

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

**ADMINISTRATIVE MEMORANDUM
No. 20-C 24 AF CA 01**

(Court Administration)

**IN RE: ESTABLISHMENT OF CERTIFICATION
OF JURY TRIAL READINESS IN THE
CIRCUIT CIVIL DIVISION**

WHEREAS, based upon the closure of the courthouse due to the COVID-19 pandemic and related safety issues, resulting in the temporary suspension of in-person civil jury trials, it has been determined that the establishment of a means of certifying which cases are ready to go to trial when trials resume is necessary to achieve judicial efficiency and manage the backlog of cases resulting from the delay; and

WHEREAS, The Eleventh Circuit recognizes that these are extraordinary measures, which are required by the extraordinary circumstances of the international COVID-19 pandemic. These efforts reflect a need to get cases ready without the ultimate incentive of a trial date where the circuit is not in a position to deliver jury trials until the methodologies and procedures for such jury trials in pandemic conditions are established by the Florida Supreme Court; and

WHEREAS, Rule 1.010, Florida Rules of Civil Procedure, requires the just, speedy and inexpensive determination of every action; and

WHEREAS, Rule 2.545, Florida Rules of Judicial Administration gives judges specific responsibility for case management, which is essential to this effort to marshal the trial backlog, providing that:

"CASE MANAGEMENT:

(a) Purpose. Judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case.

(b) Case Control. The trial judge shall take charge of all cases at an early stage in the litigation and shall control the progress of the case thereafter until the case is determined. The trial judge shall take specific steps to monitor and control the pace of litigation, including the following:

- (1) assuming early and continuous control of the court calendar;*
- (2) identifying priority cases as assigned by statute, rule of procedure, case law, or otherwise;*
- (3) implementing such docket control policies as may be necessary to advance priority cases to ensure prompt resolution;*
- (4) identifying cases subject to alternative dispute resolution processes;*

*(5) developing rational and effective trial setting policies; and
(6) advancing the trial setting of priority cases, older cases, and cases of greater urgency.*

WHEREAS, Rules 1.200 and 1.201, Florida Rules of Civil Procedure provide a framework for pretrial procedure to determine trial readiness; and

WHEREAS, the accruing backlog of trials has significant consequences for the delivery of justice consistent with the Rules cited above, and further, the circuit must honor its obligations in a manner best calculated to assure public health and safety; and

WHEREAS, in an effort to make sure that time spent by citizens called to jury duty is spent in trial versus being kept waiting in the jury pool or outside courtrooms for the completion of pretrial hearings¹, and in order to preserve judicial resources, prioritize cases for trial once jury trials become available, and increase the likelihood of resolving cases; the Trial Ready Certification 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:

1. The assigned presiding judge must establish a case management order with deadlines for all case events. The parties to the litigation must comply with the case management deadlines.
2. The deadlines shall include completion of all discovery, examinations, and all pretrial motions: dispositive, Daubert, in limine, and shall include submission of proposed jury instructions.²
3. A Pretrial conference shall be held in each case where a jury trial has been requested. At the completion of the pretrial conference process, the parties and the court must certify that the events below have been completed:
 - a. The case is at issue.
 - b. Discovery and examinations are completed
 - c. All dispositive motions have been filed, heard and ruled upon.
 - d. All Daubert motions have been filed, heard and ruled upon
 - e. All pretrial motions, including all motions in limine have been filed, heard, and ruled upon.
 - f. Jury instructions have been filed, argument heard, and the form and content of jury instructions has been finalized by the Court.
 - g. Estimated trial time from commencement through closings/charging the jury, calculated and stated in number of trial hours.
 - h. Exhibits have been exchanged, pre-marked, and uploaded for clerk

¹ The Centers for Disease Control recommends limiting large group gatherings and limiting the amount of time spent indoors as much as possible as part of the panoply of COVID precautions. Therefore, if citizens are summoned for live trials, the cases must be ready for jury selection immediately.

² This procedure is similar to that previously used in the division's Trial Assistance Division, commonly referred to as the "Back Up Division."

