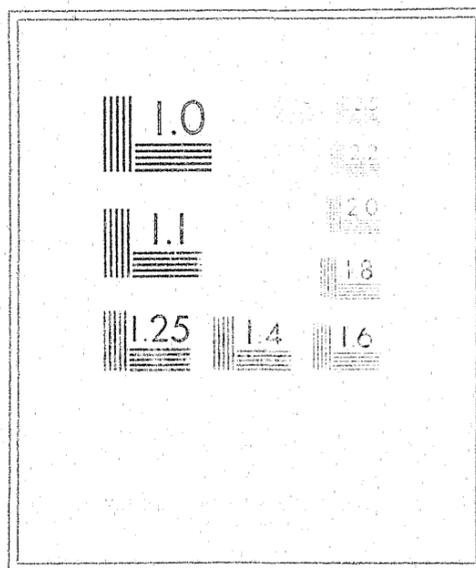


NCJRS

This microfiche was produced from documents reserved for inclusion in the NCJRS data base. Since NCJRS cannot exercise control over the physical condition of the documents submitted, the individual frame quality will vary. The resolution chart on this frame may be used to evaluate the document quality.



Microfilming procedures used to create this fiche comply with the standards set forth in 41CFR 101-11.504

Points of view or opinions stated in this document are those of the author(s) and do not represent the official position or policies of the U.S. Department of Justice.

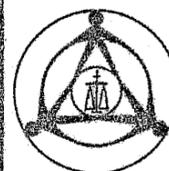
U.S. DEPARTMENT OF JUSTICE
LAW ENFORCEMENT ASSISTANCE ADMINISTRATION
NATIONAL CRIMINAL JUSTICE REFERENCE SERVICE
WASHINGTON, D.C. 20531

6/22/77

3 a . . . i l m e d

39795

DEVELOPMENT OF A UNIFORM
PERSONAL OFFICE FILING SYSTEM
FOR NORTH CAROLINA
SUPERIOR COURT JUDGES



THE AMERICAN UNIVERSITY

Criminal Courts Technical Assistance Project
Institute for Studies in Justice and Social Behavior
The American University Law School
Washington, D.C.

DEVELOPMENT OF A UNIFORM
PERSONAL OFFICE FILING SYSTEM
FOR NORTH CAROLINA
SUPERIOR COURT JUDGES

August, 1973

Consultant(s):

NCJRS

MAR 8 1977

ACQUISITIONS

Honorable Thomas J. Curley
Administrative Judge, Maryland District Court
(District 7)

S. Allan Friedman
Administrator, Hennepin County Municipal Court

CRIMINAL COURTS TECHNICAL ASSISTANCE PROJECT
2139 Wisconsin Avenue, N.W.
Washington, D.C. 20007
(202) 338-7600

This report was prepared in conjunction with the Institute's Criminal Courts Technical Assistance Project, under a contract with the Law Enforcement Assistance Administration of the U.S. Department of Justice.

Organizations undertaking such projects under Federal Government sponsorship are encouraged to express their own judgement freely. Therefore, points of view or opinions stated in this report do not necessarily represent the official position of the Department of Justice. The contractor is solely responsible for the factual accuracy of all material presented in this publication.

TABLE OF CONTENT

I.	INTRODUCTION.	1
II.	ANALYSIS OF EXISTING SITUATION.	2
	A. Results of On-Site Visit.	2
	B. Unique Features of the Superior Court System of North Carolina	4
	C. Factors Relating to Development of A Uniform Filing System	6
III.	RECOMMENDATIONS	9
	A. The First Rule In Filing.	9
	B. Use the Case Files In the Office of the Clerk of the Superior Court	9
	C. Separate Judicially Related from Personally Related Items	11
	D. Components of Recommended Filing System	11
	E. Transportation of Files	12
	F. Supplemental Considerations	13
	1. Physical Quarters	13
	2. Legal Research.	13
IV.	SUMMARY	15

APPENDICES

- I. Judicially Related File
- II. Legal Research File
- III. Personally Related
- IV. General Information

I. INTRODUCTION

North Carolina's Superior Court judges rotate among judicial districts for six month periods. One aspect of this rotational system is that the judges occupy many different offices during their tenure and must contend with unfamiliar and often unsystematic filing systems in these various offices. Recently, the North Carolina Legislature authorized funds to provide secretarial services to the judges. In conjunction with training the new secretarial force, Resident Superior Court Judge James G. Exum, Jr. requested technical assistance to develop a uniform filing system which could be implemented by the secretaries as they took office. This request was forwarded through appropriate LEAA channels to LEAA's Criminal Courts Technical Assistance Project at The American University.

Two consultants from the National College of the State Judiciary at Reno, Nevada were assigned to develop the uniform filing system for the judges. These consultants were: Hon. Thomas J. Curley, Administrative Judge of the Maryland District Court (District 7 - Anne Arundel County) and S. Allan Friedman, Administrator of the Hennepin County (Minnesota) Municipal Court.

