

IN THE CIRCUIT COURT OF THE SEVENTEENTH  
JUDICIAL CIRCUIT IN AND FOR BROWARD COUNTY, FLORIDA

*Administrative Order 2020-87-Gen*

**ESTABLISHMENT OF PANEL REGARDING ESI DISCOVERY**

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- (a) Pursuant to Article V, Section 2(d) of the Florida Constitution and 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.
- (b) Discovery of electronically stored information (ESI) in court proceedings cases is permitted consistent with applicable court rules.
- (c) The Seventeenth Judicial Circuit is aware of a myriad of issues with ESI discovery, including time-consuming processes resulting in extraordinary expenses to the litigants and delays in the efficient disposition of pending actions, and the establishment of a panel on ESI discovery will assist with the possible development and implementation of best practices for cases involving ESI discovery.
- (d) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED**:
- (1) A panel of attorneys to discuss, develop and propose best practices for ESI discovery is hereby constituted in the Seventeenth Judicial Circuit.
- (2) The members of the panel shall be selected by the chief judge and shall consist of at least five (5) members with extensive experience conducting ESI discovery.
- (3) The following individuals are hereby appointed designated as members of the panel:
- a. Mitchell W. Berger, Esq.
  - b. Cristina M. Pierson, Esq.
  - c. Eugene K. Pettis, Esq.
  - d. Brian K. Hole, Esq.
  - e. Jay Cohen, Esq.

(4) The panel shall develop and propose best practices, consistent with applicable Florida law and court rules, for conducting ESI discovery. The panel shall consider such issues as reducing costs, streamlining ESI discovery through the implementation of standardized court orders and/or appointment of special masters and neutral forensic examiners, and any other matter deemed relevant to facilitate conducting ESI discovery in a more productive and efficient manner in the Seventeenth Judicial Circuit

(5) The panel shall have 120 days from the effective date of this Administrative Order to complete their work, unless good cause is shown to extend this deadline. Any recommendations from the panel shall be concise and reported to the chief judge when completed.

**DONE AND ORDERED** in Chambers, Fort Lauderdale, Florida, this 27th day of October, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge