

IN THE SUPREME COURT OF FLORIDA

Case No. SC22-122

IN RE REPORT AND RECOMMENDATIONS
OF THE WORKGROUP ON IMPROVED
RESOLUTION OF CIVIL CASES

UNOPPOSED MOTION
TO EXPAND THE TIME ALLOTTED FOR ORAL ARGUMENT

This Court has allotted 90 minutes of time to hear oral argument regarding the 6 new and 26 amended rules proposed by the Workgroup on Improved Resolution of Civil Cases (the “Workgroup”). By this motion, the Workgroup and the entities and individuals who filed comments, request an additional 90 minutes of oral argument time. In support of this request, the movants state:

1. In January 2020, this Court tasked the Workgroup with proposing amendments to the Florida Rules of Civil Procedure with the aim of improving the cost-effectiveness and speed of moving cases through Florida’s civil justice system. In response, the Workgroup undertook the Herculean task of creating a proposal that consisted of 32 rules—6 of which were brand new, 2 of which were massive overhauls of current rules, and 25 of which were amendments.

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2. After the proposed rule package was submitted for comment, the Court received 68 submissions, from organizations, committees, law firms and individuals. The commenters represented a wide variety of interests: individual judges, the Conference of Chief Judges, the Florida Justice Association, the Florida Defense Lawyers Association, Florida Bar Sections, multiple Rules Committees as well as many individual lawyers in a variety of practice areas.

3. Of the 68 commenters, 16 requested oral argument at the time they filed their comments.

4. On October 18, this Court issued an order indicating that oral argument would be 90 minutes. The order invited parties that had not previously requested oral argument to submit requests.

5. In response to this Court's invitation, 12 new entities/individuals requested oral argument—bringing the total oral argument participants (including the Workgroup) to 28.

6. In response to the Court's oral argument order, the Workgroup and the commenters who requested oral argument have met twice to try to divide time. The Workgroup has requested half of the time allotted, leaving 45 minutes to be divided among the remaining 27 commenters.

7. The interests that are represented by those requesting oral argument are quite diverse. They include (in alphabetical order):

1. Alternative Dispute Resolution Section of the Florida Bar
2. American Tort Reform Association
3. Appellate Court Rules Committee
4. Attorney General
5. Bruce J. Berman AND Peter D. Webster
6. Business Law Section of the Florida Bar
7. Charles S. Stratton, Joshua S. Stratton, and Sidney C. Bigham, III
8. Civil Procedure Rules Committee
9. Dan Cytryn
10. Florida Association of Court Clerks, Inc. d/b/a Florida Court Clerks & Comptrollers
11. Florida Chapters of the American Board of Trial Advocates
12. Florida Defense Lawyers Association
13. Florida Justice Association
14. Florida Probate Rules Committee
15. Jones Day
16. King & Spalding, LLP
17. Laird A. Lile
18. Lee L. Haas, B.C.S.
19. Maegen Peek Luka
20. Matthew J. Conigliaro
21. Meah Tell
22. Palm Beach County Bar Association
23. Paul R. Regensdorf
24. Real Property, Probate & Trust Law Section of the Florida Bar
25. Rules of General Practice and Judicial Administration Committee
26. Statewide Guardian ad Litem
27. Thirteenth Circuit Judges
28. Thomas D. Hall

8. During the meetings, some individuals/entities have found others with whom their arguments align and have consolidated. Because these parties have met, discussed, negotiated, and contemplated, the arguments they intend to make will not overlap.

9. But even with hours of effort to narrow the issues and consolidate speakers, the commenters are concerned that there will not be an opportunity to have a meaningful discussion with the Court if 45 minutes needs to be divided amongst roughly 20 interest groups.

10. As a practical matter, with only 45 minutes of time to speak, if divided evenly, each commenter can offer the Court little more than 2 to 3 minutes of time. It would essentially be the “speed-dating” version of oral argument—which is as ineffective in the law as it is in finding love.

11. A review of this Court’s most recent oral argument orders related to rule amendments reflects that the Court typically gives half an hour of argument time to even a single rule amendment. *See, e.g.*, SC21-537 In re: Amendments to Florida Rule of Civil Procedure 1.442 (April 6, 2022) (30 minutes); In re: Amendments to Florida Rule of

Criminal Procedure 3.851 and Florida Rule of Appellate Procedure 9.142 (Feb. 10, 2022) (30 minutes); SC21-164 In re Amendments to Rules Regulating the Florida Bar—Rules 6-3.5, 6-3.6, 6-10.3 (Dec. 8, 2021) (30 minutes); SC21-966 In Re: Amendments to Florida Family Law Rule of Procedure 12.510 (Dec. 7, 2021) (30 minutes).

12. If that same scale were applied here, considering the six new rules and 26 proposed amendments, that would amount to an upwards 16 hours of oral argument. No one is seeking that.

13. But the commenters who wish to participate in oral argument do believe that the 45 minutes that has been allocated to them will not be enough time for the Court to take in the array of specialized concerns that cover the large and diverse subject area of 32 new rules. To be clear, the commenters do not seek to waste this Court's time. They seek only a meaningful opportunity (which they believe will take more than two minutes) to present their concerns to the Court. If the Court grants this motion, given the level of cooperation demonstrated so far, the commenters will surely be able to reach an agreement on how the time will be divided.

14. The parties have confirmed with the Clerk who schedules the Court's oral arguments that this oral argument is the only argument on the Court's calendar for December 8.

15. Given that the 90 minute time allotment was set prior to 12 people/entities accepting the Court's invitation to participate in oral argument, and that there are simply too many interests and too many rules to be covered in 90 minutes, the undersigned requests that the Court expand the time for oral argument by 90 minutes—an additional 45 minutes to the Workgroup and an additional 45 minutes to be divided amongst the commenters—which would bring the total oral argument time to 3 hours—90 minutes to the Workgroup and 90 minutes to be split amongst the other commenters. (Obviously, the Court can schedule breaks where it feels appropriate; for example, taking the Workgroup comments and then a break followed by the individual comments.)

16. This motion was presented to the Chair of the Workgroup and all parties who submitted requests for oral argument and undersigned is authorized to represent that this motion is unopposed.

WHEREFORE, the undersigned requests that the Court issue an order expanding the time allotted for oral argument on December 8, 2022, to three hours—90 minutes to the Workgroup and 90 minutes to be split amongst the commenters who have requested oral argument.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of November, 2022, a true and correct copy of the foregoing was filed with the Clerk of the Florida Supreme Court by using the Florida Courts e-Filing Portal and served via email on all commenters who requested oral argument.

/s/ Maegen Peek Luka
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