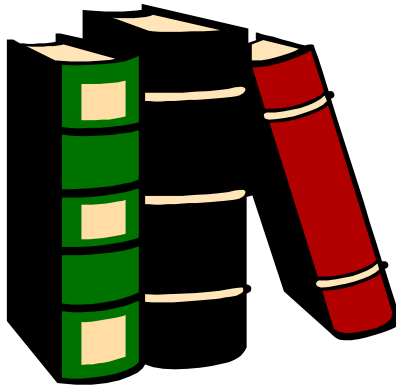


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
CIVIL/FAMILY DIVISION K**



PROCEDURES AND PRACTICES

JUDGE DONNA L. MCINTOSH

SECOND UPDATE August 2020

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COURTROOM DECORUM

All counsel are to familiarize themselves with and abide by Administrative Order 09-06, Supersedes 92-116, regarding Courtroom Decorum and Procedure. See <http://www.brevardclerk.us/administrative-orders?MonthDisplay=6&YearDisplay=2009>.

HEARINGS

1. SCHEDULING: Please review “Judge McIntosh/Division K Scheduling Policy” before setting any hearings. 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, your hearing will be terminated and rescheduled for a subsequent hearing. Hearings (up to one hour, 4-15 minute timeslots) are to be scheduled online using the JACS system. Please log onto JACS www.flcourts18.org (Internet Explorer works best with JACS) to obtain hearing time. (If you do not have a user name/password, please visit the “Answers to FAQs” to learn how to obtain one.) After you have coordinated you are ready to schedule your hearing. Once logged onto JACS Click Attorney/Citizen Resources tab; Under “Attorney Resources” click option “Schedule a Hearing” Click on “Scheduling Functions”. Enter Attorney User ID (bar number) and Password. If you forgot your password contact JA to reset. Click Court- drop down and Select the Judge the hearing is set before. Click on “ Schedule In-Person Hearing”. Select a Motion type (If the type you need is not available, select other.) Select Courtroom- select either Civil or Family depending on type of hearing scheduled. This will direct you to the appropriate hearing time. We have Civil Hearing Days and Family hearing days. Judge McIntosh is using courtroom “J” to conduct hearing, note this for your notice of hearing only. Do not select courtroom “J” on the drop down. Select date and time for your hearing you would like to set. If you need more than 15 minutes book as many 15 minute time slots you need up to 1 hour. Enter Case number. Do not use dashes in case number. If evidence will be presented, please note “evidentiary” in the Judge’s Notes_on JACS. **IF YOU NEED A HEARING FOR MORE THAN ONE HOUR, YOUR MOTION WILL HAVE TO BE PLACED ON THE TRIAL DOCKET.** To be placed on the trial docket, please contact the appropriate Trial Coordinator listed under the Trials heading. If you have two motions requiring one hour each, you cannot set one motion at 9:00 a.m. and the other motion at 1:30 p.m. on the same day, even if the time is available. They must be set on different days or set on the trial docket for 2 hours.

Coordinating: Reasonable attempts need to be made to clear a date with opposing counsel before scheduling on JACS. Several attempts on the same day is insufficient. **DO NOT** contact the JA to determine what a reasonable attempt is or how much time is reasonable. This must be determined by the attorney.

Pro Se Parties Only: If the opposing party is *pro se* and a telephone number or email address is listed on any of their pleadings, **you must make attempts on two different days to coordinate the hearing.** A message must be left on both days requesting them to call your office

by the end of that business day to coordinate the hearing. If at the end of the second business day you do not receive a call back, then you may set a hearing unilaterally online giving at least fourteen (14) days notice of the hearing to the pro se party. If no phone number is listed in the Court file, you may set a hearing unilaterally online giving at least thirty (30) days notice of the hearing to the pro se party.

Once your hearing is set on JACS, you will receive a confirmation number. Please print out the confirmation page and attach it to your copy of the Notice of Hearing for your records. Please do not send a copy of the Notice of Hearing to the Judge. You must e-file the original Notice of Hearing in the Court file.

Motions: When scheduling a hearing on JACS, if you do not see the subject of your motion that you are trying to set for hearing listed in the drop down box, please click cancel and logout at the bottom of the main menu and review the “Answers to FAQs.” The JACS system will only allow you to select one motion in the drop down box. If you have more than one motion that you wish to address on that date and time, please list the other motions in the “Additional Motions to be Addressed” box.