The following report documents the three phases of study culminating in the recommended system described in the Appendices. These phases consisted of (1) an on-site visit during which the team attempted to contact as many judges as possible to gain their views regarding current filing problems and possible alternative solutions; (2) a review of North Carolina laws, Superior Court Rules and other relevant documents; and (3) an investigation of systems used by other courts and agencies which might have applicability for the Superior Court judges of North Carolina.

II. ANALYSIS OF EXISTING SITUATION

A. Results of On-Site Visit

During the on-site portion of this consultancy, Judge Curley and Mr. Friedman visited a number of Superior Court judges in judicial districts neighboring Raleigh to gain a representative picture of their office operations. These visits were coordinated by Lawrence D. Spears, Court Programs Chief of the State Department of Natural and Economic Resources.

In Statesville (22nd District), the consultants met with Judge Robert A. Collier, Jr. His office had recently moved into a new courthouse in the county with space for a private chamber for the judge and the visiting judge in addition to a reception room and space for his newly acquired secretary, Mrs. Joyce Martin. Both the Judge and his secretary had files in their respective offices, sometimes necessitating the interruption of the judge by his secretary entering his chambers to obtain necessary information. While most of their files are kept by year, some are kept by category.

In Asheville (Buncombe County), the consultants met with Judge Harry Martin, president of the North Carolina Conference of Superior Court Judges. Judge Martin indicated that he had found it necessary to limit correspondence because he had never had a secretary and had only occasional secretarial service from the Court reporter. Judge Martin had also found that due to lack of law clerk assistance and the long hours on the bench, he did not have adequate time for researching cases. He strongly recommended that a system should meet three basic criteria:

1. Be as simple as possible
2. Allow quick retrieval
3. Be uniform for all judges

He also felt that correspondence relating to a particular case should be kept in the case file.

Judges Crissman and Lupton and their secretary, Mrs. Bonnie Taylor provided insight into the experiences of judges in Greensboro (Guilford County). The District's filing systems as well as their relationships to the files kept by the Clerk of Court were reviewed. Since examination of the files in the clerk's office indicated some duplication of records, it appears most practical and efficient to keep all case related material in the official file in the clerk's office.

During the consultants' visit to Wentworth (Rockingham County), they met with Judge James M. Long who has no office provided and therefore works out of his living room at home. However, he anticipates office space later this year. He stressed the need for simplicity of filing procedures as well as for a routine purge of the files. He appeared favorably disposed to filing all matters pertaining to a case in the clerk's office and also recommended the compilation of a notebook of citations of authorities. This project, while beyond the scope of this study, might be undertaken by a Committee of Superior Court Judges.

These various visits with the Superior Court judges indicated an overriding concern that there be a common filing system and that it be simple. It was suggested that the system used by Judge Crissman at Highpoint might provide guidance for the development of statewide policies. This system is extremely efficient, particularly in assuring that all previous matters

relating to a case are available for the judge ahead of time. However, it does not seem feasible unless a full-time secretary is available. In fact, the efficiency of the system at Highpoint is more a tribute to Mrs. Newman, Judge Crissman's secretary, than the system itself, although undoubtedly the filing system is of great assistance to her.

B. Unique Features of the Superior Court System of North Carolina

At first glance, the objective of this assignment, i.e., the development of a personal office filing system, might seem a rather rudimentary effort and it is certainly not the intention of the consultants to magnify or exaggerate the practical demands of the problems inherent in the creation of a personal filing system. However, the Superior Court System in North Carolina is unique in several ways and this fact does introduce a complicating factor which would not be present in almost any other State in the Country. At least a brief description of the features and practices unique to the Superior Court System of North Carolina should be provided.

The population of North Carolina is approximately five and one-half million. The State has one hundred counties and in each there is at least one courthouse. For judicial administrative purposes, the State is subdivided into four judicial divisions. The judicial divisions run from the Virginia border on the north to the South Carolina border on the South. The first judicial division is the eastern most; divisions two, three and four, in that order, lie to the west of the first divisions. The four judicial divisions are further sub-divided into judicial districts. A judicial district may consist of a single densely populated county or may

include as many as seven sparsely populated counties. There are a total of thirty judicial districts.

Basically, there are two categories of Superior Court Judges in North Carolina. There are forty-one regular Superior Court Judges, who are elected by the voters for a term of eight years and, of course, may run for re-election. (It is understood that in 1974, the number of regular Superior Court Judges will be increased by five, making a total of forty-six.) In addition, there are eight Special Superior Court Judges who are appointed by the Governor for a term of four years. Their tenure on the bench depends solely upon whether they can secure re-appointment.

The Constitution of North Carolina requires that regular Superior Court Judges follow a system of rotation, "riding circuit" from District to District within their divisions. He must preside for six months in each district of his division. He, therefore, spends only six months in every four and one-half to five and one-half years holding court in his district of residence. He may be presiding in a district as much as two hundred miles from his home district. This North Carolina rotation of Superior Court Judges is unique among the states of this country.

