

Standard Judicial Practices
Division 46
Seventh Circuit

Judicial Practices and Procedures – Division 46

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A. Communications with the Judge’s Office

- **Method of Communication:**

- **Proposed Orders:** All proposed orders must be submitted by e-mail to division46@circuit7.org. The subject line must contain the case number & case name ONLY (e.g., CP 24 - 576 – In Re Estate of Doe) all other information should be within the body of the email. The proposed Order **MUST** be in MS Word format (.docx) or RTF (Rich Text File) format. If the Order is signed using DocuSign or similar technology, then PDF is acceptable.

- **Administrative Communications:** Administrative communication with the Court’s Judicial Assistant may be sent to vgriffis@circuit7.org.
- **Ex parte Communications:** All communications with the Judge’s office must comply with Canon 3 of the Code of Judicial Conduct. Canon 3 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 Judge’s 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. See Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** The Judge’s Judicial Assistant coordinates the Court’s calendar with the parties and the Clerk, screens phone communications, processes motions and proposed orders, and performs other tasks as directed by the Judge. The Judicial Assistant is not an attorney and cannot give any legal advice. E-mail is the preferred means of communicating with the Court’s Judicial Assistant, to avoid ex-parte communication. All inquiries requiring a ruling from the Court should be done by way of a proper Motion.

B. Scheduling Procedures

- **Court Schedule:** The Court publishes an annual scheduling memo. It describes the block times set for certain types of hearings. Many of these are set according to statutory deadlines.
- **Scheduling Hearings:** This Division uses a combination of Case Management and coordination with the Court’s Judicial Assistant to schedule hearings. The notable exceptions are genuine emergency hearings. Labelling a motion as “Emergency” or “Urgent” does not move the hearing up in priority unless the motion itself recites facts giving rise to genuine emergency or urgent action. If the matter requires such

attention, the Judicial Assistant will contact the parties and attempt to set the hearing.

- **Emergencies:** If emergency action is needed and the Court issues an Emergency Ex Parte Order, it will also set a review hearing on that order, typically within 5 days. The Court does not coordinate such hearing. Continuance is available only by motion.
- **Emergency Temporary Guardianship:** If an emergency Temporary Guardianship is filed, the filing party must simultaneously transmit two proposed orders to the Court Filing party must also immediately contact the Court's assistant to schedule an initial hearing. The Court will schedule the required 14-day hearing in the companion IC case. It is the responsibility of the filing party to reach out and coordinate the Emergency Hearing. Parties are reminded that not every Guardianship requires appointment of an ETG.
 - **Appointment of Attorney and Ellisor for the AIP**
 - **Appointment of Examining Committee**
- **Notice of Hearing:** A notice of hearing must be filed and served within 5 days of reserving hearing time. The party filing the motion is responsible for notice. 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. Here is a sample template for such Notice.
- **Submission Deadlines:** The court must receive all materials for the hearing no later than three business days before the hearing. At a minimum each party must serve and file a witness list and proposed exhibit list not later than three days before any contested evidentiary hearing. Failure to prepare and to file such list may be grounds for excluding evidence which should have been noticed. Trial by surprise benefits no one.
- **Order of Proceedings:** In Case Management and Injunctions, the Court uses a mass docket. Parties should sign in when they arrive. The Court will endeavor to call cases in that order.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. Continuing a special set hearing wastes judicial resources and contributes to case backlog.
 - A request for continuance must be submitted at least ***five days*** prior to the scheduled court date!

- o 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).
- o ALL motions for a continuance MUST state the position of the opposing party. If you have not conferred with the other party about the motion, you are not prepared to file the motion. The sole exception is a valid emergency motion.
- o Failure to Comply with all requirements of this paragraph will result in the Motion for Continuance to be DENIED.
- **Cancelling Hearings:** You must cancel hearings by notifying the judicial assistant immediately. You may ***ONLY*** cancel a hearing if there has been a ***complete settlement*** of all issues set for hearing. That settlement must be placed in the Court file ***before*** the Notice of Cancellation. Notices filed less than 48 hours before the hearing time will be insufficient. The Court will go forward with the hearing, inter alia, to determine why these procedures were not followed. Cancelling a hearing is ultimately up to the Court. Upon good cause or a complete resolution, a request may be made.

