

# Practices and Procedures for Civil Cases in Division 01

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## Contact Information

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## A. Communications with the Judicial Office

- **Method of Communication:** As a general practice, all communications to the judicial office should be submitted by e-mail to [mmacdonald@circuit7.org](mailto:mmacdonald@circuit7.org). The subject line must contain the case number, case name, and relevant matter (*e.g.*, 2024 01234 CIDL – *Smith v. Jones* - 2-Hour Hearing Requested.)” Self-represented litigants and attorneys excused from e-mail service may communicate with the judicial office by telephone at (386) 822-5073.
- **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. This rule applies to the Judicial Assistant as well. All parties must be copied on any email directed to the judicial office, except in those few instances in which an ex parte communication is authorized by law.
- **Unsolicited Communications:** The Court will not consider unsolicited communications from non-parties to a case. 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. See 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. All attorneys and self-represented litigants must make and receive service by e-mail via the Florida Courts E-Filing Portal, unless excused. Attorneys and self-

represented parties may register for electronic service (“eService”) at [www.myflcourtaccess.com](http://www.myflcourtaccess.com).

- **Response to Inquiries:** When communicating with the judicial office please be cognizant of the volume of cases pending in this division at any given time. The judicial office receives numerous emails and phone calls daily. Your inquiry will typically be responded to in the order it was received, and as expeditiously as reasonably possible. Repeated inquiries and e-mails to the Judicial Assistant will not result in a faster response.
- **Communication with Judicial Assistant:** The Judicial Assistant is not permitted to give legal advice. Do not include the Judicial Assistant in e-mails or e-mail chains between the parties, the lawyers, or their support staff that do not request direct action from the judicial office.

## **B. Scheduling Procedures**

- **Trial Schedule:** Trials are typically scheduled in Division 01 during the last two weeks of the month, except for November and December, in which only a one-week trial period is usually scheduled. The trial calendar for the current year can be found [here](#).
- **Hearing Schedule:** The Court conducts hearings Monday through Thursday during non-trial weeks. In addition, the Court conducts expedited hearings (*i.e.*, uncontested or short matters requiring no more than 5 to 10 minutes) every Thursday morning at 8:30 a.m., including during trial weeks.
- **Scheduling Hearings:** Civil hearings must be coordinated with opposing counsel and scheduled on Benchmark in fifteen (15) minute blocks up to sixty (60) minutes. Scheduling instructions and additional information can be found at [Benchmark Scheduling for Division 01](#). 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, at [mmacdonald@circuit7.org](mailto:mmacdonald@circuit7.org).
- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time. No hearing shall be scheduled on motions that have not yet been filed. A notice of hearing involving any remote appearance must contain the Zoom meeting ID for the hearing. Notices of hearing must least each motion to be heard and include the docket identification number (“DIN” number) of each motion. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- **Submission Deadlines:** The Court will gladly read case law or legal memoranda furnished by counsel or a self-represented party, provided it is delivered to the judicial chambers at least five (5) business days prior to the proceeding to which it applies. Materials exceeding ten (10) pages must be submitted in hard copy, appropriately tabbed and indexed, with identical copies furnished to opposing counsel and self-represented parties.
- **Order of Proceedings:** A motion may be cross-noticed for hearing only if the attorney cross-noticing a motion is able to secure hearing time either immediately before or after the originally noticed hearing, or with the consent of the attorney who initially set the hearing. In general, the motion originally noticed will be heard first, absent a decision by the Court to the contrary based on the nature of the motions. Motions may not be cross-noticed for hearing during expedited hearing times.
- **Motions for Continuance:** Continuances are disfavored and will be granted only upon good cause shown. Except for good cause shown, the motion must be signed by the party requesting the continuance, as required by Fla. R. Civ. P. 1.460 and Fla. R. Gen. Prac. & Jud. Admin. 2.545(e). The motion must strictly comply with Rule 1.460. The Court requires hearings on motions for continuance, regardless of whether they are framed as “Stipulated” or “Agreed.”
- **Cancelling Hearings:** 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 a notice of cancellation with the Clerk and serve it on opposing counsel and any self-represented litigant. **Absent exceptional circumstances, cancellations must be requested no less than two business days prior to the hearing. Counsel must appear at any hearing sought to be cancelled on fewer than two business days’ 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.**

### C. In-Person and Remote Appearance

- **Hybrid Courtroom:** The Court maintains a hybrid virtual courtroom, allowing attorneys and parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. Under certain circumstances, some attorneys or self-represented litigants may appear at a hearing remotely, while others may appear at the same hearing in person.

