

THE ELEVENTH JUDICIAL CIRCUIT
MIAMI-DADE COUNTY, FLORIDA

CASE NO. 16-1
(Court Administration)

ADMINISTRATIVE ORDER
NO. 13-1A
(Amending AO No. 13-1)

IN RE: AMENDING AO NO. 13-1 IN
RE: CREATION OF THE
INTERNATIONAL COMMERCIAL
ARBITRATION COURT IN THE
CIRCUIT CIVIL DIVISION OF THE
ELEVENTH JUDICIAL CIRCUIT OF
FLORIDA AND PROCEDURES FOR
THE ASSIGNMENT AND
REASSIGNMENT OF CASES TO THE
INTERNATIONAL COMMERCIAL
ARBITRATION SECTION

WHEREAS, Miami, Florida has become one of the leading venues in the Americas within which to conduct international commercial arbitration proceedings; and

WHEREAS, international commercial arbitration is a specialized area of law; and

WHEREAS, designating particular trained judges to hear all international commercial arbitration matters will foster greater judicial expertise and understanding of this area of the law, will lead to more uniformity in legal decisions, and help establish a consistent body of case law; and

WHEREAS, in 2006, pursuant to Administrative Order No. 06-40, the Eleventh Circuit previously identified the need for experienced, trained judicial adjudication in commercial cases by establishing the Complex Business Litigation Section (Section 40), which was reaffirmed pursuant to Administrative Order No. 11-04, entered by this Court on May 19, 2011, and which section has significant experience in handling complicated business disputes; and

WHEREAS, an International Commercial Arbitration ("ICA") Subsection was created within Section 40, the Complex Business Litigation Section {"ICA Subsection"}; and

WHEREAS, the volume of cases assigned to the Complex Business Litigation Section has greatly increased;

NOW, THEREFORE, pursuant to the authority vested in me as Acting Chief Judge of the Eleventh Judicial Circuit of Florida, under Rule 2.215, Rules of Judicial Administration, it is hereby **ORDERED**:

1. The International Commercial Arbitration Subsection originally created within the Complex Business Litigation Section (Section 40), shall henceforth be comprised of independent sections within the Circuit Civil Division.
2. The Clerk of the Courts is hereby authorized and directed to create such sections within forty-five days of the date of this Administrative Order ("ICA Sections").
3. All cases involving International Commercial Arbitration as designated on the Civil Cover Sheet or identified by the pleadings filed shall be assigned to the one of the ICA Sections.
4. The ICA Sections shall handle all ICA cases and shall consist of judges who have experience in handling complex commercial matters and who receive special judicial education in the handling of international commercial arbitration ("ICA Judges").
5. The Chief Judge (or designee) shall specify the training requirements and no judge shall be assigned to ICA cases without having previously completed the educational requirement.
6. Only ICA Judges shall serve as emergency alternates in ICA cases, notwithstanding other alternate assignments within the Circuit Civil Division.
7. The Chief Judge shall assign judges to the ICA Sections as are sufficient and appropriate to meet ICA case load demand.
8. The following trained judges are assigned to handle ICA cases, and will be assigned to specific ICA Sections:
 - a. Honorable Jose M. Rodriguez (who will serve as the ICA Administrative Judge);
 - b. Honorable Lisa S. Walsh;
 - c. Honorable John W. Thornton, Jr.; and
 - d. Honorable Jennifer D. Bailey.
9. ICA cases shall be blind-filed into the ICA Sections and may be reassigned based on urgency, workload, or as justice requires by the ICA Administrative Judge to ICA Judges in Section 40 (Judge Thornton) and Section 03 (Judge Bailey).

It is further **ORDERED** that the following procedures shall be followed in ICA cases:

Section 1. General Information.

- a. Attorneys filing ICA cases shall designate these cases as ICA cases on the Civil Cover Sheet, pursuant to Form 1.999, Florida Rules of Civil Procedure as modified by the Eleventh Judicial Circuit.
- b. A separate notice (form) shall be filed with the complaint by the filing attorney indicating that the case being filed pursuant to jurisdiction under the Florida International Commercial Arbitration Act (Chapter 584, Florida Statutes; or under the Federal Arbitration Act, 9 U.S.C §1 et seq., as it governs international commercial relationships).
- c. Domestic arbitration matters which do not involve international commercial arbitration or relationships shall not be filed in ICA nor assigned to an ICA Section.

Section 2. Cases Not Subject to the International Commercial Arbitration Sections.

- a. Matters which do not arise under the Florida International Commercial Arbitration Act or under the Federal Arbitration Act shall not be assigned to an ICA Section, unless the case meets the definition of related case as arising out of the same transaction or occurrence as those matters properly heard before an ICA Section.

Section 3. Assignment of Cases in and out of ICA Sections.

- a. Judges assigned to the general Circuit Civil Division and litigants who have cases filed in the general Circuit Civil Division should submit a motion to the Administrative Judge (or designee) of the Circuit Civil Division to assign/transfer a pending case that meeting the criteria as an ICA case.
- b. If any party disagrees with the assignment or lack of assignment of a case to an ICA Section, then that party may submit a motion for reconsideration to the Administrative Judge (or designee) of the Circuit Civil Division for re-evaluation and/or case re-assignment.
- c. The Administrative Judge (or designee) of the Circuit Civil Division shall resolve controversies which may arise concerning the assignment/transfer of any case to or from an ICA Section.

- d. If there is an issue as to whether a matter is subject to arbitration, that controversy shall be assigned to an ICA Section for determination.
- e. Matters assigned to an ICA Section are not subject to the Complex Business Litigation Section Procedures for the Eleventh Judicial Circuit.
- f. All filings in an ICA Section shall follow the Florida Rules of Civil Procedure unless other procedural rules are determined to apply by the presiding judge in the case, and shall the ecourtesy and filing requirements of the respective ICA Judge as listed on their judicial webpage.

Except as amended herein, all other provisions set forth in Administrative Order No. 13-1 remain in full force and effect.

This Order shall take effect on January 2, 2017 and shall remain in effect until further order of the Court.

DONE AND ORDERED in Chambers at Miami-Dade County, Florida, this 14th day of November, 2016.

**BERTILA SOTO, CHIEF JUDGE
ELEVENTH JUDICIAL CIRCUIT OF FLORIDA**