

GENERAL SCHEDULING AND PROCEDURES

JUDGE ANGELA A. DEMPSEY

101 N. Alabama Ave., Rm C347

DeLand, FL 32724

Phone: 386-822-5008

Fax: 386-822-5012

Judicial Assistant (J.A.): Cheryl Herald, cherald@circuit7.org

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

1. **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.
2. **Hearings** must be coordinated with opposing counsel and confirmed with the Judicial Assistant (“J.A.”). 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.
3. **Notices of Hearing** must have the location (Hearing Room #2: D-312)) 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.](#)**
4. **Cancellations:** A hearing may only be canceled 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 canceled by the Court.
5. **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. Case Law or Memoranda may be provided to the Court directly, however all submissions must also be filed with the Clerk and copied to all parties.
6. **Motions to Compel Discovery.** Please see [Administrative Order CV-2022-004-SC](#) 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.
7. **Motions to Withdraw** do not need to be set for hearing if you have a signed consent from your client provided with the motion.

8. **Proposed Orders** with conformed copies may be sent to the judge in advance of a hearing. Please indicate in a cover letter that the proposed order is for a hearing on (date). Orders may also be sent electronically to division71@circuit7.org
9. **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.
10. **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.** 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.
11. **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 Rules, Florida Rules of Civil Procedure or the Florida Rules of Traffic Court. Also applicable are the Rules of General Practice and Judicial Administration.
12. **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/>
13. ADA: See <https://circuit7.org/ada/>

CAN YOU APPEAR IN PERSON OR BY ZOOM? SEE BELOW

14. **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).

15. **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 your 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>
16. **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.
17. **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.
18. **Evidentiary hearings** shall generally be conducted in person, unless set for less than 30 minutes, and all parties stipulate to a virtual hearing.
19. **Motions to Determine Rent and Claims of Exemption** shall be by Zoom, unless requested in person at the time the hearing is coordinated.
20. **Civil and Small Claims Trials:** The Court will conduct these jury and non-jury trials in person. Any request for a party or witness to appear remotely must be filed at least ten (10) days prior to the trial date 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).
21. **JURY TRIALS:** All hearings regarding Jury Trials (i.e. JT Pretrial conferences and docket soundings) are IN PERSON—NO EXCEPTIONS. Your notices are very clear, plan to attend unless a Notice of Settlement, Dismissal, or an Agreed Motion to Continue has been timely filed. On cases requested to be continued, you must still attend unless you have received a signed Order granting the continuance. See [Uniform Pretrial Procedures](#).
22. If your hearing is noticed to be in-person, virtual or telephonic appearance may be granted upon filing a written motion, and in accordance with Fla. Rules Gen. Prac. And Jud. Admin. 2.530 (EXCEPT JURY TRIAL HEARINGS, See Above). If your notice is for a zoom hearing, you may file a written motion to appear in person in advance, do not just appear in the hallway. The Court may grant your request, provided all parties are copied on the request for in-person appearance.