

IMPORTANT MESSAGE REGARDING YOUR CASE FILES

February 2, 2005

This is the second message alerting counsel to ways that you can assist in ensuring access to and the accuracy of court files in your cases.

Documents filed in civil and family court cases are scanned and indexed by the Clerk's office in the New Vision system, which theoretically makes all unrestricted documents in a case electronically available to judges, staff, and attorneys. Any system in which personnel process thousands of pages of documents in a day, there will be mistakes due to human error, excessive filings, unexpected absence of personnel, and other forces at play in the system. The Clerk's office endeavors to operate within state guidelines for timeliness and errors in scanning and entry, and their reports indicate that they are meeting or exceeding state guidelines for timeliness. However, it is impossible to eliminate all delay and error, and even an "acceptable" level of performance can impact the ability to access records needed for handling a case.

In most cases, computer access to the file will be the judge's only avenue to document review before and during a given hearing unless courtesy copies are provided. In a prior message, lawyers were encouraged to provide judges with "courtesy copies" of pleadings and supporting documents to ensure their availability and consideration by the judge to offset delays and potential errors inherent in any scanning and indexing system.

There are other ways that lawyers can help improve accuracy in the system and ensure full and timely availability of the documents they file. Clerk personnel index each document that is scanned in the system, and they make a determination on how to label or describe the document accurately in order to ensure its proper identification for retrieval. Error can occur due to misfiling, incomplete or inaccurate description, or misidentification of documents and/or attachments. Lawyers can reduce error by correctly listing the parties and case number prominently on your documents and by using complete and accurate titles for pleadings and discovery. For example, in a multiparty case, "Motion for Summary Judgment" is an incomplete title. Descriptive titles such as "Defendant Jones' Motion for Final Summary Judgment," "Defendant Smith's Motion for Partial Summary Judgment on Liability" or "Plaintiffs' First Set of Interrogatories to Defendant Jones" will assist the scanner in fully indexing the document for accurate filing and retrieval. Secondly, lawyers should ensure that their cases are closed upon completion by filing a final disposition form. Files that remain open with party names that appear in companion or even unrelated cases can receive misfiled documents in error. Once a case is closed, it is less likely that a clerk will make a mistake and file documents in it. Finally, when mistakes occur in filing or indexing, it is helpful to politely bring the mistake to the attention of the judge or the Clerk's office so that supervisory personnel may determine how the mistake occurred and hopefully correct the situation to prevent recurrence.