

**Policies & Procedures – Division IV**  
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**Appearance Procedure**

Counsel and parties appearing in person should comply with any applicable public health requirements and any operative Administrative Order promulgated by the Florida Supreme Court or the Eighteenth Judicial Circuit.

Counsel may appear before Judge David E. Silverman by videoconference, as indicated herein. Pro se litigants may appear by videoconference upon receiving prior approval by email from the Judicial Assistant, Alexis Leclerc, whose email address is Alexis.Leclerc@flcourts18.org. Whether appearing in person or by videoconference, counsel and pro se litigants should abide by the standards of courtroom decorum set forth in Eighteenth Judicial Circuit Administrative Order 09-06.

**Scheduling Guidelines**

Counsel or any pro se litigant may request that a Criminal, County Civil, Probate or Small Claims hearing be set by contacting the Judicial Assistant. Before requesting hearing time, please consult the Calendar page of daidsilverman.com, confer with any opposing counsel or party (except in extraordinary circumstances), and read the following guidelines for scheduling hearings.

A request for hearing time may be made and confirmed by email. The request for hearing time should include your name, the name of your client, the case number, your telephone number and your scheduling request.

Scheduling a hearing may involve filing and service of documents. Access to the Florida E-Filing Portal and the procedure for e-filing is set forth at Florida E-Filing Portal Procedure.

**Criminal Proceedings**

As indicated on the Calendar page, criminal hearings may be scheduled during periods designated on the Calendar. Hearing time may be reserved, and the hearing scheduled in accordance with these Scheduling Guidelines.

In order to ensure that the Court has received a Notice of Appearance and Waiver of Arraignment from counsel waiving their client's appearance at arraignment, counsel may email a copy to the Judicial Assistant.

Counsel may appear at Docket Sounding in person, by videoconference in accordance with the Instructions for Appearance by Videoconference, or, if assigned Assistant State Attorney

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agrees to the proposed setting, by completing and filing the Notice of Docket Sounding Appearance prior to the Docket Sounding. Service shall be made upon the Office of the State Attorney with a copy to the Judicial Assistant.

**Persons with Disabilities in Brevard County**

Any person with a disability who needs any accommodation in order to participate in this proceeding is entitled, at no cost, to the provision of certain assistance. To request assistance please contact the ADA Coordinator whose address is Brevard Court Administration, Moore Justice Center, 2825 Judge Fran Jamieson Way, 3rd Floor, Viera, Florida, 32940-8006, and whose telephone number is (321) 633-2171 ext. 3

NOTE: Persons requesting accommodation should contact the ADA Coordinator at least 7 days before the scheduled court appearance or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days. Persons who are hearing or voice impaired in Brevard County may call 711.

**County Civil**

Counsel may appear by videoconference for County Civil proceedings provided they comply with the Instructions for Appearance by Videoconference and file a Notice of Telephone or Videoconference Appearance and email a copy to the Judicial Assistant prior to the hearing. The entry of an order for videoconference appearance is not required for County Civil proceedings, however, counsel may submit an Order for Telephone or Video Conference Appearance via the Florida Courts E-Filing Portal.

**Small Claims**

Counsel may appear by videoconference for proceedings in Small Claims cases including non-jury trials, pretrial conferences and non-evidentiary motion hearings. Pro se litigants in Small Claims litigants are required to complete and file a Non-Attorney Designation of Email Address and, unless given contrary instructions by the Court, may be required to participate in mediation and/or Online Dispute Resolution.

**Mediation**

Parties attending a Small Claims Pretrial Conference may utilize the mediation services provided by the Brevard County Mediation Program. Parties to a County Civil case who qualify for participation in the Mediation Program may request the services of a program mediator by

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filing a motion with the Clerk, scheduling the motion for hearing with the Judicial Assistant, and providing due notice to the opposing party. Inquiries regarding the Mediation Program may be directed to [BrevardCourtsMediation@flcourts18.org](mailto:BrevardCourtsMediation@flcourts18.org).

