

# Expert Insights: Chubb Excess Casualty's Liability Market Analysis



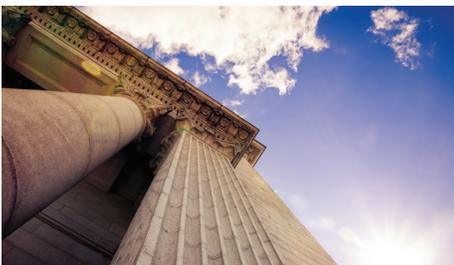
In our latest Expert Insights, we examine a recent procedural change coming from the Florida Supreme Court codifying the “apex doctrine”. Although we do not see this having a direct impact on the broader liability and damages landscape, this change can be viewed favorably by defendants in dealing with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