

GENERAL SCHEDULING AND PROCEDURES
JUDGE MICHELE S. SIMONSEN

101 N. Alabama Ave., Rm D-314

DeLand, FL 32724

Phone: 386-626-6592

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Judicial Assistant (J.A.): Casey Beason, cbeason@circuit7.org

PLEASE CONTACT THE COURT'S JUDICIAL ASSISTANT, CASEY BEASON, IF YOU
HAVE QUESTIONS ABOUT THE FOLLOWING PROCEDURES.

A. Communications with the Judicial Office:

- a. **Email:** The preferred method of communication is via email to the Court's Judicial Assistant, Casey Beason, cbeason@circuit7.org. All parties must be copied on any email directed to the judicial office. Proposed orders may also be sent to the division email in Word format: division73@circuit7.org.
- b. **Telephone:** Self-represented litigants and those excused from e-mail service may communicate with the judicial office by telephone to 386-626-6592.
- c. **Ex Parte/Unsolicited Communication:** Unsolicited letters and communications of that type should not be sent to the court (for example, complaining of conduct of another party or attorney). All communications, whether written or electronic, must be copied to all opposing parties. A judge is prohibited from initiating, permitting, or considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. The Court's Judicial Assistant is not permitted to relate to the court the contents of any conversations which would be considered improper ex parte communication with the court. Parties may only contact the judicial office in accordance with these procedures. Unsolicited communications from non-parties will not be considered by the Court.
- d. **E-Filing Portal:** All attorneys and self-represented litigants must make and receive service by e-mail, which is generally through the Florida Courts E-Filing Portal, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.16. The Court's office does not provide instructions for the E-Filing Portal.
<https://www.myflcourtaccess.com/authority/>
- e. **Other Inquiries:** The Judicial office (Judge and Judicial Assistant) does not give legal advice. Matters outside of the procedures of this Court may be researched in the law library on the 3rd floor, on the Florida Bar website or the Florida Court's website, or you may consult with a Florida Bar Attorney.

B. Scheduling Procedures:

- a. **Motions** must be filed/e-filed with the Clerk before a hearing will be scheduled. STATE IN YOUR MOTION THE POSITION OF OPPOSING COUNSEL – WHETHER THE OTHER PARTY OBJECTS OR NOT TO THE MOTION.
- b. **Hearing time must be requested through the Judicial Assistant via email.** Hearings must be coordinated with opposing counsel and confirmed with the Judicial Assistant (“J.A.”). The party scheduling the hearing will prepare the notice unless advised by the Judicial Assistant that the Court will prepare the notice of hearing. Once confirmed, a copy of the notice of hearing must be sent to the J.A. by email, fax, or mail. DO NOT notice additional matters for hearing at the time reserved by another party, unless the other party has consented, and the additional matters are coordinated/confirmed with the J.A.
- c. **Notices of Hearing** must have the location (Hearing Room # D-314) or type of hearing (i.e. telephonic or video via Zoom); name of the motion you are calling up for hearing, the time set aside for the hearing, **and the Clerk’s docket number** for the motion you are setting for hearing. If you do not know the docket number, look it up. The Clerk’s docket is available to the public via www.Clerk.org.
- d. **Cancellations:** A hearing may only be cancelled by the party who scheduled the hearing. Even though a Notice of Cancellation may be filed with the Clerk, the party cancelling the hearing **must** also email or call the Judicial Assistant to cancel the hearing. A hearing set by the Court may only be cancelled by the Court.
- e. **Case Law/Memoranda of Law** are welcome; it is helpful if received at least five (5) business days in advance of the hearing date so that the Judge can read them prior to the hearing. Courtesy copies of Case Law or Memoranda may be provided to the Judicial office directly, however all submissions must also be filed with the Clerk and copied to all parties.
- f. **Motions to Compel Discovery.** Please see [Administrative Order CV-2022-004-SC\(A\)](#) prior to filing motions to compel discovery. If you have not complied with the administrative order, it is likely your Motion to Compel will be denied until you do.
- g. **Motions to Withdraw** as Counsel do not need to be set for hearing if a signed consent from the client is provided with the motion.
- h. **Proposed Orders** may be sent to the Judge in advance of a hearing, as long as copied to the opposing party, electronically to division73@circuit7.org.
- i. **Deadline for proposed orders after a hearing:** Proposed orders to be prepared by a party must be submitted within ten (10) days of the hearing, unless otherwise specified by the Court upon ruling.

- j. **Agreed Orders/Stipulations:** Agreed orders should state that they are agreed to by all parties, within the order. Stipulations should be filed and a copy of the signed stipulation submitted with the proposed order.

