fine payments, case number, date fine imposed, amount of cost, charges, days in prison, and total amount owed.

DISPOSITION:

16. LEDGER OF FUNDS DEPOSITED WITH CLERK OF COURTS AND ACCOUNTS WITH ATTORNEYS

One book exists covering the period from 7/1976 through 6/1977. It provided a record of all funds deposited by the Clerk of Courts into bank accounts. The date of the deposit, the amount, and the source of the money was recorded in the book. It is stored on the fourth floor of the Court House, and is not referenced.

DISPOSITION:

Section E. FISCAL RECORDS, Continued

17. RECEIPT BOOK

There are 10 spiral receipt books (yellow copy) stored in a closet in the Magistrate Court Clerk's office. The dates cover a period from 1974 through 1976. These duplicate copy receipt forms contain the name of the party rendering payment, amount, amount paid, balance, and who received by.

DISPOSITION:

18. RECEIPT JOURNAL, MAGISTRATE COURT

This journal provides a record of all monies disbursed. It gives the date, amount, and where the money was disbursed to. It seems to be a duplication of what the new Accounts Payable Cards are supposed to do. From 9/1976 to present, about 1/2 cubic foot of these journal have accumulated.

DISPOSITION:

19. RECORD BOOK

Three of these large-bound books are stored on the fourth floor of the Court House. They cover the period of 1960 through 1974. Information contained in them includes: an alphabetical/chronological index of payments of support checks, date check was received, kind of check and check number, amount of check, and the names of the parties involved. This series has been discontinued.

DISPOSITION:

20. REPORTS OF PAYMENT OF FINES TO COUNTY TREASURER, CLERK OF MUNICIPAL COURT

One cubic foot of these records exist from 1/1970 through 12/1976. They show the transfer of fine payment money to the County Treasurer. Included in the series is the County Treasurer's receipt, name of defendant, offense, sentence, amount paid, whether city or state, charge, whether city civil fees, or county fees and costs.

DISPOSITION:

21. SUPPORT PAYMENTS, DUPLICATE RECEIPTS

This is merely a special file containing duplicate support payment receipts dating from 1963 through 1967.

DISPOSITION:

22. TRANSACTION REGISTER, CLERK OF COURTS

The main purpose of this record is to keep track of all cash and charge transactions. It includes the date of transaction, received from, case number, receipt number, description, whether the transaction is charge or cash, amount received on account,

Section E. FISCAL RECORDS, Continued

23. TRUST LEDGER, CLERK OF COURTS

This ledger is kept to maintain a record of transactions dealing with the Clerk of Court's Trust Fund. An example to a transaction would be the deposit of bond money, and later the return of the bond amount. The ledger records the name of the party the money is received from and paid to, relative case number, receipt number, description, and balance. Five books have been filled from 1921 through 6/1977. They are stored on the fourth floor of the Court House.

DISPOSITION:

24. YEARLY REPORT OF THE CLERK OF MUNICIPAL/MAGISTRATE COURT

This legal size file consumes 1 cubic foot of storage space. It dates from 1970 to 1975, and includes a review of city fines, listing of all fines, number of cases; criminal, civil, and small claims, cases tried, guilty, not guilty, total working days, and average number of cases per day.

DISPOSITION:

Section F. JURY RELATED RECORDS

1. CIRCUIT COURT CALENDAR

A Circuit Court calendar is made for each term of court during the year, listing the dates, times, assigned judge, plaintiff and defendant, and whether the trial will be active criminal or inactive criminal, whether civil jury or civil court cases. From 1877 to 1889, the series was called District Court calendar; from 1890 to 1948, the series was called County Court calendar; and from 11/1945 to present, Circuit Court calendar is the name. Approximately five cubic feet of these records are stored in the basement archives of the Court House and another cubic foot is in the Clerk of Court's office.

DISPOSITION:

2. COURT MINUTE BOOK (JOURNAL CIRCUIT COURT)

Three binders exist with master jury lists, jury case proceedings, and names of jurors selected for each term of Court. There is only information relating to terms for a period of 1951 through 1956. The "Circuit Court Calendar" series appears to be the better, and most complete record of this type of information.

DISPOSITION:

3. DAILY CALENDAR, CIRCUIT COURT

One large-bound book is located in the basement archives of the Court House. It dates from 1890 to 1892 and contains the names of the cases, term of Court, and judge's notes.

DISPOSITION:

Section F. JURY RELATED RECORDS, Continued

4. DAILY CALENDAR, MAGISTRATE COURT

This series was started in 1975 and is still used today. About one cubic foot of these records accumulate each year--to date three cubic feet exist. These records are maintained to provide information for reports to the State Court Administrator's Office in Pierre so that computer reports can be generated. It is used to follow up on accounts receivable and fines for docketing and filing. The record is also used for determining who bench warrants have been issued for, if fees and fines are not paid. The type of information contained in this series includes: Judge's name, bailiff, States Attorney, City Attorney, Law Officer, Court Clerk, Reporter's name, dates case number, address of defendant, date of birth, driver's license number, name of case, violation, and disposition. Thirteen copies of this report is made and furnished to such offices as the Sheriff's Office, Police Department, States Attorney, City Attorney, Bondsman, Arresting officer, Public defender, Highway Patrol, Court Services Officer, and the Clerk of Courts.

DISPOSITION:

5. JURORS INDEX CARDS

These 3" x 5" cards provide an alphabetical quick reference of names of those jurors who have been selected for jury duty in the past. The cards indicate if, and when the juror served; and if excused from duty, whether or not it was permanent. Since statute provides that no juror may serve more than once in four years, this card series can quickly verify whether or not a prospective juror has had prior service during this time.

DISPOSITION:

6. JURORS LIST

This book appears to be a master jury list used from 1936 to 1969. It lists the jurors names and their addresses.

DISPOSITION:

7. JURORS REGISTER

Two bound volumes are stored on the fourth floor of the Court House. They date from 1919 to 1971. Information content includes the names drawn, days served, number of miles address is from Court House, amount of fees, and the signature of the juror certifying the receipt of money reimbursed for expenses.

DISPOSITION:

8. JURY BOOK

This bound 14" x 8" book dates from 5/1966 through 5/1970 and is stored in the Northwest warehouse with other Magistrate Court records. The book gives the names of jurors selected, term of court, and whether served or excused.

DISPOSITION:

Section F. JURY RELATED RECORDS, Continued

9. JURY CALENDAR

This series consumes 1/8 cubic foot of storage space from 1976 to present. Legal size files contain the name of the case, attorneys, issue, bond, judge, date, and time of the jury trial. They are filed chronologically each month, and the current practice is to retain the records for 4 years. The original is filed with the Clerk of Court, the Court Administrator gets a copy, and a copy is given to each attorney involved.

DISPOSITION:

10. JURY LIST BOOK

This book is currently being used. Since 1/1974 three books have been filled. They offer a list of jurors names, the term of Court selected for, date the name was drawn, and address of juror.

DISPOSITION:

11. JURY NOTICE OF DRAWING

This legal size series of records is located on the fourth floor of the Court House and dates from 1957 to 1970. The notices are for the County Auditor, Register of Deeds, and Sheriff to be available for drawing of or to panel a jury. The notices are signed by the Clerk of Courts or the Deputy Clerk.

DISPOSITION:

12. JURY NOTICES

One cubic foot of these records are maintained in the main office. The series includes order signed by judge, notice of a drawing, handwritten list of names drawn in sequence of drawing, and the number of jurors selected for what date.

DISPOSITION:

13. JURY NOTICES INDEX BOOK

One book exists from 9/1957 to present. It contains a record of notice for jury duty, and orders to call a jury.

DISPOSITION:

14. JURY SELECTION ENVELOPES

This series is 1-1/2 cubic feet in volume, and dates from 1966 to 1974. The series is stored in 5' x 7' envelopes in the basement of City Hall. A typical envelope contains jurors list, acceptance of service, return cards of registered letters, stubs from jury drawing, and expense receipts for food. The series has no value to the Magistrate Court Clerks office.

DISPOSITION:

Section F. JURY RELATED RECORDS, Continued

15. REGISTER OF ATTORNEYS ADMITTED

One bound book dates from 1924 to 1960 and contains the name of attorney, when admitted to the South Dakota Bar, what Court, and signature of the attorney. This series is stored on the fourth floor of the Court House.

