

Judicial Practices and Procedures

(last modified June 25, 2025)

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A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office must be submitted by e-mail to the Court's Judicial Assistant at: ksmith@circuit7.org The subject line must contain the case number, case name, and relevant matter (e.g., 2025 102800 CFDB – State v. Smith - 2-Hour Suppression Hearing Requested).
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding,

unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.
- **Response to Inquiries:** The Court's Judicial Assistant is not authorized to provide legal advice. If the Court's Judicial Assistant is out of the office, you will receive an automated response to your email directing you how to proceed in her absence.

B. Scheduling Procedures

- **Court Schedule:** The Court uses a traditional criminal court calendar cycle, which includes regular arraignments, pretrial conferences, case management hearings, docket soundings, and a monthly jury trial week. Arraignments and bond hearings are typically scheduled on Tuesday afternoon. The Court's trial week is typically the first full week of each month.
- **Scheduling Hearings:** Hearings must be coordinated with opposing counsel and/or pro se defendants. Good faith cooperation in coordination of hearing time is expected from all. The parties must agree on the amount of time to be reserved for the hearing.

Hearings must be requested by e-mail to the Court's Judicial Assistant at ksmith@circuit7.org. The subject line must contain the case number, case name, and relevant matter (e.g., 2025 102800 CFDB – State v. Smith - 2-Hour Suppression Hearing Requested). All parties must be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

Cross-noticing a hearing to add another motion to a previously scheduled hearing is not permitted unless all parties agree.

- **Notice of Hearing:** A notice of hearing (or a cross-notice of hearing) must be filed and served by the party scheduling the hearing immediately after reserving hearing time. Copies of all notices of hearing must also be sent to the Court's Judicial Assistant at ksmith@circuit7.org. A cross-notice of hearing must indicate that all parties agree to the additional motion(s) being heard and must confirm that there is adequate time to hear the additional motion(s).

A notice of hearing must include the following information: 1) the case style and case number; 2) the date, time, and location of the hearing; 3) the matter(s) to be heard including docket number or filing date of each motion; and 4) the amount of time reserved for the hearing. A notice of hearing involving any remote appearance must also include the Zoom meeting information. ***All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.***

- **Materials Submission Deadlines:** The Court must receive all materials for the hearing no later than three business days before the hearing.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon a showing of good cause. Motions to continue must be filed no less than three days prior to the proceeding for which a continuance is sought.
- **Cancelling Hearings:** Only the Court's Judicial Assistant can remove a scheduled hearing from the Judge's calendar. All parties must agree to the cancellation. To cancel a scheduled hearing, you must email the Court's Judicial Assistant at ksmith@circuit7.org. Again, the subject line must contain the case number, case name, and relevant matter (e.g., 2025 102800 CFDB – State v. Smith - 2-Hour Suppression Hearing Cancellation Request). All parties must be copied on the e-mail. Upon confirmation from the Judicial Assistant that the hearing has been removed from the Judge's calendar, the party requesting the cancellation must immediately file and serve a notice of cancellation. ***The Court will generally not permit the cancellation of a hearing unless the issue(s) to be addressed has been resolved by the parties except upon a showing of good cause.***
- **Remote Appearance Procedure:** The court allows counsel or parties to appear remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. Requests to use communication technology for an appearance must be made BY MOTION AND PROPOSED ORDER with a Courtesy Copy to the Court's Judicial Assistant at ksmith@circuit7.org, and must be submitted no less than 24 hours prior to the proceeding for which the request is submitted. ****REMOTE APPEARANCE IS NOT PERMITTED AT DOCKET SOUNDING(S).**
- **Platform Used:** The court uses Zoom for remote appearances.
- **Platform Meeting ID#: 386-740-5270 Passcode 32724**
- IF USING THE ZOOM APP:

- o Go to the downloaded App
 - o Go to Join a Meeting
 - o **The meeting ID is: 386-740-5270 Passcode 32724**
 - o Type in your name to identify your phone number
 - o Click “join the meeting”
 - o Enable Video and Audio if not automatically enabled
 - o You should hear: “You are in the meeting”
- IF USING A COMPUTER:
 - o Go to <https://app.zoom.us/jc>
 - o Go to Join a Meeting
 - o **The meeting ID is: 386-740-5270 Passcode 32724**
 - o Enable Video and Audio if not automatically enabled
 - o Type in your name to identify your phone number
 - o You should hear: “You are in the meeting”
- Make certain your device is on mute. Do not speak until your case is called.

C. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in Word format by email to the Court’s Judicial Assistant at division07@circuit7.org. The email must indicate whether all parties agree as to the form of the order.
- **Deadline for Submissions:** Proposed orders must be submitted within 5 days after the hearing, unless additional time is otherwise ordered.

D. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law and other documents may be submitted to the court for any hearing to Court’s Judicial Assistant at division07@circuit7.org; or ksmith@circuit7.org.
- **Format:** If submitted electronically, documents in PDF or Word format are preferred, with each case or other item saved as a separate document.
- **Submission Method:** E-mail, U.S. mail, or hand delivery of courtesy copies is acceptable. A thumb drives may also be used. If the submission exceeds 25 pages in total, paper copies must be submitted, and electronic copies are not permitted.
- **Deadline for Submissions:** Courtesy copies shall **preferably** be delivered to the court no later than three (3) business days before the

hearing & shall be contemporaneously provided to opposing counsel. It is acceptable and appreciated if you call the Judicial Assistant to advise you have sent submissions so she may bring same to the Court's attention before the Court hearing.

E. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issue(s) to be resolved, (2) the reason(s) why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation.
- **Scheduling:** If the Court determines that an emergency exists, a hearing will be scheduled unilaterally by the Court. All parties must make themselves available for the emergency hearing, barring exigent circumstances.

F. Exhibits for Evidentiary Proceedings

- **Submission Method:** All exhibits for evidentiary hearings or trial must be provided in paper format to the clerk for marking prior to the hearing or trial, absent a showing of good cause. Marked exhibits will be assigned a letter for identification and will receive a numerical designation if admitted as evidence.

G. Pretrial Procedures and Conferences

- **Case Management Conference:** Any party may request a case management conference (CMC) when a case requires. The court strongly encourages the early use of CMCs in more complex cases or any case that might benefit from court intervention. Unless excused by the court in advance, attendance at all CMCs is mandatory for all parties and attorneys.
- **Status Conference:** Any party may request a status conference when a case requires. A defendant represented by counsel is not required to appear at a status conference, unless otherwise ordered by the Court.
- **Bench or Plea Conference:** Any party is welcomed to confer with opposing counsel to discuss if a short bench or plea conference would be helpful in a particular case, and both the bench conference and the plea conference *may* be digitally recorded in any case -- upon the request of either or both parties or the Court.
- **Requirements:** A request for a CMC or status conference must be made

by e-mail to the Court's Judicial Assistant at ksmith@circuit7.org. The subject line must include the case number, case name, and relevant matter (e.g., CASE NO. – State v. NAME – 30 min CMC Requested). All parties must be copied on any email directed to the judicial office, unless an ex parte communication is authorized by law.

- **Scheduling:** CMCs and status conferences must be coordinated with opposing counsel and/or pro se defendants. Good faith cooperation in coordination of CMCs and status conferences time is expected from all.
- **Notice:** The Judicial Assistant will advise whether a Notice of Hearing is required as set forth in Section B, above, or if the Clerk of Court will send notice of the hearing.

H. Setting Case for Trial

- **Procedure:** Docket Soundings are not utilized as another pretrial conference. Cases set on a docket sounding are either ripe for resolution or trial. Prior to being set for a docket sounding, a case will already have a (timely) offer, if any, from the State of Florida. Any counter-offers, if any, should already have been addressed.
 - o Upon the Division 07 judge moving a case from a pretrial conferences date to a docket sounding date, ****REMOTE APPEARANCE IS NOT PERMITTED AT DOCKET SOUNDINGS; IN-PERSON ATTENDANCE OF COUNSEL OF RECORD AND DEFENDANT IS REQUIRED.**
- **Notice Period:** At Docket Sounding, the Court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, parties, and witnesses must be available during the entire trial period.
- **Other Procedures for Setting Case for Trial:**
 - **Transport orders** must be provided timely. The Volusia Sheriff's Office Extraditions Division requires at least 10 days to transport an incarcerated person from other facilities or jurisdictions.
 - A complete set of ***jury instructions***, including the verdict form, must be sent in Word Format by the Assigned Assistant State Attorney to the Court's Judicial Assistant at ksmith@circuit7.org by no later than NOON on the Friday preceding jury selection. Defense counsel must also send any requested instructions by that same time.
- **Trial continuations:** Requests to continue trial are disfavored and will be granted only upon a showing of good cause. ***Division 07 trials are held every 1st and 3rd full week of the month.*** Whenever feasible, the Court will advise counsel when they are the primary trial for the trial week; back-up judges are used for jury selection when the Division 07 judge can try two cases during a 1-week trial period. Back-up judges are also utilized to try cases during a 1-week trial period.

I. Forms

- Division forms are available by clicking on the links below:
 - [Plea form](#)
 - [Plea form \(Spanish\)](#)
 - [VOP Admission form](#)
 - [VOP Admission form \(Spanish\)](#)

J. Out of County Pleas

- **Procedure:** In order for a Defendant to enter a plea in a case pending in Flagler, Putnam, or St. Johns counties, you must notify the Clerk's office at VolusiaCriminal@clerk.org and the Court's Judicial Assistant at ksmith@circuit7.org at least 24 hours prior to the plea hearing. You ***must include*** in your email the county and case number, and you must attach the charging affidavit or the VOP affidavit.

K. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact Court Administration, 101 N. Alabama Ave., Suite B 206, DeLand, FL 32724; (386) 257-6096.
- **Interpreter Requests:** If a spoken language court interpreter is needed for a hearing or trial, please [click here](#). For more information, please email interpreter@circuit7.org or call (386) 626-6566. If a sign language interpreter or accommodation is needed for a hearing or trial, please contact SignLanguageRequests@circuit7.org. Or Court Administration at 101 N. Alabama Ave., Suite B 206, DeLand, FL 32724; (386) 257-6096;
- ***It is Defense Counsel's obligation to arrange for an interpreter for the Defendant.***