

SUPREME COURT OF FLORIDA

**IN RE: FLORIDA RULES OF CIVIL PROCEDURE
FOR THE MANAGEMENT OF LITIGATION
INVOLVING COMPLEX CASES**

CASE NO. SC-08-1141

COMMENT TO TASK FORCE ON THE MANAGEMENT OF COMPLEX CIVIL LITIGATION PROPOSED NEW RULE

The undersigned active and retired Circuit Judges who actively serve in Family Divisions of the Circuit Court applaud the work of the Task Force on the Management of Cases Involving Complex Litigation, and support the adoption of proposed rule of civil procedure 1.201. The proposed rule defines a “complex case”, and provides a method for differentiated case management. We would encourage the Supreme Court to adopt a similar rule to be included in the Family Law Rules of Procedure.

In its 2001 Family Courts opinion, the Court emphasized that case coordination and court-directed differentiated case management which includes case monitoring is a defining characteristic of the model family court. The 2000-2002 Supreme Court Steering Committee report which evoked that opinion states that “case management includes . . . case differentiation . . . , which means that a case should be evaluated at the outset to determine the appropriate resources for that case and the

appropriate way to handle that case.”¹ In its opinion, the Court emphasized the importance of front-end management of family law cases, evaluating the case at the outset to determine appropriate court and community resources to allocate to the case and the appropriate way to handle the case.

In July 2002, following the Court’s directive, the Supreme Court Family Court Steering Committee recommended that the Court “develop a case management model that provides differentiated and coordinated management for all types of family cases.... The case management model should specifically address objectives and procedures for screening, evaluating, coordinating, and supervising the process and progress of all family cases from the time of filing to disposition.”² The Steering Committee’s report responded to the Chief Justice’s administrative order which had directed the Steering Committee to develop a case management model for all types of family cases, specifically addressing objectives and procedures for screening, evaluating, coordinating and supervising the process and progress of all family cases.

The Steering Committee recommended that the court adopt certain standards as a foundation for management of family law cases, including the following:

¹ *In Re Report of the Family Court Steering Committee*, 794 So.2d 518 (Fla. 2001).

² Report of the 2000-02 Family Court Steering Committee, on file with Office of the State Court Administrator.

- The court has the responsibility to supervise the progress of each case, from filing to disposition. In this connection the court should exercise early and continuous control of its cases.

- The court should move cases timely from filing to disposition, regardless of case type, but consistent with the circumstances of the case.

- To facilitate moving each case timely, the court should create meaningful events (events that dispose of the case to move it toward disposition). The time between events should be long enough to prepare, but short enough to encourage preparation.

The Committee further recommended that Florida family courts develop and implement systems of differentiated case management for all family law cases. Case managers, or the clerk if designated by the chief judge of a circuit, should identify more complex cases as soon as practicable, based on established criteria. The Committee then recommended a system of differentiated case management that is remarkably similar to that which is articulated in the recommendations and proposed new rule developed by the Task Force on Complex Civil Litigation.

We urge this Court not only adopt Rule 1.201 for civil cases, but that the provisions of that rule be included in a new rule to be added to the Family Law Rules of Procedure with the following changes:

1. The parties should be referred to as “Petitioner” and “Respondent”.

2. Include in the matters to be addressed in the joint statement required under subparagraph (b)(1) the following:
 - a. Evaluations and/or referrals to community and/or governmental services that a party recommends
 - b. Identification of all pending and closed cases that include issues that would be relevant to decisions in the domestic relations case
3. Require attorneys for the parties and guardian ad litem (if any) to meet and confer no later than 5 days before each case management conference.
4. Require attorneys to confer in an effort to stipulate to court-appointed neutral experts.
5. The court should not set a date for final hearing unless and until appropriate alternative dispute resolution efforts have failed.

This proposed new rule is consistent with the Court's direction for Florida's family courts as articulated in its 2001 decision. It will help ensure that complex cases are given the necessary judicial attention needed to effectively and efficiently move them from filing to disposition in a manner designed to achieve the goals the Court set in its family court opinions.

The undersigned do not request oral argument, but will appear as necessary if the Court desires.

/S

Judith L. Kreeger
Circuit Judge, Eleventh Judicial
Circuit
Room 2114
175 N. W. 1st Avenue
Miami, FL 33128

September 8, 2008

/S

Sandy Karlan
Circuit Judge, Eleventh Judicial
Circuit
Room 2327
175 N. W. 1st Avenue
Miami, FL 33128

September 8, 2008

/S

Hugh E. Starnes
Circuit Judge, Twentieth Judicial
Circuit
1700 Monroe Street
Floor 3
Fort Myers, FL 33901-3071

September ____, 2008

/S _____
Raymond Thomas McNeal
Circuit Judge (Retired)
Florida Bar No. 163824
2640 S. E. 45th Street
Ocala, FL 34480

September ____, 2008

CERTIFICATION OF FONT COMPLIANCE

I certify that this Comment was prepared in 14-point Times New Roman font.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was furnished by United States mail to Hon. Thomas H. Bateman III, Room 365C, Leon County Courthouse, 301 South Monroe Street, Tallahassee, FL 32301-1861; Bill Wagner, Esq., 601 Bayshore Blvd., Suite 910, Tampa, Florida, 33606; and Henry P. Trawick, Jr., Esq., P.O. Box 4009, Sarasota, Florida 34230.

/S _____
Judith L. Kreeger