

JURISDICTION AND ACCESS TO COURT RECORDS OF RELATED CASES

Background & Analysis

Certainly, a judge may look at any court record for a court in which the judge has jurisdiction. Court staff may also look at any case file for the judge and report to the judge. Though judges will have access to files, it is the proper use of those files that becomes the concern. The chief distinction to be mindful of is the difference between simply knowing of the existence of related cases and the legal issues therein, and the use of information in related cases for evidentiary purposes.

Rule 2.545 of the Florida Rules of Judicial Administration requires the filing of the Notice of Related Cases, Family Law Form 12.900(h), to ensure that all necessary parties, attorneys and judges are aware of related pending cases, and that supplemental notices be sent as related cases become known. In 2014, the Supreme Court issued In re Amendments to Florida Rules of Judicial Admin., 132 So.3d 1114 (Fla., 2014) which created Fla. Fam. L. R. P. 12.003(a)(1). This rule states that all related family cases must be handled before one judge unless impractical. Fla. Fam. L. R. P. 12.003(2) outlines the procedures to be followed if it is not practical, including consolidating the issues and determining the access of the parties to court records if a related case is confidential. The judges may confer for the purpose of case management and coordination, and either the court or the party that filed the notice of related cases may organize a case management conference under Fla. Fam. L. R. P. 12.200.

Fla. Fam. L.R.P. 12.004 was also created in 2014 to authorize judges, court staff and court personnel access and review of related family files, either pending or closed. The rule prohibits disclosure of confidential information and documents except in accordance with applicable confidentiality laws, and permits court staff to advise the court about the existence of related legal proceedings.

Fla. Fam. L. R. P. 12.003(b) allows the court to order joint hearings or trials in related family cases. Fla. Fam. L. R. P. 12.006 permits the court to file copies of court orders in related family cases involving the same parties. This rule ensures that the files in each of the related family cases contain copies of relevant and appropriate orders which will reduce the possibility that judges will enter conflicting orders in the related cases.