- i. Any basis for priority or statutory expedition.
 - j. The Case is ready for trial when jury trials become available. Counsel may select to be identified as ready or ready on 60 days' notice so as to permit update work should there be an extended delay between certification and call for trial.
4. Upon completion of (3) above, the attached Certification of Trial Readiness shall be signed and filed by all parties and the presiding judge. The Certification may be signed and filed in counterpart due to COVID-19. Once the Florida Supreme Court authorizes the Eleventh Circuit to return to jury trials, the Circuit Civil Division will use all available jury trial methodologies to get those cases certified as trial ready to trial as quickly as possible. Only cases that have been certified as trial ready will be assigned jury resources during the pandemic, in order to assure public safety in terms of courthouse occupancy load and preservation of and respect for jury time and utilization.
5. After a case is certified as trial ready, the presiding judge shall sign an order placing the case on inactive status. No further discovery, hearings or other events shall occur in the case while on inactive status. No attorney fees incurred while the case is on inactive status may be awarded by the Court as a result of any offer of judgment or settlement, contract provision, or statutory provision as the case is certified as having completed the necessary work. Fees may, of course, be awarded for work undertaken when the case is restored to active status. The presiding judge or administrative judge shall return the case to active status upon the occurrence of either:
 - a. The authorization to conduct jury trials by the Florida Supreme Court, or;
 - b. Upon motion and hearing before the presiding judge establishing the basis for a need for additional work in the case, at which time the Certification of Trial Readiness shall be revoked; a new Case Management Order entered with new deadlines, and the process described in (3) above shall be recommenced to assure forward momentum and that the case is prepared for trial as swiftly as possible.

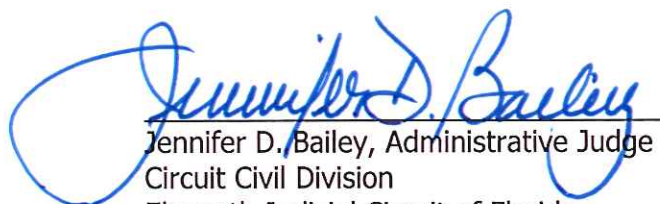
THIS ADMINISTRATIVE ORDER shall be strictly complied with, and those cases which have not utilized the trial certification process herein may be subject to lower priority upon the return to availability of courtrooms, jurors, and overall jury trials due to circumstances of the international COVID-19 pandemic. These efforts reflect a need to get cases ready without the ultimate incentive of a trial date where the circuit is not in a position to deliver jury trials until the methodologies and procedures for such jury trials in pandemic conditions are established by the Florida Supreme Court. Parties and courts must comply.

This Administrative Memorandum shall take effect on September 1st, 2020 and shall remain in effect until further order of court

September **DONE and ORDERED** in Chambers at Miami-Dade County, Florida, this 1st of September, 2020.

ORIGINAL

JUDGE JENNIFER D. BAILEY


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

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

CIRCUIT CIVIL DIVISION

CASE NO.:

Plaintiff,

vs.

Defendant.

_____ /

JURY TRIAL READINESS CERTIFICATION

The Parties certify that this case is ready for trial and represent that the items below are complete:

- ☐ Fact discovery and examinations
- ☐ Expert discovery
- ☐ All Daubert motions have been filed, heard and ruled upon.
- ☐ All dispositive motions have been filed, heard and ruled upon.
- ☐ All pretrial motions, including all motions in limine have been filed, heard, and ruled upon.
- ☐ Jury instructions have been filed, argument heard, and the form and content of jury instructions has been finalized by the Court and are attached to this Jury Trial Readiness Certification form.
- ☐ Estimated trial time from commencement through closings/charging the jury, calculated and stated in number of trial hours.
- ☐ Any basis for priority or statutory expedition.
- ☐ Exhibits have been exchanged, pre-marked, and uploaded.
- ☐ Mediation has occurred, and an impasse declared.

Parties request the matter be set for jury trial. Further, the parties to the litigation:

- a. Estimate that the entire trial will take _____ hours. Parties must include in this calculation the amount of time needed for opening and closing statements, witness testimony, legal argument, directed verdict motions, delivery of jury instruction, and other instruction.
- b. Request _____ Person Jury.

c. Are prepared and ready to go to trial once jury trials become available, as follows:

(Check one):

- ☐ I understand that I am subject to being called to trial as soon as the courts return to jury trials. Effort will be made to give as much notice as practicable.
- ☐ I request a 60 day window prior to being called to trial after the courts return to jury trials during which time any update discovery and motions will be taken, filed, completed and ruled upon. This window may be extended by the Court for extraordinary good cause shown.

We certify that this case is ready for trial.

Name of Attorneys(s)	Attorney(s) Phone No.	Attorney(s) Email Address
_____	_____	_____
_____	_____	_____
_____	_____	_____

Signature of Attorneys(s) of record:

CIRCUIT COURT JUDGE

Copy to:

Judge Jennifer Bailey, Administrative Judge
Circuit Civil Division
Mprieto@jud11.flcourts.org

Maria Harris, Director, Civil Division
Administrative Office of the Courts
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