

Standard Judicial Practices
Division 57
Seventh Circuit

Judicial Practices and Procedures – Division 57

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A. Communications with the Judge’s Office

• Method of Communication:

- o **Proposed Orders:** All proposed orders must be submitted by e-mail to division57@circuit7.org. The subject line must contain the case number, case name, and relevant matter (e.g., DR 24 - 576 – Doe v. Doe – Proposed Order. 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 holds trials on selected days generally occurring in the last two weeks of the month. Docket Sounding is usually the first Wednesday of the Month at 8:30. See the Court's Annual Calendar on this website.
 - Case Management: The Court has Case Management Conferences every other Wednesday. See the Court's annual calendar for specifics.

- o Injunction Hearings: The Court conducts injunction hearings on alternating Wednesdays from the Case Management Conferences. See the Court's annual calendar for details.
- **Scheduling Hearings:** This Division uses the Case Management Conference to schedule almost all hearings. The notable exceptions are genuine emergency hearings, hearing such as temporary relocation which have a statutory time limits, injunctions, and other urgent matters which the Judge determines a rapid hearing is needed.
 - o 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.
 - o 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.
- **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.
- **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.
- **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.
 - o 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 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 are valid emergency motions.
- 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 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 9048275603. The password is 380923.
- **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 “Susan Jones” or Dr. Austin.

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 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.
- **Submission Method:** Email all proposed orders to Division57@circuit7.org.
- **Deadline for Submissions:** Proposed orders **MUST** be submitted within 10 days after any hearing. Proposed orders from contested half-day or full-day trials are due not later than 21 days after the conclusion of the trial.
- **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.
- **Other Procedures Relating to Submission of Orders and Judgments:** The Court has a template available for certain orders. The Court encourages parties to use that template as a starting point for creation of a proposed order. The Court’s template for certain actions, such as dissolution with property distribution, alimony and minor children includes the factors required by the current statutes. As the Court must address these factors, by law, the parties are encouraged to include them in their proposed orders.

E. 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.

F. Emergency and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed verified motion setting forth the following must be filed: (1) the issues to be resolved, (2) 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 shall make themselves available for the emergency hearing, barring exigent circumstances.

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 2 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. 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." (obviously if this is a civil case use plaintiff and defendant – for family cases use petitioner and respondent). If a party seeks to introduce a video or audio file, that exhibit must be placed on a USB flash drive

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 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:** This division uses the Case Management model to manage its docket. Any party may request a case management conference (CMC) when a case requires to include when the party anticipates filing multiple or complex motions. The Court will set an initial CMC on any new case typically within 30 days after the responsive pleadings are concluded. Reopened cases such as Supplemental Petitions will also be set for CMC. If your case is not set within 60 days of the closing of pleadings contact the Court's Assistant. **As noted above, the PRIMARY means of setting matters for hearing is at the CMC.**
- **Status Conference:** Any party may request a status conference or Case Management Conference when a case requires.
- **Progress of Case Management:** Cases proceeding to trial will follow the progress set forth here.
 - **First Case Management:** The purpose of this CMC is to present **briefly** the issues in the case to the Court.
 - ALL mandatory disclosures MUST be complete before the First CMC. The title of Rule 12.285 includes the word "mandatory." The deadlines are not optional. Failure to comply may demonstrate inadequate preparations.
 - At the first CMC the parties MUST inform the Court if they are aware of any special evaluations needed in the case such as a social investigation, health evaluation and vocational evaluation. Claiming a need for these on the eve of trial may demonstrate inadequate preparation.
 - **Second Case Management:** Report on the progress of discovery. Second CMC will typically occur 60 days after the first.

- In the ordinary course, the Court expects the parties to complete optional discovery before the CMC.
- The parties must agree on a mediator and have set their mediation appointment. If they desire to use the Court's mediator, the Court will schedule that appointment at the CMC.
- **Third CMC:** Third CMC will be set after mediation is complete. The Court expects that all discovery to include depositions will be completed. ***If*** mediation fails, and ***all*** discovery, to include depositions, are complete, the case will be set for trial.

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. You may expect pre-trial approximately a month from the last CMC. Docket Sounding will be the following month. 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.

- o 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.
 - o **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 to the next month 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.
 - o 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 the Consent Final Judgment checklist, Court templates and the [Court’s format for pretrial stipulation](#).
- **Usage:** A party seeking a Consent Final Judgment MUST file a completed [Consent Final Judgment Checklist](#) in the court file. Send the proposed judgment as a proposed order above.

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](#).