RULE NO. 19
BOOKS AND RECORDS KEPT BY THE CLERK

I. Clerk of the Court Schedule of Charges

A. The Clerk of the Court will maintain a schedule of charges authorized by law for clerk's services. The schedule will be maintained in the clerk's office and available for public inspection.

II. Files

A. Filings by Clerk of Court; All original pleading or other papers with proper caption and cause number will be file stamped, docketed and secured in the legal file by the clerk in the order received.

B. Action Documents; All pleadings that require action by the clerk, other than file stamping and docketing, shall contain the language "Clerk's Action Required" in the caption beneath the case number on the first page of the document.

C. Conformed Copies; All requests to the clerk for a response to an inquiry about a court file or for return of conformed copies of pleadings must be accompanied by a self-addressed, stamped return envelope.

D. Sealed Papers; The clerk of the court shall seal and not permit examination of the following; psychological evaluations, sociological evaluations, mental evaluations, reports of the guardians ad litem and sealed financial source documents in family law matters, except by court order in conformity with GR 15 and GR 22. If sealed, papers may be unsealed only by court order, by motion and , by motion and with notice, in conformity with GR 15 and GR 22.

III. Exhibits

A. Exhibit Files; The exhibits in all cases shall be kept by the clerk separate from the files of the case.

B. Exhibit Inspection; Exhibits may be inspected in the clerk's office only in the presence of the clerk of the court or a deputy clerk.

C. Court Records as Exhibits; No original court record shall be admitted as an exhibit, but a copy may be admitted.

D. Substituted Copies of Exhibits; For cause shown, the court may permit a copy of any document admitted in evidence to be substituted for the original.

E. Exhibit Packaging and Labeling; Exhibits containing blood borne pathogens, drugs, firearms or dangerous weapons shall be properly packaged and labeled before acceptance by the court. To meet packaging and labeling requirements, exhibits shall conform to the following criteria when presented:

(1) Blood borne pathogens shall be packaged in sturdy plastic containers. If contained in a vial or hypodermic, each shall be placed in an individual sturdy plastic container. All items shall be labeled to identify the contents as potentially biologically hazardous material.

(2) Drugs shall be placed in sealed containers to prevent or reduce emissions from the container. Plainly visible labels shall identify the contents.

(3) Firearms shall be unloaded, any breach mechanism or cylinder shall be open, and a secured trigger lock shall be in place.

(4) Dangerous weapons shall have any sharp or pointed portions sheathed in a manner to prevent injury or contact with the sharp or pointed portions.

(5) Paper bags alone will not constitute proper packaging.

F. Videotaped Depositions; Videotaped depositions published in open court shall be treated as court exhibits, with the same retention standards. A party who wishes to make a published videotaped deposition part of the court file must submit a certified transcript of the deposition.

G. Unsuitable Materials as Exhibits; Whenever there is presented to the clerk of the court for filing any paper or material that the clerk of the court determines to be improper or inappropriate for filing, the clerk of the court shall affix a file mark thereto and apply to the court for a determination of the propriety of filing the material presented. If the court determines that the paper or material should not be made part of the file, an order shall be

entered converting the material to an exhibit, and the clerk of the court shall retain the material as an exhibit to the cause. If the court determines that the material warrants being sealed, the court shall direct the clerk of the court to give notice to all parties to the cause and shall conduct a hearing on the court's motion to seal the material pursuant to GR 15.

IV. Withdrawal of Files and Exhibits

A. Files; Except for delivery to a courtroom, judge, court commissioner, referee, court personnel or official court reporter, files may be withdrawn from the clerk's office only pursuant to court order or written authorization by the clerk. Applications to withdraw a file must be in writing. The clerk or a deputy may authorize withdrawal of a file for a period not exceeding 24 hours. A person who withdraws a file shall return the file and all of its papers in good order, and shall not remove, even temporarily, any staples from any papers.

B. Exhibits; Temporary Withdrawal; Exhibits may be withdrawn temporarily from the clerk's office only by:

(1) The judge having the case under consideration.

(2) Official court reporters for use in connection with their duties, without court order.

(3) An attorney of record, upon court order.

The clerk shall take an itemized receipt for all exhibits withdrawn, and upon return of the exhibits they shall be checked by the clerk against the original receipts. The clerk shall keep all receipts for such exhibits for the period of three years from date of withdrawal or return.

C. Failure to Return Files or Exhibits; Sanctions; In the event that an attorney or other person fails to return within the time required a file or exhibit which was temporarily withdrawn, and fails to comply with the clerk's request for its return, the clerk may, without notice to the attorney or other person concerned, apply to the court for an order for the immediate return of such file or exhibit. A certified copy of such order, if entered shall then be served upon the attorney or other person involved.

D. Permanent Withdrawal of Exhibits; After final judgment and expiration of the time for appeal, the court may order the permanent withdrawal of an exhibit and delivery thereof to any party or other person entitled to possession.

E. Return of Contraband Exhibits; When contraband, alcoholic beverages, tobacco products or controlled substances are being held by the clerk as part of the records and files in any criminal case, and all proceedings in the case have been completed, the court may order the clerk to deliver such contraband or substances to an authorized representative of the law enforcement agency initiating the prosecution for disposition according to law. The clerk shall then deliver the contraband or substances and take from the law enforcement agency a receipt which shall be filed in the cas E. The clerk shall also file any certificate issued by an authorized federal or state agency and received by the clerk showing the nature of such contraband or substances.

F. Return of Exhibits and Unopened Depositions; When a civil case if finally concluded, and upon stipulation of the parties or court order, the clerk may return all exhibits and unopened depositions, or destroy the same.

G. Return of Administrative Records; When a case for review of an administrative record is finally completed, the clerk shall return the administrative record to the officer or agency certifying the same to the court. The clerk shall treat the administrative record as an exhibit, conforming with above.

H. Verbatim Report of Proceedings; A verbatim report of proceedings shall not be withdrawn from the clerk's office except by court order.

I. Transcripts; A request for a verbatim report of proceedings or a copy of a videotaped record of proceedings shall be referred to the Superior Court Judicial Assistant.

(Adopted effective September 1, 2002)