



DIVISION 70 **PROCEDURES AND GUIDELINES**

Communication 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: abernal@circuit7.org. The subject line must contain the case number, case name, and relevant matter.
- **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. Responses to e-mails will be given in the order in which the e-mails are received.

Scheduling Procedures

All hearings must be scheduled with the Court's Judicial Assistant, Angela Bernal email at abernal@circuit7.org. Counsel and parties attempting to schedule a hearing must make *reasonable* efforts to coordinate the hearing date and time with the other side. Failure to do so may result in the Court cancelling the hearing without further notice. A notice of hearing must be filed and served by the party scheduling the hearing immediately after reserving hearing time. A notice of hearing must include the following minimum information: the case style including case number; the date, time, and location of the hearing; the matter(s) to be heard including docket number or filing date of each motion; the judge presiding over the hearing; and the amount of time reserved for the hearing. A

notice of hearing involving any remote appearance must list 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.

Remote Appearances (Appearing by Zoom)

All court proceedings in Division 70 are noticed to occur in person at the Volusia County Courthouse, 101 N. Alabama Avenue, Courtroom 3A, Deland, Florida. Any person wishing to appear by Zoom must submit the request in writing through the Clerk of Court. Attorneys are permitted to appear remotely for arraignments and pretrial conferences without the need to file a motion, unless otherwise ordered by the Court.

- **Platform Used:** The court uses Zoom for remote appearances.
- **Platform Meeting ID#:** Meeting ID#: **7365948386**
- **Requirements:**
- **Other Remote Appearance Procedures:**
 - IF USING THE ZOOM APP:
 - Go to the downloaded App
 - Go to Join a Meeting
 - The meeting ID is: **7365948386**
 - Type in your name to identify your phone number by name
 - Click “join the meeting”
 - Enable Video and Audio
 - You should hear: “You are in the meeting”
 - IF USING A COMPUTER:
 - Go to <https://app.zoom.us/wc>
 - Go to Join a Meeting
 - The meeting ID is: **7365948386**
 - Enable Video and Audio if not automatically enabled
 - Type in your name to identify your phone number by name
 - You should hear: “You are in the meeting”

Make certain your device is mute. Do not speak until your case is called

Submission of Orders

All proposed orders should be emailed to Division70@circuit7.org in an editable format such as Microsoft Word.

Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law may be submitted to the court for any evidentiary proceeding.
- **Format:** PDF or Word document is preferred, if submitted electronically.
- **Submission Method:** E-mail, U.S. mail, or hand delivery of courtesy copies is acceptable. If the submissions exceed 25 pages in total, paper copies must be submitted, and electronic copies are not permitted.
- **Deadline for Submissions:** Courtesy copies must be delivered to the court no later than three business days before any evidentiary proceeding.

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 issues to be resolved, (2) the reasons 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.

Exhibits for Evidentiary Proceedings

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.

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, multiple-party litigation, 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. Parties represented by counsel are not required to appear at a status conference, unless otherwise ordered by the Court.
- **Requirements:** Any request by a party for a CMC or status conference must articulate the reasons for the necessity of the conference.
- **Scheduling:** If the court agrees that a CMC or status conference is required, the Court will schedule a CMC or status conference and provide the notice directly, or through the Clerk of Court.

Setting Case for Trial

- **Procedure:** The Court will schedule cases for trial at the pretrial conference or docket sounding.
- **Notice Period:** After Docket Sounding, the Court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, parties, and witnesses are expected to be available during the entire trial period.
- **Other Procedures for Setting Case for Trial:** Transport orders must be provided timely. Extraditions require at least 10 days to transport an incarcerated person from other facilities or jurisdictions.

Written Plea Forms

All pleas to criminal charges and violations of probation, including traffic offenses, require a fully executed plea form. Blank plea forms in English and Spanish are available on the Court's website.

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 abernal@circuit7.org 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.

Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact Court Administration, 125 E. Orange Ave., Suite 300, Daytona Beach, FL 32114; (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 Court Administration at 125 E. Orange Ave., Suite 300, Daytona Beach, FL 32114; (386) 257-6096; SignLanguageRequests@circuit7.org