Special Superior Court Judges are not considered to be attached to any division or district. They are assigned by the Chief Judge of the Supreme Court to preside in any county of the State where their service is needed. Theoretically, then, a Special Superior Court Judge is subject to an even more wide ranging circuit than a regular Superior Court Judge.

While a small number of Superior Court Judges have a personal secretary or secretarial service available, the great majority have never had either. In fact, most of them have never had an office in any real sense. The

typical accommodation in most courthouses of North Carolina has simply been a room somewhere near the courtroom containing a desk, chair and coat rack. While this is unfortunate and certainly not in keeping with the dignity of the office of a Superior Court Judge, as a matter of common sense and practical reality, the State shouldn't be expected to provide fully equipped and well appointed offices in each of the courthouses throughout the one hundred counties of North Carolina. In point of fact, these facilities are provided and maintained not by the State, but by the Board of County Commissioners in each sub-division. This is so, despite the fact that the salaries of all the Superior Court Judges are paid by the State. However, in the matter of secretarial service and the maintenance of his personal office files, the Superior Court Judge in North Carolina has traditionally been left to his own devices.

C. Factors Relating to Development of a Uniform Filing System

As previously noted, the Superior Court System in North Carolina is unique in a number of ways. However, the singular feature which complicates the filing system and has given rise to the particular problem is the fact that the Superior Court Judges do not remain in their resident county, but travel a circuit, moving every six months and completing the said circuit every four and one-half to five and one-half years. This means that any filing system developed by one resident judge is peculiar to that judge, while the judges replacing him for the sequential six month periods do not necessarily follow the same system. In addition to the lack of secretarial service and adequate facilities, it should also be pointed out that there are no law clerks provided for the Superior Court Judges and because of the

demands of their schedule, there is little, if any, time for in-depth research to buttress the Judge's decision. Judges must rely heavily on memoranda of law or briefs submitted by the attorneys for the parties in the matters before them. Each Judge must carry his own rules of Jury Instructions, etc. with him plus any necessary files, as there are no standard materials kept in any of the various courthouses at which the Judges preside.

In all fairness, it must be noted that in some of the larger counties, an attempt has been and is being made to provide adequate resources and facilities; however, the consultants found no resources which were complete. There is a great difference in the manner in which the various judges handle correspondence relating to cases. Some judges file certain matters in their own filing systems. Others file little, if any, material, while some send certain pieces of information to the clerk of the court in which the case was tried to be put in the case file folder. There was no purging of files in any systematic manner.

We found that the material in the judges' files is either:

- (1) Judicially or Court related; that is, having reference to his status and office as a judge, or
- (2) Case related; that is, having reference to a specific case on file in the office of a Clerk of the Superior Court, or
- (3) Personal; that is, having no reference, per se, to his status and office as a judge.

All kinds of matter are lodged in the file, usually according to categories arranged in alphabetical sequence. The category titles may and do

include "American Bar Association," "Prisoners' Correspondence," "Work Release Program," etc. There are categories for civic clubs, church related correspondence, magisterial applications and appointments, Court Orders, case trial notes, and letters from attorneys.

The task, therefore, for the consultants is to develop a filing system which will accomplish, as a minimum, the following objectives:

- (1) The total elimination from the Judge's personal office file of every specific case related document which can and should be permanently filed in the original case file in the office of the Superior Court Clerk.
- (2) The separation of the judicially related materials from those which are merely personal in character.
- (3) The culling out and maintenance in a separate file for the storing of documents which are expositions of substantive or procedural law.
- (4) The opportunity for the Judge himself to file or retrieve quickly any document.

The not altogether mythical legends of highly efficient secretaries, jealous of their domains, whose files are marvels of ingenuity - comprehensible only to them - are all familiar. For added detail and sophistication, there is the Dewey Decimal System of the librarian. Then, of course, the ultimate system of storage with instant retrieval capability is the modern electronic computer. However, there is one mandate which was articulated by those Judges with whom the consultants spoke - "Keep it simple!" Hopefully, the recommendations which follow have done so.

III. RECOMMENDATIONS

A. The First Rule In Filing

Most of us save reams and pounds of paper which we never read again. Moreover, much of these items we know at a glance are worth neither our time, nor our space. While it is true that the obvious trash we flip, then and there, into "file 13", there are lots of other pieces that cross our desks which we are almost ashamed to jettison if only because it is nicely printed, it comes with our membership, we might glance at it some miserable rainy afternoon, etc. Not to recognize these is self-deception, if not indecision.

Of top priority in any filing system should be the WASTE BASKET. In plain language--If you don't and won't need it--GET RID OF IT!!

B. Use The Case Files In The Office Of The Clerk Of The Superior Court

Many documents or original correspondence from prisoners and attorneys was found which related to specific pending or completed cases. Copies of the Judge's replies thereto were also found. By and large, there appeared no valid or useful purpose in maintaining such material in the Judge's office file. Even in a State of sedentary Judges, we would urge the better and more secure practice of placing every case related letter and document in the Clerk's official case file. Such a practice is even more urgently demanded in North Carolina, precisely

because of the extraordinary system of rotation of Superior Court Judges. This system finds not one Judge--but several in sequence--handling various stages of a single case from original pleadings, to discovery, to motions, to requests for continuance, through trial itself. The rule of discipline ought to be: If the paper relates to a specific case, it should be in the case file in the Clerk's office.

