

# **Judge D. Melissa Distler's** **General Scheduling and Procedures**

**Judicial Assistant: Brittany Jones**

## **Location:**

Judge Distler currently presides over the County Court Criminal docket and the Juvenile Delinquency docket at the Kim C. Hammond Justice Center in Flagler County. Criminal Traffic and Misdemeanor arraignments are held in **courtroom 101**. Pre-trials, Violation of probation hearings, evidentiary hearings, docket sounding, trials, and all other matters are held in **courtroom 404** unless otherwise specified.

## **Scheduling a hearing:**

- ❖ If you need to schedule a hearing, the request will need to be submitted via email to the Court's Judicial Assistant, Brittany Jones. ([Bjones@circuit7.org](mailto:Bjones@circuit7.org))
- ❖ The Motion(s) must be e-filed with the Clerk's office PRIOR to requesting hearing time. Please be sure to include opposing counsel's position in the motion.
- ❖ Please remember to ALWAYS include opposing counsel in the email, along with the case number, how much hearing time will be needed, and what motion(s) are being heard.
- ❖ The judicial assistant will respond to all parties with available hearing times promptly.

## **Notice of Hearing:**

- ❖ The party requesting the hearing time shall punctually file the notice of hearing setting forth the following:
  - Time and Date of the hearing
  - Motions and/or all matters being heard
  - Amount of time reserved with the judicial assistant
  - Location of the hearing, unless the Judge's Office permits the hearing to be held remotely
    - If the hearing is remote, the zoom instructions will need to be attached to the notice of hearing and the Meeting ID will need to be on the notice of hearing.
    - The Meeting ID for Judge Distler's zoom hearings is 386-313-4520

### **Cancellations:**

- ❖ A hearing may only be cancelled by the party who scheduled the hearing.
- ❖ A notice of cancellation **MUST** be e-filed with the Clerk of Court and emailed to the judicial assistant immediately.
- ❖ A hearing scheduled by the Court, may only be cancelled by the Court.

### **Motions and Proposed Orders:**

- ❖ Efforts should be made prior to filing or upon receipt of a motion, to contact the opposing party to determine if the matter can be resolved in whole or in part. This may alleviate the need for filing the motion or allow submission of an agreed order in lieu of a hearing.
- ❖ **Notice of Substitution of Counsel or Motion to Withdraw as Counsel:** Absent written consent of the client, a hearing is required on a Notice of Substitution of Counsel and on a Motion to Withdraw as Counsel. (See Fla. R. Gen. Prac. & Jud. Admin. 2.505) If you have written consent from the client that will need to be e-filed.
- ❖ **Agreed Orders** – it is the responsibility of the parties to make sure the appropriate stipulation or other supporting documents confirming said agreement are e-filed with the Clerk of Court prior to submitting the *agreed order* for the courts consideration.
- ❖ **The Court does not accept “paper” orders sent through the postal mail. All orders must be e-filed through the e-portal. Proposed orders should be emailed to the judicial assistant in word format **after** the order has been e-filed.**

### **Written Submissions in Advance of Hearings:**

- ❖ The Court welcomes the filing of memoranda of law supporting or opposing a motion or other matter to be heard.
- ❖ Any party who wishes the Court to consider a memorandum prior to the hearing on a motion shall submit it directly to the Judicial Assistant via email (with a copy to all other counsel and unrepresented parties) at least three (3) business days prior to the hearing.
- ❖ Any party who wishes the Court to consider case law at a hearing should submit a list of the case citations and a brief statement of the principle of law upon which the party relies. This notice of authority should be submitted to the Judicial Assistant via email (with a copy to all other counsel and unrepresented parties) at least three (3) business days prior to the hearing.

### **Ex- Parte Communication:**

- ❖ **Any communication or request intended to be viewed by the Court generally requires it be in the form of a pleading, motion, notice, stipulation or other document authorized by the applicable rules of procedure, and should be e-filed with the Clerk of Court.**
- ❖ **Unsolicited letters, emails, or communication of any type should NOT be sent to the Court. The 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.**
- ❖ **Unrepresented Parties: If you have a request of the Court, you must file such request as a motion (handwritten or typed) with the Clerk of Court.**

### **Courtroom Decorum:**

- ❖ **All parties and counsel should be respectful, professional and civil to the Court, court staff, and each other at all times during the court proceedings.**
- ❖ **Address all objections and any remarks to the Court, and not to opposing counsel or the other party.**
- ❖ **Avoid all disparaging personal remarks or acrimony towards opposing counsel or the other party.**
- ❖ **Refer to all persona by their surnames with the appropriate “Miss, Ms., Mrs., Mr., Dr.”, etc.**