

Rules of Procedure and Courtroom Decorum
Division 38 – Judge Michael S. Orfinger
Delinquency, Dependency and Unified Family Division
(Effective February 15, 2021)

Notwithstanding that the Court is conducting proceedings “virtually” via the Zoom platform, all such proceedings are official court proceedings. Attorneys and unrepresented parties are to adhere to the following rules of courtroom decorum and procedure to the same extent as would be required in standard open court proceedings:

1. Attorneys appearing virtually 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.
2. Attorneys shall comply with the Standards of Professional Courtesy adopted by the Judges of the Seventh Judicial Circuit on June 4, 2004 (available at <http://www.circuit7.org/About%20the%20Court/profcourtesy.html>).
3. Attorneys shall instruct their clients and witnesses to familiarize themselves with Zoom, to check their cameras, speakers, and microphones prior to the hearing, and to insert 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 proceeding, and their microphones should be muted except when being sworn in or testifying.
4. 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.
5. Objections to legal argument during non-evidentiary hearings should be kept to an absolute minimum.
6. 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.

7. 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.

8. 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. Non-party witnesses will be kept in the virtual waiting room until it is their turn to testify.

9. 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.

10. 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.

11. Do not ask the Court to declare a witness to be an expert.

12. 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 Division38@circuit7.org, with a copy to all other counsel and unrepresented parties.

13. Proposed orders shall be submitted in Microsoft Word format via e-mail to Division38@circuit7.org. Copies must be simultaneously submitted to all other counsel and unrepresented parties. 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] [Department’s/Mother’s/Father’s/State’s] Motion to _____”. When viewing the docket, an entry like “Order Granting Department’s Motion to Continue Advisory Hearing” 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 a motion 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.

14. Motions to withdraw as counsel must comply with Fla. R. Jud. Admin. 2.505(f). Effective March 1, 2021, all such motions must comply with newly amended 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.

15. Except as otherwise provided by law, proceedings in this division are open to the public. Members of the public attending proceedings via Zoom shall keep their microphones muted at all times and shall not disrupt court proceedings. Certain proceedings, such as cases pertaining to termination of parental rights and adoptions are closed proceedings and are not open to the public.