Now we realize that some Judges may feel that they wish to retain a copy of a case-related item for their own files. We would urge, however, that this personal preference be ancillary to and not in lieu of the fundamental rule that the item must be placed in the Clerk's case file. What is sought is a procedural requirement which will protect the integrity and completeness of the Clerk's case file and, at the same time, eliminate the need for duplicate filing of such material in the Judge's personal office file. The merit of such a practice ought to commend itself to every Superior Court Judge who must pick up the gauntlet and the pending case file after his predecessor or predecessors have ridden off to other districts.

How much the observance of this rule will subtract from the paper volume in the Judge's office files, cannot be stated. However, the decrease should be appreciable even on the basis of only the attorneys' and prisoners' correspondence.

C. Separate Judicially Related From Personally Related Items

Whether in North Carolina or elsewhere, the majority of communications arriving at the courthouse for the Judge is judicially related; that is, it is directed to him precisely because he is a judge. The balance of the material directed to him may be classified as personally related; that is, those items which come to him not because he is a judge, but simply because he is a trustee of his alma mater, an alumnus of Duke, a vestryman of his church, a member of the Carolina Country Club, etc.

Since most of the communications and documents received are judicially related, they will demand accordingly, the greater portion of filing space and a more numerous and detailed listing of categories than the space and categorization provided for the personally related items.

D. Components of Recommended Filing System

Based on the above principles and observations, the consultants propose the establishment of an office filing system for the Superior Court Judges of North Carolina having, as components, the following:

(1) Judicially Related File

Categories, selected by the consultants, arranged alphabetically (See Appendix I);

(2) Legal Research File

For the storage of opinions, memos, briefs, etc. as to substantive or procedural law for future reference. Categories, selected by the consultants, arranged alphabetically (See Appendix II);

(3) Personally Related File

Categories, selected by the consultants, arranged alphabetically (See Appendix III)

The proposed filing system is a simple alphabetical and categorical one. Realizing that in some cases, at least, a Judge may have to perform his own filing, the team has elected to avoid proposing color coding techniques which would subject the judge to the tedious detail of applying tabs of varying colors to the files.

E. Transportation Of Files

Since it is of the utmost importance that transportation of files between the clerk's offices and Judges be accomplished in the most secure manner, the following is proposed. Large legal-size manila envelopes should be purchased capable of holding large files. The envelope should be sealed and imprinted on front and back "OFFICIAL COURT RECORDS" in bold red block letters. On the front should be a central space for the name and location of the addressee court, and the return address of the transmitting court should be printed in the upper left hand corner. It is recommended that the envelope have imprinted on it the following request: "IF FOUND RETURN TO SENDER, RETURN POSTAGE GUARANTEED".

All files should be transported from place to place, by relay if necessary, by county sheriffs or by the Highway Patrol.

