

IN THE SUPREME COURT OF FLORIDA

IN RE: AMENDMENTS TO
FLORIDA RULE OF CIVIL
PROCEDURE 1.510

CASE NO. SC20-1490

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**COMMENT OF BAKER & MCKENZIE LLP'S
FLORIDA-BASED LITIGATION ATTORNEYS**

Baker & McKenzie LLP's Florida-based litigation attorneys ("Baker McKenzie") respectfully offer the following comment on the adoption of the Court's amendment to Florida Rule of Civil Procedure 1.510. Effective May 1, 2021, the amended Rule adopts the summary judgment standard articulated by the United States Supreme Court in *Celotex Corp. v. Catrett*, 477 U.S. 317 (1986), *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242 (1986), and *Matsushita Electric Industrial Co. v. Zenith Radio Corp.*, 475 U.S. 574 (1986) (together, the "federal summary judgment standard").

Baker McKenzie fully supports the amendment to Florida Rule of Civil Procedure 1.510. Florida should adopt the federal summary judgment standard to align Florida's summary judgment standard with that of the federal courts and of a supermajority of the states. The adoption of the federal standard will make summary judgment an effective tool to ensure the just, speedy, and inexpensive determination of every action. *See* Fla. R. Civ. P. 1.010. Under the former rule, which required a

defendant to overcome the near impossible burden of fully negating the non-movant's claim, summary judgment lost much of its utility in Florida litigation practice. A less restrictive and more effective summary judgment standard will help Florida's court system, which is already inundated with jury trials as a result of the COVID-19 pandemic. Further, the federal summary judgment standard better comports with the text and purpose of Rule 1.510, and adopting that standard is in the best interest of our State. For this reason, Baker McKenzie supports the amendment to Florida Rule of Civil Procedure 1.510.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served this 4th day of March, 2021, by electronic service through the Florida ePortal upon the following: Mikalla Davis, Rules Attorney, The Florida Bar, 651 E. Jefferson St., Tallahassee, FL 32399-6584; Joshua Doyle, Executive Director, The Florida Bar, 651 E. Jefferson St., Tallahassee, FL 32399-6584; Ceci Culpepper Berman, Chair, Civil Procedure Rules Committee, 1111 W. Cass Street, Suite 200, Tampa, FL 33606-1308; Evelyn Fletcher Davis, 303 Peachtree Street N.E., Suite 4000, Atlanta, GA 30308-3243.

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