

Judicial Practices and Procedures

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Division 61: County Civil, Small Claims and Circuit Civil

Contact Information

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A. Communications with the Judicial Office

- **Method of Communication:** email is the preferred method of communication of this office – mwolfe@circuit7.org. The email subject line should reflect the case number and party names.
- **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.
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. 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. Self-represented litigants may contact the Flagler County Clerk of Court to obtain the necessary form.
- **Response to Inquiries:** Please be advised that neither the Judge, the Judicial Assistant, nor the Clerk's Office can provide legal advice. Civil litigants may contact Community Legal Services of Mid-Florida at <https://www.clsmf.org> to apply for services.

B. Scheduling Procedures

- **UNIFORM SCHEDULING INSTRUCTIONS**
<https://circuit7.org/wp-content/uploads/Uniform-Scheduling-Procedures.pdf>
- **Submission Deadlines:** The court must receive all materials for the hearing no later than two business days before the hearing.
- **Continuance Procedure:** Continuances are disfavored and will be granted only upon good cause shown. A request for continuance must be submitted at least five days prior to the scheduled court date. 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).
- **Cancelling Hearings:** Hearings that are set by the Court may only be cancelled by the Court. Hearings scheduled by a party may be cancelled by notifying the judicial assistant immediately and filing and serving a notice of cancellation on opposing counsel and any self-represented litigant.

C. Remote Appearance

- **Allowed Only by Court Order:** All hearings are conducted in person unless specifically authorized by the Court. **Remote appearance is considered on a case-by-case and participant-by-participant basis.** Each participant and counsel must separately motion for remote appearance. Do not assume that you are authorized to appear via Zoom because another party has been granted permission to do so. **See link to instructions and templates below.**
- **Familiarity with Rule:** All participants are expected to familiarize themselves with Florida Rule of General Practice and Procedure 2.530 before motioning for Zoom appearance.
- **REMOTE ZOOM APPEARANCE PROCEDURE:**
<https://circuit7.org/wp-content/uploads/Motioning-for-Appearance-by-Zoom-jan-23.pdf>

D. Submission of Motions, Orders, and Judgments

<https://circuit7.org/wp-content/uploads/Proposed-Orders-and-Other-Filings.pdf>

E. Courtesy Copies of Case Law and Other Documents

- The Court requests that case law or legal memoranda be e-filed **no less than two (2) business days prior to the hearing.** Case law may be submitted as a composite under a Notice of Filing. Please note that the Clerk's Office may not be able to immediately docket your submission and govern your timing accordingly.
- Courtesy copies of e-filed documents are not mandatory but are appreciated, and may be emailed to the judicial assistant at mwolfe@circuit7.org.

F. Emergency and Other Urgent Matters

- **Requirements:** Emergency hearings are rarely granted and must be requested in writing, citing the reason and the amount of time needed for hearing. In the case of an urgent / emergency matter, please contact the judicial assistant at mwolfe@circuit7.org.
- **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

- **Submitting Exhibits Electronically:** Electronically filed evidence must be submitted to the Clerk of Court at least two (2) business days before the hearing unless otherwise instructed by the Court. **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.
- **Submitting Exhibits in Open Court:** 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 A” or “Respondent/Defendant A.” Unless otherwise instructed, attorneys and self-represented litigants are not required to submit their physical evidence to the court or Clerk of Court prior to the evidentiary hearing.
- **Special Instructions for Electronically Stored Photographs or Videos:** 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. **If you do not bring your own laptop computer, you will not be able to display the exhibits stored on the jump/thumb drive.** The court does not provide laptop computers.
- **Deadline for Submissions:** Electronically submitted exhibits must be filed with the Clerk of Court at least two (2) business days prior to the hearing. All other exhibits can be brought to court on the day of the hearing unless otherwise instructed.

H. Pretrial Procedures and Conferences

- **Case Management Conference:** the court may set case management conferences (CMC) at any time on its own, or on proper notice by a party. Whether set by the court or a party, Florida Rule of Civil Procedure 1.200(j) applies and should be carefully reviewed by attorneys and self-represented litigants.

- **Pretrial Conference.** After the action has been set for trial period, the court itself may, or must on the timely motion of any party, require the parties to appear for a pretrial conference to consider the issues set forth in Florida Rule of Civil Procedure 1.200(k).

I. Setting Case for Trial

- **Procedure:** If a case is ready for trial but has not been set for trial by the court, either party may file a notice for trial to set the case for trial. Parties may also contact the judicial assistant to seek hearing time for non-jury trials.
- **Notice Period:** The court generally does not set date-certain jury trials. The court will assign cases to specific days during the trial period at docket sounding. The court may also assign back-up cases. Attorneys, self-represented litigants, parties, and witnesses are expected to be available during the entire trial period.
- **Jury Trial Weeks:** Parties may contact the judicial assistant to inquire about designated jury trial weeks.

J. Forms

- **Access:** Forms for motioning for Zoom appearance and for waiver of small claims pretrials can be found under “Important Links” on the judge’s webpage.
- **Usage:** The parties must use the forms provided or substantially similar forms. If a party chooses to use their own form, it must contain all of the information set forth in the form provided by the court.
- **Other Forms:** For a fee, the Flagler County Clerk of Court provides forms for some causes of action. Further information is available at www.flaglerclerk.com

K. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact Court Administration at (386) 257-6069. Hearing or voice impaired may call 711. Additional information is available under the “About the Court” tab at www.circuit7.org.
- **Interpreter Requests:** The appointment of court interpreters is governed by section 90.606, Florida statutes (witnesses), Florida Rule

of General Practice and Procedure 2.560, and local Administrative Order G-2022-033-SC (available at www.circuit7.org). Additional information can be found under the Programs & Services → Court Operations tab at www.circuit7.org. Court Interpreting Services can be contacted at interpreter@circuit7.org or (386) 626-6566.

- **Service and Emotional Support Animals:** The use of service and emotional support animals in court is governed by Florida Rule of General Practice and Procedure 2.540. Please contact Court Administration at (386) 257-6069 for additional information and procedures.