F. Supplemental Considerations

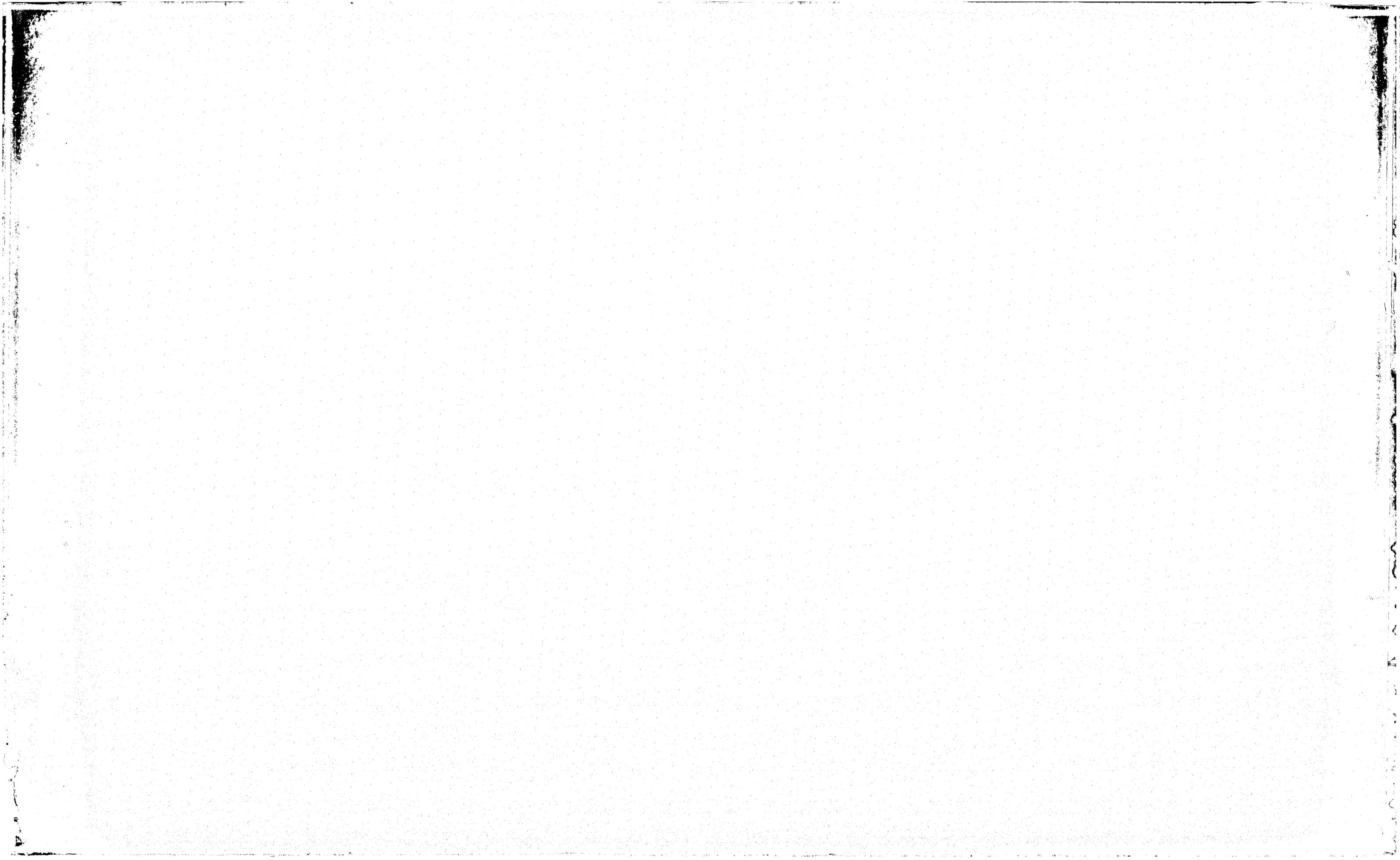
The following recommendations for physical facilities and legal research assistance do go beyond the original mandate for this assignment. However, the consultants feel that the interest and concern expressed by the members of the Bench interviewed about these matters, the size and needs of the Superior Court system as observed by the consultants, warrant and justify their inclusion herein.

1. Physical Quarters

It is recommended that every courthouse where a Superior Court Judge holds court should provide an office (preferably with windows) of no less total area than 100 square feet. The office should be equipped with a desk, swivel chair, two side chairs, sofa, credenza, book racks, and a telephone. Immediately adjacent thereto should be a secretarial office or space of no less than 75 square feet, to be provided with a typewriter, desk, secretarial chair, file cabinets, bookcase and telephone.

2. Legal Research

It is imperative that some form of legal research assistance be provided for the Judges of the North Carolina Superior Court



IV. SUMMARY

A mock-up of judicially related material which are components of the recommended filing system has been prepared by the consultants and will be forwarded to the Conference of the Superior Court Judges shortly through the office of Mr. Spears. The proposed filing system must, of course, be approved for adoption by the Superior Court Judges of North Carolina. If necessary, additional technical assistance is available for team members to attend the conference, September 21-22 to explain the operation of the recommended system.

APPENDICES

APPENDIX I

JUDICIALLY RELATED FILE

A. (primary guide)

ADMINISTRATIVE OFFICE OF THE COURTS

- a. Administrative Director
- b. Court Commissions
- c. Court Exchanges (Designations)

ALCOHOL (See Narcotics)

APPELLATE COURTS

- a. Court of Appeals
- b. Supreme Court

ATTORNEYS

- a. Roster
- b. Suspensions
- c. Correspondence - not case related

ATTORNEYS - INDIGENTS

B. (primary guide)

BAIL

BAR ASSOCIATIONS

- a. American
- b. County
- c. State

BIOGRAPHICAL SKETCH (Judge)

BUDGET

APPENDIX I (Continued)

C. (primary guide)

CALENDARS

a. Civil

b. Criminal

CLERK OF COURT

CLIPPINGS (See News Media)

COMMISSIONS (See Committees)

COMMITTEES (Membership on)

CONFERENCES (See Bar Association or Superior Court Conference)

CONSTITUTIONS and BY-LAWS

CONVENTIONS (See Bar Association or Superior Court Conference)

COUNTY

a. Commissioners

b. Manager

D. (primary guide)

DISTRICT COURT

DRUGS (See Narcotics)

E. (primary guide)

EDUCATION - CONTINUING LEGAL OR JUDICIAL

(See Bar Association or Superior Court Judges Conference)

EMPLOYEES

EQUIPMENT and SUPPLIES

a. Office and Court Furniture

b. Office Equipment and Supplies

APPENDIX I (continued)

F. (primary guide)

FEDERAL COURTS AND JUDGES

FORMS

G. (primary guide)

GENERAL ASSEMBLY OF NORTH CAROLINA

a. House Members

b. Senate Members

c. Committees, Chairmen

GOVERNOR

H. (primary guide)

HOLIDAYS (Annual listing)