Courtroom: When scheduling in JACS, do not select a courtroom in the drop down box, as this will limit your search for available hearing time. Leave the box blank. Judge McIntosh holds hearings in **Courtroom J**, unless otherwise noted on the door.

Select 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 where you input your case number for you to select whether your attorney represents the Plaintiff or Defendant.

2. TELEPHONE HEARINGS: Telephone hearings are permitted as long as there is no testimony to be offered or evidence submitted. Please file a Motion and proposed agreed Order to appear by phone. The Order **must** include the date and time of the hearing, a telephone number for the Judge to call at the time of hearing, and **must** specify the name of the attorney appearing by phone. *If multiple parties wish to appear by phone*, please file a Motion and proposed Order with the date and time of the hearing, one phone number for the Judge to call (Counsel scheduling the hearing should use a conference call service, if possible, for the Court to call only one number to reach all parties), and the name of each party attending via telephone. The parties appearing by phone need to stand-by for one hour, from the time the hearing is set, for the Judge’s phone call. After hearing and the Judge has ruled, a proposed Order may be submitted through the e-portal, along with a separately filed cover letter confirming there are no objections to the proposed Order.

3. CONTINUANCES: If a continuance of a hearing is requested by a party who did not set the hearing and the party who scheduled the hearing will not agree to reschedule, then a Motion for

Continuance may be presented at a noticed Short Matters hearing. (See below for Short Matters procedures).

If agreed, the attorney must obtain new dates, and re-coordinate with the opposing parties. When you are ready to rescheduled, go to JACS and select "To Re-Schedule a Hearing" under the Main Menu. Type in your confirmation number and select "Reschedule." Click on the newly coordinated date, and the hearing will be rescheduled and you will receive a new confirmation number for your records. An Amended Notice of Hearing must be prepared, with an attached copy of your confirmation page to your copy of the Amended Notice for your file. Please do not send a copy of the Amended Notice to the Judge. You must e-file the Amended Notice of Hearing in the Court file.

4. CANCELLING: Only the party who scheduled the hearing may cancel the hearing. The attorney who scheduled the hearing must go on JACS and click "To Cancel a Hearing" under the main menu. Enter your confirmation number and click "Cancel Hearing." You **MUST** follow up by e-filing a Notice of Cancellation in the Court file. Attach a copy of your confirmation page to your Notice for your file. **Please send a copy of the Notice of Cancellation to the JA** (Charlotte.Legette@flcourts18.org). **IF A HEARING IS CONTINUED OR CANCELLED, IT IS THE RESPONSIBILITY OF THE SCHEDULING ATTORNEY TO IMMEDIATELY ADVISE THE JUDICIAL ASSISTANT THAT THE SCHEDULED HEARING IS CONTINUED OR CANCELLED SO THAT IT IS REMOVED FROM THE COURT'S DOCKET.** Should a hearing be cancelled less than 24 hours prior to the hearing, the scheduling attorney's office **must** email and/or call the JA to advise the court of the cancellation.

5. CROSS-NOTICING/PIGGY-BACKING: If you wish to add a motion to a previously set hearing and you do not need more time, you must contact the party who scheduled the hearing and obtain permission to share their time. If you need additional time, you may either set a new hearing on JACS for the same date and time, if available, or have the party who set the original hearing cancel theirs and reschedule for a timeslot with sufficient time for both hearings. Please make sure that Amended Notices and/or Cross-Notice of Hearings are filed with the Clerk. Please do not send a copy of your Amended Notice or Cross-Notice of Hearing to the Judge. Should the opposing party not agree to schedule your motion for the same time, you must find additional available time in JACS.

6. NOTICE OF HEARING: A Notice of Hearing must specifically state the matter(s) to be heard. A Notice of Hearing that states "All Pending Motions" is a nullity. Any party scheduling a hearing **MUST** provide notice to the other parties, even if defaulted by the Court. If a Guardian *ad Litem* appointed in the case is not given notice of a hearing, the hearing may be subject to cancellation by the Court pending proper notice to the Guardian *ad Litem*. Please do not send a copy of your Notice of Hearing to the Judge. You must e-file the Notice of Hearing in the court file.

