

**Invitation to Comment**

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](http://www.courtinfo.ca.gov/invitationstocomment)

<b>DEADLINE FOR COMMENT: 5:00 p.m., Wednesday, June 20, 2007</b>
--

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.*