HOTELS and MOTELS (on circuit)

I. (primary guide)

INDIGENTS (See Attorneys - Indigents)

INSTITUTE OF GOVERNMENT

INVITATIONS

J. (primary guide)

JUDGES (Roster of)

a. Supreme Court

b. Court of Appeals

c. Superior Courts

d. District Courts

APPENDIX I (continued)

I. (con't)

JUDICIAL DISTRICTS and DIVISIONS

- a. Counties within Districts
- b. Districts within Divisions

JURIES

- a. Grand - 18 members thereof
- b. Trial
 - 1. Members of Panel
 - 2. Excused or deferred

K. (primary guide)

L. (primary guide)

LAWYERS (See Attorneys)

LEGISLATION

- a. House Bills
- b. Senate Bills

LEGAL AID

M. (primary guide)

MAGISTRATES

- a. Applications
- b. Appointments

APPENDIX I (continued)

M. (con't)

MENTAL HEALTH

N. (primary guide)

NARCOTICS

NATIONAL COLLEGE OF THE STATE JUDICIARY

NEWS MEDIA (Clippings)

NORTH CAROLINA (General Statistics)

O. (primary guide)

OPINIONS (See Legal Research File)

P. (primary guide)

PAROLE BOARD

PERSONNEL (See employees)

POLICE

PRISONERS

PUBLIC DEFENDER

Q. (primary guide)

APPENDIX I (continued)

R. (primary guide)

REPORTERS (Court)

a. Assignments

b. Schedules

REQUISITIONS (See Equipment and Supplies)

ROBES (Judicial)

ROTATION SCHEDULE

RULES

S. (primary guide)

SHERIFFS

SOCIAL SERVICES

SOLICITORS

SPEAKING ENGAGEMENTS

SUPERIOR COURT JUDGES CONFERENCE

a. Conference Announcements

b. Correspondence to and from Judges

T. (primary guide)

TESTIMONIALS (See Invitations or Speaking Engagements)

U. (primary guide)

UNITED STATES COURTS (See Federal)

APPENDIX I (continued)

V. (primary guide)

VACATION SCHEDULE

W. (primary guide)

WORK RELEASE PROGRAM

XYZ. (primary guide)

APPENDIX II

LEGAL RESEARCH FILE

CRIMINAL LAW

ARREST (primary guide)

FRESH PURSUIT

GENERAL PRINCIPLES

PROBABLE CAUSE

WARRANTS, or lack of

CONSTITUTIONAL RIGHTS (primary guide)

CONFESSIONS (14th)

CONFRONTATION (6th)

COUNSEL, RIGHT TO (6th)

CRUEL AND UNUSUAL PUNISHMENT (8th)

DOUBLE JEOPARDY (5th)

FAIR TRIAL (FREE PRESS) (14th vs 1st)

GUILTY PLEAS (14th)

IDENTIFICATION (Right to Counsel) (14th)

OBSCENITY (1st)

SELF-INCRIMINATION (5th)

SEARCH and SEIZURE (4th)

SPEEDY TRIAL (6th)

WIRETAP and ELECTRONICS (6th)

APPENDIX II

CRIMES (primary guide)

ARSON

ASSAULT

BRIBERY, EXTORTION, OBSTRUCTION

BURGLARY

CONCEALED WEAPON

CONSPIRACY

FALSE PRETENSES - FRAUD

FORGERY

GAMBLING

LARCENY, EMBEZZLEMENT, RECEIVING

MURDER, MANSLAUGHTER

NARCOTICS

OBSCENITY (See Constitutional Law)

PERJURY

RIOTS

ROBBERY

SEXUAL OFFENSES

Rape, Incest, Carnal Knowledge,
Prostitution, Indecency

APPENDIX II (continued)

DEFENSES (primary guide)

ALCOHOL and DRUGS

ALIBI

CRIMINAL INTENT (Lack of)

DOUBLE JEOPARDY (See Constitutional Law)

DURESS

ENTRAPMENT

INSANITY

LIMITATIONS

SELF DEFENSE

EVIDENCE (primary guide)

BEST EVIDENCE

BURDEN OF PROOF

CIRCUMSTANTIAL EVIDENCE

CONFESSIONS (See Constitutional Rights)

CORROBORATION

CHAIN OF CUSTODY

DISCOVERY

EXCLUSIONARY RULE (See Constitutional Rights -
Search and Seizures)

EXPERT TESTIMONY

APPENDIX II (continued)

HEARSAY EXCEPTIONS

- (a) Admissions
- (b) Business Records
- (c) Declaration against Interest
- (d) Dying Declarations
- (e) Extrajudicial Identification
- (f) Past Recollection Recorded
- (g) Pedigree
- (h) Res Gestae

IDENTITY OF DEFENDANT

- (a) Eye Witness
- (b) Fingerprints, Footprints, Photographs
- (c) Lineup
- (d) Voice

INFORMER

PHOTOGRAPHS

PRESENT RECOLLECTION REVIVED

PRIVILEGE

REASONABLE DOUBT

REBUTTAL

SEARCH and SEIZURE (See Constitutional Law)

