

**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
COUNTY/CIVIL DIVISION S
COURTROOM C**

**ADMINISTRATIVE POLICIES AND
PROCEDURES GUIDELINES**

JUDGE DEBRA L. KRAUSE

**REVISED
JANUARY 2018**

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HEARINGS - COURTROOM C is designated for Judge Krause.

Scheduling

- **Do not unilaterally schedule hearings; they will be cancelled without notice.** The Judicial Assistant (JA) is available via email to assist with scheduling if opposing party is uncooperative after **both** email and telephone attempts have been made.
- Reasonable attempts must be made to clear a date with opposing counsel. Do not contact the JA to define what a reasonable attempt is or how much time is sensible. If after these attempts you are unable to coordinate, email the JA to settle the issue, and include in the email: (1) Case number and style; (2) Names, telephone numbers and emails of all attorneys involved; (3) The methods of attempt to coordinate thus far.
- All parties are required to give a good faith assessment of the time needed for the hearing. If other parties are waiting for their hearing, and your case goes over the time limit chosen, it will be terminated and reset.
- Hearings are set using the Judicial Automated Calendaring System (JACS). To use JACS, go to www.flcourts18.org, calendars are located under the “**Attorney Resources**” button then “**Calendars/Scheduling & JACS**” then “**Seminole Calendars**” and then **Schedule a Hearing (JACS)**.
- The JACS will display **NO TIMES AVAILABLE or RECORDS NOT FOUND** then the docket is **FULL**. Please do not call for additional dates; the calendar updates daily automatically.
- If more than 15 minutes is required; find **consecutive** time slots within the same hour and take however many you need. You must input your information for each 15 minute increment. If your hearing requires more than 1 hour contact the JA.

- A Hearing Notice that states "All Pending Motions" is invalid and cause for cancellation. Submit via *electronic filing* to Clerk with copies to all parties involved. Do **not** send a copy of the Judge.

Confirmation

A confirmation number will be sent for your use; **do not** send a copy to the Judge. ***Do not*** send a copy of the Notice of Hearing to the Judge, *efile* the Notice with the Clerk of Courts with copies to participating parties.

Rescheduling

If a hearing is canceled (after Judge's consent); reset with prior instructions. On JACS, select "**To Re-Schedule a Hearing**" under the Main Menu. Type in your confirmation # and hit "Reschedule". Select the new coordinated date and the hearing will be rescheduled; a new confirmation number will be sent. Prepare an Amended Notice of Hearing, *efile* to Clerk with copies to participants. Please **do not** send a copy the Judge unless requested.

Role of Scheduling Attorney

If you get a prompt while trying to schedule your hearing that you need to select a role of the scheduling attorney you need to logout of JACS and log back in and attempt to schedule the hearing again. After you select the date for your hearing there will be an option right above to input your case number and select which side your attorney represents.

Motions

Motions are listed in the drop down box; if not listed pick 'Other' and put Motion title in '**Additional Motions**'. JACS will only allow one motion to be selected. If you have more than one motion be sure to state all motions in the hearing notice. Please **DO NOT** send copies to the Judge, *efile* to the Clerk and copy all parties; make sure your hearing notice has all of the motions to be heard listed.

For the following matters, DO NOT schedule on JACS. The following should be scheduled directly with the JA via email, with the exception of PTC and Trial (PTC & Trial dates are set by the Court when the Notice for Trial is received):

**Rehearing/Reconsideration
Case Management
Trial
Landlord/Tenant Cases**

**Pretrial Conference
Scheduling Conference**

Pro Se Litigants

If a telephone number is listed for a defendant, a good faith attempt must be made to coordinate; if no response then a hearing may be set unilaterally at least thirty (30) days from the current date. In this case, do not contact the JA. This number **(9999999)** is to be used in lieu of a bar number for pro se litigants.

CANCELLING A HEARING

Contact the JA via email before cancelling **ANY** Hearing because judicial approval must be obtained before cancelling. Cancellation requests must be received at least one business day in advance.