C. Remote Appearance

- **Remote Appearance Procedure:** The default for ALL hearings greater than 30 minutes in length is in-person. However, the court maintains a hybrid virtual courtroom, allowing parties to appear either in person or 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 unless specifically authorized by the Court when scheduling.
- **Platform Used:** The court uses Zoom for remote appearances. If you are unfamiliar with Zoom, there is a tutorial video on the Circuit7.org website.
- **Platform Meeting ID#:** Unless otherwise specified on the Notice of Hearing, the Meeting ID# is 3484746646. The password is 384320. You can access it at this link: [Open Division 46 Zoom Room](#).
- **Requirements:** The deadline to request Zoom appearance by any party or witness is close of court business 2 days before the hearing.
- **Technology Needs:** A party presenting a witness by Zoom must communicate with the witness in advance to ensure they know how to

manipulate the controls of the software including, if needed, the presentation of documents on the share screen. The Court expects counsel to practice any such presentation to ensure an orderly flow of the presentation of the case.

- **[Other Remote Appearance Procedures]:** All parties appearing by Zoom must show their real name as their screen name. The system will often default to the name of your phone, computer or other device. Select “rename” and type in your name such as “Martha Washington” or Dr. Samuel Adams.

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in PDF/a or Word format. All proposed orders must be accompanied by a cover letter (email is sufficient) either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order. An order requested by the Court **MUST** be in Word (.docx) format or RTF (.rtf) format. An order containing parties’ signatures must be submitted in PDF/a format.
- **Terminology:**
 - **A Consent Order** is one which is agreed to by the parties and signed by the parties. It indicates full consent of the parties to be bound by the terms of the order.
 - **An Agreed Order** is an agreement by counsel. This is usually on procedural matters only. It does not bind the parties to any facts stated therein.
- **Submission Method:** Email all proposed orders to Division46@circuit7.org.
- **Deadline for Submissions:** Proposed orders **MUST** be submitted within 10 days after any hearing. Proposed Orders in Probate and Guardianship for matters which do not involve a hearing should be submitted simultaneously with the filing of the appropriate motion or petition.
- **Court’s Signature Block:** Counsel and Parties **MUST** ensure that the “Done and Ordered” paragraph and the Court’s signature block are **NOT** the only item on a page. If necessary, create white space on the previous page and include at least one line of substantive text on the page with the signature block. There have been incidents when people engaged in fraud have used a signature page with no text as a means to forge a

judge's signature on favorable orders. While the electronic signature that the Court uses on most documents **reduces** that opportunity, placement of the signature block as described here further reduces the opportunity for fraudulent use of your party's document.

E. Probate and Guardianship Special Procedures

- **Will Deposit:** If you have deposited the will separately from the filing of the Petition for any form of administration, please ensure that the clerk has moved a copy of the will into the Probate case.
- **Petition for Guardianship/Incapacity:** If you file for incapacity and Guardianship, you should immediately email division46@circuit7.org with your proposed Order Appointing Attorney for the AIP **AND** Proposed Order Appointing the Examining Committee. In accordance with Seventh Circuit Administrative Order, the filing party **MUST** coordinate with the three proposed members of the committee to ensure their availability **before** submitting your proposed order. Leave a blank for the name of the appointed attorney. The Court prefers submission of these orders in MS Word or RTF format to allow editing.
- **Petition for Homestead – Without Administration of the estate.** The Court will permit filing a Petition to Determine Homestead Status of Real Property without a filing for administration. However, to ensure that all the rule and statute requirements are met, this Division requires that the filing party email a [checklist available at this link](#) to the division46@circuit7.org mailbox simultaneously with your filing of the petition. Ensure you have filled in all applicable blanks and filed corresponding documents.

F. Courtesy Copies of Case Law and Other Documents

- **When Required:** The Court does not require courtesy copies of materials in advance. If a party plans to present case law, the party may submit it not later than close of business 2 days before the hearing. The caselaw should be presented with a cover letter also certifying that an IDENTICAL copy to the opposing party. If areas in the caselaw are highlighted on the court's copy, they **MUST** be highlighted in an identical fashion on the copy given to opposing party. No notations should be on the caselaw.
- **Format:** The court prefers electronic copies of case law or any courtesy copies. They may be submitted by email if the total attachment size is less than 8 MB. If the documents are larger, submit them on a USB flash drive to the Court at the hearing or trial.