DISPOSITION:

16. WITNESS AND JUROR TIME AND FEE BOOK

This one bound book dates from 1895 to 1912, and is stored in the basement archives of the Court House. It contains the name of the witness, number of days available for Court, mileage, total amount owed witness, when check was issued, check number, and remarks.

DISPOSITION:

Section G. JUVENILE RECORDS

1. JUVENILE CASE FILES

These confidential case files are maintained to provide a record of a complaint and final Court disposition of juvenile offenders. Typical cases can be classified as "delinquent", "dependent and neglect", and supervised". Documents in a folder may include: notification to guardian, recommendation of the Court, complaint, and final disposition of the case. Case #1 (1923) through Case #109 (1937) are stored in the basement archives of the Court House. The cases from 1937 to 1971 are stored on the fourth floor of the Court House, and 1971 to present juvenile cases are maintained in the main office. A total of 35 cubic feet of these records exist to date.

DISPOSITION:

2. JUVENILE COURT RECORD BOOK

This large-bound book series includes three books dating from 8/1923 to 1960. From 1923 to 1944 the book was called a "Juvenile Court Register", then for the balance of the time the series was maintained, it was called "Juvenile Court Record". An alphabetical index lists the names of the juveniles, and a register of action section lists the documents filed, and the court orders pertaining to the cases.

DISPOSITION:

3. ORDER BOOKS

Books one through eight are stored on the fourth floor of the Court House. They date from 1961 through 4/1978. Books nine and ten are stored in the main office and date from 5/1978 through present. They are xerox copies of signed Judge's orders relating to Juvenile Case Actions. The original order is filed with the case, and it is also microfilmed.

DISPOSITION:

Section G. JUVENILE RECORDS, Continued

4. REGISTER OF ACTIONS AND ALPHABETICAL INDEX

The index section of the books/binders contains an alphabetical listing of names of the juveniles and a Register of Action page number. The Register of Action section lists the instruments filed, and the dates they were filed. Book #4 - #5 (8/1959-1976) are bound volumes; Binder #6 - #8 (1976-present) are the new ring binders.

DISPOSITION:

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND MUNICIPAL COURT RELATED RECORDS

1. COURT MINUTES, MAGISTRATE COURT

This 14 volume large-bound book series dates from 5/1935 through 12/1975. The books contain criminal and traffic court case names, charges, plea, dispositions, fines, and costs. The record also indicates whether the charge was city or state.

DISPOSITION:

2. COURT ORDERS MISCELLANEOUS

These envelopes contain miscellaneous orders such as appointment of Judge Protem, juror summons orders, orders fixing bond, orders to the Police Department to hold property, etc. The series dates from 1960 to 1970.

DISPOSITION:

3. COURT ORDERS, MUNICIPAL COURT

One book dating from 5/1935 to 1/1975 contains a list of typed orders by the Judge of Municipal Court most of which are orders appointing Judges Pro Tempore. The record is attested by the Clerk of Courts.

DISPOSITION:

4. INACTIVE BUT UNDETERMINED CASES (PRINTOUTS)

This monthly computer printout is sent to each District on a regular basis to indicate what cases still have to be disposed of, but are currently not on the calendar for action. This information is extracted from the Docket in Magistrate Court and sent to the Supreme Court Administrator's Office for submission to Central Data Processing, which in turn generates this computer report. The reports started in 1978 and are continued once each month.

DISPOSITION:

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND MUNICIPAL COURT
RELATED RECORDS, Continued

5. JUSTICE DOCKETS

Three large-bound volumes are stored on the fourth floor of the Court House dating from 1953 to 1963. These dockets are for the City of Wall. A total of 24 more volumes are stored in the basement archives at the Court House dating from Hill City 1878, to Pennington County 1936. The alphabetical index in front of the book contains the defendant's name, page number and charge. The docket section contains the parties involved, costs, attorneys, filings and dates of filings, and proceedings. The purpose of the record is to record cases handled in Justice Court and provide a summary of the case.

DISPOSITION:

6. MAGISTRATE DOCKET DEFENDANT MASTER INDEX (PRINTOUT)

This monthly report contains the defendant's name, docket number, date filed, charge, plaintiff, and disposition. Since 4/1977 one cubic foot has accumulated. The report is a comprehensive list of all complaints filed, and it indicates whether a judgement has been made or a bench warrant issued. Just low misdemeanors are recorded on this report. The Court Administrator's Office in Pierre also maintains a copy of the report. The monthly reports are superseded by a yearly report.

DISPOSITION:

7. MINUTES, INDEX TO (MUNICIPAL COURT)

This nine book series dates from 5/1935 to 12/1975 in the Magistrate Court. One book is stored in the basement vault of City Hall, the balance of the books are in the main office. Each volume has an alphabetical index by defendant name, case number, Minute Book number, and Minute Book page number.

DISPOSITION:

8. ORDERS, INDEX TO (MUNICIPAL COURT)

One bound, handwritten volume exists dating from 5/1935 to 2/1976. Information content includes the case number, plaintiff, defendant, book and page number.

DISPOSITION:

Section H. MAGISTRATE, JUSTICE OF THE PEACE, AND MUNICIPAL COURT
RELATED RECORDS, Continued

9. REPORTS OF CLERKS OF MUNICIPAL COURTS

These reports dating from 1943 to 1973 are filed in two different storage rooms on the fourth floor of the Court House. These reports seem to be a weekly report for City and County Treasurers that accompanied deposits. Information content includes the name of defendant, or title of case, case number, nature of case, sentence, amount paid break down of city fines, fees, state or county fines and costs, and expenses. About 3 cubic feet of these documents exist.

10 SMALL CLAIMS

A 5" x 8" envelope is used to file small claim related records to include: defendant's name, address, plaintiff, finding, and judgment. Case #1 (5/1935 through 10,082 (3/1964) is equal to 28 cubic feet, and is stored in the Northwest warehouse, Room #9. Small claims #700 (1/1964 through 1,700 (5/1965) are stored in the City Hall basement vault, and equals one cubic foot of storage space. The main office houses 33 cubic feet of this record series from 10/1966 through present. The case files are never referenced after five years. A total of 62 cubic feet of these records exist.

DISPOSITION:

11. SMALL CLAIMS MASTER INDEX CARDS

These 3" x 5" index cards contain the plaintiff's and defendant's name and case number. They are maintained to provide a cross index for either finding procedure. About 1,500 new cards are added each year. The volume to date equals one cubic foot.

Section I. MENTAL ILLNESS RECORDS

1. INSANITY CASES

This series includes case #1 (7/1923 through #160 (1935), and is stored in the basement archives of the Court House. These confidential case files are maintained to provide a record of court actions regarding mentally ill people. Less than one cubic foot exist of this file.

DISPOSITION:

2. INSANITY ORDER BOOK

Only two books of this series was located. One book dates from 1961 through 1964, and the other book contains all of 1971. An alphabetical name index provides the page number where the register of actions data was recorded, and the page on which the court order was written.

DISPOSITION:

Section I. MENTAL ILLNESS RECORDS, Continued

3. MENTAL ILLNESS CASES

These confidential case files are maintained to provide a record of application for emergency treatment, evaluation of patient, confidential medical reports, court orders, and disposition of mentally ill people. This series picks up where the Insanity Case series left off, and consists of 25 cubic feet of records in two separate rooms on the fourth floor of the Court House; 20 cubic feet in the main office; and 3 cubic feet of this record series in Magistrate Court. From 1936 to present a total of 48 cubic feet of these files have accumulated between the two Courts.

DISPOSITION:

4. REGISTER OF ACTIONS AND ALPHABETICAL INDEX

The index section of the book and binder contains an alphabetical listing of names of the mentally ill and the Register of Action page number. The Register of Action section lists the instruments filed, and the dates they were filed. Volume #3 (10/1957-1975) is a large-bound book; and Volume #4 (1975-present) is a three-ring binder.

DISPOSITION:

5. ORDER BOOK, MENTAL ILLNESS

These orders are xerox copies of the originals signed by the Judge relating to mental illness afflicted persons. The original record is filed with the case, and also microfilmed. One binder exists from 10/1971 to present. Also, one large-bound book dating from 1880-1912 has the handwritten proceedings of the Commissioner of Insanity with an alphabetical index of patients names.

DISPOSITION:

Section J. MISCELLANEOUS RECORDS

1. BONDS AND OATHS OF J.P.'S AND PROBATION OFFICERS

About 1/2 cubic foot of this series exists from 1916 to 1957. Half of the accumulation is stored on fourth floor of the Court House, and the other half can be located in the basement archives of the Court House.

