

**ORDER ESTABLISHING DISCOVERY MOTION PRACTICE
PROCEDURE**

THIS COURT, having determined the need to facilitate an orderly progression of certain discovery matters before this Court, finds as follows:

A. Discovery motions and objections, particularly those which repeatedly bring the same issues before the Court, take a substantial amount of this Court's limited hearing time. The Court's experience with these hearings has demonstrated that some attorneys do not make any *bona fide* effort prior to setting the matter for hearing to actually resolve the disputed matters. Additionally, these matters are generally subsequently resolved after the hearing is set, but before the hearing goes forward.

B. Florida Bar Guidelines for Professional Conduct I(1) provides, "Lawyers should avoid unnecessary motion practice or other judicial intervention by negotiating and agreeing with other counsel whenever practicable. For example, "**before** setting a motion for hearing, counsel should make a reasonable effort to resolve the issue." (emphasis added). This Court endorses these guidelines towards the goal of enhancement of professionalism.

C. Further, the Eleventh Judicial Circuit Standards of Professionalism and Civility provides in pertinent part,

4. Fair and Efficient Administration of Justice

Ideal: A lawyer should always conduct himself or herself to assure the just, speedy, and inexpensive determination of every action and resolution of every controversy.

6. Respect for the Time and Commitments of Others

Goals:

6.1 Before scheduling a hearing on any motion or discovery objection, a lawyer should endeavor to resolve or narrow the issue at hand.

D. In addition, Section V. of the Standards of Professional Courtesy and Civility for South Florida provides, “Attorneys should, whenever possible, prior to filing or upon receiving a motion, contact opposing counsel to determine if the matter can be resolved in whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.

Therefore, it is hereby **ORDERED AND ADJUDGED** that all future discovery motions shall be handled in the following manner:

- A. Before filing any discovery motions, such as motions to compel, motions for rule to show cause, or motions for protective order, counsel shall confer with counsel for the opposing party in a good faith effort to resolve by agreement the issues raised.
- B. All Requests and accompanying motions must be in writing. Fla R. Crim. Proc. 3.190(a) and filed with the clerk of court.

DONE AND ORDERED this 11th of July, 2023 in Miami Dade County, Florida.

/S/ WILLIAM ALTFIELD
WILLIAM ALTFIELD
CIRCUIT COURT JUDGE