**Probate Hearings**

Upon filing the motion, a hearing may be requested by directing an email to the Judicial Assistant attaching a completed Probate Hearing Request Form. Absent an emergency, these hearings are required to be scheduled at least 15 days in advance.

The number of expedited hearings that may be scheduled weekly is limited and probate hearing time may be found on the Calendar. Counsel should contact the Judicial Assistant to confirm the reservation of expedited hearing time. A party or counsel requesting to appear by video conference should complete and submit a notice of video conference appearance providing the information or in the Notice of Telephone or Videoconference Appearance. Additional information may be found on the Probate and Guardianship page of the Clerk of Court's website.

**Electronic Submission of Proposed Orders**

Proposed judgments and orders in Small Claims and County Civil cases assigned to Division IV should be submitted through the Florida Courts E-Filing Portal, unless doing so would constitute an undue burden on a self-represented litigant or impair a self-represented litigant's access to the court system. Instructions for submitting proposed orders and judgments through the E-Filing Portal may be found at [Brevard Clerk E-Filing](#).

If submitting a proposed order or judgment through the E-Filing Portal constitutes an undue burden on a self-represented litigant or impairs a self-represented litigant's access to the court system, a proposed order or judgment may be submitted by other means, upon confirming arrangements for the submission with the Court's Judicial Assistant who may be contacted by email at the address on the Scheduling page. Failure to follow these filing guidelines may result in your filing being returned or placed in the Correction Queue.

Both Judge Silverman and the Judicial Assistant welcome any input you may have as to how this office may better accomplish this transition. Thank you for your cooperation and assistance.

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**Proposed Order Requirements**

Each proposed order or judgment submitted through the E-Filing Portal must be accompanied by a cover letter. If you use this form Cover Letter, you should complete the fields in red and check the appropriate boxes in the form before submitting it.

Each cover letter and proposed order or judgment must be submitted as a separate document.

The filer should select himself/herself in the e-service list and serve all other listed recipients by checking the "Serve All" box.

The preferred format for document submission is PDF/A-2a (or current equivalent). Although the Portal currently accepts documents in Word and other PDF formats, filers are recommended to convert their documents to the latest supported PDF/A format prior to filing.

Proposed orders must be created using the US Letter (8.5" x 11") page size and font types and sizes as specified in the Rules of Judicial Administration. PDF/A-F. A. Q. sets forth the supported and prohibited formatting elements and other document submission guidelines.

**Proposed Orders in Cases with a Self-Represented Litigant**

In case involving a self-represented or pro se party who has not designated an email address, each Order or Judgment shall contain the following order distribution language above the date and above signature line:

~ It is hereby ORDERED and ADJUDGED that, within 5 days from the filing of this Order/Judgment, the Plaintiff shall:

1. furnish a copy of this Order/Judgment to each self-represented party by U.S. Mail, first class, postage paid; and,
2. file a certificate signed by Plaintiff's counsel that delivery of a copy of this Order/Judgment has been made as set forth herein. ~

If the foregoing statement does not appear - in its entirety, above the date and above signature line - in a case involving a self-represented or pro se litigant, the Order or Judgment may be placed in the Correction Queue and not filed.

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**Document Submission in Civil and Small Claims Cases**

The Court limits the volume of paper documents it receives in civil and small claims cases by utilizing the following procedure.

**Orders and Judgments.** Counsel should submit proposed Orders and Judgments through the Florida Courts E-Filing Portal. Please be advised that the Court may decline to enter any proposed Order or Judgment submitted in paper.

**Filed Documents.** If a document has been filed in the court file, the document may be viewed by the Court without a paper copy being furnished. Counsel should refrain from furnishing to the Court any duplicative paper copies of previously filed documents.