DISPOSITION:

2. BONDS AND OATHS INDEX BOOK

This book is still maintained in the Clerk of Court's office. It contains the loyalty oath of office of court officials, and bonds for clerks in townships. A reference is made to the box file where old oaths and bonds can be located.

DISPOSITION:

Section J. MISCELLANEOUS RECORDS, Continued

3. CLAIMANTS STATEMENTS, RECORD OF

One book is stored in the basement archives of the Court House. It dates from 1881 to 1882 and contains the name of claimant, date of application, when claim was filed lot and block, estate or interest, character of improvements, value of improvements, cost of lot, amount paid, fee, balance due, and date of deed.

DISPOSITION:

4. CORONERS INQUEST TRANSCRIPTS

About 1/4 cubic foot of this legal size folded series is stored on fourth floor of the Court House. It is typed transcript of coroner's testimony relating to a case. Inclusive dates are 1905-1948.

DISPOSITION:

5. FARM RECORD

This one book was used from 1912-1937. The purpose seems to be to give local farmers an opportunity to register their farm name officially. Information includes location by county, description, name of farm and owner, and date filed. After the name was registered, a certificate was given to the individual farmer with the registered name inscribed on it.

DISPOSITION:

6. HEARING AID DISPENSORS LICENSE INDEX (SOUTH DAKOTA)

One 3" x 5" card file box contains an alphabetical card file of hearing aid dispensors licensed in South Dakota. This index dates from 1968 to 1970 when the Clerk of Court's office discontinued handling these licenses.

DISPOSITION:

7. INDEX BOOK MISCELLANEOUS

One cubic foot of small hard-bound books exist from 8/1957 to present. The index lists the type or name of document, day it was filed, and what it relates to. Included in the type of records entered in this index would be: office inventory, power of attorney, and registration of bondsman.

DISPOSITION:

8. JUDGE HENDERSON'S FILES

Four cubic feet of Judge Henderson's selected cases, letters, and administrative subject files from 1973-1976 are stored on the fourth floor of the Court House.

DISPOSITION:

Section J. MISCELLANEOUS RECORDS, Continued

9. JUDGE PARKER'S FILES

Eight cubic feet of Judge Parker's correspondence, administrative subject files, copies of motions, and copies of legislation from 1942-1973 are stored on the fourth floor of the Court House.

DISPOSITION:

10. JUDGE TICE'S FILES

This file in Magistrate Court consists of 1 cubic foot of correspondence, administrative memos, selected copies of case files, rules and regulations, bond requirements, and monthly reports of the Clerk. The series dates from 1960 to 1975.

DISPOSITION:

11. JUDGE YOUNG'S FILES

Six cubic feet of administrative subject files, correspondence, office inventories, and employee records are stored on the fourth floor of the Court House. The series dates from 1970-1975.

DISPOSITION

12. LOYALTY OATHS

These 8-1/2" x 11" oaths consume approximately 5 cubic feet of storage space in two room on the fourth floor of the Court House. They are signed oaths of public employees, including teachers, for the period of 1958-1973. The purpose of the record is to have a signed statement by public officials declaring their loyalty to the government which they serve.

DISPOSITION:

13. MINERS LIEN RECORD BOOK

Three bound books are stored in the basement archives of the Court House. They date from 1884-1939. All three of the volumes contain a handwritten account of the Court proceedings, signed by the Clerk. The purpose of the record is to show a miner's intent to collect money owed him by the mining company that he worked for. The record gives a list of debits and credits in the account, or a balance sheet indicating what amount is owed to a miner, what amount has been paid, and the date the claim has been satisfied. An alphabetical index exists to direct the user of the books to the correct page.

DISPOSITION:

Section J. MISCELLANEOUS RECORDS, Continued

14. MISCELLANEOUS FILE

About 1/4 cubic foot of copies of Attorney General decisions, orders of dismissals, office inventory of equipment, appointments, and certified copies of receipts from the sheriff are stored in two separate rooms on the fourth floor of the Court House. The series dates from 1920 to 1972. If the records had any value, they would not be maintained randomly in the condition they are.

DISPOSITION:

15. MISCELLANEOUS RECORD

This large-bound book dates from 1885 to 1957, and is stored on the fourth floor of the Court House. It contains a record of papers filed, date filed, kind of papers filed, amount of office charge, name of attorney, title of cause, and remarks.

DISPOSITION:

16. MOTION CALENDAR, CIRCUIT COURT

This book covers a period of one year, 1890. It contains title of cause, attorney's names, dates set for hearing, clerk's notes, and Judge's notes. It is stored in the basement archives of the Court House.

DISPOSITION:

17. MUNICIPAL COURT REPORTS

This series is 2 cubic feet in volume, and is filed in the Clerk of Court's office. Prior to 9/1976 these reports were required to be filed with the Clerk and the City Treasurer's Office. The series dates from 7/1957 to 9/1976. There is no reference to the reports.

DISPOSITION:

18. NORTHWESTERN REPORTER (NON-RECORD)

Seven large Banker's Box (Pronto) files of these books are stored in the Northwest warehouse, the equivalent of 14 cubic feet.

DISPOSITION:

19. NOTARY COMMISSION RECORD BOOK

There are five larg-bound books that span a period from 1877-1967. They list the name of the appointee, date effective, and Clerk of Court's signature. Two books are located on the fourth floor of the Court House, and three volumes are located in the basement archives of the Court House. Since the records are no longer a responsibility of the Clerk of Courts, and since the commissions expire after eight years the following recommendation is made.

DISPOSITION:

Section J. MISCELLANEOUS RECORDS, Continued

20. NOTARY PUBLIC COMMISSIONS

About 4-1/2 cubic feet of these folded files exist from 1901-1975. They are located in two rooms on fourth floor of the Court House, and in the basement archives in the Court House. Information content includes: the name of appointee, date commission effective, signature of the Governor and the Secretary of State. The commissions were valid for eight years, then must be renewed. These commissions are now handled by the Secretary of State's Office.

DISPOSITION:

21. NOTARIES PUBLIC, RECORD OF

One bound book is stored in the basement archives of the Court House. It dates from 4/1882-1896. Information content includes name, residence, when appointed, when office will expire, and remarks. The book is handwritten.

DISPOSITION:

22. ORDERS, INDEX FOR

About 1/2 cubic foot of this series is maintained in the Clerk of Court's Office. It dates from 8/1957 to present. This is a chronological listing of any miscellaneous order signed by the Judge. Information content includes: order, date filed, and what the order relates to.

DISPOSITION:

23. PARTNERSHIP RECORD

This large-bound is handwritten, and stored in the basement archives of the Court House. It dates from 1885-1892 and contains the names of the partners, name of the business, and a notary public as witness to the declaration.

DISPOSITION:

24. PENSION RECORD, COUNTY COURT

This book covers the year 1913 and is stored in the basement archives of the Court House. The front of the book contains an alphabetical index of names, and the balance of the book contains orders directing a preliminary examination of the home of the mother applying for a pension.

DISPOSITION:

Section J. MISCELLANEOUS RECORDS, Continued

25. REAL ESTATE TAX JUDGMENT BOOK

One book exists for the year 1901. It describes the property the tax is against, the location, total taxes, penalties and interest to be paid, amount of judgment, and how the property was disposed of. The book was located in the basement archives of the Court House.

DISPOSITION:

26. RULES AND REGULATIONS OF VARIOUS BOARDS AND COMMISSIONS

About 2-1/2 cubic feet of filed rules and regulations are filed at random, in two rooms, on the fourth floor of the Court House. The inclusive dates are 1950-1976. They are never referenced, and serve no value to the Clerk of Courts Office.

DISPOSITION:

27. SENATE BILLS, AND RESOLUTIONS

This series equals about 1/2 cubic foot of copies of Senate Bills and Resolutions that have some affect on the Courts and Judicial System in South Dakota. The file dates from 7/1957 to present.

DISPOSITION:

28. SUBPEONAS, ORDERS APPOINTING BAILIFF AND PROBATION OFFICERS

This series contains less than a hand-full of folded documents that include subpoenas, and court orders appointing bailiffs and probation officers.

DISPOSITION:

29. SUPREME COURT REPORTS, SOUTH DAKOTA (NON-RECORD)

One Bankers box (Pronto) file contains bound "SD Supreme Court Reports" books. This 2 cubic foot collection is stored in the Northwest warehouse, Room #9.

