

Dorothy H. Wilken  
Clerk

OFFICE OF THE  
**CLERK OF THE CIRCUIT COURT**  
FIFTEENTH JUDICIAL CIRCUIT • PALM BEACH COUNTY

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**FILED**  
SID J. WHITE  
FEB 26 1996  
CLERK, SUPREME COURT  
By \_\_\_\_\_  
Chief Deputy Clerk

February 22, 1996

Florida Supreme Court  
Supreme Court Building  
500 South Duval Street  
Tallahassee, FL 32399-1927

**RE: FLORIDA RULE OF JUDICIAL ADMINISTRATION 2.072** 87,058

Dear Justices:

My staff and I have reviewed with interest the Court's proposal to adopt Florida Rule of Judicial Administration 2.072 which shall read as follows:

**RULE 2.072 POSSESSION OF COURT RECORDS**

No person other than judges and authorized court employees shall remove court records as defined in Rule 2.075 from the clerk's office except by order of the Chief Judge or Chief Justice upon a showing of good cause.

I feel that if adopted, this rule would greatly benefit the public, the courts, and the clerks of this state.

Sec. 28.13 of the Florida Statutes states that "the clerk of the circuit court shall keep all papers filed in the clerk's office with the utmost care and security, arranged in appropriate files... and shall not permit any attorney or other person to take papers once filed under the office of the clerk without leave of the court, except as is hereinafter provided by law." However, it has been difficult for me to enforce this statute. Before I became the clerk, it had been the practice of this circuit for the clerk to allow attorneys to take files for the purpose of presenting it to the judge, and for judges to sometimes allow attorneys to take files.

As noted in this Court's opinion issued on February 8, 1996, pro se litigants certainly felt that this courtesy, which was extended only to attorneys, was unfair to them. In addition, we have experienced problems with many files which were lost, or had pleadings missing.

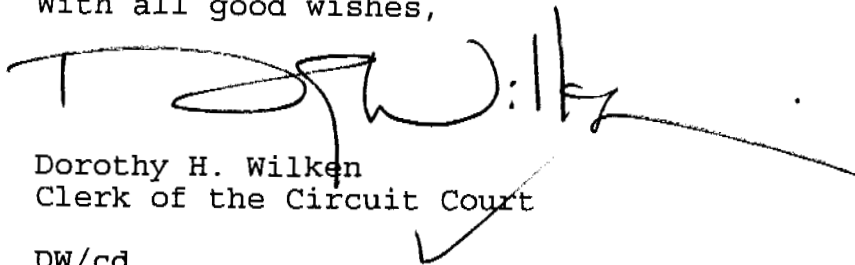
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After much discussion with the judges of this circuit and members of the local Bar, we recently stopped the practice of taking out court files. However, my clerks still receive complaints from attorneys who had gotten used to the courtesy of being allowed to have court files in their possession. I have also received memos from some judges authorizing certain attorneys to have possession of court files. Since the proposed rule covers authorized court employees, it should not be a hardship to judges and other court staff who need the files for court business.

With the advent of electronic filings, anyone who has a computer terminal will be able to access the pleadings filed in this circuit in the comfort of their own office or home. But until then, we expect hard copies to be the only format in which most court files will exist. Therefore, I believe that this proposed rule will help the clerks ensure the integrity of court records.

I thank the judges of this court for their insight in proposing this rule.

With all good wishes,



Dorothy H. Wilken  
Clerk of the Circuit Court

DW/cd

cc: Chief Judge Oftedal, 15th Judicial Circuit  
Fred Baggett, Esq., Attorney for FACC  
Florida Association of Court Clerks