Contact the JA via email with the reason. The following are normally the only reasons why the Court will allow a Hearing to be cancelled absent illness or emergency:

1. The parties have resolved all of the scheduled issues. This will require Motions to withdraw the issues, a letter confirming all issues are resolved, or a proposed agreed Order. **
2. The Motion(s) are withdrawn. This will require confirmation in writing that they have been withdrawn.**
3. The parties have reached a settlement of the case. This will require submission of confirmation that the case has settled or a Notice of Voluntary Dismissal.**

** If any of the above have been filed with the Clerk's office prior to the date of the Hearing, you may simply email a copy to the JA and the Hearing will be cancelled. Please be advised the Docket is printed two weeks in advance.

RULE TO SHOW CAUSE

- A verified Petition for Rule to Show Cause or a Petition for Order to Show Cause, with accompanying Affidavit, can either be presented at Short Matters/Ex Parte or can be *efiled* after obtaining a date and time for the hearing from the JA.
- If the Petition is granted at Short Matters/Ex Parte, the attorney may obtain a date for the Order to Show Cause from the JA.

CROSS NOTICING/PIGGY BACKING

- If you wish to add a motion to a previously set hearing date and **DO NOT NEED MORE TIME**, contact the other party and obtain permission to share the time. If you need additional time then choose another date and time.
- Amended Notices and/or Cross Notice of Hearings are to be *efiled* with the Clerk. Please **do not** send a copy of your Amended Notice or Cross Notice of Hearing to the Judge.

TELEPHONIC HEARINGS

- **Local** attorneys must appear in person.
- Attorneys outside the Central Florida area that wish to appear by phone for hearings that **do not** exceed 15 minutes and the defendant is pro se please do the following:
 - The JACS system is **not** set up to choose telephonic as an option instead set the hearing and then if telephonic is desired efile a Motion and an Order a minimum of ten (10) working days prior to hearing.

- For attorneys outside of Central Florida that wish to appear telephonically for a hearing that is **MORE** than 15 minutes long or when there is counsel on both sides a motion and order must be submitted via *efile* a minimum of ten working (10) days prior to hearing.
- The Judge **always** initiates the telephone call for hearings.
- The attorney needs to **stand by** for **1 hour** from the time the hearing is set to receive the Judge's phone call.
- Telephonic hearings are **NOT** permitted for Short Matters/Ex Parte, Small Claims, PIP PTC and Lack of Prosecution hearings.
- During trials, appearances by any party via the telephone are not permitted absent prior approval by the Judge.
- When preparing the Notice of Hearing, please **do not** put NOTICE OF TELEPHONIC HEARING if it has been granted. This will cause confusion for Pro Se litigants who may believe they are permitted to attend by telephone as well, likely requiring a continuance.

LACK OF PROSECUTION HEARINGS

Lack of Prosecution hearings are set by the Clerk of Court and appearance by telephone is not permitted. Motions for Good Cause must be filed a minimum of 5 working days prior to the hearing. In the event that an Order has **NOT** been signed, counsel is required to be present. If you wish to confirm it has been removed from the Clerk's docket please call Clerk of Court, not the JA.

EMERGENCY HEARINGS - Please contact the judicial assistant for scheduling.

MATTERS NOT REQUIRING A HEARING

The following do not require a hearing, submit via *efiling*. Please state that opposing counsel agrees if order is agreed and there is no objection to the court entering the relief requested.

- Appointment of Special Process Server
- Stipulated Modifications/Stipulated Orders
- Motion for Substitution of Counsel (Signed by Attorney and Party)
- Motion to Enter an Agreed Order
- Cancellation and rescheduling a foreclosure sale
- Motion to Vacate Foreclosure Judgment because of reinstatement
- Default judgment of *liquidated* amounts
- Motions to Withdraw (with signed consent from client)

SHORT MATTERS/EX PARTE (Thursday ONLY at 9:00 a.m.)

- Short Matters/Ex parte hearings are five minutes or less.
- **No** telephonic appearances allowed.
- They are not scheduled on JACS and the JA is **NOT** contacted.
- Please **do not** send the Judge copies of notices.
- Moving counsel is responsible for:
 - Distributing the Hearing Notice(s)
 - The **Ex Parte** monthly calendar is found at **flcourts18.org**; click on the “Attorney Resources” tab; “Seminole Calendars”; Monthly Calendars”; Judge; month desired.

