

Rules of Procedure and Scheduling
Division 01 – Judge Michael S. Orfinger
(Effective February 3, 2023)

Attorneys and unrepresented parties are to adhere to the following rules of procedure and courtroom decorum in all court proceedings, without regard to whether the proceeding is conducted in person or with the use of communication technology:

1. Attorneys shall comply with the Standards of Professional Courtesy adopted by the Judges of the Seventh Judicial Circuit on June 4, 2004 (available at [Professionalism - Seventh Judicial Circuit Court of Florida \(circuit7.org\)](http://Professionalism-SevenJudicialCircuitCourtofFlorida.circuit7.org)).
2. Attorneys shall address objections and any remarks to the Court, and not to opposing counsel. Avoid all disparaging personal remarks or acrimony toward opposing counsel. Refer to all persons (including witnesses and other counsel) by their surnames and not by their given or “first” names. Exceptions may be made in the case of children.
3. Objections to legal argument during non-evidentiary hearings should be kept to an absolute minimum.
4. During evidentiary hearings or trials, if an attorney makes an objection, the objecting attorney should state simply that he or she objects followed by the legal basis for the objection. “Speaking objections” are not necessary, so the objecting attorney should withhold further comment or argument unless requested by the Court. The proponent of the question should not make any argument as to the objection unless the court requests a response, and any such response should be equally brief.
5. If any attorney invokes the rule of sequestration, the attorneys shall be responsible for informing their clients and witnesses of the meaning of the rule and the consequences of violating it.
6. Any paper or other tangible object not yet received into evidence should be marked for identification by the Clerk and shown to opposing counsel before it is tendered to the witness.

7. Normally, one attorney for each party should examine or cross-examine any one witness. The attorney who examines or cross-examines shall make any objections to questioning by the other attorneys.
8. Do not ask the Court to declare a witness to be an expert.
9. The Court will gladly read case law or legal memoranda furnished by counsel or an unrepresented party, provided it is furnished to the Court at least five (5) business days prior to the proceeding to which it applies. Please send any such materials via e-mail to Division01@circuit7.org, with a copy to all other counsel and unrepresented parties.
10. All proposed orders (**EXCEPT** Final Judgments of Foreclosure) shall be submitted in Microsoft Word format via e-mail to Division01@circuit7.org. Copies must be simultaneously submitted to all other counsel and unrepresented parties. If another party objects to a proposed order, the party submitting the order must note the objection in its e-mail to the Court. If you are requesting the Court to enter an order granting or denying a motion, please observe the following requirements:
 - a. The order should be titled “Order [Granting/Denying] [Plaintiff’s/ Defendant’s] Motion to _____”. When viewing the docket, an entry like “Order Granting Defendant’s Motion to Continue Trial” is more informative than “Order on Motion to Continue.”
 - b. If the order is one that will be entered without a hearing, do not begin the body of the order with, “THIS CAUSE came on for hearing by the Court....” or words to that effect. Instead, begin with, “THIS CAUSE came before the Court....”
 - c. If the motion for which a proposed order is submitted is unopposed, the body of the motion should recite that the moving attorney has consulted with counsel for the other parties and that the other attorneys have either affirmatively voiced their lack of opposition, or that no response was received.
 - d. Proposed orders should not contain such things as a law firm’s internal file number, a bar code or other computer generated code, or a law firm’s letterhead in the header or footer of the order.

- e. Proposed orders must state that copies have been furnished by eService to each named attorney. **Counsel for the moving party must mail or otherwise deliver a copy of the signed order to any pro se litigant or other litigant who cannot be served automatically by eService.** A Notice of Service must then be filed in the court file to reflect delivery of the order.
11. **Foreclosure proceedings:** Original documents such as notes, mortgages, allonges, assignments, affidavits, and default letters) must be **SENT DIRECTLY TO THE CLERK’S OFFICE.** The Court will not conduct a final hearing in a foreclosure action if the original documents are not filed with the Clerk by the date of the hearing.
- All proposed Final Judgments of Foreclosure packets must be submitted a **minimum of 5 business days in advance of the hearing** with sufficient copies and pre-addressed, stamped envelopes for all parties listed on the certificate of service. **The Court will not accept Final Judgments of Foreclosure by email.**
12. Motions to withdraw as counsel must comply with Fla. R. Gen. Prac. & Jud. Admin. 2.505(f). The motion and notice of hearing must affirmatively reflect service on the client. The Court will not require a hearing if the motion includes a consent signed by the client, or if a separate consent signed by the client is filed. The proposed order must direct that all future pleadings, orders, and other papers be served on the client at his or her last known address, which shall be provided in the order together with the client’s last known telephone number and e-mail address.
13. **Continuances:** The procedures of Fla. R. Civ. P. 1.460 and the policies underlying Fla. R. Gen. Prac. & Jud. Admin. 2.545(e) apply to all motions for continuance filed in this Division. This is true notwithstanding that a motion for continuance may be designated as “stipulated,” “joint,” “unopposed,” or the like. **Motions for continuance must be signed by the party seeking the continuance except for good cause shown, and the absence of a party’s signature may lead to the motion being denied as facially insufficient.** A party requesting a continuance must be cognizant of the time standards imposed by Fla. R. Gen. Prac. & Jud. Admin. 2.250(a)(1) and this Court’s Case Management Order.

