Bornstein & Petree, P.A.   0 4 7

Attorneys and Counselors At Law

Since 1950

Robert G. Petree

501 N. Magnolia Avenue, Suite A
Orlando, Florida 32801

Jerome J. Bornstein
(1923-1992)

Telecopier (407) 422-3485
March 12, 1996

FILED

Telephone
(407) 425-2731

SID J. WHITE

MAR 15 1996

CLERK, SUPREME COURT

By _____
Chief Deputy Clerk

Sid J. White, Supreme Court Clerk
500 S. Duval Street
Tallahassee, Florida 32399-1927

Dear Mr. White:

In response to the solicitation to submit comments concerning the proposed change to Florida Rule of Judicial Administration No. 87,058, in re Florida Rule of Judicial Administration 2.072, I submit the following comments and observations:
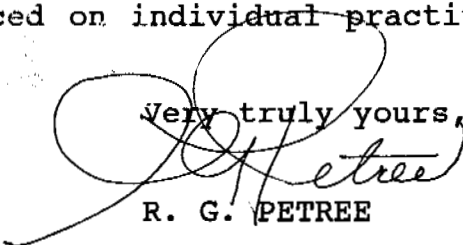
For 35 years I have managed to check out Circuit Court files and return them intact to the office of the Clerk. I don't recall during that time ever having lost or misplaced a file, having caused any inconvenience to opposing counsel, the Clerk or the Court.

If there be problems concerning the checking out of court files by attorneys in some jurisdictions, then I humbly suggest that those jurisdictions should be free to impose certain restrictions or sanctions on those members of our Bar who cannot manage to adhere to standards of courtesy or efficient administration that the rest of us do.

Personally, I resent the effort to curtail my access to court files because of the conduct of a few attorneys in other circuits. I do not believe there is any justification for this rule in the Ninth Judicial Circuit.

Presumably, an attorney will have to examine the court file in the courthouse premises and utilize such copy facilities as may be made available in the Courthouse as needed from time to time. I rather doubt that the individual clerks will provide commodious space for attorneys to use to examine the court files and I foresee nothing but inconvenience for the individual members of the Bar, increased costs to the administration of the files and yet another example of the burdens placed on individual practitioners by an increasing bureaucracy.

Very truly yours,

R. G. PETREE

RGP/dr