

By: Keith A. Langley

FLORIDA'S NEW SUMMARY JUDGMENT RULE



Summary judgment is now very possible in Florida courts. Previously Florida had a very stringent summary judgment standard and effective 5/1/2021 Florida adopted the much less stringent federal rule. Florida Rule 1.510. The tension was between the purpose stated in the Florida Rules of Civil Procedure to “**secure the just, speedy, and inexpensive** determination of every action versus the constitutional right to a **trial by jury** secure to all and inviolate”. The text of Rule 1.510 was replaced with the text of Rule 56 of the federal rules so that all of the case law applies (including Celotex). Previously the moving party had to support its motion with affidavits or other materials negating the opponent’s claims. Now the moving party can meet its burden by showing or pointing out to the court that there is an absence of evidence to support the non-moving party's case. It is no longer sufficient that any alleged factual dispute exist, rather that dispute must be material, meaning if a reasonable jury could return a verdict for the non-moving party then summary judgment will not lie.



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To "Go Green", our firm uses recyclable paper or ceramic cups and no longer uses Styrofoam cups. In addition, we have adopted a less-paper office environment.

We hope that these changes make big differences in the future.

Well done is better than well said.

- Benjamin Franklin



Practice pointers: evaluate cases early, seek a case management conference early with the court, retain experts early, make disclosures, advance the client's interests. Seek a full or partial summary judgment when sufficient discovery has been done. Make the facts and the law clearly to the court. Make the motion clear, succinct, and compelling. Show that you are seeking the just, speedy, and inexpensive determination of the issues. **Just, speedy, and inexpensive.**

With all firm lawyers licensed to practice law in Florida, with an established Miami office, and much experience with the (now new to Florida) summary judgment procedure, the firm stands ready to assist clients with the just, speedy, and inexpensive determination of disputes.

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