APPENDIX II (continued)

PROCEDURE (primary guide)

ARRAIGNMENT

COURTROOM DECORUM

EXTRADITION

INDICTMENT

JOINT TRIAL - SEVERANCE

MERGER

MISTRIAL

MOTIONS

PARTICULARS

PLEAS

POST CONVICTION

REMOVAL

SENTENCING

VENUE

VOIR DIRE

APPENDIX II (continued)

CIVIL LAW (primary guide)

ADMINISTRATIVE LAW

AGENCY

ATTACHMENT - GARNISHMENT

AUTOMOBILES

COMMERCIAL CODE

CONTRACTS

CORPORATIONS

DAMAGES

DECLARATORY JUDGMENTS

DESCENT and DISTRIBUTION

DIVORCE

EMINENT DOMAIN

EQUITY

ESTATES

ESTOPPEL

EXECUTIONS

EXECUTORS and ADMINISTRATORS

FIXTURES

FRAUDS, Statute of

APPENDIX II (continued)

GIFTS

GUARDIAN and WARD

INFANTS and MINORS

INJUNCTIONS

LIBEL and SLANDER

LIMITATIONS

MANDAMUS

NEGLIGENCE

NEGOTIABLE INSTRUMENTS

PARENT and CHILD

PERSONAL PROPERTY

REAL PROPERTY

REPLEVIN

SPECIFIC PERFORMANCE

TORTS

TRESPASS

TRUSTS

WILLS

ZONING and PLANNING

As time goes on and material is received not encompassed within any of above titles, select appropriate titling from one of the standard legal encyclopedias, Corpus Juris or Am Jur.

APPENDIX III

PERSONALLY RELATED

The team decided not to attempt any selection of category titles for the personally related file. This is because the team is without any information as to the varying personal interests of the forty-nine Superior Court Judges. It is, therefore, felt advisable to leave the selection of subject titles within the personally related file to the individual judge and his secretary. The contents of the personally related file are matters of concern only to the individual judge and of no concern whatsoever to anyone else.

APPENDIX IV

GENERAL INFORMATION

FILING PRACTICES, FILING SYSTEMS, OFFICE SUPPLIES AND EQUIPMENT

Guides should be used for every five to seven folders approximately 22 per drawer.

Expansion and working space should consume at least 1/5 of the drawer.

For ease of handling keep approximately twenty-five sheets in one folder. When more than twenty-five sheets are maintained within a folder, use scored folders (those with creases along the bottom) and fold along creases for expansion.

Box labels or self-adhesive labels may be used on the folders.

The folder may be easily handled, if when it is lifted up, it is rested on the side of the drawer. By using this method, papers may be easily inserted and you will not lose your place in the file drawer.

When removing folders, do not grasp the guides, this will prolong the life of the guides.

RETRIEVING

Correspondence is easily located when folders are not crowded, and a reasonable amount of papers are contained within the folders.

Tabs should be replaced when torn or frayed and paper clips should be avoided since they have a tendency pick-up papers and attach to batches where they don't belong.

In trying to locate a piece of correspondence that seems "lost", chances are the paper is in the wrong folder. The folder in front and back should be checked.

MISCELLANEOUS

When six to eight pieces of correspondence pertaining to the same subject are accumulated in the miscellaneous file, an individual folder should be made.

Miscellaneous folders should assume the same position throughout the file. This will help locate the folders quickly.

FOLLOW BLOCK

A follow block maintains the files in an upright position and slides back and forth on guide rails. When released, it locks into position at the bottom of the drawer.

GUIDES

Guides are generally made of heavy manila or pressboard and are extremely durable. Guides are available with the word "OUT" imprinted and sometimes rules to indicate the date file folder was removed and by whom.

The problem in utilizing a subject filing system is choosing the proper classification. An example of this type system would be the telephone directory. One person should be designated the "Records Administrator" to determine the proper file under which a specific piece of correspondence would be placed.

A subject filing system complements an alphabetical filing system. The important aspect of such a filing system is - Can you find the correspondence when you want it? Guide lines for a good subject filing system would be:

1. Preciseness - utilize no more than three words
2. Specific subjects - Example - Conference - more effectively defined using specific subjects as:

Judicial

Legal Education

Subject classification should be shown according to the way in which the file would be requested. If correspondence is received for which no category has been designated, then, a photocopy should be forwarded to the "Records Administrator", so that he may determine the proper filing or new category for a particular piece of correspondence.

