

**THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA**

**ADMINISTRATIVE MEMORANDUM
CIV 20-D AF CA 01
(Court Administration)**

**IN RE: ESTABLISHMENT OF JUDICIAL
PANEL CASE RESOLUTION CONFERENCES
PILOT PROGRAM IN THE CIRCUIT CIVIL
DIVISION**

WHEREAS, based upon the challenges faced in the circuit with in-person civil jury trials, it has been determined that the establishment of a Judicial Panel Case Resolution Conferences Pilot Program is necessary to achieve judicial efficiency and manage the backlog of cases resulting from the delay; and

WHEREAS, judicial authority to conduct case resolution conferences are allowed in accordance with Rule 1.200, Florida Rules of Civil Procedure, and parties permitted to amend rules of procedure in accordance with Rule 2.505(d), Florida Rules of Judicial Administration, to pursue the possibilities of settlement in a court-ordered case management conference; and

WHEREAS, in an effort to preserve judicial resources and increase the likelihood of resolving cases, the Judicial Panel Case Resolution Conferences Pilot Program will be implemented in the Circuit Civil Division.

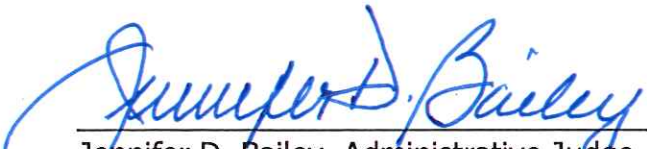
NOW, THEREFORE, pursuant to the authority vested in me as Administrative Judge of the Circuit Civil Division in the Eleventh Judicial Circuit of Florida, under Rule 2.215, Florida Rules of Judicial Administration, in an effort to carry out this effort in an effective, fair and efficient manner, the following requirements are hereby implemented for the Judicial Panel Case Resolution Conferences Pilot Program:

1. All parties to the litigation are required to stipulate in writing to participate in the Judicial Panel Case Resolution Conference.
2. The written agreement form, attached as Addendum A to this Administrative Memorandum, states the provisions under which the parties agree to participate and are bound.
3. All parties to the litigation agree to participate in a three (3) judge advisory case resolution conference.
4. The parties agree that the judges assigned to the circuit Appellate Division will conduct the case resolution conference.

5. The parties will submit a pre-conference brief as described in the agreement no later than 7 days prior to the scheduled Conference
6. The case resolution conference shall not exceed one business day commencing at 9 a.m. and concluding by 5 p.m.
7. The time allowed to each party will be allotted equitably.
8. The panel will render a written advisory resolution in the case within 21 days. Parties will have ten (10) days thereafter to review the written advisory resolution. Unless one or both parties serve a notice of rejection and request for a jury trial de novo, the written advisory resolution shall be reduced to an Agreed Judgment. The Agreed Judgment shall be prepared by the parties and submitted to the presiding circuit civil division judge within 15 days of the written advisory resolution.
9. The written advisory resolution shall not be filed with the Court and become part of the court record upon rendition; it will only be filed with the Court in those circumstances described below at (11).
10. If any party rejects the written advisory resolution, the non-rejecting party must submit proposals for settlement for the written advisory resolution amount within 10 days of the rejection, in accordance with section 768.79, Florida Statutes and Rule 1.442(b), Florida Rules of Civil Procedure, which shall only be filed with the Court as provided by statute and rule.
11. Written advisory resolutions will remain confidential between the parties, will not be filed in the case and will not be shared by the judicial panel with the presiding judge in the case, unless the parties accept the written advisory resolution and the matter is set before the presiding judge to enter a judgment or such other order required to resolve the case, or unless there is a post-judgment motion for attorneys' fees and costs pursuant to section 768.79, Florida Statutes and Rule 1.442(b), Florida Rules of Civil Procedure.

This Administrative Memorandum shall take effect on September 8, 2020 and shall remain in effect until further order of court.