7. MATTERS NOT REQUIRING A HEARING: The following matters do not require a hearing and a proposed Order may be submitted through the e-portal as an “Agreed Order,” along with a separately filed cover letter indicating no objection to the proposed Order or with a Stipulation.

- Appointment of Special Process Server
- Appointment of Special Magistrate to hear UCD
- Stipulated Modifications
- Stipulated Orders
- Motion for Substitution of Counsel (Signed by Attorney **and** Party)
- Motion to Enter an Agreed Order
- Motion to Cancel and Reschedule a Foreclosure Sale
- Motion to Vacate Foreclosure Judgment (because of reinstatement)
- Default Judgment of *liquidated* amounts
- Motions to Withdraw (WITH SIGNED CONSENT FROM CLIENT)
- Uncontested Final Judgment for Dissolution of Marriage (**when BOTH parties are represented by counsel**)

8. EMERGENCY HEARING: If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The motion must be emailed to the Judicial Assistant before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing. In light of the short setting, opposing counsel may attend the hearing via telephone if their schedule will not allow them to appear in person.

9. SHORT MATTERS/EX PARTE: Short Matters/*Ex Parte* hearings are held during regular 15 minute hearing time slots located on JACS. No evidence or testimony is allowed during the hearing. Short Matters are scheduled through JACS, not through the Judicial Assistant. Simply coordinate with the parties, schedule your hearing on JACS and electronically file a Notice of Hearing in the court file. Please list the names of the parties and email addresses in your Notice of Hearing for a Microsoft Teams Meeting to be scheduled by the Judicial Assistant.

10. TEMPORARY RELIEF FOR FAMILY CASES: Motions for Temporary Relief are scheduled before and conducted by the General Magistrate’s office (407) 665-4050. If the case has never been referred to the GM in the past (from the date of initial filing until present, regardless if you were attorney of record at that time), and you do not wish to have the GM hear the motion, then an objection must be timely filed in writing. Temporary Relief hearings before the Judge are scheduled consistent with the requirements for scheduling HEARINGS on page 2, herein.

11. CONTEMPT:

Civil: Motions for Contempt in civil cases are scheduled on JACS consistent with the requirements for scheduling HEARINGS on page 2, herein.

Family: Motions for Contempt in family cases are scheduled with the General Magistrate’s office (407) 665-4050. If the case has not been referred to the GM in the past, and you do not wish to have the GM hear the motion, then a timely objection must be filed in writing. If a timely objection is filed, a hearing may be scheduled on JACS consistent with the requirement for scheduling HEARINGS on page 2, herein.

12. UNCONTESTED DISSOLUTIONS OF MARRIAGE: A proposed Final Judgment in an Uncontested Dissolution of Marriage, where at least one party is represented by counsel, may be filed through the e-portal, along with a separately filed cover letter stating no objections to the proposed Final Judgment. Proposed Final Judgment may also be scheduled during Short Matters. If there are minor children involved, the Final Judgment must incorporate specifics on child support (*i.e., how much, how it is to be paid, and how often*). If both parties are *pro se*, they must fill out the Form A located on www.flcourts18.org under “Program/Services, Self Help (Represent Yourself),” and file the Form A with the Clerk of Court.

13. ADOPTIONS and TERMINATION OF PARENTAL RIGHTS PENDING ADOPTION: These matters are set during Short Matters. If both parties are *pro se*, they must fill out the Form A located on www.flcourts18.org under “Program/Services, Self Help (Represent Yourself),” and file the Form A with the Clerk of Court.

MOTIONS

14. MOTION TO DISMISS OR STRIKE/RULE 1.140: The moving party must file and then email a courtesy copy of their Motion to Dismiss to the JA for the Judge’s review, prior to setting a hearing on the motion. The Judge will review the motion and either grant or deny the motion without a hearing, or request that a hearing be set. The JA will contact the moving party and advise if a hearing is necessary. Any hearings set on a Motion to Dismiss or Strike on JACS prior to Court approval **will be cancelled**.

