



Timothy D. Kenison of GOLDLAW. Courtesy photo

COMMENTARY

Effective Strategies for Time Management in a Changing Time in Civil Litigation

The Florida Supreme Court is revising the Florida Rules of Civil Procedure and adopting the "rocket docket" case management standards of our federal courts. Trial continuances will soon become procedural antiquities, granted only under the most exceptional and rare circumstances.

January 16, 2024 at 09:10 AM

5 minute read

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By Timothy D. Kenison | January 16, 2024 at 09:10 AM

Civil litigation in Florida is currently undergoing rapid change. The Florida Supreme Court is revising the Florida Rules of Civil Procedure and adopting the "rocket docket" case management standards of our federal courts. Trial continuances will soon become procedural antiquities, granted only under the most exceptional and rare circumstances. Case management orders will impose much shorter deadlines for the completion of discovery so that *Daubert* and summary judgment motions may be heard sufficiently in advance of trial. The shortening of time from the filing of a complaint to the commencement of trial will exacerbate the already high levels of stress and anxiety experienced by Florida's civil practitioners. It is therefore imperative to manage what little time we have as effectively as possible.

"Those who make the worst use of their time are the first to complain of its brevity." —Jean de La Bruyere

Effective time management often begins and ends with developing a professional and courteous relationship with opposing counsel at the beginning of each case and knowing which battles to fight. While there are instances where opposing counsel makes this difficult, those outliers should not discourage this practice. Unexpected discovery or scheduling issues, which are as inevitable as death and taxes, will arise and require not only our immediate attention but also urgent accommodations from our adversaries.

Preemptively going out of your way to accommodate opposing counsel on all matters that do not prejudice your client is the cornerstone of effective time management. The mortar and sand to this cornerstone are the early identification of the disputed fact issues, which in most civil litigation cases are extremely limited in number, and effective communication. For example, if opposing counsel asks for a one-week extension to answer a complaint, offer two. This primes our adversaries to reciprocate the courtesy when we are inevitably confronted with some case management crisis. It also fosters great relationships and trustworthy reputations that precede us in our legal careers.

"If you don't have time to do it right, when will you have time to do it over?" —John Wooden

Understanding our individual strengths and weaknesses as practitioners is another key component of time management. It allows us to work optimally and delegate effectively. If I have one litigation strength, it would be legal research and writing (from years and years of practice). However, this strength is offset by an ADHD brain that still requires me to write out questions and themes in advance of taking depositions. The written word flows; the spoken word, when transcribed, does not always.

As a result of this self-knowledge, I am required to be the master of my calendar and block off time to prepare for these depositions. I also block off time for certain writing deadlines, but I am more flexible with rearranging my calendar for writing than I am for deposition preparation. If I am diligent with this practice, my calendar should rarely have any open blocks of time. If, hypothetically, my strengths and weaknesses were reversed, I would look for every shortcut I could take with legal writing. I would embrace plagiarism and block off time for Westlaw or Lexis research to find complaints, motions and responses from which I could easily cut and paste. I would build a bank of templates for use and reuse.

Delegation of tasks takes trust and practice, but it is an essential component of effective time management. I have identified the routine parts of my practice that take me the longest to do, and I delegate them to others to the extent that I can. Otherwise, I would drown. The key to the productive delegation of those tasks where one is less efficient begins with developing strong working relationships with their office staff, which, in turn, incentivizes their desire to respond to the challenge accordingly.

"You may delay, but time will not." —Benjamin Franklin

Finally, here are some additional bullet points that I have found to be vital in becoming more efficient with time management:

- Designate and calendar a time each day for reviewing and responding to emails, as emails can be distracting and a tremendous "time suck."
- Use your smartphone to dictate ideas and strategies for your cases when they randomly pop into your head (think Larry David, creator of "Seinfeld" and "Curb Your Enthusiasm," and his pocket notebook).
- Understanding which parts of the day you work most productively and blocking off time, to the extent possible, for your most important or pressing assignments.
- When delegating everyday tasks, such as the preparation of written/email correspondence to opposing counsel or the court, avoid micromanagement of staff and just get it out the door.
- Shed perfectionism in your own practice when it comes to performing the mundane, to the extent possible, as no one cares in a motion to compel discovery whether your use of the Oxford comma is correct or not (I am talking to myself if you were unable to tell).
- For civil defense practitioners (which I was for a decade), try to avoid having to enter your billable time at the end of the month, or worse yet, recreating your billable time.

Time management, like any other skill, must be practiced in order to be perfected.

Timothy D. Kenison is a trial and appellate attorney with GOLDLAW. A graduate of the University of Florida and the Temple University Beasley School of Law, Kenison began his career in 2004 at the Office of the Public Defender for the Fifteenth Judicial Circuit and was eligible for criminal trial board certification before he switched to civil practice in 2010. For 10 years, he primarily defended hospitals and physicians in medical negligence actions. Since 2020, he has been prosecuting medical negligence and other complex personal injury claims on behalf of injured parties.