

2025 Palm Beach County Bar Association's Bench Bar Conference
March 7, 2025



Personal Injury Session
“The Waves of Change”
4:00 PM – 5:00 PM

A Deep Dive Into How the Rule Changes Will Impact PI/WD Matters

This session will focus on the numerous and significant amendments that will have taken effect on January 1, 2025 with respect to the Florida Rules of Civil Procedure. Emphasis will be placed on how such rule changes will impact Personal Injury and Wrongful Death Matters in the 15th Judicial Circuit (Palm Beach County).

Panelists: Nelson Baez, Esq. and Cyrus Niakan, Esq.

Judges: Judge Joseph Curley, Judge Bradley Harper, Judge John Parnofiello

Moderators: Scott Smith, Esq. and Jessica Latour, Esq.

Changes to the Florida Rules of Civil Procedure (Effective 1/1/2025)

Key amendments from Case Number SC2023-0962 & Case Number SC2024-0662

- **Rule 1.200 (Case Management; Pretrial Procedure)**
 - (1) What changes will we see and feel here in the 15th Judicial Circuit with respect to Personal Injury and Wrongful Death (PI/WD) matters, if any?
 - (2) Will the required eight specified deadlines apply in PI/WD matters here in the 15th Circuit?
 - (3) Can the deadlines and trial date be modified in the 15th Judicial Circuit in PI/WD matters? If so, under what circumstances and how?
 - (4) Will Case Management Conferences occur in every PI/WD matter in the 15th Circuit? If so, when in relation to the initiating filing and the specified trial period?
- **Rule 1.201 (Complex Litigation)**
 - (1) How is complex litigation defined in PI/WD matters?
 - (2) Initial case management report and conference after the order declaring the action complex in PI/WD matters.
 - (3) What are the deadline dates in a complex litigation matter in PI/WD matters?
 - (4) Case Management Order in a complex litigation matter.
- **Rule 1.202 (Conferral Prior to Filing Motions)**
 - (1) What duty is now required to confer with opposing counsel before filing a non-dispositive motion in PI/WD matters?
 - (2) What Certificate of Conferral is required at the end of the motion and above the signature block in PI/WD matters?
 - (3) What motions are exempt in PI/WD matters, if any?

- **Rule 1.280 (General Provisions Governing Discovery)**
 - (1) What is the incorporated proportionality language of Federal Rule of Civil Procedure 26(b)(1)?
 - (2) What initial discovery disclosures will be required within 60 days after service of the Complaint or joinder in PI/WD matters?
 - (3) What is the duty to supplement discovery in PI/WD matters?

- **Rule 1.440 (Setting Action for Trial)**
 - (1) “The failure of the pleadings to be closed will not preclude the court from setting a case for trial.” From a practical perspective, how will this get implemented and/or used in PI/WD matters in the 15th Circuit?
 - (2) Will motions for an earlier trial setting be granted in PI/WD matters (ie. Section 415.115, Florida Statutes – Civil actions involving elderly parties)?

- **Rule 1.460 (Motions to Continue Trial)**
 - (1) “Motions to continue trial are disfavored and should rarely be granted and then only upon good cause shown.” How is this likely to be interpreted here in the 15th Judicial Circuit in PI/WD matters? What is likely to be deemed “good cause” in PI/WD matters?
 - (2) Requirements and contents of a motion to continue trial in PI/WD matters?
 - (3) What needs to be in the Order on the motion for continuance in PI/WD matters?

- **Rule 1.510 (Summary Judgment)**
 - (1) When may a party move for summary judgment in PI/WD matters?
 - (2) What should be contained in the supporting factual position?
 - (3) When must the nonmovant serve a response to the movant’s motion for summary judgment? When must the hearing on the motion be set?

- **“The amendments shall become effective January 1, 2025 at 12:01 A.M.”**
 - (1) Will amended Rule 1.510 and new Rule 1.202 govern motions filed before January 1, 2025 at 12:01A.M.?
 - (2) Will the new initial discovery disclosures apply to any action commenced before the effective date?
 - (3) Do case management orders already in effect on January 1, 2025 continue to govern pending actions?