

# **DISTRICT CLERK**

## **COURT RECORDS ARCHIVE PLAN 2021**

### **PURPOSE**

The purpose of this plan is to define the preservation and restoration, digital capture, storage, retention, and management of archived records within the District Clerk's office. It is the intent of the District Clerk's office to follow guidelines set by the Texas State Library and Archives Commissioner (see Bulletin Bat <http://www.tsl.state.tx.us/slr/recordspubs/lgbullb.html>).

Government Code 51.305 created a dedicated District Court records archive fee, and authorized District Clerks to collect a fee not to exceed \$10 per filing. The statute provides that this fund be used only for the preservation and restoration of the District Court records archive, and authorizes effective preservation and efficient retrieval of the large amount of legal documents that are required to be preserved. This statute authorizes the Commissioners' Court to adopt a records archive fee for deposit in a dedicated fund as a part of the county's annual budget. Expenditures from this fund enable the District Clerk to focus on preservation of older court records. Fees may not be imposed after the district court records archive preservation and restoration project is complete.

### **GOAL**

The goal is to reproduce and archive all documents, regardless of type, as efficiently as possible, as well as to restore records, suspend or reduce deterioration of records, and to improve public access to these records in a manner that reduces the risk of deterioration. Converting documents to electronic format allows documents to be viewed by multiple persons simultaneously, be searched according to a variety of criteria, stored in a cost effective manner, and easily and readily duplicated for purposes of disaster recovery. Reduction and elimination (in all situations allowed) of paper documents is also our goal.

### **DESIGNATION OF DOCUMENTS**

- All District and County Court at Law Court records filed in the Panola County District Clerk's office.
- All documents and records in the Panola County District Clerk's office which are maintained in paper, electronic, or microfilm format.
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### **RESTORATION AND PRESERVATION**

After reproducing and preserving these records, the District Clerk plans to utilize the space for more efficient storage of the historical cases. Reproduction will allow better access to the records and will alleviate overcrowding of storage areas. Records will be imaged, will be accessible by electronic devices, and are backed up on microfilm. Microfilm and digital media will be stored in Panola County's depository and in addition may be maintained by any vendor that has reproduced said permanent records.

## PROGRESS OF THE PLAN TO DATE

- All civil records up to year 1951 have been preserved and digitized.
- All divorce & criminal records up to year 1959 have been preserved and digitized.
- 27 docket books have been restored & preserved.

## FUTURE PLANS

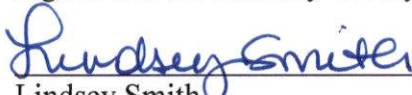
The District Clerk plans to preserve and restore the remaining docket books and indexes, and reproduce them in an electronic format for ease of access to the public while preserving their historic value and the documentation contained within them.

All remaining case files that do not need restoration will be scanned into the case management system. To accomplish this goal, the District Clerk plans to employ a temporary staff member for the purpose of adding & scanning these remaining files into our case management system. A large capacity scanner has been purchased for this purpose.

## SUMMARY

Approximately 10,000 case files have been restored, preserved, and digitized for easier access. The District Clerk's plan is to finish the preservation & restoration of historic records as funds are collected or made available, and to continue to digitize all other records. With approval from the Commissioners' Court, we will be able to continue this ongoing process of preserving part of Panola County history.

Signed this the 16th day of July, 2020.

  
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Lindsey Smith,  
Panola County District Clerk

# ORDER #2020-07

**WHEREAS**, Section 51.305 of the Government Code reads as follows: Sec 51.305(b) The commissioners court of a county may adopt a district court record archive fee of not more than \$5 for the filing of a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition, in a district court in the county as part of the county's annual budget. The fee must be set and itemized in the county's budget as part of the budget preparation process and must be approved in a public meeting. The fee is for preservation and restoration services performed in connection with maintaining a district court records archive; and

**WHEREAS**, the above-referenced fee shall be collected by the District Clerk at the time a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition is filed. The fee is in addition to any other fee collected by the District Clerk; and


**WHEREAS**, (e) of Section 51.305 of the Government Code reads: "The district clerk shall designate the court documents that are part of the records archive for purposes of this section. The designation of court documents by the district clerk under this subsection is subject to approval by the commissioners' court in a public meeting; and

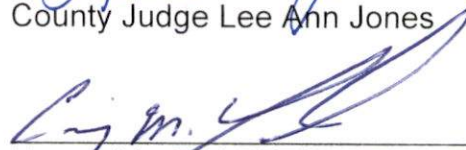
**WHEREAS**, (f) of Section 51.305 reads: "The district clerk in a county that adopts a fee under this section shall prepare an annual written plan for the preservation and restoration of the district court records archive." ... "The commissioners court shall publish notice of a public hearing on the plan in a newspaper of general circulation in the county not later than the 15<sup>th</sup> day before the date of the hearing. After the public hearing, the plan shall be considered for approval by the commissioners' court. Money in the district court records technology fund may be expended only as provided by the plan. All expenditures from the records technology fund must comply by Subchapter C, Chapter 262, Local Government Code.";


**NOW, THEREFORE, IT IS ORDERED** by the Commissioners' Court of Panola County, Texas, meeting in Open Session at a properly scheduled meeting of said Court, that the sum of **TEN AND NO/100 (\$10.00) DOLLARS** be collected by the District Clerk from each person(s) when a suit, including an appeal from an inferior court, or a cross-action, counterclaim, intervention, contempt action, motion for new trial, or third-party petition is filed beginning January 1, 2021.


**PASSED, APPROVED, and ADOPTED** this 21<sup>st</sup> day of July, 2020.

  
County Judge Lee Ann Jones

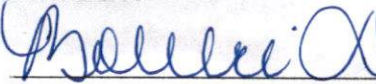
  
Honorable Ronnie LaGrone  
Commissioner, Precinct One

  
Honorable Craig M. Lawless  
Commissioner, Precinct Three

  
Honorable David A. Cole  
Commissioner, Precinct Two

  
Honorable Dale LaGrone  
Commissioner, Precinct Four

**ATTEST:**

  
County Clerk Bobbie Davis



## NOTICE OF PUBLIC HEARING

The Panola County Commissioners' Court will hold a Public Hearing on August 18, 2020 at 1:30 o'clock p.m. in the Commissioners' Courtroom in the Panola County Courthouse to discuss approving the Panola County, District Clerk's Records Archive, Preservation and Restoration Plan. Interested parties are invited to attend and participate.

Notice dated July 21, 2020.

PANOLA COUNTY, TEXAS

By:   
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LeeAnn Jones, County Judge