VOLUME IV

1917-1918

1. [Illegible]

2. [Illegible]

3. [Illegible]

4. [Illegible]

5. [Illegible]

6. [Illegible]

7. [Illegible]

8. [Illegible]

9. [Illegible]

10. [Illegible]

11. [Illegible]

12. [Illegible]

13. [Illegible]

14. [Illegible]

15. [Illegible]

16. [Illegible]

17. [Illegible]

18. [Illegible]

19. [Illegible]

20. [Illegible]

21. [Illegible]

22. [Illegible]

23. [Illegible]

24. [Illegible]

25. [Illegible]

26. [Illegible]

FOLDERS

The seven factors to be considered in the selection of file folders are:

1. Composition
2. Size
3. Finish
4. Cut
5. Expansibility
6. Tabs
7. Reinforcement

1. Composition - Manila, pressboard, durability of file folders may be established by tearing. In daily filing operation, use manila folders. When a heavy duty file folder or guide is desirable, use pressboard.
2. Size - Standard or correspondence sized folders are 11 3/4" wide, Legal size is 15" wide.
3. Finish - Sizing offers body to the paper in the folder. The sizing process hardens the paper making the folders stiff, and enables the folder to withstand wear much better.
4. Cut - Folders may be rounded or square. Rounded corners do not become "dog eared" as quickly as square folders.
5. Expansibility - These are folders which expand from approximately 1" to 2" or more. Some folders have cloth glued across the bottom, which are suitable for heavy loads. This type folder could contain publications, catalogues, booklets, etc.
6. Tabs - The folder tab contains the caption which may be typed or written on the tab itself. A self-adhesive label may be utilized and placed over the tab.
7. Reinforcement - Folders are available with reinforced top edges along tabs as well as along the bottom portion of the file folder.

STANDARD - 26" drawer holds 3,500 to 5,000 sheets, in addition to necessary guides and folders.

DRAWERS - vary in width from letter (12 1/2") to legal size (15 1/2"). Most file drawers are 10 3/8" high.

FILE FOLDERS - A file folder is 9" high plus 1/2" tab, so there is 7/8" clearance - 10 3/8" minus 9 1/2" at top of drawer clearance is 7/8".
The folders measure no higher than 10" even with metal tabbed guides, so there is 3/8" clearance with taller supplies.

CABINETS - The most common of the cabinets is the four drawer file. Though five and 6 drawer files are available, they are not generally used for active files. The file may have interchangeable drawers which alleviates the need to actually remove files when the particular files are superseded by more recent correspondence.

When a drawer is filed with papers it weighs 60 to 70 pounds. Drawers should move on telescoping slides that move on ball bearing rollers. If necessary, files may be purchased with insulated walls to withstand intense heat from fire.

Inasmuch as the weight of contents may cause a drawer to sag, important features to consider is a guide rod that runs through holes in the middle of the bottom of each guide which maintains the file when in use.

LOCKS - SECURITY - Desirable feature - "Gang Locks" - unlock and lock all drawers in one operation.

COMBINATION LOCK - On one drawer of a three drawer file.

Cabinets are available with 2, 3, 4, 5, and 6 drawers

Correspondence filing cabinets are vertical files because correspondence, etc. stands on edge in the file drawers.

Drawers range from 20 to 28 inches deep and from 12 to 22 inches wide. These files can handle letter, legal or longer papers and documents.

The standard drawer used for correspondence files is 26 inches deep and can hold about 4,000 pieces of papers.

Approximately twenty-five guides are used in a drawer; not more than ten folders should be placed behind a guide.

Label drawers to identify contents. Labels may be color coded.

FOLLOW - UP SYSTEM

Any items on which an answer is still to be received, which should be brought to the attention of the judge at a later date, should be contained in the Follow-Up File. This type file is often referred to as a mechanical memory. A photocopy or carbon copy of either incoming or outgoing correspondence is all that is needed for the Follow-Up File. Examples of items contained in such a file would be:

- (1) Correspondence
- (2) Memoranda
- (3) Notices of dues to be paid on a particular date
- (4) Travel expenses - reimbursement of which has not yet been received.

A very simplified and workable system is one in which the judge would keep a single mainila folder in a designated drawer of his desk. He would refer to the file on the first day of each week. If the judge has a secretary, he may, depending on her capabilities, prefer to leave the period of time involved for follow-up on particular correspondence to her discretion.

Inasmuch as questions contained within the correspondence may not be resolved by a single communication, requiring several letters, memoranda, telephone calls etc. to bring the matter to a conclusion, notations may be made on the follow-up copy, so that progress of a situation can be seen at a glance rather than physically going to the file to obtain replies to such correspondence.

We believe that the Superior Court Judges of North Carolina would find such a file most helpful.

APPENDIX IV

FILES - APPROXIMATE COSTS OF

Four (4) drawer - letter size - without lock	82.80
Four (4) drawer - letter size - with lock	96.60
Four (4) drawer - legal size - without lock	97.10
Four (4) drawer - legal size - with lock	110.70
Four (4) drawer - letter size - fully insulated	379.00
Four (4) drawer - legal size - fully insulated	415.00
Four (4) drawer - the first three drawers - legal size, the bottom drawer is fully insulated and is letter size	194.40

Note: Insultated files tested to 1700^o F. for one hour
and blast tested to 2,000^o F. for 1/2 hour

Pendaflexer Files (manufactured by Supreme Equipment and Systems)
36" wide, 65" high, 18" deep with lock, available in a variety of
colors \$339.10

END

7-11-54