

# WEISS WORDS

A Bimonthly Newsletter from the Clerk to Counsel



## Rule 2.420 Confidentiality: Clerk's Perspective



Judging from the numbers we're seeing, the new "Notice of Confidential Information Within Court Filing" has been fully integrated into your practice as of its October 1, 2010 effective date. The Clerk is receiving a steadily increasing number of Notices, and as with any new process, the learning curve is steep. We would like to identify common issues that may assist you, your clients and our office.

1. Notices citing information to keep confidential (for example a social security number) that isn't

in the document being filed. **Please make sure the information for which you seek confidentiality actually resides in the document!**

2. Notices requesting the Clerk keep confidential information in a document that was filed previously. **The Rule requires the Notice be filed with the "document containing confidential information at the time of filing."**

3. Notices requesting confidentiality for insufficiently identified information. **Please specify the precise location (document and page number) of the confidential information in the Notice.**

4. Notices requesting confidentiality for information not on the list of 19 items listed in the Rule. **Requests for confidentiality for information that**

**falls outside of the Supreme Court's list of 19 items are to be determined by a Motion to Determine Confidentiality of Court Records.**

5. Notices requesting confidentiality for information contained in a document previously filed and is part of the list of nineteen, but is reiterated in some form in a new document which is not one of the nineteen. For example, asset information included in an estate accounting quoted in a new pleading that is not an estate accounting. **If in doubt, please file a Motion to Determine Confidentiality.**

We hope you find this information helpful. If you have any questions or comments, please call Dawn Kahre, General Counsel, at 534-4594, or email dawnkahre@polk-county.net.

Welcome to the first edition of Weiss Words, a bimonthly publication of the Polk County Clerk's Office.

The purpose of this newsletter is to share information of interest to the local bar and provide a forum for your comments and questions.

We welcome your input. Send us your questions or let us know how we're doing by emailing us at [RichardWeiss@polk-county.net](mailto:RichardWeiss@polk-county.net)

## Paperless Courthouse

We are pleased to report significant progress on the State eFiling initiative.

In Polk County our existing Probate system is undergoing modification to assist in processing electronic documents, while the State eFiling Portal (located at <https://www.myfldocs.com/>) is being finalized and is anticipated to be in production before the end of the year.

In accordance with Supreme Court Administrative Order No. AOSC10-7, a 90-day testing phase in Probate court will commence January, 2011.

Immediately following the testing phase, Probate filings with Polk County will be accepted through the ePortal, with subsequent courts going live in 2011 and 2012.

Weiss states, "When I took office in 1997, one of my main goals was an all digital records system. Each day we move closer to that goal. Now that Official Records, Civil, Juvenile and Probate records have been converted to electronic images, we are hard at work in the Criminal Division to complete the process. I look forward to the efficiencies a paperless courthouse will bring to Polk County."

## Electronic Foreclosure Sales

With over 10,000 foreclosure cases filed in 2009, a solution was needed for the labor-intensive and costly process of foreclosure sales. As a result, we have launched a new online foreclosure sale website at <https://www.polk.realforeclose.com>.

The online process will ensure fairness and increase the number of potential buyers for each property, and will help bidders and property owners alike.

It's simple to use. Even a novice investor or computer user can be up and running in just a few minutes. The site has links to the Tax Collector, Property Appraiser, and Official Records.

Customers can bid from the comfort of their homes or offices. In addition, the system also protects bidders from "sniping" or placing last-second bids hoping to beat the clock and win the auction"

### UNPAID FILING FEES

A recent financial review conducted in the Clerk's Office revealed \$120,000 in unpaid civil filing fees. We will be communicating with those attorneys to obtain payment.