MOTIONS/ORDERS

Motion To Withdraw as Counsel

If the attorney is able to obtain a signed consent from their client, then the proposed Order may be *efiled* thru the Clerk’s portal for Judge’s electronic signature. If a signed consent is unable to be obtained then the motion may be set at Short Matters with at least 10 days’ notice to the parties.

Motions for Judicial Default (Other Than Landlord/Tenant)

Motions for judicial default will not be signed without a hearing. If you are unable to obtain a clerk’s default then a hearing must be set.

Proposed Orders All orders must be in **Word format**; if not the document will be rejected.

Proposed orders are to be uploaded to the Clerk's portal; within the content of the order. If it is an agreed order please state this in the order. If the other party is *pro se*, a copy of the proposed order is to be sent to the *pro se* party with a cover letter stating that the *pro se* party must voice any objections in writing to the court within 10 working days.

If the order requires a date or dollar amount from the Clerk of Courts please obtain and insert in the order prior to uploading it otherwise it will be rejected.

Motions for Rehearing/Reconsideration

All Motions for Rehearing/Reconsideration are to be filed with the Clerk. Submit orders via the portal; the Judge will determine whether a hearing is warranted. **Do not** schedule on JACS; if done so the JA will cancel without notice.

Attorneys' Fees Hearings/Trials/Tax Costs

These hearings only need to be set with the JA if more than one hour is being requested. For additional requirements, see Judge Krause's Order on Attorney's Fees and Costs attached hereto.

Interrogatories (Submissions)

When filing a Motion to Compel Better Answers to Interrogatories or Better Responses to Request to Produce; the Court requires the motion to detail the specific request sought and then the opposing parties' response. This saves the parties and the Court the inconvenience of flipping back and forth between two separate documents.

LANDLORD/TENANT

- All Landlord/Tenant hearings/trials are set by the JA. Please contact the JA via email for all available dates and times.

- Thursday is reserved for hearings/trials (set by the JA).
- ALL MONIES FOR EVICTIONS SHOULD BE SENT TO THE CLERK, ANY MAILED TO THE JUDGE WILL BE RETURNED TO THE SENDER.
- Paperwork is to be submitted via the Clerk of the Courts portal. If opposing party is pro se; the copies must be mailed from your office upon receipt.
- **Count I Possession and Count II Damages are dealt with separately. When submitting the final possession paperwork thru the eportal do not include damages. Count II Damages must be submitted separately.**

SMALL CLAIMS

- Telephonic hearings are not allowed.
- All requests for continuances must be efiled a minimum of 48 hours in advance of Court date. If request is due to non service please see example Motion at end of this manual.
- PTC and Hearings scheduled on day of PTC will take place in Courtroom B all others will be in Courtroom C, unless specified.

PIP PRE-TRIALS

- See Administrative Order 13-39-S attached (pg. 15 & 16) attached. If the appropriate filing is filed with the Clerk by the deadline outlined in the attached Administrative Order there is **NO** need to call the JA to be excused. If you wish to confirm the case has been removed from the docket please call the Clerk of the Court, County Civil Division, **NOT** the JA.

TRIALS

- This division **does not** have a preset trial period or trial docket.

- **Mediation** must be completed prior to scheduling a status hearing for trial.
- A **Notice for Trial** stating that the cause at issue must be filed with the Clerk's office.
- A **copy** of the Notice for Trial must be sent to the Judge accompanied by stamped, self-addressed envelopes to all counsels of record or pro se parties. If envelopes do not accompany the Notice for Trial, the Court will take no action.
- The notice shall include: time estimate, jury or non-jury, the date on which Mediation was held and whether the trial is on the original action or a subsequent proceeding. If notice is only sent to Clerk, Judge will not be aware of notice unless you follow these steps.
- Appearances via telephone are not permitted for PTC or Trial, unless there has been prior *written* approval by the Court. A Motion and Order must be submitted via e-file a **minimum** of ten business (10) days prior to the hearing.
- **The JA will contact both parties to set a Status Hearing (do not schedule on JACS). PTC and Trial dates will be set at the hearing.**

E-FILING INFORMATION

The portal may be accessed at <https://www.myflcourtaccess.com>.

