

FLORIDA BAR NEWS

New workgroup to look at sham litigation

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Overhauling rules and laws to prevent harassing litigation in noncriminal cases is the goal of a new workgroup created by the Supreme Court.

On December 9 the court, in [Administrative Order SC21-62](#), created the Workgroup on Sanctions for Vexatious and Sham Litigation. It will be chaired by 17th Circuit Judge Carol-Lisa Philips and is charged with reporting to the court by June 1, 2022.

“[V]exatious and sham litigation in noncriminal trial court cases may be described as legal proceedings that are unwarranted, frivolous, inherently false, without good cause, or filed solely to harass the opposing party; are burdensome and costly for the defendant; and abuse the judicial process and waste limited court resources,” Chief Justice Charles Canady said in the order.

The order noted Florida has both statutes and court rules that address and penalize such litigation, but many have been in place for several years and a review is needed to assess their effectiveness.

The workgroup is charged with “recommending whether any enhancements to these sanctions or other remedial actions are warranted based on experience, changes in litigation practice, technology, or other factors that have occurred since enactment of those provisions.”

In doing that, the workgroup will review existing rules and laws; survey judges, court staff, and court clerks about how the laws and rules are used; and recommend any necessary changes “to more effectively address vexatious or sham litigation in noncriminal cases.”

Besides Judge Philips, other members of the workgroup are Ninth Circuit Judge Alice Blackwell, Okeechobee County Clerk of Court Jerald Bryant, Collier County Judge Janeice Martin, 13th Circuit Judge Anne-Leigh Gaylord Moe, Leon County Judge Monique Richardson, Second District Court of Appeal Judge Andrea Teves Smith, and First DCA Judge Adam Tanenbaum.

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