

Invitation to Comment

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| Title | Rules Modernization: Updating Antiquated References to “Attachés” in the California Rules of Court (amend California Rules of Court, rules 2.400, 3.58, and 3.60) |
| Summary | Rules 2.400, 3.58, and 3.60 of the California Rules of Court would be amended, effective January 1, 2008, to replace the terms “attaché” and “attachés” with “authorized court personnel.” |
| Source | Civil and Small Claims Advisory Committee Hon. Lee Smalley Edmon, Chair |
| Staff | Patrick O'Donnell, Committee Counsel, 415-865-7665, Patrick.o'donnell@jud.ca.gov |
| Discussion | <p>California Rules of Court, rule 2.400 regarding the handling of court records, and rules 3.58 and 3.60 relating to fee waiver applications, refer to court “attaché[s]” when identifying those persons who may have access certain court business. “Attaché” is a French term for a person who is assigned to the administrative staff of a higher placed person. Because the term is both undefined in the rules and relatively arcane, it may create unnecessary confusion.</p> <p>Consistent with the move toward plainer language in the rules, rules 2.400, 3.58 and 3.60 would be amended, effective January 1, 2008, to replace “attaché” and “attachés” with the clearer term “authorized court personnel.”</p> |
| | Attachment |

Rules 2.400, 3.58, and 3.60 of the California Rules of Court would be amended, effective January 1, 2008, to read as follows:

1 **Rule 2.400. Court records**

2
3 **(a) Removal of papers**

4
5 Only the clerk may remove and replace papers in the court's files. Unless
6 otherwise ordered by the court, filed papers may ~~only~~ be inspected by the
7 public only in the office of the clerk and released to a court officer or ~~attaché~~
8 authorized court personnel for use in a court facility. No original papers filed
9 with the clerk may be used in any location other than a court facility, unless
10 so ordered by the presiding judge.

11
12 **(b)–(c) *****

13
14 **Rule 3.58. Hearing on application**

15
16 **(a) *****

17
18 **(b) Confidentiality of hearing**

19
20 To ensure confidentiality of the applicant's financial information, the hearing
21 must be held in private and the court must exclude all persons except
22 authorized court attachés personnel, the applicant, those present with the
23 applicant's consent, and any witness being examined.

24
25 **Rule 3.60. Confidentiality**

26
27 No person may have access to an application to proceed in forma pauperis
28 except the court and authorized attachés court personnel, persons authorized
29 to verify the information under rules 3.53 and 3.59(c) and under Government
30 Code section 68511.3, and any person authorized by the applicant. No person
31 may reveal any information contained in the application except as authorized
32 by law.

Item SPR07-16 Response Form

Title: Rules Modernization: Updating Antiquated References to “Attachés” in the California Rules of Court (amend California Rules of Court, rules 2.400, 3.58, and 3.60)

- Agree with proposed changes
- Agree with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: _____

Name: _____ Title: _____

Organization: _____

- Commenting on behalf of an organization

Address: _____

City, State, Zip: _____

Please **write** or **fax** or **respond using the Internet** to:

Address: Ms. Camilla Kieliger,
Judicial Council, 455 Golden Gate Avenue,
San Francisco, CA 94102
Fax: (415) 865-7664 **Attention:** Camilla Kieliger
Internet: www.courtinfo.ca.gov/invitationstocomment

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| DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007 |
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council,
the Rules and Projects Committee, or the Policy Coordination and Liaison Committee.
All comments will become part of the public record of the council's action.*