- **In-Person Appearance:** All non-jury trials (INCLUDING foreclosures), evidentiary hearings of any duration, and hearings of any nature scheduled for more than 30 minutes will be conducted IN PERSON, except upon motion and leave of Court.
- **Remote Appearance:** For non-evidentiary hearings that do not exceed 30 minutes in duration, the Court does not require a motion for leave to appear remotely. For evidentiary hearings of any duration, and hearings of any nature exceeding thirty minutes, an attorney or party wishing to appear remotely, or to have a witness appear remotely, must file a motion for leave to do so.
- **Platform Used:** The Court uses Zoom for remote appearances.
- **Platform Meeting ID#:** The Zoom Meeting ID# for Division 01 is 386 822 5073. No password is required.
- **Requirements:** Witnesses testifying by Zoom must adhere to the rule of sequestration of witnesses, if invoked. No one may be in the room with the witness when the witness is testifying absent Court approval. Except for expert witnesses and treating physicians, witnesses may not have any documents, notes, or other materials for use in giving testimony.
- **Technology Needs:** Attorneys, parties, or witnesses who appear remotely should log on to Zoom at least ten minutes prior to the hearing time. They must be in a quiet place and must have sufficient Internet signal to accommodate both audio and video. After logging in, remote participants will remain in a virtual waiting room until admitted by the Court.
- All participants appearing remotely must be sure their first and last names are entered correctly. Attorneys appearing by Zoom must have their cameras on at all times during the proceeding and **MUST** be dressed in courtroom attire. Repeated failure to appear in courtroom attire may result in the Court disallowing the attorney from appearing by Zoom in the future.
- **COURT REPORTERS:** Court reporters may appear in person or remotely in accordance with the designation in the Notice of Hearing. Attorneys shall refer to the following link for court reporter qualifications: <https://circuit7.org/orders/g-2023-041-sc/>.

## D. Submission of Orders and Judgments

1. **Format and Submission Method:** Submit all proposed orders (**EXCEPT** Final Judgments of Foreclosure) via e-mail to [Division01@circuit7.org](mailto:Division01@circuit7.org) in Microsoft Word format. DO NOT MAIL PROPOSED ORDERS OR ATTEMPT TO SEND THEM VIA THE FLORIDA COURTS E-PORTAL. A proposed order must be circulated among opposing counsel and self-represented litigants prior to submitting it to the Court. If another party objects to a proposed order, the fact and basis of the objection must be noted in the transmittal e-mail to the Court. If you are requesting that the Court 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.” Do not under any circumstances submit a proposed order simply entitled “Order.”
  - 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....” There should likewise be no reference to the Court having heard the arguments of counsel.
  - c. Unless excepted by the language of the rule, all motions must contain the certificate of conferral required by Fla. R. Civ. P. 1.202. Failure to comply with Rule 1.202 may result in the Court summarily denying the motion without prejudice. If the motion for which a proposed order is submitted is unopposed, the proposed order should be titled “Agreed Order Granting/Denying....”
  - d. All proposed orders must be accompanied by a transmittal e-mail either (1) confirming that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.
  - e. 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.
  - f. 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**

**self-represented 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.

- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing, unless otherwise specified by the Court.
- **Foreclosure Proceedings:** Original documents such as notes, allonges, mortgages, 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. Deliver all proposed Final Judgments of Foreclosure to the judicial office along with sufficient copies for conforming and pre-addressed, stamped envelopes, at least five (5) business days prior to a foreclosure summary judgment hearing or trial.
- **Motions to Withdraw as Counsel:** 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 will be set forth in the order together with the client's last known telephone number and email address. It must also require the client to register for eService at [www.myflcourtagency.com](http://www.myflcourtagency.com). The Court will not stay an action simply because a party's counsel has withdrawn.

## **E. Emergency and Other Urgent Matters**

- **Requirements:** "Emergency" hearings are rarely granted. If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation. The movant must deliver a hard copy of the motion to the judicial chambers on the day the motion is filed.
- **Scheduling:** If the Court determines that an emergency exists, the Court will unilaterally schedule a hearing. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.
- **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 “continue to be involved in loss mitigation” or the like, the motion should explain the status of those efforts. If a condominium association, homeowners association, or other entity subject to “safe harbor” statutes such as section 718.116 of 720.3085, Florida Statutes, are defendants, the movant must comply with Fla. R. Civ. P. 1.202 by conferring with those entities and must state whether those parties consents to the cancellation. **All proposed orders must 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.**

## **F. Exhibits for Evidentiary Proceedings**

- **Submission Method and Format:** Bring hard copies of all non-demonstrative exhibits, along with an index, to the first day of the hearing or trial, identifying each exhibit and assigning it a letter for identification (*e.g.*, Plaintiff’s Ex. A, etc.). Provide an identically marked copy of the exhibits to opposing counsel, to any self-represented parties, and to the judicial office.
- **Deadline for Submissions:** The Court, opposing counsel, and any self-represented parties must receive the exhibits at least three (3) business days in advance of any hearing or trial.