15. MOTION TO WITHDRAW AS COUNSEL: If the attorney obtains a **signed consent** from their client, then the proposed Order may be submitted through the e-portal. If the attorney is unable to obtain a signed consent from their client, the motion must be heard during Short Matters with at least 7 days notice to the parties. Please make sure the Motion and Notice of Hearing have a Certificate of Service that indicates that they were mailed to the client. The proposed Order allowing withdrawal of counsel must reflect the following:

- The client’s name, last known address, telephone number, and, if possible, e-mail address;
- A statement that all pleadings are to be furnished to the client;
- A statement that the client is responsible for notifying the Clerk of Court, in writing, within 5 days of any change of address.

16. MOTION FOR SUMMARY JUDGMENT - RESIDENTIAL FORECLOSURE:

Mediation Required: Any case where the owner filed a responsive pleading **MUST BE** mediated before a hearing on a MSJ can be scheduled. Mediations can be conducted at the Seminole County Courthouse or through a private mediator. Please review the Practices and Procedures under the foreclosure link at www.flcourts18.org for the required forms and information.

Dispense with Mediation: If the Plaintiff feels that mediation is not necessary or the case has been pre-mediated, then a Motion to Dispense with Mediation may be filed explaining the reason(s). Agreed upon Orders to Dispense with Mediation can be signed *ex parte*. Please upload the proposed Order to the e-portal for entry.

Mediation Not Required: If no responsive pleading has been filed by the owner, then a Motion to Dispense with Mediation is not required. You may set your case for a MSJ hearing using JACS, or if unopposed, you may schedule during Short Matters.

17. MOTION FOR REHEARING/RECONSIDERATION: Once a Motion for Rehearing/Reconsideration is filed with the Clerk, please e-mail a copy to the Judicial Assistant for the Judge's review. The Judge will either rule on the motion, without a hearing, and copies will be sent out or the Judicial Assistant will contact your office to let you know that you may schedule a hearing on JACS. **DO NOT SET A HEARING UNLESS YOU RECEIVE APPROVAL FIRST.** The hearing is not the rehearing of the issue itself, but is simply an opportunity for the party to argue their Motion for Rehearing/Reconsideration before the Court.

18. MOTIONS IN LIMINE/PRE TRIAL MOTIONS: All Motions *in Limine* and Pre-Trial Motions *must be scheduled for hearing prior to the trial date.*

19. NOTICE OF INTENT TO RELOCATE: Pursuant to Fla. Stat. § 61.13001, the following information **MUST BE INCLUDED** with the Notice, and the Notice **MUST** be signed under oath and penalty of perjury:

- A description of the location of the intended new residence, including state, city, and specific physical address (if known);
- The mailing address of the intended new residence, if not the same as the physical address (if known);
- The home telephone number of the intended new residence (if known);
- The date of the intended move, or proposed relocation;
- A detailed statement of the specific reasons for the proposed relocation of the child. If one of the reasons is based upon a job offer, which has been reduced to writing, the written job offer **MUST** be attached to the Notice of Intent to Relocate;

- A proposal for the revised post-relocation schedule of time-sharing, together with a proposed for the post-relocation transportation arrangements necessary to effectuate time-sharing with the child;
- Substantially the following statement, in ALL CAPITAL LETTERS, and in the same size type (or larger) as the type in the remainder of the Notice:

AN OBJECTION TO THE PROPOSED RELOCATION MUST BE MADE IN WRITING, FILED WITH THE CLERK OF COURT, AND SERVED ON THE PARENT OR OTHER PERSON SEEKING TO RELOCATE, WITHIN 30 DAYS AFTER SERVICE OF THIS NOTICE OF INTENT TO RELOCATE. IF YOU FAIL TO TIMELY OBJECT TO THE RELOCATION, THE RELOCATION WILL BE ALLOWED, UNLESS IT IS NOT IN THE BEST INTERESTS OF THE CHILD, WITHOUT FURTHER NOTICE AND WITHOUT A HEARING.

- The mailing address of the parent or other person seeking to relocate to which the objection should be sent.

If an objection has been filed within 30 days, the party **MUST** file a Petition to Relocate to seek relief. A hearing **CANNOT** be set until an objection has been filed, or the time for filing an objection has expired.

If no objection is filed within the 30 days, the moving party is to send the Judge a proposed Order titled "Order Approving Relocation and Modifying Time Sharing," and the Order must repeat the proposed time-sharing schedule.

20. MOTIONS FOR JUDICIAL DEFAULT: Motions for Judicial Default **WILL NOT** be signed without a hearing. If you are unable to obtain a Clerk's Default, a hearing **MUST** be set.