DISPOSITION:

Section K. NATURALIZATION RECORDS

1. APPLICATION FOR TRANSFER OF PETITION FOR NATURALIZATION/ TRANSFER ORDERS

One binder exists with these records from 6/1948-6/1974. The series was maintained for the purpose of an applicant for citizenship status moving to another state prior to the "Final Papers" being signed. This application for transfer and transfer order would allow an alien to continue the citizenship process in another state, and in another court. The records have the Judge's signatures of both courts involved, name of the applicant, address, date, signature of applicant, signature of Clerk of Courts, and signature of Officer in Charge of Naturalization.

DISPOSITION:

Section K. NATURALIZATION RECORDS, Continued

2. CERTIFICATE INDEX CARDS, NATURALIZATION

These 3" x 5 typed index cards are torn from the Naturalization Certificate when it is presented to the new citizen. The cards date from 1941-1974, and create an alphabetical index by name of the new citizens. Also, the petition number, name, Certificate of Naturalization number, address, age, date of Order of Admission, Court District, and signature of holder information is included on the cards.

DISPOSITION:

3. CITIZENSHIP PETITIONS GRANTED AND DENIED

Ten binders date from 1930-1974, and are maintained in the main office. Three large-bound volumes date from 1910-1929, and are stored on fourth floor of the Court House. The information content includes the Declaration of Intent, Certificate of Landing, and a petition to Circuit Court requesting United States Citizenship.

DISPOSITION:

4. DECLARATION OF INTENTION, RECORD OF

Four large-bound volumes dating from 1879-1929 are stored on fourth floor of the Court House. One binder dating from 1929-1972 is maintained in the Clerk of Courts Office. The records show a declaration of the applicants intent to become a United States citizen, along with personal data about the individual. The declaration is signed by the Clerk of Courts. Copies of this information is also on file with the Federal Government.

DISPOSITION:

5. FINAL PAPERS, NATURALIZATION

One volume dating from 1880 to 1897 is stored on the fourth floor of the Court House. The information shows that an individual has been granted citizenship to the United States. Other supportive information includes proof of residence of present address, oath to uphold the Constitution of the United States, and a Court order permitting an individual to take the Oath of Allegiance.

DISPOSITION:

6. FIRST PAPERS, NATURALIZATION RECORD

This large-bound book dates from 1882-1897 and contains the applicants prior allegiance and states that he or she want to become a United States citizen. This book shows that the applicant renounces his or her home country's allegiance. The record is signed by the applicant and the Clerk of Courts.

DISPOSITION:

Section K. NATURALIZATION RECORDS, Continued

7. PETITIONS RECOMMENDED TO BE GRANTED, NATURALIZATION

Two binders date from 1929 to 2/1975. The books list the number of aliens being naturalized that day, Judge's order stating that that number either be granted or denied.

DISPOSITION:

8. REPATRIATIONS

One book filed in the Clerk of Court's Office dates from 1941 to 8/1965. It contains an application to take the Oath of Allegiance to the United States under the Act of June 25, 1936, as amended on the form prescribed in the book. An example of when this record would be used would be -- when a woman married an alien, she lost her American citizenship. If the woman would become divorced, she would have to apply through this "Repatriation Process" to regain her citizenship. Inclusive information on the application would be: Court location, Judge, name, address, date married, spouse, country affiliation of spouse, when termination of marriage occurred, Oath of Allegiance, signature of applicant, date, and the Clerk of Court's signature.

DISPOSITION:

Section L. PROBATE RECORDS

1. ADMINISTRATOR, EXECUTOR, AND GUARDIAN RECORD

This large-bound book is stored in the basement archives of the Court House. It dates from 1883-1889. The book appears to be a record of orders appointing administrators, executors, and/or guardians in probate cases. Information content includes: name of estate, order appointing signed by Judge, order approving bond and issuing letters of administration, and orders appointing appropriate care.

DISPOSITION:

2. ADMINISTRATORS RECORDS

One large book, Volume #1, dates from 1923-1938 and is stored in the basement archives of the Court House. It includes orders that applications and petitions be heard in County Court at a specified time. Also the book recorded orders that a notice be published in newspapers. All orders were signed by a County Court Judge, and the Clerk of Courts.

DISPOSITION

Section L. PROBATE RECORDS

3. BOND BOOK (EXECUTORS BOND AND NOTICE FOR HEARING PETITIONS/
GUARDIANS BOND RECORD)

This 17 book series dates from 1882-1976. Thirteen of the books dating from 1882-1960 are stored in the basement archives of the Court House. The balance of the books from 1956-1976 are stored on fourth floor in the Court House. Even though the names are different, the information content is generally the same to include: bond of executor and/or administrator, (some books contain both probate and civil bonds), guardian amount of bond, name of miner, signature of each guardian, receipt of bond, bond approved by Judge, and where filed.

DISPOSITION:

4. COUNTY COURT REGISTER (LATER REGISTER OF ACTIONS)

This large-bound book dates from 1914 to 12/1975. The book contains all instruments filed in a probate matter to include some dependencies and guardianships. The books include an alphabetical index, number, character of instrument, date when made, when recorded, where recorded, volume, page number, and fees. This series was discontinued and is now the Register of Actions Book. Volume #2 through #16 are stored on the fourth floor of the Court House.

DISPOSITION:

5. DOCKET AND LEDGER, PROBATE

This book dates from 1883-1888 and includes the name of the deceased, matter, date of death, name of executor, amount of bond, name of heirs, date of papers, date filed, and amount of property. It is stored in the basement archives of the Court House.

DISPOSITION:

6. EXECUTORS AND GUARDIANS RECORD

This book dates from 1882-1889, and appears to be another bond book recording the bonding information on executors, administrators, and guardians. The information content is similar to "Bond Book" above.

DISPOSITION:

7. FEE BOOK, PROBATE

This large-bound book dates from 1883-1891 and lists the items and fees of a Probate Judge. The amount of fees, when they were paid, name of deceased, sheriffs fees, names of witnesses, and their fees are also included.

DISPOSITION:

Section L. PROBATE RECORDS, Continued

8. FINAL DECREE REPORT AND DISCHARGE RECORD (DISTRIBUTION AND
DISCHARGE)

This book (Book A) dates from 1896-1913, and is a record of the final decree in probate cases. The decree is signed by the Judge and Clerk of Courts. The book is stored in the basement archives of the Court House.

DISPOSITION:

9. INVENTORY AND APPRAISMENT BOOKS AND FINAL DECREE

This 20 book series dates from 1893 to present. Eleven volumes from 1893-1959 are stored in the basement archives in the Court House, volumes #11-#17 are stored on fourth floor of the Court House, and volume #18 (1/1975) - #19 (present) are maintained in the main office. The purpose of the record is to serve as a inventory and appraisal record of any estate and also as an index to each probate case. The books include the certificate of appointment and oath of appraisers, inventory of estate, order approving inventory, and the appraisal.

DISPOSITION:

10. INVOICE BOOK, PROBATE COURT

This book dates from 1887-1901, and includes a listing of all of a deceased personal goods and the cost of each. This is an inventory of property and an appraisal of the value or worth of the property. The book is stored in the basement archives of the Court House.

DISPOSITION:

11. LETTERS OF ADMINISTRATION

Two volumes exist from 1882-1935, and they contain the names of the deceased, name of person appointed administrator, name of witness, and Judge's signature. Part of the books also include Court orders for hearing petition for letters of administration.

DISPOSITION:

12. MASTER INDEX BOOK (ALPHABETICAL/CHRONOLOGICAL)

This book was started in 1894 and is still being used today. It provides an index to the Register of Action Books. This index book is alphabetical by name, and refers to the case number and in what Register of Action Book the related data can be located. Three books have been filled to date.

