

5-10 MINUTE DISCOVERY MOTION DOCKET

AND UNOPPOSED DISCOVERY MOTIONS

The Florida Supreme Court has mandated that dissolution cases without children be resolved within 6 months. Those with children should be concluded in 12 months (also applicable to paternity cases). In this circuit and throughout the State, the courts are not coming close to meeting these deadlines.

In consulting with members of the Family Bar, it has become clear that a major reason for this is dilatory discovery practice (intentional or not). Many attorneys have noted that they only get discovery they are entitled to after they file a motion and wait weeks, or months for the hearing. The other side is taxed with some fees but the net result is the case is only really beginning up to 6 months after it was filed. The Court's intention is to help remove this impediment.

To that end, we are instituting two new practices. First, we will be setting aside periodic half-day blocks for five to ten-minute discovery hearings (motions not involving discovery *may* also be added to this docket if there is room). Please remember, when indicating whether your hearing will take 5 or 10, that you have to allot equal time for the other side to make their argument. This means testimony, if allowed at all, will be confined to a handful of questions regarding whether something has been provided or why it cannot be (to use one example). If a hearing is set that is clearly going to go beyond the allotted time then it is subject to being continued without warning. This docket is designed to afford the attorneys regular opportunities to get quick resolutions to straightforward discovery issues; not as a way to get longer evidentiary hearings heard faster.

In the spirit of trying to advance these cases as quickly as possible, these brief discovery motions will be set on the Court's next available hearing date or with the Magistrate (whichever is quicker).

In addition, the Court will now be instituting a procedure whereby attorneys can submit orders directly to the Court on Motions to Compel and Motions for Civil Contempt with sanctions **without the necessity of having a hearing.** Here is the procedure that should be followed if you want to take this route:

1. Parties must attempt to confer with the other side, prior to submitting the Motion, by both e-mail and telephone. If you have made a reasonable effort to do so then include in your motion the following statement, "The undersigned made a reasonable effort to confer with opposing counsel (or name of *pro se* party) to resolve the issues addressed here before filing this motion." Copies of e-mails sent and dates of the telephone calls should be attached to and/or included in the Motion. A "reasonable effort" will not be one email or phone call made the day before the motion is submitted. Thus, the statement above, will truthfully cover a situation where the other side has responded and simply failed to produce or is not responsive at all.
2. Make sure to include a request for attorney's fees (if you are seeking them) in your prayer for relief.

3. If a responsive pleading is filed within 10 days, disputing the allegations or raising objections, the matter must be set for hearing in the manner described at the top of this memo.
4. If no responsive pleading is filed within 10 days then please submit a proposed order with cover letter indicating the 10 days have elapsed. The proposed order should reference the failure of the other side to respond within 10 days and grant the relief requested with language also granting entitlement to fees and reserving jurisdiction on the amount. It should also include a proposed timeline to provide the missing item(s). 20 days is suggested unless there is good cause to propose otherwise.