

THE EIGHTH JUDICIAL CIRCUIT OF FLORIDA
ADMINISTRATIVE ORDER NO. 7.01

PROBATE CASE MANAGEMENT

WHEREAS the Florida Supreme Court has determined that judges and lawyers have a professional obligation to conclude litigation as soon as it is reasonably and justly possible to do so. However, parties and counsel shall be afforded a reasonable time to prepare and present their case. Rule 2.085(a), Florida Rules of Judicial Administration.

WHEREAS the Florida Supreme Court has established certain time standards for trial courts and has determined that is presumptively reasonable for probate cases be completed within 12 months or within 24 months if the estate is contested or a federal estate tax return is required. Rule 2.085(d)(1)(D), Florida Rules of Judicial Administration.

WHEREAS many estates are not closed within these time standards and the court must intervene to ensure that estates are concluded within the prescribed time limits.

WHEREAS it is in the best interest of the administration of estates to allow the filing of a status report in lieu of appearance at a case management conference where there is a showing of good cause; It is therefore

ORDERED:

1. Estates that have been open for more than 8 months shall be scheduled for case management.
2. Personal representatives and/or their attorneys may file a status report 10 days prior to the case management hearing which addresses the status of the following:
 - a. The publication requirements
 - b. The notice to creditors and the "Statement Regarding Creditors"
 - c. The Florida nontaxable certificate and the preliminary notice

- d. The Federal estate tax return (if required) and the "Notice of Federal Tax Return Due"
- e. Any litigation pending or contemplated and the "Notice of Civil Action"
- f. The distribution of assets and payment of claims
- g. The final accounting and petition for discharge
- h. Any matter that prevents the estate from being closed
- i. Estimate of the time when the estate will be ready for closure

and for each related civil action the status report shall also include the status of:

- (aa) Pending motions
- (bb) Pending discovery
- (cc) Anticipated date of mediation
- (dd) Anticipated date of trial
- (ee) Estimate of the time needed to conclude the litigation

3. Status reports that are timely filed and that show good cause for continuance of the case management conference may be grounds to continue the case management conference at the discretion of the court. If the court finds good cause then the case management conference will be continued. It is the responsibility of the attorney for the personal representative to contact the court's law clerk to confirm the continuance of the case management conference. The court will sanction parties who fail to appear for case management where the parties have failed to confirm continuance of the hearing. On estates where an order of discharge has been docketed prior to the case management conference, the estate will be automatically removed from the case management calendar.

4. No motions or petitions or issues other than case management of the estate may be scheduled for hearing during the case management conference, unless specifically authorized by the court.

5. Cases rescheduled for case management upon a continuance may be further continued by filing status reports as set forth above.

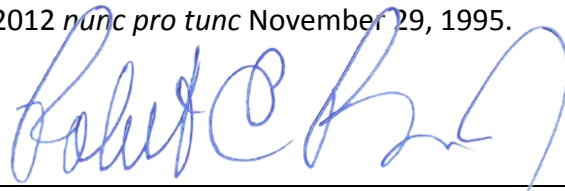
6. The court has the discretion to continue case management for such time as the court deems appropriate to allow sufficient time for the estate to be properly administered.

7. The Clerk of Court shall report to the court all cases where the inventory is past due and the court shall order the personal representative and the personal representative's attorney to appear before the court to show cause why the inventory was not filed as required by law. Where the inventory in such cases is filed 10 days prior to the scheduled compliance hearing, the case will be removed from the calendar.

8. Administrative Order 6.690(A), titled Directing Compliance With Probate Code and Rules of Probate Procedure, is hereby rescinded and superseded by this order.

This order renumbers and reformats prior Administrative Order No. 6.690(B) entitled "Case Management of Probate Cases."

ORDERED ON this 5th day of October, 2012 *nunc pro tunc* November 29, 1995.



Robert E. Roundtree, Jr., Chief Judge