DISPOSITION:

13. ORDER BOOKS, PROBATE (CIRCUIT COURT ORDER BOOKS, ALSO
COUNTY COURT ORDER BOOKS)

This book series dates from 1889 to present. Thirty volumes are stored in the basement archives in the Court House dating from 1889-1967. Book #31 (1956-1957) is stored on fourth floor of the Court House along with 30 (Picture Books) from 1967-

Section L. PROBATE RECORDS, Continued

13. ORDER BOOKS, PROBATE (CIRCUIT COURT ORDER BOOKS, ALSO COUNTY COURT ORDER BOOKS), Continued
1970). Five Picture Books (12/1976-present) are maintained in the main office. Two books titled "County Court Orders", and "Circuit Court Orders" are also stored on fourth floor of the Court House. This book series records all orders of the Court concerning probate and guardianship matters. Included in the record are appointments of administrator of estate, all orders of Court, oath of administrator, and Probate Court Judge's signature. To date, 33 of the hard-bound books ; and 35 Picture Books (xerox copies of the original order) have accumulated.
DISPOSITION:

14. PROBATE CASE FILES
Since 1878, about 140 cubic feet of these files have accumulated. The file contains documents such as petition for probate, copy of will, notice of hearing, notice of hearing published in paper, order appointing appraisers, oath of appraisers, itemized list of property for inheritance tax, inheritance tax receipt, and final decree and distribution report. If property is involved, a copy of the final decree and distribution report is given to the County Register of Deeds. The main purpose of the Probate File is to have a record of removing property from a deceased's name, and put it in the name of the heirs.
DISPOSITION:

15. PROBATE ESTATE INDEX
This hard-bound book dates from 1894-1914, and is stored on the fourth floor of the Court House. An alphabetical index of names gives the Probate case number, estate of, character of instruments, date when made, when recorded, where recorded, volume, page, name of owner, description of property, part of lot, block number, valuation, page, first part of installment--month, day, year, amount paid, by whom, number of tax receipt, and second installment--when paid, amount, by whom. This series later became "County Court Register", and then "Register of Actions".
DISPOSITION:

16. RECORD BOOKS, PROBATE (PICTURE BOOKS)
Seven books date from 1895-1926; 15 books date from 1927-1958; 1 book dates from 1878-1880, and 2 books maintained in the Clerk's office date from 6/1976 to present. The books include the decree of distribution, and letters of guardianship and administration. The original records are filed in the Probate case file, but this "Record Book" is required by statute to be kept.
DISPOSITION

Section L. PROBATE RECORDS, Continued

17. REGISTER OF ACTIONS AND ALPHABETICAL INDEX, UJS002
The index section contains an alphabetical listing of names and reference to Register of Action section page number. The Register of Action section lists the instruments filed, and the dates they were filed. Seven binders have accumulated since 1/1976.
DISPOSITION:

18. WILL BOOK (RECORD OF WILLS)
Nine large-bound books have accumulated since 1878. Volume #1 is stored in the basement archives in the Court House; Volume #1-#5 (7/1950-5/1974), and Book #1 (1899-1942) are stored on the fourth floor of the Court House; and Books #6-#7 (11/1974-present) are maintained in the main office. The original will is filed in the Probate case file. This series just records those Last Wills in Testament that have been probated. The information content includes: certificate of proof of will, last will in testament, Judge's name, and Clerk's attest.
DISPOSITION:

APPENDIX 7

3M-NCSC Correspondence Relating
to Microfilming in South Dakota
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



March 14, 1979

The Honorable Robert A. Miller
Presiding Circuit Judge
6th Judicial Circuit
Hughes County Courthouse
Pierre, SD 57501

Dear Judge Miller:

I congratulate the Judicial Court System in South Dakota and yourself for undertaking to improve and standardize your microfilm systems throughout the State.

We, at Best Business Products, have been getting calls concerning the 3M 2000 Camera Systems that are being used for court records retention and other purposes. From the indications given, it appears that there has been statements made that would indicate the 3M 2000 System cannot (or does not) provide archival film quality because it is not a "fresh flow" processor.

There seems to be an erroneous impression being created about this camera processor system, largely on two points; 1) archival quality, and 2) processing method. Please accept my comments on these two points:

1. Archival Quality. This camera system will and does meet archival standards. The 3M 2000 System Operations Manual makes this clear and 3M will provide a letter to the customer that will attest to this fact. I have asked 3M to forward such a letter to each of you on the committee and you should be receiving it very soon.
2. Processing Method. One can hardly provide a complete course in processing methods in a short letter, but most would consider the 2000 method superior in its processing method since completely new distilled water is used on each card as it passes through the "wash". Even the processing method advocated by your consultant refreshes a tank of water bath, circulating out undesirable chemicals as fast as reasonably possible. None use pure distilled water so far as I know.

621 W. Russell Box 749
Sioux Falls S.D. 57101
605-336-1484

3M BUSINESS
PRODUCTS
CENTER

SERVING SIX STATES SINCE 1956

The Hon. Robert A. Miller
March 14, 1979
Page 2

The first point on archival standards, I understand, has been met in the case of a film sample sent in by Lyman County for testing. I have been informed that it did, indeed, meet archival standards and was accepted as such by the State Record Retention Office.

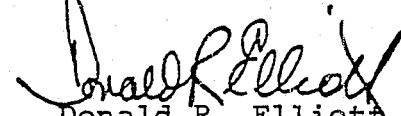
Now, whether the 3M 2000 card media is best for the Court System is another question. It is, however, apparently receiving satisfactory reception in a number of counties, where, in most cases, it was justified for Register-of-Deeds requirements and has prevented the need for separate expenditures for completely new and different camera operations. Many large counties can justify cameras in both locations and when it is feasible the Court Systems are often 3M 3401 Cameras (which utilize 3M or other processors). Such is the case in some of the larger North Dakota Counties as well as Colorado and some other adjoining states.

Both 3M and ourselves would appreciate the opportunity to clarify any misconceptions that have arisen over the 3M 2000 system and would welcome the opportunity to be represented or to discuss further, with you personally, the 3M side of the story. I believe Best Business Products, Inc. and 3M Company can show you a fine and reputable history in our dealings with the State of South Dakota as well as county and city government. We would like to continue that relationship with you and continue to help you economically meet your micrographics requirements.

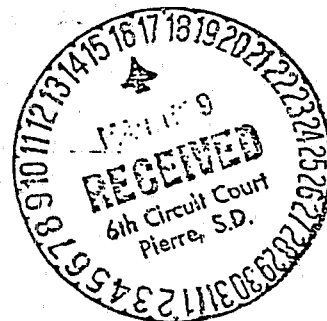
Thank you for your time and consideration.

Sincerely,

BEST BUSINESS PRODUCTS, INC.


Donald R. Elliott
General Manager

DRE/me



CIRCUIT COURT OF SOUTH DAKOTA
SIXTH JUDICIAL CIRCUIT
Hughes County Courthouse
P.O. Box 1112
Pierre, South Dakota 57501
(605) 773-3711

Chambers of:
Robert A. Miller
Presiding Circuit Judge

Sally Preszler
Administrative Secretary

March 16, 1979

Mr. Donald R. Elliott
General Manager
Best Business Products, Inc.
Box 749
Sioux Falls, South Dakota 57101

Dear Mr. Elliott:

Thank you for your letter of March 14, 1979 regarding the court system microfilm study. I am sending a copy of your letter to the other members of the committee, the state court administrator and our consultants. They are also receiving a copy of this letter.

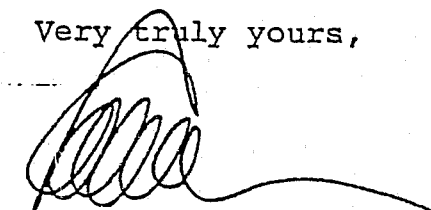
I know that you understand that the purpose of our study is to survey the need for microfilming in our court system and to establish appropriate standards to use.

With very few exceptions, none of us on the committee are experts in the technical aspects of microfilming. Several of the members have experience in the utilization of various types of microfilming equipment for varying purposes. We are learning together so that we can attain our goal of making an appropriate recommendation to the Supreme Court as to the best manner of microfilming court records.

As chairman of the committee I do not want it utilized as a vehicle to either downgrade or promote any specific product or manufacturer. Our concerns are to establish specific needs and specifications which would do the job we require.

I appreciate your comments, and as stated before, I am sharing them with the other members of the committee.

Very truly yours,


Robert A. Miller
Presiding Circuit Judge

RAM/sp

National Center for State Courts

APR - 9 1979

Denver Project Office
250 West 14th Avenue, Suite 804
Denver, Colorado 80204
[303] 534-6424
April 3, 1979

The Honorable Robert A. Miller
Presiding Circuit Judge
6th Judicial Circuit
Hughes County Courthouse
Pierre, South Dakota 57501

Dear Judge Miller:

I have received your letter dated March 16, 1979 responding to the March 14, 1979 letter sent to you by Mr. Donald R. Elliott, Best Business Products, Inc. Apparently, the concerns expressed by my staff member, Richard Martin at a recent Records Management Advisory Committee meeting regarding the 3M aperature card system have created a great deal of interest and activity. Let me provide you with some additional background for your consideration.

