

QUICK REFERENCE FOR SCHEDULING HEARINGS

DO NOT:

1. **DO NOT include the JA in back and forth emails for scheduling.**
2. DO NOT expect the JA to locate the docket number for your motion.
3. DO NOT put off filing and emailing your notice of hearing.

DO:

1. Consult with opposing counsel to determine if a resolution can be reached without a hearing.
2. Review JACs for hearing time availability.
3. Consult with opposing counsel or party as to date and length of hearing time.
4. Email Karen.Flash@flcourts18.org (or call) with:
 - a. Case number
 - b. Docket number of motion
 - c. Title of motion
 - d. The agreed upon length of time (or a simple sentence stating how much time each counsel believes is necessary)
 - e. The date you are requesting
5. Prepare your notice of hearing and email it to the JA.
 - a. Your hearing is not confirmed until you email the notice of hearing.
 - b. Your notice of hearing must include the following:
 - i. The date and time of the hearing;
 - ii. The amount of time reserved for the hearing;
 - iii. The name of the Motion(s) to be heard;
 - iv. The date of filing of the Motion(s);
 - v. The Clerk's Docket Number of the filed Motion(s);
 - vi. The location of the hearing – Virtual/Remote hearings must include the virtual link; In Person hearings must include the courthouse address.
 - vii. Cite your compliance with Meet and Confer requirements

DETAILED REFERENCE

I. SETTING HEARINGS FOR PENDING MOTIONS:

A. Abandonment of Motions: to ensure timely movement of cases, the movant has 60 days after filing the motion, to coordinate a hearing with opposing counsel/party and file a Notice of Hearing OR submit a proposed Agreed Order on the motion. Otherwise, the Motion/objection is deemed abandoned and denied. The Non-Movant shall timely submit a proposed Order setting forth the grounds upon which the Motion/objection has been abandoned and is deemed abandoned and denied.

B. Coordination of Hearings: **Prior to scheduling a hearing**, the parties are required to comply with the Court's Meet and Confer Requirement; and to *Certify the Compliance* in the Notice of Hearing.

C. Meet and Confer Requirement:

The term “confer” requires a substantive conversation in person or by technology in a good faith effort to resolve the motion without the need to schedule a hearing *and does not envision an exchange of ultimatums by fax, e-mail or letter*. Counsel (both movant and opposing) who has full authority to resolve the matter shall confer before **scheduling the hearing** on the motion to attempt to resolve or otherwise narrow the issues raised in the motion.

It shall be the responsibility of the counsel who schedules the hearing to arrange the conference. Opposing counsel must respond promptly to inquiries and communications from opposing counsel who will notice the hearing and is attempting to schedule the conference.

Counsel who schedules the hearing shall include in the Notice of Hearing filed with the Court, a *Certificate of Compliance*.

D. Scheduling Hearings: Hearing availability is published on JACS (Judicial Automated Calendaring System) accessible through the Court's website, <https://flcourts18.org>. The Movant shall contact the opposing counsel or opposing party to coordinate a date and time for the hearing. After coordination, the Movant shall email Judicial Assistant Karen Flash at karen.flash@flcourts18.org with their requested (and coordinated) hearing date and time. The JA will confirm via email. The Movant shall have 24 hours to file the Notice of Hearing AND email the JA a copy. **Your hearing is not officially set on the Court's calendar until the Notice of Hearing is filed AND a copy is sent to the JA.** Failure to comply with this provision will result in the hearing not taking place.

E. Evidentiary Hearings one hour or less AND Non Evidentiary Hearings two hours or less: Judge Smith-Rodriguez conducts all evidentiary hearings of one hour or less and all non-evidentiary hearings two hours or less, through Microsoft Teams via the Virtual Courtroom at <https://fl18.org/judgesmithrodriguez> as allowed by Rule 2.530, Fla. R. Gen. Prac. & Jud. Admin.

F. All Non-Evidentiary Hearings: The Court, depending on the circumstances, may exercise its discretion and rule on non-evidentiary motions without a hearing. Therefore, counsel are encouraged to timely file written argument supporting and opposing their positions with the Court.

G. All other hearings will be conducted in person at the **Moore Justice Center, 2825 Judge Fran Jamieson Way, Viera, Florida 32940**. Proceedings may be conducted in a courtroom or in chambers. You can determine the location of your proceeding upon entering the courthouse and consulting the monitors at the elevators. Do not contact the JA for the location of your hearing.

H. Hearing Requests for 3 hours or more: If you are requesting a hearing of three hours or more, the matter must first be submitted to mediation, and the party requesting the hearing must provide the Notice of Impasse or Partial Settlement to the Court's Judicial Assistant with the request for hearing time.

I. Exhibits for Virtual / Remote Hearings: The Court prefers to receive digital evidence on a thumb drive with individual files. Files of each agreed upon exhibit should be labeled numerically. Files of all other exhibits should be labeled alphabetically. Prior to the hearing, both counsel are *strongly* encouraged to discuss the digital exhibits.

J. Virtual / Remote Hearings: All Virtual / Remote hearings will be held through the free application Microsoft Teams by using the Judge's Virtual Courtroom:

<https://fl18.org/judgesmithrodriguez>



Judge Smith-Rodriguez' preferred Notice of Hearing is provided for your convenience, but you may use any notice that includes comports with the requirements herein.

K. Form of Notice of Hearing: The *Notice of Hearing* must contain the following information:

1. The date and time of the hearing;
2. The amount of time reserved for the hearing;
3. The name of the Motion(s) to be heard;
4. The date of filing of the Motion(s);
5. The Clerk's Docket Number of the filed Motion(s);
6. The location of the hearing – Virtual/Remote hearings must include the virtual link; In Person hearings must include the courthouse address.
7. Attach the Certificate of Compliance with Meet and Confer requirements

If the hearing is an evidentiary hearing, the Notice must be titled as such: “Notice of Evidentiary Hearing.”

II. EMERGENCY MOTIONS AND REQUEST FOR HEARING:

Upon filing an Emergency Motion, the movant must email a copy of the filed Motion to JA at karen.flash@flcourts18.org. The Court will decide whether the reasons set forth in a motion for emergency hearing and/or the allegations contained in the motion constitute an actual emergency. If the Court determines that the motion does allege an actual emergency, it will take whatever action is deemed appropriate, including entry of an *ex parte* order if permissible by law, or setting the matter for hearing.

III. CANCELLATION OF HEARING:

A. When cancelling a hearing, you must email the Judicial Assistant and copy opposing counsel notifying the Judicial Assistant of the cancellation.

B. DO NOT assume the hearing is automatically removed from the Court's calendar. A Notice of Cancellation that has been e-filed with the Clerk is not sufficient notice of a cancellation. Cancellation of a hearing MUST be confirmed with and by the Court.