



## **JUDGE JAMES J. GOODMAN'S PROCEDURES RELATED TO CIVIL DISCOVERY MATTERS**

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### **1. UNDERLYING PHILOSOPHY:**

Almost every judge who has ever presided over a civil docket will likely cite discovery litigation as the worst part of the assignment because the majority of said disputes are attorney/client-driven and should be resolved without the use of judicial resources. Please be advised that this Court typically acts in conformity with the suggestions, designed to deter discovery litigation and abuse - namely, imposition of fees when legally appropriate - as set forth in the Florida Trial Attorneys Discovery Handbook. Furthermore, Florida Rule of Civil Procedure 1.380 provides for the recovery of expenses by the prevailing party in a discovery dispute absent certain findings. Thus, it is the Rule of this Court to award expenses to the prevailing party, not the exception. With this in mind, the parties should make every effort to resolve discovery disputes without judicial intervention. For matters that do need court intervention, please abide by the procedures as set forth herein.

### **2. DISCOVERY DISPUTES:**

Prior to filing a Motion to Compel, the moving party shall confer in good faith with the non-moving party in an attempt to resolve the discovery dispute. This Court does not believe this is merely a "box to check" before filing such a motion. Indeed, the Court fully expects that the description of the good faith conferral may be the lengthiest part of the Motion to Compel.

Except for motions grounded upon a complete failure to respond to discovery, all discovery motions shall:

- A. Quote in full each interrogatory, question on deposition, request for admission, or request for production to which the motion is addressed;
- B. Quote in full the specific objection and grounds given therefore;
- C. State (with citations of authority) the reason such objection should be overruled or sustained. If the allegation in the motion is that there has been a complete failure to respond or object to discovery, and there has been no request for an extension of time, then the Court may enter an *ex parte* order compelling discovery upon specific request; and
- D. Certify the specific efforts of counsel (not staff) to meet and confer, which shall include: (1) a description of all efforts to meet and confer, including the names of the attorneys, dates and method (email, telephone, live); (2) a description of any results achieved; and (3) a copy of the correspondence regarding the motion as an exhibit, thus providing proof that a good faith effort to resolve the discovery dispute was made.

If, for any reason, the moving party is unable to confer with counsel for the non-moving party, there should be a detailed description in the motion of all actions taken by the moving party to confer. The good faith requirement imposes the obligation upon all counsel to promptly reply to a 'meet-and-confer' request and to provide availability for that meeting. Once a Motion to Compel or Motion for Sanctions is scheduled on the Court's calendar, it will only be removed if the cancellation is requested by both parties at least 72 hours prior to the hearing, in writing, and approved by the Court, or, if the case is completely resolved and settled by the parties. If the cancellation is not requested at least 72 hours prior to the hearing, the parties shall be expected to attend the hearing, at which time this Court will likely make use of its discretion in considering sanctions, including attorney's fees, in order to induce attorneys to resolve discovery disputes in a more appropriate fashion.

Finally, Florida law does not provide for "General Objections." Any objections to discovery requests must be specific and detailed. Discovery responses listing "General Objections" will be stricken and subject to monetary sanctions.

No discovery motion shall be scheduled for hearing until all the aforementioned requirements are met. The failure to comply with this Section may result in the Court entering an order striking, without prejudice, any discovery motion or responsive pleading thereto. Further,

discovery disputes called up for a hearing that this Court determines to not be meritorious, a complete failure to respond to discovery, or objections to discovery that have no legitimate basis shall result in sanctions as deemed appropriate by this Court.

**3. USE OF SPECIAL MAGISTRATES:**

This Court is aware that, for many reasons, there may be a significant delay in obtaining hearing times. The Court encourages the parties to consider the use of a Special Magistrate pursuant to Florida Rule of Civil Procedure 1.490(b)- - especially in regard to matters related to discovery disputes. If all parties agree to the appointment of a Special Magistrate, please submit a Joint Motion to Appoint Special Magistrate along with a proposed Order identifying the Special Magistrate and the issues to be handled by him or her. The parties are responsible for the cost of the Special Magistrate.