

Judicial Practices and Procedures

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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 mgermany@circuit7.org. The subject line should contain the case number, case name, and relevant matter (e.g., CF26-0001 – Doe v. Doe - Hearing Request) Emails are answered in the order they are received and/or by urgency of the matter. Please allow at least 48 business hours for a reply, unless you receive an “out of office” reply.
- **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.” Communication deemed to be an ex parte will not be considered by the court.

- **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.”
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information with the Clerk of Courts office any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The judicial assistant is not authorized to provide legal advice to any party. Any correspondence or communication deemed to be a request for legal advice will not be receive a response.
- **Other Communication Procedures:** Any e-mail sent to or from the judicial office *may* be a public record subject to disclosure.

B. Scheduling Procedures

- **Scheduling Hearings:** Hearings request must be submitted by e-mail to the judicial assistant at mgermany@circuit7.org with opposing counsel copied on the request. The request should include the following: a. Case Name & Assigned Case Number; b. Requested Motion(s) to be Set; c. Total Amount of Hearing Time Requested. The Judicial Assistant will reply all with the court’s current availability for the parties to coordinate their calendars in a separate email chain. Once the parties have agreed upon the hearing date, the requestor shall reply all to email with the provided court dates and advise which date and time the parties have agreed upon.
- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time. If approved by court order, a notice of hearing involving any remote appearance must list the judicial Zoom credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.”

- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A Motion to Continue should be filed at least three days prior to the scheduled court date. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Florida Rule of General Practice and Judicial Administration 2.545(e).” A proposed order in Word format should be submitted to the division email address division56@circuit7.org.
- **Cancelling Hearings:** You must cancel hearings by notifying the judicial assistant immediately by email. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.

C. Remote Appearance

- **Remote Appearance Procedure:** All hearings are held in person in Courtroom 328.

The court allows counsel or parties to appear remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530 and Florida Rule of Criminal Procedure 3.116. Requests to use communication technology for an appearance must be made by filing a formal Motion AND submitting a Proposed Order to division56@circuit7.org, 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, when it has been permitted.
- **Platform Meeting ID#:** A Zoom Meeting ID will be provided by the Court on the Order Permitting Zoom Appearance.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in Word format unless containing it is a consent order with signatures of the parties. All proposed order email submissions should advise if all parties agree to the proposed order or containing a statement identifying any disagreement of the parties as to the proposed order.”
- **Submission Method:** Email to: division56@circuit7.org

- **Deadline for Submissions:** Unless otherwise advised by the Court, Proposed orders must be submitted no later than 5 days after any 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 shall make themselves available for emergency hearing, barring exigent circumstances.

F. Exhibits for Evidentiary Hearings

- **Submission Method:** All exhibits for evidentiary hearings or trial must be provided to the clerk in paper format in advance of the hearing or trial for marking. Trial exhibits must be submitted no later than three business days before the hearing or trial. Marked exhibits will be assigned a letter for identification and will receive a numerical designation if admitted as evidence.

G. Pretrial Procedures and Conferences

- **Appearances by counsel:** Defense counsel may appear on a case by filing a Notice of Appearance, unless the Defendant is already represented by other counsel on that case, in which case, counsel will need to move for substitution of counsel, with the client's written consent, as provided in Fla. R. Jud. Admin. 2.505(e). Orders granting substitution of counsel shall be emailed to the Judicial Assistant at division56@circuit7.org in Word format.
- **Waivers of Appearance:** The Court will generally accept written waivers of a Defendant's appearance at pretrial proceedings unless specified by the Court. Waivers of appearance are not permitted for evidentiary hearings, docket sounding, trials, and violation of probation hearings. In cases that have been unreasonably prolonged as determined by the Court, the Court may require in person attendance at pretrials.

- **Scheduling Add on Cases:** To ensure that the Clerk has adequate time to prepare all needed paperwork, requests to add a Defendant's other pending cases to a particular docket along with an unrelated case must be made before noon the day preceding the court requested date. Otherwise, Counsel can motion to have all cases docketed together on a later court date.

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 counteroffers should already have been addressed. ****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 St. Johns Sheriff's Office Transportation 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 mgermany@circuit7.org by noon on the Friday preceding jury selection. Defense counsel must also send any requested instructions by that same time.

I. Other Division Procedures

- **ADA Accommodations:**

If you are a person with a disability who needs an accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance.

Please contact Court Administration, 101 N. Alabama Ave., Ste. B-206, DeLand, FL 32724, (386) 257-6096, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the appearance is less than 7 days; if you are hearing or voice impaired, call 711.

• **Interpreter Requests:**

Interpreter Requests: If a spoken language court interpreter is needed for a hearing or trial, please contact Court Administration <https://circuit7.org/court-interpreting-services>

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.