The term "archival quality" refers to photographic film, processing, and storage requirements necessary for the "permanent" retention of records in microfilm form. A particular microfilm media, such as aperature cards, can only be certified for archival quality if the media has successfully been tested according to the American National Standard Institute (ANSI) specifications for photographic film for archival records (PH1.41-1976 or PH1.28-176). The rigorous testing procedures includes tests for film composition, characteristics, and image stability and requires verification by an independent lab. No microfilm vendor can responsibly declare their film to be archival unless these testing procedures have been successfully completed and the appropriate documentation prepared.

Land records, including deeds and mortgages, must generally be kept permanently. The archival quality standard would therefore be appropriate to ensure the permanence of those records on microfilm. Due to the importance of these records, the archival quality of the microfilm should be demonstrated beyond a reasonable doubt.

It may very well be possible that the 3M 2000 aperature card system consistently produces archival quality film. In fact, I sincerely hope this is true due to the widespread use of that equipment in courts. The burden of proof for demonstrating archival quality, however, is solely the responsibility of the vendor. It is the vendor's responsibility to fully and completely show compliance with all components of the ANSI specifications and provide users with the test results and certification attesting to archival quality.

One area of concern with the 3M aperature card system is that the camera and film media are both "inherently suspect". In other words, the approach being taken by 3M in producing aperature cards deviates from the commonly accepted practices used nationally for producing microfilm which does achieve archival quality. The particular areas of our concern are as follows:

1. The device used to produce the aperature cards is classed as a camera-processor. This device both records the image on film and then processes it immediately afterwards. The reference book Micrographic Systems published in 1975 by the National Micrographics Association had this to say about camera-processors:

Another consideration in selecting camera-processors is their ability to produce output that meets the image permanence requirements for the particular application. Depending on how stringent your requirements are, a particular unit may or may not be able to meet them. Some of these devices may take shortcuts to minimize the complexity of the automated processing mechanism, in which case it is unlikely that they will produce film of "archival" quality. This should be checked before selecting a particular device for use in a system. (p. 128)

This authority lends credence to our assertion that camera-processors are "inherently suspect".

2. One of the factors which affects the longevity of microfilm is the concentration of processing chemicals remaining on the film after processing. If the concentration is above the recommended level, the film could discolor or the images fade. The film must, therefore, be carefully washed to remove most of the processing chemicals. The film must then be periodically tested to insure that the concentration is actually below the recommended level.

The most widely accepted method for removing chemicals from the film is transporting the film through running water which is highly agitated. The running water protects against an increase chemical concentration in the water as the film is washed and the agitation provides a scrubbing action to help remove more chemicals. This process is used by most large commercial processors, as well as small roll film processors.

The 3M 2000 system merely sprays distilled water on each card to constitute the wash. The definitive SPSE Handbook of Photographic Science and Engineering on page 582 seems to contradict Best's claim that distilled water is better with a reference to an article indicating that pure water is a relatively poor washing medium. A jet stream of water might also lack sufficient agitation to loosen and wash away excess chemicals from the film.

3. The adhesive used to adhere the film to the aperture card may not be archival, thus compromising the archival quality of the entire aperture card. Many adhesives will deteriorate with time, releasing fumes which will attack and destroy microfilm. There has been no showing that the adhesive used on the 3M aperture card will not damage the film.
4. Paper may also deteriorate as well as release acid which can attack microfilm. There are specific standards regarding the acid content and composition of paper used for permanent records.

For the above mentioned reasons, we continue to be concerned about camera-processors and aperture cards for recording permanent court records. We acknowledge that one aperture card from Lyman County was tested and the excess chemical levels were below the maximum levels permitted for archival quality rating. This test, however, was based upon a film sample of unknown quality prepared under unknown circumstances. The test, therefore, only certifies the quality of one particular sample of processed film. The result may not be representative of other samples produced at other times in other locations by similar equipment.

In order to conduct a valid test for archival quality and substantiate the claims being made by the vendor, testing should proceed as follows:

- the film should be produced in a camera-processor used in a production (not laboratory) environment,
- under the supervision of an unbiased third party,
- with film samples tested by an independent laboratory with no knowledge of the purpose of the test,
- with tests conducted on random samples selected during different times of the day and different days of the week over a period of several months, including film prepared at different times after refilling chemicals and water, and
- using the practices normally followed by users of the equipment for operating the equipment and changing chemicals and water.

If testing of this type has been performed by 3M, we would appreciate the opportunity to review the results. If, however, such testing has not been performed, we strongly recommend to 3M that proper testing be undertaken and the results certified in order to substantiate claims being made by 3M sales representatives throughout the country. The current substantiation provided to us by 3M is inconclusive, at best, and the single archival test could be misleading to the uninformed public.

When we are provided with adequate test data which verifies that the 3M 2000 aperture card system does consistently produce archival quality film and that the paper and adhesive used are archival, we will be glad to rescind our concern and notify court individuals in South Dakota, as well as in other states that the equipment is certified for court use. Until such time, we feel that our conclusions are correct and that 3M has the burden of proof to show to the contrary. Archival quality is a standard which is not achieved by all processing equipment. It is, therefore, the duty, responsibility, and burden of each manufacturer to prove that their equipment does achieve this standard. The proof provided us does nothing to indicate that the standard has been met.

The courts represent a large market for microfilm equipment. It is the aid of the National Center for State Courts to assist courts to establish microfilm systems which meet their needs, fulfill legal requirements, and protect court records. If courts are to rely on microfilm equipment for permanent court records, the equipment must consistently achieve archival quality standards to the legal standard "beyond a reasonable doubt".

In conclusion, I would like you, the Records Management Committee, and Mr. Elliott to fully understand that we are not attacking the reputation or veracity of Best Business Products or 3M Company. It is our contention that most individuals working with the court systems are trying to do the best job possible. I am sure that Best Business Products does deservedly have a fine and reputable history in their dealings with the State of South Dakota, as well as county and city government. I am sure that in their desire to maintain this reputation, Best Business Products will also be concerned with uncovering the facts and providing the test results necessary to assure courts in South Dakota that microfilmed records believed to be permanent are indeed permanent.

At some other time, we would be happy to explore with you and your committee other concerns we have regarding the resolution and density of the aperture cards produced. In our report, we will explore with you and the committee the question of whether an aperture card system is the most appropriate for South Dakota court records. We will continue to work with you and the committee as part of the South Dakota Records Management Project supervised by our North Central Regional Office.

CONTINUED

2 OF 3

Please feel free to contact me should you have any additional comments or desire additional clarification regarding this letter.

Sincerely,

Donald S. Skupsky

Donald S. Skupsky
Project Director
Court Improvement through Applied
Technology Project

Richard T. Martin

Richard T. Martin
Deputy Project Director
Court Improvement through Applied
Technology Project

cc: Leonard Axelrod,
North Central Regional Office

APPENDIX 8

Circuit Court Microfilming and
Records Retention Project
Forms
State of South Dakota

MAGISTRATE COURT

SEVENTH JUDICIAL CIRCUIT

RAPID CITY, SOUTH DAKOTA

8 1/2 x 5 1/2

SMALL CLAIM

Plaintiff

vs.

Defendant

The plaintiff has appeared in our court and signed a Satisfaction of Judgment. The Satisfaction will not be filed until you come in and sign the Satisfaction and pay the \$2.00 filing fee. Until that time it will remain on our judgment book as being unsatisfied and a lien against you.

Thank you.

125—SUBPOENA DUCES TECUM

8 1/2 x 7
Jaehn's 40268

STATE OF SOUTH DAKOTA, }
County of } ss. IN COURT

The State of South Dakota, to

YOU ARE HEREBY COMMANDED to be and appear before

..... in and for said County, at

..... in said County of and State

of South Dakota, on the day of 19, at o'clock

in the noon, then and there to testify on the part of the in the case of

..... vs.

AND YOU ARE REQUIRED, Also to bring with you

.....

.....

.....

.....

.....

Dated at the day of 19

By order of the

..... or

Attorney of Record for the
in the above entitled matter.

.....