C. Appearing in Court:

- a. **Courtroom Decorum:** Parties and counsel should be respectful, professional and civil to the court, court staff, and each other at all times during court proceedings. Address objections and any remarks to the court, and not to opposing counsel/party. Avoid all disparaging personal remarks or acrimony toward opposing counsel. Refer to all persons by their surnames with the appropriate “Miss, Ms., Mrs., or Mr., Dr.,” etc. Do not direct lengthy substantive complaints or questions to the Court’s Judicial Assistant. The Clerk and the Judicial Assistant cannot, should not and will not give legal advice. If you have questions about how to proceed in your case, you should contact an attorney or research the rules of procedure for your type of case. Cases are governed in this division by either the Florida Small Claims Updated April 24, 2025, Rules, Florida Rules of Civil Procedure or the Florida Rules of Traffic Court. Also applicable are the Rules of General Practice and Judicial Administration.
- b. **Requests for Appointment of an Interpreter:** For Small Claims and Traffic cases, you are encouraged to bring a family member or friend who can interpret for you. Court interpreters are limited and most often in County Civil, appointed based on Availability. Request for a court-appointed interpreter must be made through Court Interpreting Services. For more information see <https://circuit7.org/court-interpreting-services/>.
- c. **Request for Accommodations: ADA:** See <https://circuit7.org/ada/>
- d. **Virtual Appearances by Zoom/Telephone:**
 - i. **Small Claims Pre-Trial Conferences:** These hearings are conducted IN PERSON. If you have good cause to request an appearance by Zoom, you must file the request with the Clerk of Court, indicating the reason why you cannot appear in-person. Such requests will be reviewed on a case-by-case basis, and most likely if good cause is found, may be reset to a time-certain date to accommodate the request. Parties may jointly request to waive PTC by written motion, and the matter will be set for mediation and trial (only if both parties agree).
 - ii. **Traffic Arraignments and Hearings:** Traffic hearings are in-person. If you need to appear virtually at a traffic hearing, you must file your request detailing you reason why you cannot appear. Defendants may submit an Affidavit of Defense in lieu of appearance. Defendants may also submit written pleas of No Contest, including requests to waive points. Sometimes hearings are mandatory per statute. You may request plea

forms or affidavit of defense forms from the Clerk of Court.

<https://www.clerk.org/forms.aspx#traffic>

- iii. **PIP and GLASS CMC's** are by Zoom appearance only. If your notice says in person, please contact the JA to confirm, most likely the notice was generated prior to the change.
 - iv. **Non-Evidentiary Hearings:** Non-evidentiary hearings less than 30 minutes may be conducted by Zoom or in-person. The Court prefers it be one or the other if possible. Hybrid hearings are discouraged. The attorney or party scheduling the hearing shall attempt to coordinate the hearing to either be in person or virtual. Once it is set with the judicial assistant, permission to appear differently must be sought by motion.
 - v. **Evidentiary Hearings** shall generally be conducted in person, unless set for less than 30 minutes, and all parties stipulate to a virtual hearing.
 - vi. **Motions to Determine Rent and Claims of Exemption** shall be by Zoom unless requested in person at the time the hearing is coordinated.
 - vii. **Civil and Small Claims Non-Jury Trials:** The Court will conduct these trials in person. Any request for a party or witness to appear remotely must be filed at least five (5) business days prior to the trial date and shall reference any factors relevant to the Court's decision, specifically any relevant to the Court's decision, specifically any relevant factors listed in Fla. Rules Gen. Prac. And Jud. Admin. 2.530(2)(A).
 - viii. **Appearing in Person for a Zoom Noticed Hearing:** If your notice is for a zoom hearing, you may file a written motion to appear in person at least five (5) business days in advance of the hearing, do not just appear in the hallway. All parties should be copied on the request for in-person appearance.
- e. **Jury Trials:** Jury Trial Docket Sounding and the Trial is IN PERSON. Your notices are very clear, plan to attend unless a Notice of Settlement or Dismissal has been timely filed. On cases requested to be continued, you must still attend unless you have received a signed Order granting the continuance. Requests for Zoom appearance for a witness or party may be addressed via a motion filed prior to the Docket Sounding, with the reasons for the request, and shall reference any factors relevant to the Court's decision, specifically any relevant factors listed in Fla. Rules Gen. Prac. And Jud. Admin. 2.530(2)(A).

D. Pretrial Procedures and Conferences

- a. Any party may request a Case Management Conference when necessary.
- b. Unless excused by the Court in advance, all CMC's are mandatory for attorneys and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.
- c. Any party may request a status conference when necessary.
- d. Requests for CMC or status conference must articulate the reasons for the necessity of the hearing.

E. Exhibits for Evidentiary Proceedings

- a. Exhibits for in person hearings should be brought to the Court and be pre-marked for identification
- b. Exhibits for virtual hearings should be filed in advance of the hearing and be copied to the opposing party.
- c. Videos: Videos which are to be submitted as evidence need to be submitted to the Clerk in a format such as a DVD or flash drive, and the party submitting the video must also have a way to display the video to the Court at the hearing. Videos being presented for virtual hearings must be submitted in advance of the hearing to the Clerk.

F. Setting Case for Trial

- a. Any party may notice the Court that a case is ready to be set for jury or non-jury trial, if not already set by the Court on a date-certain or jury trial period.

G. Continuance Procedure

- a. **Motions for Continuance of trials are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting a continuance. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by the Florida Rule of General Practice and Judicial Administration 2.545(e).**

H. Forms

- a. Self help forms can be found:
 - i. <https://www.clerk.org/forms.aspx>
 - ii. <https://help.flcourts.gov/DIY-Florida>