

*Mahon & Farley, P.A.*

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March 6, 1996

**FILED**

SID J. WHITE

MAR 14 1996

CLERK, SUPREME COURT

By \_\_\_\_\_  
Chief Deputy Clerk

The Honorable Sid J. White  
Clerk of Supreme Court  
Supreme Court Building  
500 So. Duval Street  
Tallahassee, FL 32299-1927

Re: Florida Rule of Judicial Administration 2.072

87,058

Dear Mr. White:

The March 1 Florida Bar News printed the new Rule of Judicial Administration which prohibits attorneys from removing files from the Clerk's Office. I would suggest that the proposed Rule is a fine example of overkill for correction of some deficiency which may exist in some Circuits.

I have taken the liberty of enclosing the Administration Rule from the Fourth Judicial Circuit, which has worked effectively and without any problems of which I am aware since the date of the Order in January 1990. Hopefully, the Court might consider adopting the same procedure as used in our Circuit or, at least, allowing the Chief Judge of the particular Circuit to adopt such rule as may best serve that Circuit.

A particular problem which I envision in Duval County would arise with ex parte uncontested dissolutions of marriage. In Duval County, the attorneys may schedule those during ex parte hours, provided they bring the client and the Court File to the Judge's Chambers. I don't believe that the Clerk's Office in Duval County has enough employees to accompany the lawyer and the client to Court with the Court File to the Judge's Chambers. On any one day as many as fifteen (15) or twenty (20) uncontested matters may be heard by the Family Law Judges.

**FILED**

SID J. WHITE

MAR 14 1996

CLERK, SUPREME COURT

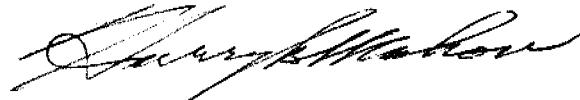
By \_\_\_\_\_  
Chief Deputy Clerk

The Honorable Sid J. White  
March 6, 1996  
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I believe that it would be in the interest of the public and judicial economy to allow the continuation of the procedure used in Duval County.

Respectfully submitted,

MAHON & FARLEY, P.A.



HARRY B. MAHON

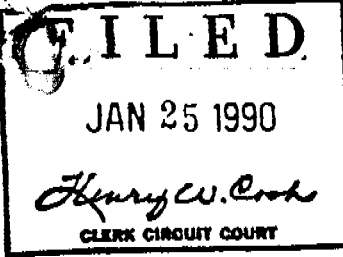
HBM/am

Enc.

cc: The Honorable Donald R. Moran, Jr.  
The Honorable Frederick B. Tygart

## OFFICIAL RECORDS

IN THE CIRCUIT COURT OF THE  
FOURTH JUDICIAL CIRCUIT,  
IN AND FOR NASSAU, DUVAL  
AND CLAY COUNTIES.

SECOND AMENDED ADMINISTRATIVE ORDER NO. 88-3

In re: Checking out court files from Clerk's Office.

This Administrative Order Amends Administrative Order dated September 13, 1989, recorded at Official Records Book 6764, at Page 1094.

This Administrative Order shall be effective throughout the entire Fourth Judicial Circuit.

It being necessary to protect official court files from tampering, theft or loss, it is

**ORDERED:**

1. Court files may be checked out from the clerk's office by an attorney only for the purpose of taking the file directly to the judge.

2. Civil court files may be removed from the courthouse only upon written order of the judge presiding over the division to which the case is assigned, or in the absence of that judge, upon written order of another judge of like jurisdiction.

3. Employees and agents of the Florida Department of Health and Rehabilitative Services (HRS) assigned to URESA and Child Support Enforcement may check out files from the clerk's office for the purpose of taking them to their offices or to the respective judge when needed to

## OFFICIAL RECORDS

sign orders or for hearings.

4. Employees of Guardian Ad Litem (GAL) may check out files for the purpose of transporting them to the Court Administrator's Office for duplicating purposes.

5. Employees of the State Attorneys Office assigned to the Family Justice Division may check out files from the clerk's office for the purpose of taking them to their offices or to the respective judge when needed to sign orders or for hearings.

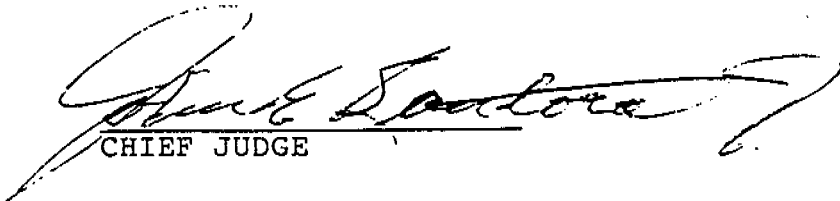
6. All files checked out by employees or agents in paragraphs three, four and five shall be returned to the clerk's office within forty-eight hours.

7. Investigators of the Department of Professional Regulation, upon proper identification, may check out court files for the purpose of making copies or portions thereof for its use, but shall not, in doing, take apart any depositions.

8. No criminal, juvenile or probate file may be removed from the courthouse. In the event of an unusual circumstance necessitating an exception, a written motion and order signed by the judge to whom the case is assigned or chief judge is necessary before such file may be removed.

9. The clerk of the court shall report to the chief judge the names of any persons checking out files and not returning in compliance with this order.

ORDERED at Jacksonville, Florida, this 24<sup>th</sup> day of January, 1990.



CHIEF JUDGE