All documents may be filed using the portal eliminating the need to send anything to Judge Krause. If there is a pro se litigant then you are responsible for distributing copies to them.

Guidelines for submitting orders:

- Please do not submit orders prior to a hearing. If submitted they will be rejected. Instead, bring proposed Orders with you to the Hearing along

With sufficient copies for all parties as well as self-addressed, stamped envelopes for distribution.

- Please do not submit a Final Judgment for Possession until after a Clerk's default is entered, if appropriate.
- If a date is needed from the Clerk's office please obtain and insert it into your document.
- If a dollar amount is needed from the Clerk's office or other sources please obtain and insert it into your document.
- All orders must be submitted in Word format, all PDF documents will be rejected.

Please note:

The E-portal converts every submission to a PDF. However, not all PDFs are the same. There are two scenarios:

(1) If a paper order is scanned into an image (JPEG, GIF, TIF etc.) and submitted, it is converted to a PDF.

(2) If a Microsoft Word document is submitted, it is converted into a PDF.

This is where it gets technical. The software used to extract a Microsoft Word document from a PDF, will not work if option #1 occurs. The end result is a Microsoft Word document that contains the attorneys scanned image. This image cannot be manipulated or modified.

The only viable option is to use option #2. A PDF, created from a MS Word document, can be reverted back to its Microsoft Word format.

It also helps if the version of Microsoft Word is 2007 or greater.

Please allow for a 48 hour delay for documents to appear on the Judge's Judicial Viewer. Documents do not appear immediately.

JACS INFORMATION

- See attached.

CONTACT INFORMATION

- Office Telephone: 407-665-4132 (Christine Olson)
- Judicial assistant's email address: christine.olson@flcourts18.org
- Mailing address: 301 North Park Avenue Sanford, FL 32771
- Courtroom is "C" with the exception of small claim Pretrials which are held in Courtroom "B"

E-PORTAL NOTES

When going to E-portal, you have three choices 1. New case 2. Existing or 3. Proposed Order. If you chose proposed Order, Seminole County does not appear. IT has instructed to choose option #2 existing, then subsequent filing, just like any other pleading.

The Clerk has this link for help: <http://seminoleclerk.org/resources/seminoleefilinginfo.htm>

For additional questions please contact the E-Portal service desk at support@myflcourtagency.com.

All Orders must be in Word format so they are able to be modified if needed. No paper copies are to be mailed or emailed to JA/office. They will be returned.

GUIDELINES FOR SUBMITTING ONLINE:

- PLEASE DO NOT SUBMIT ORDERS PRIOR TO A HEARING
- DO NOT SUBMIT A FINAL JUDGEMENT FOR POSSESSION UNTIL AFTER A CLERK'S DEFAULT HAS BEEN ENTERED, IF APPROPRIATE.
- IF A DATE OR DOLLAR AMOUNT IS NEEDED FROM THE CLERK'S OFFICE PLEASE OBTAIN AND INSERT INTO THE DOCUMENT.
- ALL ORDERS MUST BE SUBMITTED AS WORD DOC. ALL PDF'S WILL BE REJECTED.

ATTORNEY JACS INSTRUCTIONS:

1. Go to www.flcourts18.org
2. On the left under "Attorney resources" choose "Calendaring and Jacs"
3. Choose 3rd option under "Seminole County" titled "Docket Calendar Attorney Scheduling"
4. Choose "Scheduling Functions"
5. Enter Attorney User ID and Password- if you do not have one contact Court Administration
6. Select Court-Judge hearing is to be set in front of
7. Choose "log in"
8. Choose "Schedule an In-person hearing"
9. Select a Motion type
10. Select available time duration- most are in 15 and 30 mins intervals. You must select as many that will add up to time you need. If hearing is under 15 mins select the 15 mins time.
11. Leave the Courtroom blank
12. Select date and time for the hearing you would like to set.
13. Enter the case number without dashes
14. Enter both counsel(s) name(s) if one party is pro se type in pro se or leave blank.
15. Make sure and put your name, date set and all contact information for yourself where prompted.