 JTB **DONE and ORDERED** in Chambers at Miami-Dade County, Florida, this 8th of Sept. , 2020.



Jennifer D. Bailey, Administrative Judge
Circuit Civil Division
Eleventh Judicial Circuit of Florida

ADDENDUM A

**IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT IN
AND FOR MIAMI-DADE COUNTY
FLORIDA**

CIRCUIT CIVIL DIVISION

CASE NO.:

Plaintiff,

vs.

Defendant.

_____ /

AGREEMENT CONCERNING JUDICIAL CASE RESOLUTION CONFERENCE

Pursuant to Florida Rule of Civil Procedure 1.200, and in order to pursue the possibility of settlement, the parties agree and stipulate as follows:

1. This matter will be heard by the Appellate Division, The Honorable Lisa Walsh, The Honorable Darryl Trawick, and The Honorable Maria De Jesus Santovenia, (the "Panel") in the capacity of Settlement Judges for the sole purpose of conducting a Case Resolution Conference.
2. The Case Resolution Conference will be scheduled for no more than one day. The time will be allotted equitably among the parties.
3. By appearing at the Case Resolution Conference, all counsel are deemed to be making a good faith effort at resolving the case in controversy. Therefore, an individual with authority to settle the case should either be present, be available by telephone or via an approved remote platform, at the discretion and the direction of the Panel.

4. The Parties must each submit a confidential pre-conference brief of no more than ten (10) pages for review by the Panel, no later than seven (7) days before the Case Resolution Conference. The pre-conference brief should include a brief statement of the facts that the evidence will establish; a statement of the legal issues in the case; and a summary of the parties' respective positions as to the facts, the law, and the value of the case; and a list identifying the parties who will attend the conference. The pre-conference brief is confidential and need not be sent to the opposing party.
5. The Case Resolution Conference shall be informal in nature and the parties may make their presentations in summary form. At the discretion of the Panel, witnesses may be called. The time allotted shall be split evenly between the parties.
6. Statements made and materials used during the course of the Case Resolution Conference shall not be subject to disclosure in discovery or in any judicial or administrative proceeding except statements, memoranda, materials and other tangible evidence, otherwise subject to discovery, which were not prepared specifically for use in the settlement.
7. Within 21 days after the conclusion of the Case Resolution Conference, the Panel will issue a written advisory resolution, which, if approved by all parties, will be reduced to an Agreed Judgment submitted to the presiding judge in the Circuit Civil Division no later than 15 days after the issuance of the written advisory resolution, with a copy delivered to Judge Walsh by email to her judicial assistant.
8. Within Ten (10) days after the issuance of the Panel's written advisory resolution, any party may object and register their intent to pursue a jury trial. The objecting party shall file a "Notice of Rejection of Judicial Case Resolution Conference Result" in the court file. Only the Notice may be filed; no reference to the conference resolution or

basis for rejection should be included. All parties to the case must be served. Upon filing the Notice of rejection, the rejecting party shall set the case for Case Management Conference before the presiding judge to determine the next steps in the case.

9. Within ten (10) days of service of the Notice of Rejection of the written advisory resolution, the non-rejecting parties must file proposals for settlement in the court case in accordance with §768.79, Fla. Stat. and Rule 1.442, Fla. R. Civ. P. The proposal for settlement must include the award provided for in the written advisory resolution amount.
10. The written advisory resolution will remain confidential, will not be filed in the case, and will not be shared by the Panel with the Presiding Judge in the case, unless the parties accept the award and the matter is set before the Presiding Judge to enter a judgment, or unless there is a post-judgment motion for attorney's fees and costs pursuant to §768.79, Fla. Stat. and Rule 1.442, Fla. R. Civ. P.

AGREED and ENTERED INTO this ____ day of _____, 2020.

Plaintiff(s)

Defendant(s)

Plaintiff(s) Attorney

Defendant(s) Attorney