

# **Judicial Practices and Procedures**

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## **A. Communications with the Judicial Office**

### **• Method of Communication:**

- Email is the preferred method of communication.
- All communications to the judicial office must be submitted by email to [division36@circuit7.org](mailto:division36@circuit7.org), the dedicated division e-mail account.

- The subject line must contain the case number, case name, and relevant matter.
  - e.g., 2024 DR 001234 SC – Doe v. Doe - 2-Hour Hearing Requested.
- Please do not send emails directly to either the Judge or the Judicial Assistant.
- Email should not be used as a substitute method of requesting action by the court, in the absence of a supporting pleading, motion, notice, or another appropriate document having been first filed with the Clerk.
- Telephone communication may be used to confirm receipt of email communication if a response has not been timely received.
- **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.

- **Response to Inquiries:**

- The judicial assistant will respond to all inquiries within 24 hours (excluding weekends and holidays).
- The judicial assistant is not authorized to provide legal advice.

## **B. Scheduling Procedures**

- **Court Schedule:**

- Available trial weeks are posted on the court's webpage at [www.circuit7.org](http://www.circuit7.org). Parties and/or their counsel must review the available trial dates prior to Docket Sounding and confer as to potential dates. Trial dates will be set at Docket Sounding.

- **Scheduling Hearings:**

- Hearings must be requested by e-mail to [division36@circuit7.org](mailto:division36@circuit7.org).
- The judicial assistant will send out a list of at least 3 available hearing dates and times. If counsel and/or self-represented parties are unavailable or unable to agree to a hearing date and time, the judicial assistant will provide a second set of at least 3 dates. If counsel and/or self-represented parties are still not available, are unable to agree to a hearing date and time, or do not respond to the proposed hearing date and time, Judge Daugustinis will choose a hearing date and time.
- A party may not notice additional matters for hearing at the time reserved by another party unless the other party has consented to the addition and the additional matters are confirmed with the Judicial Assistant to ensure that enough hearing time is available. Hearings set without complying with these procedures will be cancelled.
- The parties must ensure that enough time is reserved to allow for arguments by all parties. All parties will receive equal time during hearings. Hearings scheduled with insufficient time to hear all parties' arguments will be cancelled and continued until sufficient time is available.

- **Notice of Hearing:**

- A notice of hearing must be filed and served immediately after

reserving hearing time. A notice of hearing involving any remote appearance must list the judicial Zoom credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.

- A notice of hearing must list any and all motions to be heard, including docket identification numbers.
- If a notice of hearing is not timely filed, the hearing may be canceled.

- **Submission Deadlines:**

- The court must receive all materials for the hearing no later than three (3) business days before the hearing.
- If a party intends to cite authority not listed in the motion or written response, the party must email [division36@circuit7.org](mailto:division36@circuit7.org) with the case citations. Neither copies of the cases nor an accompanying memorandum are required.

- **Order of Proceedings:**

- Matters will be heard in the order they appear on the docket.
- Matters involving parties represented by counsel will generally be heard before other matters.
- Matters involving an in-custody party will generally be heard before other matters, whether either of the parties to the proceedings are represented by counsel or not.

- **Continuance Procedure:**

- Motions for continuance are disfavored and will be granted only upon good cause shown. Successive continuances are highly disfavored. Lack of due diligence is not grounds for granting a continuance. 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).
- Motions for continuance must be submitted at least five (5) days prior to the scheduled court date for which the continuance is sought, barring exigent circumstances. 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).

- Motions for continuance must state with specificity: (1) the basis of the need for the continuance, including when the basis became known to the movant; (2) whether the motion is opposed; (3) the action and specific dates for the action that will enable the movant to be ready, including, but not limited to, confirming the specific date any required participants are available; and (4) the proposed date by which the case will be ready to proceed and whether that date is agreed by all parties. 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:**
  - You must cancel hearings by notifying the judicial assistant immediately. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.
  - A hearing may only be cancelled by the scheduling party.
  - A hearing or trial set by the court may only be cancelled by the court. If you wish to cancel a hearing or trial that was set by the court, you must email the Judicial Assistant with your request, copying opposing counsel.

## **C. Remote Appearance**

- **Remote Appearance Procedure:**
  - The court maintains a hybrid virtual courtroom, allowing parties to appear either in person or remotely, as provided by Florida Rule of General Practice and Judicial Administration 2.530. Requests to use communication technology for an appearance must be made by motion.
- **Platform Used:**
  - The court uses Zoom for remote appearances.
- **Platform Meeting ID#:**
  - Contact the judicial assistant to obtain the platform meeting ID#.