**Folders and Paper Documents.** Counsel should not furnish to the Court any folder containing exhibits or any other paper document, without leave of Court. Any folder or document being furnished to the Court should be emailed to the Court's Judicial Assistant at [Alexis.Leclerc@FLCourts18.org](mailto:Alexis.Leclerc@FLCourts18.org). Counsel may schedule a hearing on any request to furnish to the Court a folder or paper document by following the guidelines on the Scheduling page of this website.

**Document Formatting.** Any folder or document containing three or more exhibits should be submitted in either Word or .pdf format. The document should contain a table of contents with page numbers linked to the corresponding exhibits. Instructions for linking the page numbers may be found at [Insertion of Links and Bookmarks](#).

**Folder Retrieval.** Any folder furnished contrary to the foregoing instructions should be retrieved by counsel within 10 days of email notification from the Judicial Assistant. Failure to retrieve the folder timely may result in the folder being disposed without further notice.

**Final Judgments of Eviction**

After entry of a Clerk's Default or a notice that the Clerk will not be issuing a Default, persons requesting entry of a Final Judgment of Eviction may submit the proposed Final Judgment of Eviction via the Florida E-Filing Portal. The Court will review the submission to determine whether entry of the proposed judgment is appropriate. Nothing herein constitutes legal advice and any and all litigants are encouraged to consult with and be represented by a qualified attorney licensed by The Florida Bar.

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**Final Judgments of Dissolution of Marriage**

The Uncontested Dissolution of Marriage hearing may be scheduled in accordance with the procedure set forth on the Scheduling page. Prior to the final hearing, please upload the proposed Final Judgment for Dissolution of Marriage via the E-Filing Portal.

**Small Claims - Default Final Judgments**

With certain exceptions, the parties in a Small Claims case are required to attend a Pretrial Conference. Under certain circumstances, the Defendant's failure to attend may result in a the Defendant being in default. In that event, the Plaintiff may submit a form Small Claims Default Final Judgment, provided the conditions set forth in the judgment are satisfied. Any proposed order for the Defendant to complete a Fact Information Sheet, Florida Small Claims Rule 7.343, may be submitted via the E-Filing Portal.

**Instructions for Appearance by Videoconference**

In accordance with applicable instructions from the Governor of the State of Florida, the Florida Supreme Court and the Chief Judge of the Eighteenth Judicial Circuit, as a result of the public health emergency, appearance by conference may be made by complying with the following:

**Contact the Court's Judicial Assistant, Alexis Leclerc, by email at [Alexis.Leclerc@flcourts18.org](mailto:Alexis.Leclerc@flcourts18.org), at least two working days before the hearing to:**

- Confirm having arranged to participate in the videoconference;
- Furnish the Judicial Assistant with scanned copies of any documents to be used or introduced into evidence at the hearing; and,
- Provide the Judicial Assistant with an email address for yourself and any person you intend to call as a witness at the hearing.

**Prior to the hearing be sure you have:**

- Access to a computer, tablet, or phone, that has a microphone and camera;
- Internet access during the entire hearing;
- Your driver's license or other government-issued ID.

**Judge Silverman's Virtual Courtroom can be accessed the following ways:**

- <https://fl18.org/judgesilvermanvc>
- The Virtual Courtroom link found under Appearance by Videoconference on the Calendar tab of daidsilverman.com.

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- From the Court’s calendar, the Microsoft Teams© meeting info can be found on any event titled ‘Judge Silverman VC’. Please click on “Click here to join the meeting” and follow the instructions to open the Microsoft Teams© app and click on “Join as guest”.
- Enter the following into Microsoft Teams© – Meeting ID: 222 747 638 657; Passcode: 48eFuv

**Once the hearing starts:**

- Make sure that you have your microphone and camera turned on;
- Remember, the Rules of Evidence apply.

**For a witness to testify, the witness must have:**

- Access to a video conference-ready, computer, tablet, or phone;
- An email address; and,
- A valid government-issued ID.

**If the videoconference connection is interrupted, please stand by, and follow instructions to reestablish the connection.**