1	2	3	4	5	6	7	8	9	10	11	12	13	14	
Docket No. 1-5			DI			NI			AC					
Ty			Yr			Seqn								

- 1: Add a new case to the file
2: Change/add case information
3: Delete Case
4: Transfer case/change of venue
5: Reinstated Deleted/History case
6: Seal Record of Case

CURRENT STATUS _____
COUNSEL TYPE _____
COUNSEL NAME _____
PROSECUTOR _____
ASSIGNED JUDGE _____
DATE LAST UPDATED _____

DEFENDANT IDENTIFICATION										FILING DATA				CASE NUMBER									
Last Name/First Name Middle Name or Initial										Arrest Date		DCI Number		Hb Crml		Filing Date		Ty		Docket Number		Seqn	
										mo da yr						mo da yr		ty		yr seqn			

INITIAL APPEARANCE										PRELIMINARY HEARING										ARRAIGNMENT				ATTORNEYS				SCA USE			
Mag/Judge		Appearance Date		Stat		Mag/Judge		Hearing Date		reporter		Transcript Data		no. pages		Mag/Judge		Hearing Date		Prosecutor code		Counsel code		Origin Co		DCI		DL		HP	
mo da yr		mo da yr				mo da yr		mo da yr				date filed				mo da yr		mo da yr						Co							

CHARGE										DISPOSITION										INCARCERATION										FINE									
Sec		Code		ent		file		plea		Code		Data		yr		Time		Min		Max		Susp		Loc		Con		Amount		Suspended									
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TRIAL DATA										PSI										SENTENCING										Probation Time										TRANSFER KEY									
Ty		Mag/Judge		Begin Date		yr		CSO No.		Hearing Date		yr		Unit		Value		Code		Co		ty		New Docket Number		Seqn		Del		Nt																			
mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr																			

POST DECISION ACTIONS/APPEALS										POST DISPOSITION ACTION										APPEALS-TRANSCRIPT PREPARATION & RECORD SETTLING										DISPOSITION									
Seq		type		initiation date		yr		jdmt		Hearing Date		yr		Judge		date requested		Appeal Transcript Preparation		reporter		extn		date filed		no. pages		Date Settled		Disp		Disposition Date							
mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr									

SUPPLEMENTAL TRAFFIC CASE DATA																									
Complaint Number		Issued by		Plaintiff		Birth Date		yr		State		Driver License Number		Speeding speed		zone hwy		Susp/Revkn		D/M		length		ct	
mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr		mo da yr	

SOUTH DAKOTA JUDICIARY CRIMINAL DEFENDANT ACTION
COMPLETED BY _____
DATE _____

82X11

4882

211669-7 MODERN PRESS, INC. - SIOUX FALLS, S. D. 57104

**STATE OF SOUTH DAKOTA
UNIFORM TRAFFIC TICKET
COMPLAINT**

STATE OF SOUTH DAKOTA IN THE Mag. COURT
vs. Timothy Wayne COUNTY OF Herrington
UNIFORM COMPLAINT - SUMMONS
NO. B 04081 4P

THE UNDERSIGNED PEACE OFFICER COMPLAINS AND STATES THAT
ON OR ABOUT 2-20-79 AT OR NEAR (LOCATION/MILE POST) I-90 59 AT TIME 1:30 PM
WITHIN THE COUNTY AND STATE AFORESAID

NAME <u>TIMOTHY WAYNE</u>	HEIGHT <u>5-9</u>	SEX <u>M</u>
ADDRESS <u>244 LEE</u>	WEIGHT <u>165</u>	<u>lbs</u>
CITY <u>ELLSWORTH</u>	STATE <u>AFB SD</u>	BIRTH DATE <u>3-24-47</u>
DRIVER'S LICENSE NO. <u>70 324</u>		STATE <u>MONT.</u>
DID UNLAWFULLY <u>✓</u>	OPERATE PARK <u>✓</u>	VEHICLE MAKE <u>Chrysler</u>
STATE LICENSE NO. <u>70-PN</u>		YEAR <u>78</u>
		STATE <u>SD</u>

AND THEN AND THERE COMMIT FOLLOWING OFFENSE TO WIT
DESCRIBE VIOLATION: SPEEDING
(RADAR HP-8)

IN VIOLATION OF SDCL 32-25-11.2
SPEEDING ☐ MUNICIPAL ☒ INTERSTATE 69 M.P.H. IN 55 M.P.H. ZONE
☐ OTHER

OFFICER ISSUING SUMMONS <u>Mark</u>	NO. <u>115</u>	CITY	COUNTY	STATE <u>✓</u>
--	-------------------	------	--------	-------------------

ABOVE COMPLAINT IS TRUE AS I VERILY BELIEVE
OFFICER SIGN IN PRESENCE OF COURT OR NOTARY. DATE 2.20.79
James C. Mark
SUBSCRIBED AND SWORN TO ME THIS DATE DATE 2.20.79
C. L. Markel Notary

I PROMISE TO APPEAR ✓
DEFENDANT'S SIGNATURE
COURT APPEARANCE REQUIRED ☐ YES ☒ NO
POWER OF ATTORNEY ☒ YES ☐ NO AMOUNT OF DEPOSIT

AT (TIME) <u>8-5 A.M.</u> <u>9:30</u>	COURT DATE <u>3-2-79</u>	COURT ADDRESS <u>22.7 Main St</u> <u>City Hall</u>
---	-----------------------------	--

INFORMATION — State's Attorney.

In the Circuit Court of the Seventh Judicial Circuit of the State of South Dakota, Within and for the County of Pennington

STATE OF SOUTH DAKOTA
vs.

INFORMATION

Term, A.D., 19

Information for

The State's Attorney within and for the County of Pennington within the Seventh Judicial Circuit of the State of South Dakota, as informant, in the name and by the authority of the State of South Dakota, upon his oath presents and charges:

Contrary to the form of the statutes in such case made and provided and against the peace and dignity of the State of South Dakota.

State's Attorney of the County of Pennington, South Dakota

IN THE MAGISTRATE COURT OF THE CITY OF RAPID CITY
PENNINGTON COUNTY, SOUTH DAKOTA

Plaintiff

vs.

Defendant

BAIL BOND

State of South Dakota }
County of Pennington } ss.

BE IT REMEMBERED that on this day of , 19

of County, South Dakota. and

of County, South Dakota, each

of whom is personally known to me, the undersigned officer, personally appeared before me and, being severally sworn each for himself says that he is a resident and freeholder of the State of South Dakota and that he is worth at least the amount of this undertaking in property within said state over and above all his debts and liabilities, and exclusive of all property exempt by law from levy and sale on execution, and jointly and severally acknowledges himself to be indebted to the plaintiff above named in the sum of DOLLARS (\$), to be made and levied upon his respective chattels, lands and tenements:

TO BE VOID, however, if the said defendant shall personally appear before the Judge of the Magistrate Court in the City of Rapid City, Pennington County, South Dakota, on the day of , 19, at o'clock in the noon of said day, to answer for the public offense of

and shall at all times thereafter render himself amenable to the order and process of said Court, and, if convicted, shall appear for judgment and render himself in execution thereof, and, if ordered by the Judge of said Magistrate Court to answer to another Court, shall thereafter render himself amenable to the orders and process of such other Court.

SUBSCRIBED IN THE PRESENCE of the undersigned officer as aforesaid.

In witness whereof, I have hereunto set my hand and official seal the day and year first above written.

Clerk of Magistrate Court
Notary Public

APPENDIX 9

Out Card
Circuit Court Microfilming and
Records Retention Project
State of South Dakota

CASE NAME (PRINT)		CASE NO.
YOUR NAME (PRINT)		
ADDRESS		
TELEPHONE/DEPT.		
DATE WANTED		
YOUR NAME (PRINT)		
CASE NAME (PRINT)		

OUT CARD (NOTE: Unauthorized removal of court records or files from custody of Clerk of Superior Court is a felony, S.D. Code Secs. 6200 & 6201.)

OUT CARD (NOTE: Unauthorized removal of court records or files from custody of Clerk of Superior Court is a felony, S.D. Code Secs. 6200 & 6201.)

FD-302-200.2

Circuit Court Microfilming and
Records Retention Project
Model CAS Form and Manual
State of South Dakota

[illegible]

APPENDIX 11

Literature on Lateral and Open
Shelf Filing Equipment
Circuit Court Microfilming and
Records Retention Project
State of South Dakota



*Bucket filing equipment
used for folded files*

Folded filing is remnant of the past

During the 1700s and 1800s, many judges traveled the circuit on horseback to adjudicate matters arising in small communities throughout this country. As a result, the case documents had to be folded to accommodate the saddle bags used during transit. Since case matters were small and legal documents had fewer pages than today, folded case filings did not present a particular problem.