21. MOTION FOR CHILD PICK-UP ORDER: Without notice, a copy of the motion with justification for lack of notice must be provided to the Judge via hand delivery/mail/or email along with the proposed Order. The proposed Order must have the heading, case number, division and the parties' names filled out. The proposed Order must contain the date, time, and location for the parties to appear in Court to present evidence. If the Judge enters the Order *ex parte*, a certified copy must be obtained by the motion maker through the Clerk's office for service.

The Judge may deny the *ex parte* request, but set a hearing. A hearing will be set on an expedited basis, and the moving party will be responsible for preparing the Notice of Hearing.

ORDERS

22. PROPOSED ORDERS: All proposed Orders should be submitted through the e-portal in Word format for electronic signature and must be accompanied by a separately filed cover letter stating that opposing parties have reviewed the proposed Order and they have no objection to the proposed Order. If the parties cannot agree, please schedule a hearing. Do not ask opposing counsel to contact the Judge's office with objections to a proposed Order. If opposing parties have been forwarded a copy of the proposed Order, but have not responded within a reasonable time frame, you may state so in your cover letter, if the motion was already heard before the Court. If the motion has not been heard by the Court, and you have not received a response from opposing parties, then the motion must be set for a hearing.

If the other parties are *pro se*, a copy of the proposed Order is to be sent simultaneously to the *pro se* party and the Court, with a cover letter stating that the opposing parties must voice any objections, in writing, to the Court within 5 days.

23. ORDER TO SHOW CAUSE: A verified Petition for Rule to Show Cause or Order to Show Cause, with accompanying Affidavit, can either be presented at Short Matters/*Ex Parte*, or can be forwarded by letter to the Court. If the Petition is granted at Short Matters/*Ex Parte*, the attorney may obtain a date for the Order to Show Cause on JACS. If the Petition has been mailed to the Court and the Court has granted it, the JA will contact your office to let you know that you may schedule the Order to Show Cause on JACS.

24. PROCEDURE FOR SUBMITTING PROPOSED ORDERS ELECTRONICALLY IN SEMINOLE COUNTY

1. Proposed orders must be submitting in Microsoft Word in the docx. Format (all lower case letters, file name and .docx).
2. Please submit a cover letter in pdf which shall state that the proposed Order is agreed upon by all parties as to both form and content.
3. All proposed Final Judgments and Orders must contain the following language in the Order section of the Proposed Final Judgment or Order: Upon entry of this Order, counsel for Plaintiff/Defendant shall forward a copy of this Order by U.S. Mail to any party listed on the attached Service List that is not being served by electronic service.
4. DJMCA FORMAT: DJMCA is how ICMS knows where to place signature and signature dates.
 - a. You must use the two codes as pairs (e.g., JJJJ & DDDD for Judge's signature and date.)
 - b. The codes must be all capital letters and then centered with no spaces or tabs before or after the code.
 - c. You must add all 4 letters for each field.
 - d. These codes should only be used once per line. Two codes per line will not work.

DJMCA Codes in pairs

1. DDDD = Judge Signature Date/ JJJJ = Judge Signature

2. MMMM =Mailing Date/AAAA = Judicial Assistant Signature

3. CCCC = Service List

SAMPLE PROPOSED ORDER

**IN THE CIRCUIT COURT OF THE
EIGHTEENTH JUDICIAL CIRCUIT, IN AND
FOR SEMINOLE COUNTY, FLORIDA**

CASE:

**Name,
Father/Petitioner,
vs.**

**Name,
Mother/Respondent,**

TEST ORDER

THIS CAUSE having come before the Court on February 18, 2016, on the Father's Petition for Paternity and Timesharing and the Court having taken testimony and having considered the pleading, affidavits, exhibits, and otherwise being fully advised in the premises, finds as follows:

1. The Court has jurisdiction over the subject matter and the parties.
2. The parties have one child in common.

And pursuant to their being no dispute, paternity of the above child is established with the natural father, Tyrone Dye.

