

Division 82
Judicial Practices and Procedures
(last modified July 1, 2025)

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A. Communications with the Judicial Office

- **Method of Communication:** Direct communications with the judge are not allowed. All communications to the judicial office must be made to the Judicial Assistant Megan Johnson by phone to 386-257-6058 or by e-mail to mjohnson@circuit7.org. The subject line of emails should contain the case number, case name, and relevant matter (e.g., 2025 102800 COCI – Smith v. Jones – copy of case law for hearing). Phone calls are preferred for setting hearings.
- **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. Any unsolicited communication may be returned to sender or placed in the court file.
- **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.

B. Scheduling Procedures

- **Court Schedule:** Small Claims Pretrials are scheduled on Tuesdays. All other hearings and bench trials are scheduled throughout the week on an as-needed basis. Jury trials are scheduled at least quarterly on one-week dockets throughout the year. A list of this year's jury trial dates is available from the Judicial Assistant.
- **Determine Whether a Hearing Is Needed:** Parties should, whenever possible, contact the opposing party before filing or upon receiving a motion to determine if the matter can be resolved in whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.
- **Scheduling Hearings:** Hearings may be requested by contacting Judicial Assistant Megan Johnson by phone to 386-257-6058 or by e-mail to mjohnson@circuit7.org. The subject line must contain the case number, case name, and relevant matter (e.g., 2025 102800 COCI – Smith v. Jones – 30 Minute Summary Judgment 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. Phone calls are preferred for setting hearings.
- **Unilaterally Scheduling Hearings:** Before scheduling any hearing, the party requesting the hearing time shall make good faith reasonable efforts to coordinate the date and time of the hearing with all opposing parties. If,

after making good faith reasonable efforts, the party is unable to coordinate a mutually agreeable date and time, a party may then unilaterally schedule the hearing. The notice of hearing shall indicate that it is unilaterally scheduled, and the party (or counsel) must certify in writing that they have made good faith, reasonable efforts to coordinate the scheduling of the hearing with the opposing parties.

- **Notice of Hearing:** 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.
- **Cross Noticing Hearings:** Any party may cross notice the same matter at the same time as noticed by another party. Any party wishing to cross notice an additional matter for hearing should contact the party that initially set the hearing. If there is no objection, and time permits, the matter will be heard at the same time. If the opposing party objects, the party seeking to cross notice shall contact the Judicial Assistant and seek permission from the Court before cross noticing the matter. The cross notice of hearing should be filed with the Clerk of Court and provided to all opposing parties.
- **Materials Submission Deadlines:** The Court will review motions set for hearing before the hearing. The Court welcomes the filing of additional memoranda of law or copies of legal authority (statutes, regulations, case law) the parties desire for the Court to review at least three (3) business days before the hearing. A copy must be sent to all opposing parties simultaneously.
- **Order of Proceedings:** Matters will generally be heard in the order they appear on the docket.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon a showing of good cause.
- **Cancelling Hearings:** Hearings noticed by the Court may only be cancelled by the Court. Hearings noticed by one or more parties may only be cancelled by the Court, the scheduling party, or by agreement of all parties involved in the hearing. You must cancel hearings by notifying the Judicial Assistant immediately by phone at 386-257-6058. You must also

immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant. Further, no hearing may be cancelled fewer than two (2) business days before the hearing, unless the case has settled in its entirety or an agreed order on the motion is submitted to the Court fully resolving the matters to be heard.

- **Summary Judgment and Summary Disposition Hearings:** Summary judgment hearings in civil cases must be timely scheduled pursuant to Rule 1.510 and the Case Management Order. Summary disposition hearings in small claims cases must be scheduled for the same time as trial or sufficiently in advance of trial to cancel trial if the motion is granted.

C. Remote Appearance

- **Remote Appearance Procedure:**

Please check your notices carefully to see if you need to appear remotely or in person. Judge K. Miller requires in-person attendance in Room 305 for trials and evidentiary hearings, as well as docket soundings, unless permission is given to appear by Zoom in advance.

Judge K. Miller uses both Zoom court and in-person court in Room 305 for all other hearings. Judge K. Miller does not hold hearings in hybrid format with both Zoom and in person, unless permission is given for hybrid appearances in advance.

If you are unable to attend court in the manner listed on your notice, please file a motion with the Clerk of Court stating why you need a different arrangement and email the motion to mjohnson@circuit7.org in advance of the hearing. You do not have permission to appear differently than your notice unless the judge has signed an order in advance granting special remote/in person appearance.

- **Platform Used:** The court uses Zoom for remote appearances.
- **Platform Meeting ID#:** Meeting ID#: 711 151 6899
- **Requirements:** Persons appearing by zoom must have audio capabilities and are requested to have video capabilities. Please attempt to have your Zoom settings show your name. All participants shall be in appropriate attire and in an appropriate location. Zoom court is still court.

