

DISAGREEMENTS WHEN COORDINATING RELATED CASES

Background & Analysis:

Ultimately, the chief judge in each circuit has the authority to resolve conflicts between judges regarding related cases pursuant to Fla. R. Jud. Admin. 2.215. The chief judge may also appoint an administrative judge to the family division who would also have authority to resolve conflicts therein. However, judges should be focused first on resolving disagreements among themselves without resorting to such measures. In fact judges “should cooperate with other judges and court officials in the administration of court business,” pursuant to Code of Judicial Conduct Canon 3C(1).

As a preemptive measure, however, implementing an effective local rule or administrative order that anticipates these potential conflicts and automatically regulates the coordination of cases will avoid the great majority of disagreements that could arise. The level of detail placed in the order or rule should take into account the local judicial culture and the consensus of the local judiciary. Great care should be taken to avoid interfering with a judge’s individual authority or discretion in a pending case. Reviewing administrative orders or local rules being used in other circuits may be helpful in implementing or improving an existing administrative order or local rule pertaining to case coordination.

Ten years ago, with the Legislature’s creation of the Commission on Family Courts (‘Commission’), this State embarked on a mission to improve the resolution of disputes within the judicial system for children and families. When it created the Commission, the Legislature directed it to: (1) develop specific guidelines for the implementation of a family law division within each judicial circuit; (2) provide recommendations for statutory, rule, and organizational changes; and (3) recommend necessary support services. In re Report of the Family Court Steering Committee, 794 So. 2d 518, 520 (Fla. 2001)(citation omitted).

The goal of the program was to create “a fully integrated, comprehensive approach to handling all cases involving children and families, while at the same time resolving family disputes in a fair, timely, efficient, and cost-effective manner.” *Id.* at 519-520. To accomplish this goal, the Court gave its “support for the recommendation that there be a means to assign all family court matters that affect one family, including dissolution of marriage, custody, juvenile dependency and delinquency proceedings, to one judge.” *Id.* at 521 (citation omitted).

The following are some suggestions for consideration from a sampling of current administrative orders and from judges with UFC experience:

- Upon discovering a series of related cases, the judges involved meet with the administrative judge to resolve any coordination problems.
- If no agreement can be reached about which judge should take a series of cases, the cases could be assigned to the division (judge) with the earliest filed case.
- The judges involved should meet as soon as it is known that multiple cases are pending for one family because early detection of related cases is crucial.
- In some instances, if judges disagree about coordination of cases and there is a valid issue as to the management of the cases, then let the disagreement stand and allow all of the cases to proceed separately.
- If multiple cases are proceeding separately, all materials that are not confidential should be “cross-filed” in each case so that each judge is kept up to date on the status of the other related case and thereby avoid entering conflicting orders. Also, multiple cases could be scheduled on the same day to reduce multiple court appearances by one family.
- If there is a whole series of cases involving the same family, two judges could preside over the various cases while coordinating their efforts, avoiding a problem that might arise later if one of the judges is planning to transfer out of the family division, taking his or her knowledge and expertise regarding the family.
- When a new case is filed involving the same family during a pending case, automatically assign it to the same judge.
- Create a “conflict division” for utilization when judges disagree, and assign a judge to that division. When a disagreement arises, the judges could, at their discretion, transfer the cases to that division.