

General Procedures

Setting a Hearing

Petitions or motions must be e-filed with the clerk before a hearing can be scheduled. State in your petition or motion the position of opposing counsel – whether they object or not to the relief requested.

Hearings are scheduled through Benchmark only. Please return to the judge's cover page and review "scheduling hearing time" under "important links," for further instruction on how to identify and select hearing time.

All hearings must be coordinated with opposing counsel.

The location must be in the notice of hearing. Unless otherwise advised by the Judicial Assistant, hearings are conducted at the Kim C. Hammond Justice Center, 1769 E. Moody Blvd., Bldg. #1, Courtroom 301, Bunnell, FL 32110. The notice should state the name of the motion you are calling up for hearing and the clerk's docket number. Please e-mail a courtesy copy of the Notice of Hearing to the Judicial Assistant at mwolfe@circuit7.org.

Do not notice additional matter(s) for hearing at the time reserved by another party unless consent has been obtained from the other party and the Judicial Assistant is notified.

All hearings are in person unless Zoom appearance has been granted by motion and order. Motions for Zoom appearance must comply with Rule of General Practice

and Judicial Administration 2.530. See the link on the judge's cover page for instructions on how to motion for Zoom appearance.

Emergency Hearings

Emergency hearings are rarely granted and must be requested in writing, citing the reason. In the case of an urgent / emergency matter, please contact the judicial assistant at mwolfe@circuit7.org.

Unilaterally set Hearing

You may schedule hearing on your motions unilaterally if opposing counsel is unresponsive/uncooperative after **3 attempts**. **Your notice of hearing must reflect the dates/times of emailed attempts**. Keep in mind the attempts must be on different days at least 1 day apart.

Preparing for a Hearing

The Court welcomes the submission of memoranda of law supporting or opposing a motion or other matter to be heard, and/or submission of applicable case law and statutes. The Court must have these materials at least two (2) business days prior to the scheduled hearing. Such materials should be filed with the Clerk of Court and emailed to the judge assistant at mwolfe@circuit7.org, with a copy to all other attorneys or unrepresented parties.

In the case of in-person evidentiary hearing, it is the Court's preference is that parties bring physical copies of all evidence with them to be submitted to the Clerk of Court.

Submitting a combination of electronically filed evidence before the hearing and physical evidence during the hearing, is disfavored.

If appearance by Zoom has been granted for an evidentiary hearing, any evidence must be submitted electronically to the Clerk of Court at least two **(2) business days** before the hearing. Each exhibit must be filed separately. Please do not file one document with all exhibits in the same document. Please do not attach cover pages. File each exhibit separately as “(Plaintiff / Defendant)’s exhibit (A, B, etc.) labeled in upper right corner.”

If a party intends to introduce videos or electronically stored photographs, the party must save all such materials on a jump/thumb drive for submission into evidence. The courtrooms are equipped with technology to allow litigants to plug in their laptop computer at the podium (the computer must have an HDMI port), to display materials on the courtroom televisions. The court does not provide laptop computers.

Cancelling a Hearing

The Judicial Assistant should be advised of any hearing cancellations immediately; if advised in advance, the Judicial Assistant can make the time available to other parties.

Proposed Orders

Proposed orders must be submitted through the E-portal unless otherwise

directed by the Court. To file a proposed order, proceed to <https://www.mylcourtaccess.com/default.aspx>. Choose “File Document(s) on Existing Case to Clerk” option under the “trial court” filing jurisdiction.

The subject line should state the case number and case style and should be properly circulated between the parties before submission to the Court.

Place a title on all proposed orders, such as “Order Dismissing Complaint,” or “Order Extending Time,” not simply “Order.”

An order granting a motion should grant the relief requested rather than merely reciting that a motion is granted. For example, if a Motion to Dismiss is granted, the proposed order should both grant the motion and dismiss the case. Please format proposed orders so that the date of signing and the judge’s name are not a page separate from the substantive text. The judge’s name should be right aligned. No signature line is required.

Withdrawal /Substitution of Counsel

Withdrawal can only be accomplished by court order, which will be entered only upon a stipulation signed by the client(s), or after a hearing with notice to the client. Fla. R. Jud. Admin. 2.505(f)(1). The address where the client can be served in the future should be in the motion and included in the proposed order.

Similarly, a substitution of counsel requires a court order, upon either written consent of the client(s) filed with the court, or a hearing. Fla. R. Jud. Admin.

2.505(e)(2).

When the Case is Settled

Any party who sought affirmative relief in the case has a duty to notify the Court's Judicial Assistant of the settlement as soon as practicable. This is independent of and in addition to any report to the court by a mediator.

Similarly, any party who has requested and received hearing time has a duty to notify the Court's Judicial Assistant that the hearing(s) is cancelled (our computers do not automatically cancel hearings when a case is settled). Stipulations and proposed orders of dismissal should be sent as soon as practicable. A mediation report does not close the file.