JUDGE KRAUSE'S ORDER ON ATTORNEY'S FEES AND COSTS

To insure an orderly and efficient presentation and resolution of disputed amounts of attorney's fees, it is ordered as follows:

1. Within twenty (20) days on which the Motion is filed, counsel for the moving party shall make available to the opposing party and file with the Court a detailed breakdown of all hours expended by said counsel in the representation of his or her client(s) for which counsel is seeking an attorney's fee to be awarded by the Court. This breakdown must include the following:

- a) Individual date entries which detail the tasks performed.
- b) For each task performed, the time spent on each such task.
- c) For each task performed, the name of the individual who completed said task.
- d) The hourly rate being sought for each task performed (rates may vary based upon experience of the attorneys involved, paralegal time, etc.).

2. Within twenty (20) days of receiving the documents as set forth in Paragraph

Three

hereinabove, the non-moving party shall respond in writing to each individual entry for attorney's fees being sought. This response shall state whether the non-moving party agrees or

objects as to each of the entries as claimed by the moving party, with the basis for each

objection, the amount of time which the non-moving party believes to have been reasonable and necessary, the hourly rate which the non-moving party believes to be applicable, and cited supporting authority, if applicable. For each entry to which there is an objection, if the non-moving party also engaged in that same activity (for example, a Deposition or a Hearing), the non-moving party must set forth the amount of time for which the non-moving party's attorney billed for work performed. This shall also be filed with the Court.

3. Within twenty (20) days of the date on which the Motion is filed, counsel for the moving party shall make available to the opposing party a copy of all invoices and other supporting documentation for any cost requested to be taxed.

4. Within twenty (20) days of receiving the documents as set forth in Paragraph One

hereinabove, the non-moving party shall respond in writing to each item of cost as requested.

This response shall state whether the non-moving party agrees or objects to each of the cost

items as claimed by the moving party.

5. No later than two business days immediately preceding the Hearing on these matters,

the attorneys shall meet either in person or by telephone to discuss and make a good faith attempt to negotiate any disputed items, hours, and amounts to be paid by the non-moving party. During this meeting, the Statewide Uniform Guidelines for Taxation of Costs in Civil Actions shall be used in attempting to resolve disputes over taxation of costs.

6. Counsel and parties are directed to exercise good faith in complying with the terms of this Order. The Court may consider appropriate sanctions with regard to unreasonable requests for taxation of costs, requests for attorney's fees, objections thereto, and/or failure to comply with this Order.

7. The purpose of an expert witness is to aid the finder of fact in those areas which are beyond the fact finder's understanding. Flanagan v. State, 586 So. 2d 1085, 1100 (Fla. 1st DCA 1991); Aetna Ins. Co. v. Loxahatchee Marina, Inc., 236 So. 2d 12, 14 (Fla. 4th DCA 1970).

Based on the Court's experience, the Court requests that the parties consider dispensing with expert witnesses on the issue of amount of attorney's fees in this cause.

DONE AND ORDERED in Chambers at Sanford, Seminole County, Florida.

**HONORABLE DEBRA L. KRAUSE
COUNTY JUDGE**

IN THE COUNTY COURT,
IN AND FOR SEMINOLE COUNTY FLORIDA

CASE NO.: 20__ -SC- _____

Plaintiff,

v.

Defendant(s).

ORDER ON PLAINTIFF'S MOTION TO CONTINUE SMALL CLAIMS PRE-TRIAL

THIS CAUSE, scheduled before the Court for a SMALL CLAIMS PRE-TRIAL CONFERENCE on _____, and the Court, upon review of the file and being otherwise advised of the issues, finds that:

The Plaintiff has not effectuated service of process on the Defendant(s).

It is now, therefore, considered, **ORDERED, and ADJUDGED:**

1. The Plaintiff's Motion to Continue is hereby **GRANTED**.
2. The Plaintiff shall have an additional 180 days to serve the Defendant(s).
3. If the summons is, or has been returned unserved, non-served, or un-used, the Plaintiff shall have the proper Summons issued by the Clerk of the Court.
4. If the Defendant has not been served within 180 days, the case shall be **DISMISSED** without prejudice and without further Order of the Court.

ORDERED at Sanford, Seminole County, Florida, on _____

Judge Debra Krause
County Court