Procedures for Appearance via Communications Technology

14. Non-evidentiary hearings scheduled for 30 minutes or less may be conducted in person, through communication technology, or a combination of the two. The Court typically uses Zoom for virtual appearances. Participants who do not have access to

the Internet, or to a sufficiently stable Internet connection to use Zoom, may appear by CourtCall at their expense. CourtCall must be reserved at least two business days prior to the hearing.

15. As a general matter, hearings scheduled for more than 30 minutes, as well as any evidentiary hearings, are to be conducted in person. Any party who wishes to appear via communication technology must follow the procedure set forth in Fla. R. Gen. Prac. & Jud. Admin. 2.530(b)(2).
16. Attorneys appearing by Zoom shall have their cameras on at all times during the proceeding and shall be dressed in courtroom attire. They are to appear from settings that are free from extraneous noise or interruptions.
17. Attorneys shall instruct their clients and witnesses to familiarize themselves with Zoom in advance of the proceeding, to check their cameras, speakers, and microphones prior to the hearing, and to enter their first and last names where indicated so they are readily identifiable on camera. Attorneys should instruct the parties and witnesses that they will also be required to be on camera during the entire proceeding, and their microphones should be muted except when being sworn in or testifying. If any party invokes the rule of sequestration, non-party witnesses will be placed in the virtual waiting room until they testify.
18. During the examination or cross-examination of a party or other witness, no attorney shall “assist” the witness by providing documents or other materials to the witness without first obtaining leave of Court. The content of any such documents or materials must be in the plain view of the Court and the other attorneys, utilizing screen sharing if necessary.
19. Witnesses shall be instructed not to look at any other documents or devices during their testimony without leave of Court. Any such documents or devices must be readily visible to the Court and all other participants in the Zoom hearing

Scheduling and Cancelling Hearings

20. Regular civil hearings are scheduled in 15-minute blocks up to one hour of time. A party seeking a hearing in excess of one hour must send a request by e-mail to the Court’s Judicial Assistant, Michelle MacDonald, mmacdonald@circuit7.org.
21. A hearing may be cross-noticed only with the agreement of the attorney who initially set the hearing. In general, the motion originally noticed will be heard first.

Notices and cross-notices of hearing should be e-mailed to the Judicial Assistant. No motion may be cross-noticed for hearing during expedited hearing times.

22. **Notices of Hearing:** In addition to the date, time, and location of the hearing, a notice of hearing must identify each motion to be heard, including the date on which the motion was filed and the docket entry number of the motion.
23. **Only the Judicial Assistant can cancel a hearing.** Filing a Notice of Cancellation is insufficient. Send all requests for cancellation to the Judicial Assistant, and upon receiving approval to cancel, file the Notice of Cancellation with the Clerk. **Cancellations must be requested no less than 48 hours prior to the hearing, absent exceptional circumstances. Counsel must appear at any hearing cancelled with fewer than 48 hours' notice, unless (a) counsel submits an agreed order resolving all matters that were to be heard; or (b) the moving party withdraws all motions that were to be heard.**
24. **Certificate of Good Faith:** Before any motion is filed, the moving party must contact the opposing party(ies) and attempt, in good faith, to amicably resolve the issues raised by the motion. Each motion must contain a certificate by the movant's attorney if represented (or the moving party if unrepresented) certifying his/her compliance with this requirement. This provision does not apply to motions for summary judgment or other case dispositive motions. If the certificate of compliance with this paragraph is not contained in the motion, then it must appear in the notice of hearing. As a general matter, the Court will not consider emails or phone calls between the attorneys' legal assistants or paralegals to constitute compliance with this paragraph. Failure to comply with this provision may result in the Court declining to hear the motion or denying the motion without prejudice.
25. Evidentiary hearings must be noticed as such.
26. "Emergency" hearings are rarely granted. They must be requested in writing and the facts constituting the emergency must be clearly stated.
27. **Expedited hearings:** The Court conducts expedited hearings most Thursday mornings beginning at 8:30 a.m. These are non-evidentiary hearings expected to take five minutes, but no more than ten minutes maximum.
28. **Motions to Cancel Foreclosure Sales:** Any such motion must substantially comply with Fla. R. Civ. P. Form 1.996(c). A party seeking to cancel a foreclosure sale should indicate in the motion whether the sale has been cancelled before and, if so,

the number of occasions and the reasons for the prior cancellation(s). If the basis for seeking cancellation is that the parties “are continuing to be involved in loss mitigation” or the like, the motion should explain the status of those efforts. In the event a condominium association, homeowners association, or other entity subject to “safe harbor” statutes such as section 718.116 or section 720.3085, Florida Statutes are defendants, a motion to cancel foreclosure sale must state whether that party consents to the cancellation. **All proposed orders should give the Court the option of denying the motion and provide blank space in which the Court can reschedule the foreclosure sale in the event the motion is granted.**