- **Requirements:**

- All hearings are eligible for remote appearance, except evidentiary hearings and final hearings or trials.
- Any person appearing remotely must be in a private location that is quiet and free from distractions. Under no circumstances will a participant be permitted to appear remotely from a moving vehicle.
- Any person appearing remotely must dress and behave professionally in the same manner as if physically present in the courtroom.
- Any person appearing remotely must enable the person's camera when joining the proceeding and once confirmed to be functioning, kept off until the case they are appearing for is called.
- Any person appearing remotely must mute the person's microphone when joining the proceeding and keep the microphone turned off until their case is called.
- If a witness appears remotely, the party calling the witness must ensure the witness has a functioning camera and microphone and has tested the internet connection before the hearing. The oath will be administered in accordance with Florida Rule of General Practice and Judicial Administration 2.530. If the witness appearing by Zoom must be called out of order, the party calling the witness must inform the court and the judicial assistant.
- Audio and video are both required to appear remotely.

## **D. Submission of Orders and Judgments**

- **Format:**

- All proposed orders must be submitted in Word format and provided to opposing counsel and any self-represented litigant.
- All proposed orders must be attached to an email copied to all parties and be accompanied by a cover letter either (1) certifying that all parties agree to the order or (2) containing a statement identifying any disagreement of the parties as to the proposed order.

- **Submission Method:**

- All proposed orders must be submitted to the court by e-mail to [division36@circuit7.org](mailto:division36@circuit7.org).

- **Deadline for Submissions:**

- Proposed orders must be submitted within 10 days after any hearing, unless a different deadline was set at the hearing.

- **Other Procedures Relating to Submission of Orders and Judgments:**

- “Agreed Orders” – If the parties are submitting an order that has been agreed to or is otherwise based on a stipulation or written agreement of the parties, it is the responsibility of the parties to make sure the appropriate agreement, stipulation, or other supporting documents confirming said agreement are e-filed with the Clerk of Court prior to submitting the “Agreed Order” for the court’s consideration.

## **E. Courtesy Copies of Case Law and Other Documents**

- **When Required:**

- The court welcomes the filing of memoranda of law and/or case law supporting or opposing a motion or other matter to be heard.
- The filing of any memorandum of law and/or case law is required if a party intends to rely on the memorandum or case law at a hearing.
- If the parties agree to the admission of certain evidence and the review of such evidence will be helpful to the efficient resolution of the matter being heard, the parties shall submit such evidence at least five (5) business days prior to the hearing or trial.
- If a motion has been filed that is time sensitive, or if it is a matter that the court directed the parties to file, the party making the filing may email a courtesy copy of the filing to [division36@circuit7.org](mailto:division36@circuit7.org) to bring the filing to the court’s attention.

- **Submission Method:**

- Any party who wishes the court to consider a memorandum

and/or case law shall electronically file the submission with the Clerk and provide a copy to all other counsel and self-represented parties.

- A courtesy copy of the memorandum and/or case law may be provided by U.S. Mail, private delivery service, or hand delivery directly to the court. In the alternative to a full copy of the material filed being provided, the party may simply provide the court with a Notice of Filing.

- **Deadline for Submissions:**

- Unless a longer or shorter time is prescribed by a rule of procedure, the materials should be submitted at least five (5) business days prior to the scheduled hearing.

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

- **Requirements:**

- 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.

- **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**

- **Submission Method:**

- All exhibits shall be delivered to the Clerk of Court for pre-marking. Please contact the Clerk of Court for details and to coordinate a time for delivery.

- **Format:**

- Exhibits must be submitted to the Clerk of Court in paper format. Audios/Videos must be submitted on a portable storage

device as applicable.

- 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.

- **Deadline for Submissions:**

- All exhibits must be received by the Clerk of Court at least three (3) business days prior to the scheduled trial or evidentiary hearing.

## **H. Pretrial Procedures and Conferences**

- **Case Management Conference (CMC):**

- All cases will be set for CMC.
- Unless excused by the court in advance, all CMCs are 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.
- If the court grants the request for a status conference, the moving party must schedule the status conference pursuant to the procedures noted under the above Scheduling Procedures.

## **I. Setting Case for Trial**

- **Procedure:**

- File a notice for trial to set the case for trial.

- **Notice Period:**

- As noted above, trials will be set at Docket Sounding.

## **J. Forms**

- **Access:**

- If specific division forms are available, they will be located on the court's webpage.

## **K. Other Division Procedures**

- **ADA Accommodations:**

- If you need an ADA accommodation, please contact Court Administration at (386) 257-6096.
- Information on ADA accommodations can be found on the circuit's website at <https://circuit7.org/ada/>.

- **Interpreter Requests:**

- If an interpreter is needed for a hearing or trial, please contact Court Interpreting at (386) 626-6566.
- Information on interpreters' services can be found on the circuit's website at <https://circuit7.org/court-interpreting-services/>.