

Ninth Judicial Circuit Unveils New Case Management Process for Civil Cases

Jennifer R. Dixon

Apr 29, 2021



By: Jennifer R. Dixon

At a judicial town hall meeting before members of the Orange County Bar Association this morning, Chief Judge Don Myers introduced the Ninth Circuit's new "active case management" program, to become effective today, that will apply to all civil cases pending or filed in Orange and Osceola County circuit and county courts. The adoption of this program represents a marked shift in the way cases are shepherded through the courts-taking what has historically been wide discretion away from attorneys and litigants as to the pacing of cases, and instead putting the onus on judges to keep cases moving.

The active case management program was developed and adopted in response to Florida Supreme Court Administrative Order 20-23, Amendment 12, which not only continued or amended a number of COVID-19 related protocols, but also implemented processes to help state courts deal with the back log of cases that have languished during the pandemic. The Florida Supreme Court mandated that, effective April 30, 2021, all chief judges in the state issue and administrative order are to actively manage civil cases. The court also outlined the specific criteria to be adopted

by the judicial circuits.

View 20-23, Amendment 12

In accordance with the Supreme Court's directive, the Ninth Circuit's active case management program will require the parties (in pending cases) and the plaintiff (in newly filed cases) to designate whether the case is complex, streamlined, or a general civil case. In response to that designation, the court will issue a case management order imposing deadlines intended to move the case to conclusion based on prescribed timelines based on the case type. The active case management program will not apply to cases pending in the Complex Business Court or domestic cases.

Importantly, the active case management program imposes some additional administrative burdens on plaintiffs upon the filing of a case, including the requirement to file a standard case management plan with the complaint. Until a case management plan is filed by the plaintiff initiating a case, the summons will not issue. The Ninth Circuit's implementation of the program is codified in Administrative Order 2021-04 at www.ninthcircuit.org.