## **G. Discovery Disputes.**

- Unless there has been a complete failure to respond or object to written discovery requests, a motion to compel discovery must include in the body of the motion, in quotation, each interrogatory, deposition question, request for admission, or request for production to which the motion is addressed, followed by quotation, in full, of the answer or response which is asserted to be insufficient, or the objection and grounds stated by the opposing party. Merely attaching the request and alleged deficient response to the motion will not suffice.
- **All discovery disputes are governed by Florida Rule of Civil Procedure 1.202 and *In Re: Motions to Compel Discovery in Civil Actions*, CV-2022-004-SC.** See <https://circuit7.org/orders/cv-2022-004-sc/>. A Motion to Compel set for a hearing must detail compliance with this procedure or it will be stricken.
- Discovery disputes called up for a hearing and determined to not be meritorious, motions based upon a failure to respond to discovery, or

disputes based upon objections to discovery that have no legitimate basis may result in sanctions pursuant to Fla. R. Civ. P. 1.380.

## H. Pretrial Procedures and Conferences

- **Case Management Conference:** Any party may request a case management conference (CMC) when a case requires. The Court strongly encourages the early use of CMCs in more complex cases, multiple-party litigation, or any case that might benefit from court intervention. Unless excused by the Court in advance, attendance at all CMCs is mandatory for attorneys and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.
- **Status Conference:** Any party may request a status conference when a case requires.
- **Requirements:** Any request for a CMC or status conference must articulate the reasons for the necessity of the conference, and the amount of time needed for the conference.
- **Scheduling:** If the Court agrees that a CMC or status conference is required, the moving party may schedule the CMC or status conference through the online scheduling platform.

## I. Setting Case for Trial

- **Requesting a Trial:** Send a copy of a file-stamped Notice for Trial to [Division01@circuit7.org](mailto:Division01@circuit7.org). The Court will enter a trial order within approximately two (2) weeks. The Court always reserves the right to schedule a case for trial without waiting for the parties to file a Notice for Trial. The Notice of Trial must specify whether the trial is by jury or non-jury, and the expected length of the trial. Parties shall carefully read the Court's Order Setting Case for Trial and the Uniform Case Management Order to comply with the requirements and deadlines therein. Absent extraordinary circumstances, the trial period shall be scheduled in accordance with the time standards set forth in the Seventh Judicial Circuit Administrative Order CV-2024-023-SC, *In re: Case Management Order in Civil Cases*, effective January 1, 2025. **In the absence of exceptional circumstances, the Court will not consider an agreed-upon specific trial period requested by the parties that fails to comply with the deadlines in the Uniform Case Management Order.**
- **Notice Period:** At docket sounding, the Court will assign cases to specific days during the trial period and may assign back-up cases. Attorneys, self-



represented litigants, parties, and witnesses are expected to be available during the entire trial period.

## **J. Other Division Procedures**

- **Settlement:** When a case is settled, promptly notify the Judicial Assistant and file a Notice of Settlement. The Court will enter an Order on Notice of Settlement to remove the case from the trial docket and cancel any future hearings. An Order on Notice of Settlement typically gives the parties 30 days to execute settlement documents and dismiss the case, although the Court may extend that time upon good cause shown. If no good cause is shown for failing to dismiss the case before expiration of the 30-day period, however, the Court will dismiss the case without further notice or hearing.
- **ADA Accommodations:** If you need an ADA accommodation, please contact Anne Pierce, the ADA coordinator for the Seventh Judicial Circuit at (386) 257 6096 or e-mail [SignLanguageRequests@circuit7.org](mailto:SignLanguageRequests@circuit7.org) at least 7 days before your scheduled court appearance, or immediately upon receiving the notification if the time before the appearance is less than 7 days.
- **Interpreter Requests:** Any requests for an interpreter should be sent to [Interpreter@circuit7.org](mailto:Interpreter@circuit7.org).