

2026 Palm Beach County Bar Association's Bench Bar Conference

March 6, 2026

Time: 4:00 PM – 5:00 PM



Commercial Litigation Session

The New Discovery Playbook: Effective and Professional Motion Practice

This 60-minute course addresses:

As our technology has evolved and proliferated, relevant and discoverable information is now found in many different locations and from a wide variety of sources. The availability and preservation of relevant information has allowed civil discovery to bloom, and some say, consume some cases and some litigants. While new Rules 1.280 and 1.202 have done much to focus discovery, it remains that discovery disputes take up a disproportionate amount of judicial and party resources. Today's presentation intends to inform, entertain, and suggest best practices to deploy to avoid discovery inefficiency and fatigue, while preserving a high degree of professionalism.

Chief Justice Roberts said in his 2015 Year-End Report on the state of the Federal Judiciary:

“I cannot believe that many members of the bar went to law school because of a burning desire to spend their professional life wearing down opponents with creatively burdensome discovery requests or evading legitimate requests through dilatory tactics.”

Panelists: Judge Carolyn Bell, Chief Magistrate Judge William Matthewman, Judge G. Joseph Curley, Avery S Chapman

Moderators: Avery S. Chapman, Esq. and Aaron Bass, Esq.

Session Agenda

I. Sources of Potentially Discoverable Information.

A. Platforms, media, etc.

B. Hardware.

C. What types?

1. Texts, emails, whatsapps, and ephemeral data.
2. Google and related search engine searches.
3. AI prompts.
4. Other.

II. Presuit Preservation and Spoliation.

- A. When the Duty to Preserve Arises.**
 - 1. For attorneys.
 - 2. For clients.
 - 3. Best practices
- B. Spoliation.**
 - a. What it is.
 - b. How to avoid it.
 - c. Best practices.

III. Post suit filing – now what? (see new ESI Guidelines).

- A. Initial disclosures.**
 - 1. Disclose early and often (amendment required).
 - 2. Disclosure is defensible and will protect you.
- B. Best practices. Enter into agreed a hold and preserve agreed order with:**
 - 1. Methodology and search terms for ESI;
 - 2. Manner and mode of production;
 - 3. Confidentiality; and
 - 4. Claw-back provisions.
- C. The duty of an attorney to supervise and integrate into data production.**
- D. The duty of an attorney to be informed as to technology. Rule 4-1.1.**

IV. Discussing new Florida Rule of Civil Procedure 1.280(a), (e).

- A. Promulgate focused and cogent discovery. Use a scalpel, not an axe.**
 - 1. do not use overly-broad verbiage.
 - a. Any and all.
 - b. related in any way.
- B. Respond with specific objections. See Rules 1.340, 1.350.**
 - 1. Pick up the phone first. Rule 1.202.
 - a. This will shorten the objection, conferral, motion to compel journey.
- C. If you receive objections, pick up the phone before filing a motion to compel. Rule 1.202.**

V. Judicial Perspective on ill-formed discovery and objections.

- 1. What do the Courts suggest?
- 2. Q&A discussing the best practices.