

Expert Insights: Chubb Excess Casualty's Liability Market Analysis



In our latest Expert Insights, we examine a recent procedural change coming from the Florida Supreme Court codifying the “apex doctrine”. Although we do not see this having a direct impact on the broader liability and damages landscape, this change can be viewed favorably by defendants in dealing with the scope of discovery.

Florida's “Apex Doctrine”

The Florida Supreme Court recently announced, on its own motion, an amendment to the Florida Rules of Civil Procedure to codify the “apex doctrine” and “protect high-level corporate officers from the risk of abusive Discovery, while still honoring opposing litigants’ right to depose such persons if necessary.”

The amendment marks the first time a state has moved to codify the doctrine (sometimes called the “apex deposition

rule”) as a stand-alone rule of civil procedure. Many courts have adopted the doctrine as a judicial interpretation on existing procedural rules. The Florida Supreme Court’s decision furthers a trend of courts protecting a high-level officer from unduly burdensome or harassing depositions and may serve as a model for amendments to civil rules in other states.



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