

New Year, New Rules: Uniform Trial and Case Management Order Starts January 2025

Article
Lowndes
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On Tuesday, the Business Law Committee of the Orange County Bar Association held a program featuring Judges Chad Alvaro, Margaret Schrieber, and Heather Pinder-Rodriguez, moderated by Lowndes attorney and OCBA Business Law Committee Chair, Griffin Giroux. The panel discussed the upcoming changes to the Florida Rules of Civil Procedure effective January 1, 2025. Here are some key points from the session.

Overview

The upcoming changes to the case management rules are made in the spirit of improving the resolution of civil cases. Currently, approximately 1,000 new civil cases are filed each month in the Ninth Judicial Circuit. The panel is hopeful that these changes will reduce the number of cases and encourage attorneys to only file cases that they intend to bring to trial.

The panel is optimistic that, in the long term, the current issues, including reserving hearing time, will be alleviated. This involves streamlining the litigation process as much as possible so that hearing time is available for important issues that are actually in dispute and must be resolved before trial. The panel indicated that a reasonable time for trial in a complex case is 30 months, and in a non-complex, jury trial case, 18 months.

Uniform Trial and Case Management Order

In setting a case for trial, the “at-issue” rule has been eliminated by New Rule 1.440. As a result, the Court no longer has to wait for the case to be “at-issue” before setting a trial date. Instead, upon the initiation of each lawsuit, the Court will provide the parties with a “Uniform Trial and Case Management Order.”

The panel described this Uniform Trial and Case Management Order as a synthesis of the current Case Management Order and the current Uniform Trial Order. This new Uniform Trial and Case Management Order sets forth all deadlines, including the trial date, from the outset, providing certainty of all deadlines right away. This means that the Court is not precluded from

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setting a non-complex case for trial due to failure to close the pleadings.

In addition to no longer requiring a case to be “at-issue” before a trial date can be set, the issuance of a summons can now occur immediately without delay. Under New Rule 1.200, each case must be assigned to one of the three case management tracks: streamlined, general, or complex. The panel advised that the plaintiff will select the appropriate category on the civil cover sheet. If the defendant disagrees, the defendant can move to redesignate, just as a party can do now.

Existing cases initiated before January 1, 2025, will likely not receive a new Uniform Trial and Case Management Order.

Motions for Continuance

New Rule 1.460. The upcoming changes require strict compliance with all deadlines, as the Court must now review motions for continuance with disfavor under the new rule. In order to grant a motion for continuance, the Court must make factual findings, and it is unlikely that the following grounds for the motion will suffice: that the parties agreed to the continuance, that this is the parties’ first continuance, or even that a party filed a notice of unavailability, among other common reasons currently given.

The panel stressed that the Judges are “not supposed to grant continuances” under this new rule. If any of the deadlines in the Uniform Trial and Case Management Order cannot be met, it should be brought to the Court’s attention as soon as possible through an appropriate motion. The Judges collectively noted that this is a significant cultural shift and emphasizes getting cases to trial.

Discovery Rules

New Rule 1.280. Included in the upcoming changes is an affirmative duty to supplement discovery. Initial disclosures must be made within 60 days of service of the complaint, and the scope of discovery is now tailored to what is proportional to the case. Experts will need to be retained earlier to meet the new deadlines.

Service of Process

The panel was clear that extensions due to service of process issues cannot continue, and these extensions must be looked at more closely by the Court. Thus, after 150 days, motions to enlarge for service of process will be looked at with scrutiny. If there is an issue with service of process, the panel encouraged parties to raise the issue and set it for hearing early. Issues should not be delayed in being brought to the Court.

For example, if a defendant is evading service or if the plaintiff waits until day 120 to serve the defendant, causing the defendant to lose significant time to prepare for trial, attorneys are encouraged to bring these issues to the Court as soon as possible. While this can be difficult, the panel encouraged the attorneys to address these issues at short matters if they cannot get hearing time.

Case Management Conferences

New Rule 1.200. Parties are encouraged to request case management conferences and must inform the Court about the matters that need to be discussed and considered at the conference. The parties must list all pending motions, which will be reviewed during the case management conference. The Court will have the right to hear arguments on any of the pending motions, except for a motion for summary judgment, at that case management conference.

The panel emphasized that pending motions can be ruled on during these case management conferences to help speed up the litigation process.

Motions for Summary Judgment

The panel raised the point that the new Rule 1.510 on summary judgment eliminates the word “hearing.” This change could lead some judges to interpret the rule to mean that a summary judgment can be granted or denied without a hearing.

If you have any questions or would like to discuss the changes further, please reach out to **Melody Lynch, Griffin Giroux**, or **Lauren Beames**.