- **Other Remote Appearance Procedures:**
 - IF USING THE ZOOM APP:
 - Go to the downloaded App
 - Go to Join a Meeting
 - The meeting ID is: 711 151 6899
 - 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/jc>
 - Go to Join a Meeting
 - The meeting ID is: 711 151 6899
 - 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”
 - IF USING A TELEPHONE:
 - Dial 1-312-626-6799
 - Enter the meeting ID: 711 151 6899 followed by #
 - You should hear: “You are in the meeting”
 - Wait until your specific case is called.
- Make certain your device is on mute. Do not speak until your case is called.

D. Submission of Orders and Judgments

- **Format:** Proposed orders should be submitted in Microsoft Word format using the Court’s division email address: division82@circuit7.org. PDF orders will not be accepted. The Division 82 email is solely for the purpose of submitting proposed orders. It does not allow for a reply and/or forward. Do not submit other pleadings or requests via this division email address.
- **Agreed Orders:** If the proposed order is agreed, the email should indicate agreement and the title of the order should be “Agreed Order...” or “Unopposed Order...”
- **Ex-Parte Orders Compelling Discovery:** If you are sending in a proposed ex-parte order compelling the production of discovery, you

must comply with Administrative Order CV-2022-004-SC which requires written notice to the opposing party giving 10 days to provide discovery and attaching that notice to the motion to compel.

- **Status of Proposed Orders:** If you have submitted a proposed order and it has not been entered within a reasonable time, you may inquire regarding the status by calling Judicial Assistant Megan Johnson by phone 386-257- 6058. Please do not submit the same order multiple times.
- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing, unless otherwise instructed by the Court.

E. Courtesy Copies of Case Law and Other Documents

- **When Required:** Courtesy copies of case law are never required but may be submitted to the Court for any proceeding.
- **Format:** PDF/a format or Word document is preferred, if submitted electronically. Binders are preferred, if submitted in paper format.
- **Submission Method:** E-mail to mjohnson@circuit7.org, mail, or hand delivery of courtesy copies is acceptable. Using a highlighter on parts of the text does not work well for filings with the Clerk of Court, but it is extremely helpful in emails and voluminous notebooks.
- **Deadline for Submissions:** Courtesy copies must be delivered to the court no later than three (3) business days before any evidentiary proceeding.

F. 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:** After filing the emergency motion, a party should contact the Judicial Assistant to schedule a hearing by calling 386-257-6058. If the court determines that an emergency exists, a hearing will be scheduled by the Court. All parties must make themselves available for the emergency hearing, barring exigent circumstances.

G. Exhibits for Evidentiary Proceedings

- **Format:** A document filed with the Clerk of Court is not an exhibit. The Court must accept your exhibits at a trial or hearing. No original exhibits should be filed before the hearing with the Clerk of Court or the Court.
- **Submission Method:** Original exhibits must be kept by the party offering the exhibit and brought in paper format to the trial or hearing. The Court will keep the original exhibits entered into evidence at trials and hearings. If you are not otherwise required to provide your evidence to the opposing party before the hearing, please bring two (2) additional copies, one for you to keep, and one to give to the opposing party. Parties are encouraged to pre-mark original exhibits by labelling them with an “A,” “B,” etc. prior to any trials or hearings.
- **Electronic Exhibits:** The Court will not accept texts, photos, or videos that are only available on a cell phone, tablet, or laptop. You must print off copies of texts or photos. You must save videos to a flash drive. It is recommended that you bring a laptop to the trial or hearing with you to help display videos on the flash drive, and then leave the flash drive with the Clerk of Court.
- **Courtesy Copies:** Parties may submit courtesy copies of any exhibits five (5) days before the hearing with the Court by emailing them to Judicial Assistant Megan Johnson at mjohnson@circuit7.org. Any voluminous exhibits (over 50 pages total) must be printed and delivered to the Court’s chambers in lieu of emailing. A copy must be sent to all opposing parties simultaneously.

H. Pretrial Procedures and Conferences

- **Case Management Conference:** The Court will set case management conferences (CMC) from time to time. Any party may request a 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 attorneys and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.
- **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.

I. Setting Case for Trial

- **Procedure:** File a notice for trial to set the case for trial.
- **Notice Period:** Non-jury trials will be set for a date certain trial by the Court. Jury trials shall be scheduled by the Court for a pretrial conference and a docket sounding date. Pretrial Conference will typically occur one month before the scheduled trial week. Docket Sounding will typically occur the week before the scheduled trial week. Jury selection occurs on Monday of the trial week, and the trial will occur on a date(s) the same week to be determined by the Court, depending on the number of cases to be tried that week. The Court may assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period. Parties should advise the Court of any scheduling conflicts at the docket sounding. All trial counsel must attend docket sounding in person, bringing with them their calendars and the availability of all important witnesses for the trial week.

J. Forms

- Division forms are available on the Judge's page on the circuit7.org website:
 - Small Claims Pretrial Conference Responses Stipulation, Request to Waive Appearance, and Order
 - Small Claims Stipulation and Order Approving Stipulation
 - Small Claims Consent to Judgment

K. 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:** Spoken language court interpreters are generally not provided for civil cases. 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