



THE CIRCUIT COURT OF THE
FIFTEENTH JUDICIAL CIRCUIT
OF FLORIDA

FILED 087

SID J. WHITE

MAR 7 1996

CLERK, SUPREME COURT

By _____

~~Chief Deputy Clerk~~

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

87,058

Dear Mr. White:

I am writing to comment on the proposed adoption of Florida Rule of Judicial Administration 2.072 - POSSESSION OF COURT RECORDS appearing in the March 1 edition of the *Florida Bar News*. In its proposed form, the Rule states:

"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 respectfully suggest that the term "authorized court personnel" is subject to a vast amount of interpretation. As one of seven staff attorneys at the Fifteenth Judicial Circuit, it is often necessary for me to "check out" files from the clerk's office in order to effectively assist the Court. Although the clerk's office has been provided with a list of the staff attorneys, there are inevitably some employees within the clerk's office who remain unaware that the staff attorneys are permitted to remove files. Accordingly, in the interest of uniformity among the circuits and to more fully define the meaning of "authorized court employees," I propose that the following language be added to Rule 2.072:

"The chief judge in each circuit shall implement an administrative order specifying those individuals or classes of individuals who are authorized to remove files from the clerk's office. Such administrative order shall be posted in a conspicuous location in every branch or division of the Clerk of Court."

Thank you for allowing me the opportunity to comment on this proposed rule.

Best Regards,

Ira S. Bergman