G. Exhibits for Evidentiary Proceedings

- **Submission Method:** All physical exhibits must be brought to the Clerk of the Court's office not later than close of court business before the hearing or trial to be pre-marked. An index of exhibits must be filed not later than close of business 3 days before the hearing or trial. Failure to comply with the filing requirements may result in the Court denying the admission of the exhibit at hearing or trial. There is NO trial by surprise.
- **Format:** Exhibits must be submitted to the clerk of court in paper format or on a removable media drive such as DVD or flash drive. All attorneys and self-represented litigants must bring sufficient copies of each exhibit for the clerk, the court, and each party to review during the hearing or trial. Exhibits must be labeled in the following format: "Petitioner/Plaintiff 1" or "Respondent/Defendant A as appropriate. If a party seeks to introduce a video or audio file, that exhibit must be placed on a USB flash drive or other removable media such as DVD or CD ROM that contains ONLY the exhibits intended for trial. Parties seeking to publish such exhibits ***MUST bring their own computer*** to the Courtroom capable of transmitting over an HDMI connection OR a combined VGA connection and 1/8 inch audio cable. The Court highly encourages parties to test their automation in the Courtroom several days before trial. Contact the Court's assistant who will in turn coordinate with the bailiff to make the courtroom available for such test.

H. Pretrial Procedures and Conferences

- **Case Management Conference:**
- **Status Conference:** Any party may request a status conference or Case Management Conference when a case requires.

I. Setting Case for Trial

- **Procedure:** When the parties announce they are ready for trial, they must state:
 - **All discovery is complete.**
 - **All Special evaluations are complete.**
 - **Expert analysis is completed.**
 - **All depositions are completed.**

- **The case could be tried tomorrow if there was time available!**
- **Notice:** When the parties announce that the case is ready for trial, the Court will inform the parties of the dates for pretrial and docket sounding. The court does not set date-certain trials until docket sounding. At Docket Sounding the court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period. The Trial Order issued after final CMC will notify the parties of the available dates.
- **Pretrial Conference:**
 - The parties MUST file their FINAL Witness List and FINAL Exhibit List not later than close of business 2 days before pretrial conference. This is not your tentative list, or your wish list – this is the honest-to-goodness witness list you will use at trial. If either party fails to file, ***the case will be reset***, and sanctions may be assessed. An exhibit list which simply states “everything that was received in discovery” is ***wholly*** inadequate. Parties must have analyzed their case and determined which exhibits they must introduce.
 - At Pretrial, the parties MUST inform the Court of any trial days on which they or expert witnesses are unavailable.
- **Docket Sounding:** All parties and counsel MUST attend docket sounding in person. The Court considers it as the first day of the trial.
 - **Parties must have filed their JOINT Pretrial Stipulation not later than close of Court business 2 days before Docket Sounding.** If the JOINT stipulation is not filed, you are not ready for trial and will be rescheduled and sanctions may be assessed. **The Court does not recognize and will not accept a purported pre-trial stipulation that is not a joint effort.** “Stipulation” means agreement. You cannot agree with yourself in the ordinary course.
 - The Court will schedule the trial for a date certain at Docket Sounding.

J. Forms

- **Access:** Division forms are available at the [Division web page](#). These include Probate and Guardianship checklists. Note these are being developed continuously. Check the website regularly for updates.

K. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, 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. There is additional information at [this website](#).
- **Interpreter Requests:** If an interpreter is needed for a hearing or trial, the attorney or self-represented party must submit a request for an interpreter by contacting Court Administration via the webpage at this [link on the Circuit7.org website](#).

L: GAP Meeting: The Court sponsors an ad hoc meeting of persons interested in the administration of Guardianship and Probate in St. Johns County. The plan is to meet quarterly. If you would like to be alerted of upcoming meetings, or if you would like to volunteer to lead a discussion on a new area of law, changed procedures, or innovations in the practice of Guardianship and Probate, please email division46@circuit7.org. The meeting is open to attorneys, paralegals, professional guardians and members of the examining committee.