

COUNTY COURT DIVISION (11) POLICIES AND PROCEDURES
JUDGE ATKIN

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I. PRETRIAL HEARINGS

1) SCHEDULING

A party requesting a hearing upon filing a motion for relief shall contact the Court's judicial assistant by email (shannon.morgan@flcourts18.org) in order to obtain a hearing date.

Parties are required to attach the motion and to give a good faith assessment of the time needed for the hearing.

The hearing date provided by the Judicial Assistant needs to be coordinated with opposing party.

If the opposing party is pro se and a telephone number or e-mail address is listed on any of said party's pleadings, **two (2)** attempts must be made on **two (2)** different days. If a call back is not received nor an email response received, then the hearing may be scheduled - unilaterally - at least **ten (10)** business days out. If a pro se party does not have a listed email address or phone number, then the hearing may not be set any sooner than twenty (20) days.

Note: All pro se parties who have an email address must complete and submit an **Email Designation Form** with the Clerk of Court as part of said party's initial pleading.

Note: All Law Firms/Attorneys appearing for Small Claims/Pre-Trial Conferences with multiple cases shall e-mail the case list to the Judicial Assistant at shannon.morgan@flcourts18.org and mediation department at BrevardCourtsMediation@flcourts18.org at least **24 Hours** before court.

2) VIDEO CONFERENCING / TELEPHONIC HEARINGS

For the foreseeable future, all pretrial hearings shall be conducted by way of video conference. In the event a party and/or counsel is unable to coordinate an appearance through video conferencing, said party and/or counsel shall appear in person on the date of the pretrial conference.

To appear by video conference, provide the JA with all the email addresses necessary for the hearing at least 5 days before the hearing. An email will be sent to all the parties with a link and instructions on how to obtain access to the Video Conference/Court Appearance.

Note: By following the above instructions, a motion for a video conference is not required.

3) NOTICE OF HEARING

A notice of hearing shall specify the exact matter to be heard.

Once a hearing date is provided, a *courtesy copy* of the notice and motion shall be delivered to the judicial assistant on the day the hearing is provided by the judicial assistant.

A party scheduling the hearing shall provide notice to the other party even if a default has been entered by the Court.

If an additional motion needs to be added to an existing hearing date and the Court approves the additional motion, an amended notice of hearing is required.

Please provide case law on the issues at least 48 hours before the hearing.

a. NOTICE SHALL INCLUDE THE FOLLOWING:

Pursuant to amended Administrative Order 20-28, until further order of this Court, all notices of court hearings issued by counsel shall contain the following statement:

“If attending court in person you are required to bring and wear a mask in the courthouse; also bring a valid photo ID such as a driver’s license and if questions you are to call 321-351-6255 to receive relevant information regarding entering a courthouse”.

The following persons shall wear clear face masks and/or cloth face masks with clear plastic panels while inside courtrooms: a) all testifying witnesses; b) all named parties to a case during trial, including defendants in criminal cases; and c) venire members during voir dire. Otherwise, standard cloth face masks are permitted to be used by any other individual in a courthouse facility

4) CANCELLATION OF HEARING

Only the party who has scheduled the hearing may cancel the hearing. Notice of cancellation of hearing shall be filed and furnished to the opposing party. The scheduling party cancelling hearing shall promptly notify the judicial assistant by email and attach the Notice of Cancellation.

5) CONTEMPT/ RULE TO SHOW CAUSE HEARING

a. Contempt / Rule to Show Cause Hearing: A verified petition for rule to show cause with accompanying affidavit shall be forwarded to the Court. If motion / petition is granted, the judicial assistant will contact you by email or U.S. mail to provide a hearing date.

6) EMERGENCY HEARING

The verified motion filed with the Clerk of Court shall set out the basis for the emergency relief with a copy of the motion submitted to the judicial assistant by email or U.S. mail.

All verified emergency motions will be set for an immediate hearing by the judicial assistant as soon as possible.

7) MATTERS NOT REQUIRING A HEARING

The following matters need not be set for a hearing and may be submitted through the email/ or E-portal. The submission through e-portal shall specify that opposing party has reviewed the proposed submission and has no objection to the form or content of the proposed order or stipulated judgment.

- a.** Stipulated Orders / Final Judgments;
- b.** Motion for substitution of counsel signed by both the party and counsel);
- c.** Consented Motion (Client must consent) to withdraw as counsel;

8) E-PORTAL SUBMISSIONS

Only agreed-to submissions are accepted through e-portal.

<https://www.flcourtaccess.com/index.html> The submission shall specify that opposing party has reviewed the proposed submission and has no objection to the form or content of the proposed submission.

Instructions for submitting proposed orders can be found at <https://brevardclerk/e-filing>.

Form of the Order:

- Must be in Word format (.docx extension);
- No additional formatting – text boxes, macros, etc.;
- There cannot be any attachments to the proposed Order;
- Judge cannot enter data into the proposed Order (i.e. granted/denied; attorney’s fees; costs), otherwise please see mailing instructions set out below;
- Body of Order: suggested language: “it is therefore Adjudged ...” in the body of the proposed Order in lieu of “it is therefore Ordered and adjudged ...”
- Judge’s signature block: use the phrase “Done and Ordered” only as part of the Judge’s signature block, and “Acting Circuit Court Judge” language below Judge’s signature
- Certificate of Service directive: each Order shall contain language reflecting the following:

“within five (5) days from the date of e-service of this Order/Judgment, Petitioner shall furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, First Class, postage paid together with a certificate signed by Petitioner or Petitioner’s counsel that delivery of this Order/Judgment has been made”.

II. TRIAL

1) NOTICE FOR TRIAL

Before a case proceeds to trial, **each party shall attend a mediation session.**

When filing a notice for trial specify the amount of time required; whether the trial is on the original action or a subsequent proceeding. The notice will be forwarded to the Civil Division Coordinator for review.

2) CASE MANAGEMENT CONFERENCE

Once a case is noticed as ready for trial, the case shall be set for a case management/ pretrial conference pursuant to a pretrial order. All parties are expected to appear before the Court in person or by video conference to discuss the issues at which time the case shall be set for trial.

3) EXHIBITS AND CASE LAW

Prior to the commencement of the trial all exhibits shall be pre-marked for identification using the designation such as Plaintiff's or Defendant's exhibit 'A' through 'Z', and if additional exhibits need to be marked said exhibits shall be labeled as 'AA' through 'ZZ' and then as 'AAA' through 'ZZZ'.

A copy of the exhibit list shall describe each marked exhibit. The exhibit list shall be provided to the Court and the opposing party prior to the commencement of the actual trial.

Exhibits exceeding 10 pages must be either mailed to the Court by U.S. postal service or hand delivered to the 3rd floor receptionist at the Moore Justice Center at least 48 hours prior to the commencement of hearing or trial.

Case law must be provided to the court on the issues pertaining to Motions and/or Trial. The Court must receive case law at least 2 Business Days before the commencement of hearing or trial. Case Law exceeding 10 pages must be either mailed to the Court by U.S. postal service or hand delivered to the 3rd floor receptionist at the Moore Justice Center.

4) CONTINUING A TRIAL

In the event a party is seeking to continue a trial, said party shall, prior to the actual trial date contact the opposing party regarding the request. If no objection is raised, a proposed order shall be submitted to the Court by the moving party. In the event an objection is raised, the motion to continue shall be set before the Court.

III. POST JUDGMENT

1) MOTION FOR REHEARING/ RECONSIDERATION

Upon filing of the motion for rehearing/ reconsideration, a courtesy copy shall be submitted to the Court. If a hearing is to be set the judicial assistant will provide the hearing date.