

**Electronic Discovery and Digital Evidence  
Business Law Section Committee  
The Florida Bar**

Meeting Minutes – June 18, 2020 8:00-9:00am

Darren Spielman Chair Ft. Lauderdale	dspielman@conceptlaw.com	754-300-1457
Zachary Catanzaro 1 <sup>st</sup> Vice Chair Boca Raton	zachary@brainstorm.law	561-247-3242
Chioma Deere 2 <sup>nd</sup> Vice Chair North Palm Beach	Cdeere@wlclaw.com	561-615-5666
Hon. William Matthewman, U.S. District Magistrate Judge Judicial Chair West Palm	matthewman@flsd.uscourts.gov	561-803-3440

### **I. Call to Order**

In attendance: Darren Spielman (Chair), Zachary Catanzaro (First Vice Chair), Chioma Deere (Second Vice Chair), David Hazouri; Peter Maskow, Woody Pollack, Doug Cherry, Bart Valdes, Rick Nielsen, Thomas Smith, Avery Chapman; Ralph Artigliere, John McManus, Stefanie Svisco, Larry Kunin, Jack Kallus, Jim Mathulis, Tereza Horakova; Gill Freeman; Sara Paris; Lorna Brown-Burton

### **II. Winter Meeting Minutes**

Adoption of Meeting Minutes – Feb. 6, 2020

### **III. Civil Rules Task Force Report**

Copy of Rules Proposal Sent to Committee before meeting

R 1.380 – Modernizing / Harmonizing Florida eDiscovery Rules with Federal Courts 1.010; 1.080; 1.200 and 1.280; 1.350; 1.410; Proportionality

*Ralph Artigliere* – R. 1.010: Aspirational Guide for the Rules. Expanded responsibility for efficient use of Rules to Judges and Attorneys. Prior language “construed.”

*Avery Chapman* – issues with gap in service during change of counsel. Should include an obligation when there is a departure of representation that causes the adverse party to keep the other side

informed. I often look to the comments for guidance on interpreting is carefully addresses issues.

*David Hazori* - R. 1.200 and 1.280: these issues are born from frustration. Means to hold attorney's to standards of competency. Federal adoption of initial disclosures was amended to address aliments in adversarial discovery. Added requirement for disclosures; if you are just going to make a disclosure by description, we added custodial requirements. Timing: 30 days from each parties entry into case.

*Thomas Smith* – do you really want no discovery until CMC occurs? Aren't you giving a party an opportunity to delay if they don't produce initial disclosures? Won't this add to the State Court Judge's plate? Won't parties say "you're initial disclosure is sufficient, therefore I will ignore discovery"

*Darren* – Any additional comments please reach out to Bart Valdes or Judge Artigliere

#### IV. BLS Leadership

#### V. CLES/CJES

A. Joint COVID CLE – Advocacy and Tech Tips When Working from Home During COVID-19 Course #3943

B. CJE's using Zoom would be very beneficial. Challenges with multiple sitting in the same room. Was counsel advising witness without my knowledge.

CLE on Differences between State and Federal Rules and potential harmonization. Timing?

C. *Zachary* - AI CLE on managing large scale eDiscovery projects.

*Ajourned*