Unfortunately, even after the turn of the century, when other modes of transportation became dominant and fewer judges continued to "ride the circuit,"

Continued on next page

National Center for State Courts REPORT

Court Improvement Through Applied Technology (CITAT)

A TECHNICAL ASSISTANCE PROJECT

MAY 1979

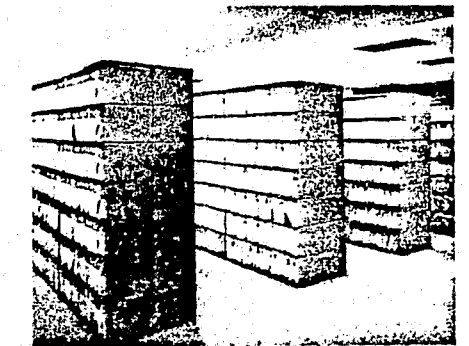
Open shelving: A file space odyssey

The equipment used to store court files greatly affects the efficiency and total cost of the filing system. Although the cost of the equipment itself is a small percentage of total filing system costs, this one-time expenditure will have a substantial and lasting effect on continuing personnel and space costs.

While most courts now file documents in flat folders in drawer files, open shelving can provide up to 33 percent more storage capacity in the same floor space at up to 25 percent less cost. Courts, therefore, are encouraged to take advantage of the space utilization and cost savings resulting from open-shelf filing systems for the maintenance of active court records.

Open-shelf equipment consists of a cabinet with side and back panels supporting fixed shelves. Files are accessed from the side edge rather than from the top, and the entire file unit remains stationary at all times. Standard open shelving provides easy and rapid access to records, low space requirements, and low initial cost.

Open-shelf filing offers substantial ad-



Open-shelf filing equipment

vantages to the court records-management program:

- Records can be filed in higher levels since they are accessed from the side and not the top,
- Less aisle space is required since all records are accessible without pulling out a drawer,
- Additional filing inches are gained along the full length of the shelf since no space is required for a drawer mechanism,
- More than one person can access records simultaneously since there are no drawers to inhibit movement, and
- Retrieval time is decreased (20-30 percent faster than with drawers) since all records are visible.

File supports should be used in conjunction with open-shelf file equipment. These supports are thin metal sheets that attach to the back and base of the file unit and prevent file folders from falling over. The supports are placed approximately six inches apart.

Standard letter-size folders of 11 to 14 point weight should be used for filing documents. (Unless the court adopts the recommended letter-size standard, more expensive legal-size folders and shelving must be used. Letter-size filing would also substantially increase the space savings that can be realized from open-shelf systems.) Folders should have three scores near the fold to permit expansion

Continued on next page

Active filing system checklist

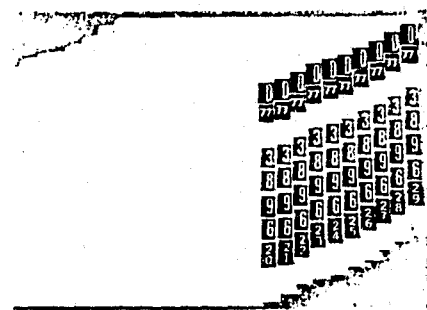
The following components should be included in the court active filing system:

- ☐ Open shelf equipment seven tiers high minimum, 84 inches high maximum, 36- or 42-inch length, 12-inch width (letter size preferred), file supports located every four to six inches, slide-out work shelf (optional), no doors or locks; 30-inch aisles between units facing each other.
- ☐ Folders with full-cut side tabs, 11 to 14 point weight, and no printing.
- ☐ Color-coded tabs on folder (for courts with 2,000 or more new cases per year); tabs preapplied by vendor.
- ☐ File guides located every 100 folders.
- ☐ Outfolders or outcards: plastic outfolders preferred with pocket for index card (containing date and name of person removing file) and pocket for new documents received while the file is out.

Color coding files saves time and money

Next to installing open-shelf filing equipment, color coding case files can be the most significant enhancement to a filing system. Color coding enables visual control and maintenance of the record room by producing "blocks" of color on the filing shelf. These blocks of color assist filing and retrieval of folders and direct attention to misfiles. Color coding does not require a new filing scheme; it can be applied to any existing filing system without changing the classification being used.

Color coding can reduce staff time requirements for filing and retrieving case folders, increase filing accuracy and thereby reduce misfiles, and, should a misfile occur, reduce the time required to locate it. Although color coding increases the cost of the folder, significant reductions of the cost of over-all system maintenance can be realized with color coding. Since, on an average, supplies and equipment represent approximately 25 percent of the total cost of a filing system, and personnel represent approximately 75 percent of this cost, increasing staff efficiency should be a high priority to all court managers. To further emphasize the importance of an efficient filing system, the Association of Records Managers and Administrators estimates that on the average a single misfile costs a company approximately \$75, and an office with about 20,000 files may spend between \$15,000 and \$75,000 per year on misfiles alone. Because locating a mis-



Color-coded side-tab folders

file is extremely frustrating, thus lowering staff morale and productivity, the court manager should also consider a more enjoyable work environment as a benefit to be realized through color coding.

Color-coded bands probably increase the cost of a single folder from approximately \$.12 to \$.25. This extra cost can be quickly recouped, however, since personnel retrieval and refiling time can be reduced by as much as 50 percent. Since colored bands are easily identifiable from several feet away, clerks can file and retrieve first by color and then by number or letter for precise identification. Because bands of the same color are filed together, misfiles are easily recognized.

Normally, color coding should not be applied to older files; the cost is not justified because of their reduced frequency of access compared to more active cases. If older files must be converted, however, self-adhesive color-coded tabs can be obtained and attached to existing folders.

The colored bands should be pre-applied to folders by the manufacturer rather than applied by the court to ensure alignment and save court personnel costs. The bands are placed in standard positions on the file folder to correspond to the case number digits or pairs of digits. The number and placement of

color-coded bands on the file label will depend upon the classification system used (sequential or terminal digit) and the total number of folders included in the system.

OPEN SHELVING

Continued from previous page

to hold one inch of documents. Folders should be equipped with full cut side tabs; self-adhesive side tabs that can be attached to existing top tab folders are available for courts to use during the transition from drawer to open-shelf filing. The folders may also be equipped with preprinted color bands. Although color coding may slightly increase the cost of each folder, it can greatly reduce misfiling and speed retrieval.

File guides should also be a component of an open-shelf file system. File guides are heavy cards that are placed at intervals of 100 folders to separate the file space into distinct labeled sections, facilitating faster access to records. The best quality guides have slanted plastic tabs that magnify the label.

Outfolders are also a vital part of any filing system. They indicate the location of any file that has been removed from the shelf. Outfolders should be a different color and design from the filing folders so that they are readily identifiable. Plastic outfolders are highly durable and normally last longer than their pressboard counterparts. When the file is removed, a card containing the date, name of the borrower, and the title of the folder is inserted in the clear plastic sleeve of the outfolder. A larger plastic pocket on the folder serves as a temporary file for documents that may be received while the original file folder is out. If necessary, these folders can be color coded to represent particular departments, individuals, or dates; this would save time in determining when or to whom the file was sent.

FOLDED FILING

Continued from previous page

the practice of folding case documents continued. Even today, many courts in the country still fold case-related documents and file them in equipment generally called "bucket" files, "shuck" files, or "pigeon-hole" files. Court forms in many states are designed for use in this type of folded filing system. Even though many other courts have converted to the more modern flat filing equipment, it is still common to find information such as service of process located on the back of a form, designed to be visible when the document is folded.

Court documents should not be folded in the modern court of today. Folded documents are more difficult to handle, to use, and to maintain. Judges and clerks

waste much time unfolding documents and flattening them for court use. In addition, equipment for folded filing is space inefficient, costly, and difficult to obtain.

As a general rule, if documents frequently submitted for filing must be folded, there is some deficiency with the design of the forms or the filing system. Most courts will find flat filing on open shelf equipment a more cost-effective method of maintaining records. To reduce cost when converting from bucket files to open shelving, some courts may be able to utilize the frame of the bucket filing equipment as open shelving by simply discarding the bucket drawers.

Courts of today can no longer deal with increasing caseloads by using systems designed for the horse and buggy era.



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.

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

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This project was supported by Grant Number 79-SS-AX-0007, awarded by the Law Enforcement Assistance Administration, United States Department of Justice. Points of view or opinions stated in this publication do not necessarily represent the official position or policies of the U.S. Department of Justice.

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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