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# **Civil Justice Subcommittee**

**Wednesday, January 16, 2013**

**3:30 PM**

**12 HOB**

**Will Weatherford**  
Speaker

**Larry Metz**  
Chair

# Committee Meeting Notice


## HOUSE OF REPRESENTATIVES

### Civil Justice Subcommittee

**Start Date and Time:** Wednesday, January 16, 2013 03:30 pm  
**End Date and Time:** Wednesday, January 16, 2013 05:00 pm  
**Location:** 12 HOB  
**Duration:** 1.50 hrs

Presentation and workshop on Florida's civil litigation system

**NOTICE FINALIZED on 01/09/2013 16:15 by Jones.Missy**



**Civil Litigation  
Overview**

Civil Justice Subcommittee  
January 16, 2013

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## Introduction

- Overview of civil litigation
  - Torts
  - Contracts
  - Probate
  - Other miscellaneous disputes
- Trends in the court system
- Litigation climate

## Population

- 2000 16.0 million
- 2010 18.8 million
- 17.5% increase

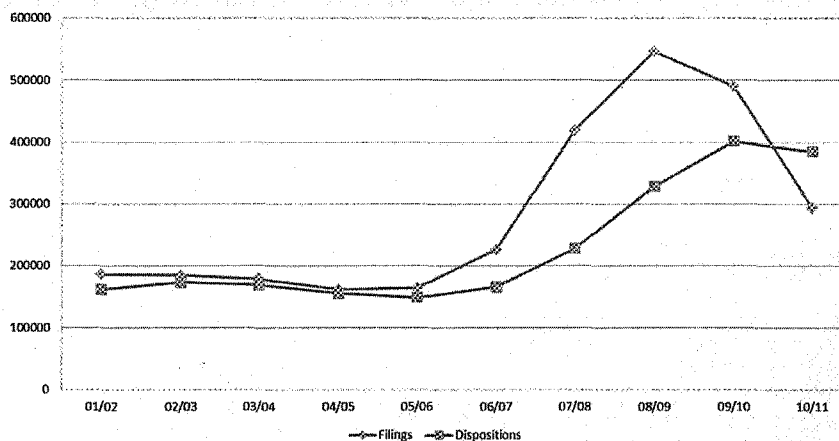
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## 10 year trend

- Felony up 8%
- Misdemeanor down 7%
- Family up 8%
- Probate up 6%
- Traffic up 72%
- County Civil up 13%

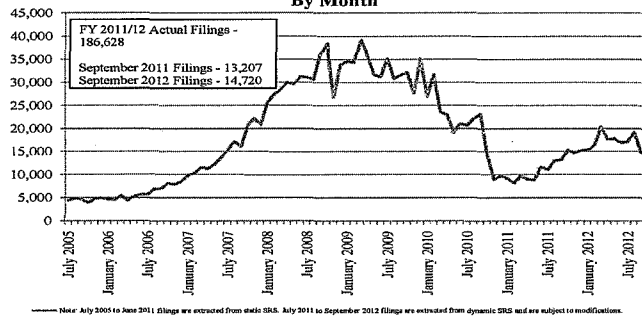
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## Circuit Civil Filings and Dispositions



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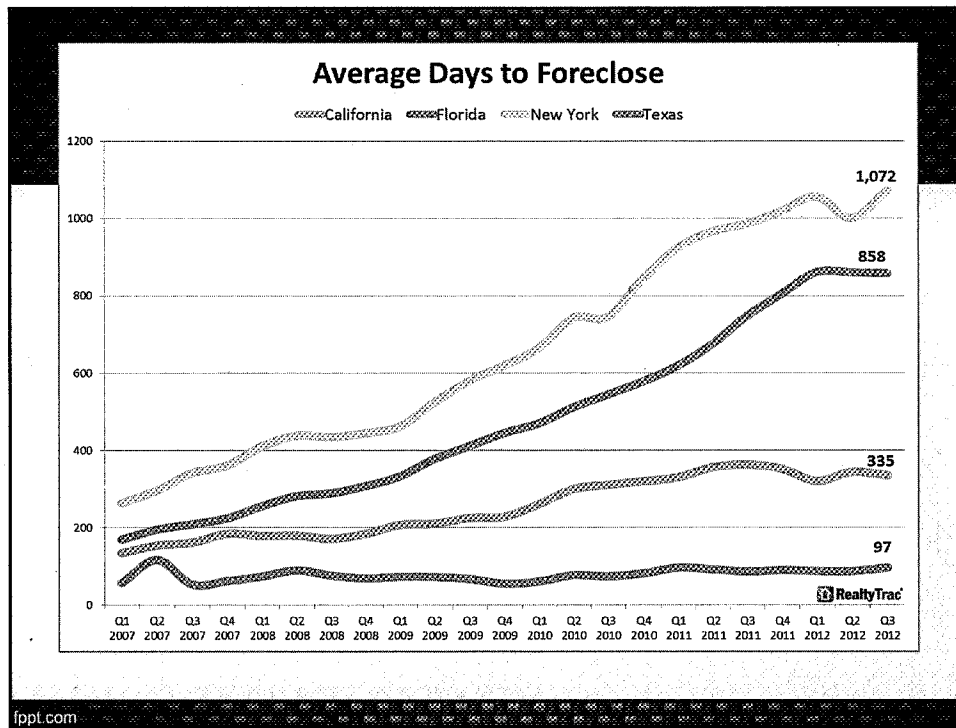
## Real Property/Mortgage Foreclosure Filings July 2005 - September 2012 By Month



— Near July 2005 to June 2011 filings are extracted from state SRS. July 2011 to September 2012 filings are extracted from dynamic SRS and are subject to modifications.

Prepared by OSCA, Resource Planning

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## Types of Civil Cases

- Negligence
- Contracts
- Other

## Professional Malpractice

- 00/01 – 2,257
- 10/11 – 1,608
- 29% decrease

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## Within Professional Malpractice

- Of the 1,608 in 2010-11:
- 95 business
- 1,201 medical
- 312 other

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## Medical Malpractice Closed Claims

- 2004 – 3,574
- 2011 – 2,461
- 31% decrease

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## Product Liability

- 00/01 – 6,543
- 10/11 – 888
- 86% decrease

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## Auto Negligence

- 00/01 – 17,747
- 10/11 – 21,136
- 19% increase

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## Other Negligence

- 00/01 – 12,436
- 10/11 – 13,153
- 6% increase

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## Contract & Indebtedness

- 00/01 – 30,112
- 10/11 – 69,381
- 130% increase

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## Real Property & Foreclosure

- 00/01 – 68,651
- 10/11 – 155,594
- 127% increase

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## Other Civil

- 00/01 – 30,437
- 10/11 – 29,061
- 5% decrease

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## Total Circuit Civil

- 00/01 – 171,775
- 10/11 – 293,415
- 71% increase

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## Perception

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## Studies and Surveys

- Business leaders rank Florida at 41<sup>st</sup> in overall legal climate
- Tort system ranked at 48<sup>th</sup>
  - Monetary expense at 43<sup>rd</sup>
  - Litigation risk at 48<sup>th</sup>
  - Laws are 21<sup>st</sup> best

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| <b>Measure</b>                                     | <b>Ranking</b> |
|--|----------------|
| Having and enforcing meaningful venue requirements | 39             |
| Treatment of class action suits                    | 42             |
| Damages  | 41             |
| Timeliness of summary judgment or dismissal        | 43             |
| Discovery rules                                    | 42             |
| Admission of scientific and technical evidence     | 42             |
| Judges' impartiality                               | 34             |
| Judges' competence                                 | 39             |
| Juries' fairness                                   | 39             |

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# Why?

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## Why not?

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## How?

- Legal community
- Business community

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## Other States?

- A few highlights of recent legislation:

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## Impediments

- Rulemaking
- Attorneys
- Access to courts
- Jury trial

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