3. This Court has continuing jurisdiction over the children pursuant to the applicable Florida Statutes and the Uniform Child Custody Jurisdiction and Enforcement Act.
4. Florida is the home state and the state of habitual residence of the children, Accordingly, Florida is the sole jurisdiction state to determine child custody, parental responsibility, time-sharing, rights of custody, and rights of access concerning the children under the Parental Kidnapping Prevention Act (PKPA, under the Child

Abduction Remedies Act (ICARA), and under the Convention on the Civil Aspects of International Child Abduction enacted at The Hague on October 25, 1980.

It is hereby ORDERED as follows:

1. ****
2. ****
3. Upon entry of this Order, counsel for Plaintiff/Defendant shall forward a copy of this Order by U.S. Mail to any party listed on the attached Service List that is not being served by electronic service.

DONE AND ORDERED at the Seminole County Courthouse, Sanford, Seminole County, FL on **DDDD**.

JJJ

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that copies have been furnished by U.S. Mail or via filing with the Florida Courts E-filing Portal to the below listed parties on **MMMM**.

CCCC

AAAA

TRIALS

FAMILY DIVISION:

Family Coordinator:

Sandy Gorman

(407) 665-4222

Sandy.Gorman@flcourts18.org

Contact regarding Pre-Trial Conferences and Trials

Notice for Trial: A Notice for Trial stating that the cause is at issue must be filed with the Clerk's office, accompanied by an email address to all counsel of record, or if *pro se* parties, stamped, self-addressed envelopes to all parties. If emails or envelopes are not accompanying the Notice for Trial, the Court will take no action. The Notice shall include an estimate of time required, and whether the trial is on the original action or a subsequent proceeding. The case will then be forwarded to the **Family Division Coordinator** for review.

**ALL CONTESTED CASES WILL BE REQUIRED TO ATTEND AND COMPLETE A
MEDIATION SESSION**

Pre-Trial Conference: Orders Requiring Mediation, Setting Pre-Trial Conference, and trial date will be entered by the Court. Pre-Trial Conferences will be conducted telephonically. Parties are to be available for at least one hour from the stated time for a phone call from the Court. If an attorney has made an appearance and will not be in the office during the necessary timeframe, the attorney must contact the Trial Coordinator **before the Pre-Trial Conference** with an alternative phone number where the attorney will be available at the time of the Pre Trial Conference. If the party is *pro se*, they must contact the Trial Coordinator **before the Pre Trial Conference** with a phone number. A trial date will be given during the Pre Trial Conference. If it becomes necessary to place a case on the trial docket as a back-up, the parties will be notified of the actual time of trial no less than 24 hours prior to trial time. The Court will not hear any pending motions at the Trial.

Case Management Conference: A Case Management Conference will be set if both parties are *pro se*. The Case Management conference will be conducted by the General Magistrate's Office. The General Magistrate will determine the status of the case, order the parties to attend mediation, and ensure the parties meet full compliance with Florida Statutes Chapter 61 prior to Trial.

CIVIL DIVISION:

Civil Coordinator: **Kelley Rowland**
(407) 665-4203
Kelley.Rowland@flcourts18.org
(Contact regarding Case Managements, Pre-Trial Conferences, and Trials)

Notice for Trial: A Notice for Trial stating that the cause is at issue must be filed with the Clerk's office and must contain complete, current e-mail addresses for all counsel of record or *pro se* parties. The Notice shall include an estimate of the time required, whether the trial is to be by a jury or not, and whether the trial is on the original action or a subsequent proceeding. The case will then be forwarded to the **Civil Division Coordinator** for review. The Court will issue an Order Setting Case Management Conference, which is required for all cases requiring one day or

more to complete. Cases requiring less than one day will be placed on a one or two week trial docket.

Case Management Conference: The Trial Coordinator will conduct a Case Management Conference telephonically to determine the exact status of the case. Parties are to be available for at least one (1) hour from the stated time for a phone call from the Trial Coordinator. If an attorney has made an appearance, the attorney **MUST** contact the Trial Coordinator **before the Case Management Conference** with a phone number where the attorney will be available at the time of the Case Management Conference. *Pro se* parties **MUST** contact the Trial Coordinator **before the Case Management Conference** with a phone number if they wish to appear by phone. Parties will be required to strictly adhere to the Order Setting Case Management Conference. The Trial Coordinator may, at the time of the conference, schedule expert disclosure deadlines and/or set a Pre Trial Conference and Trial date.

Pre-Trial Conference: The Court will expect full compliance with the Order Setting Pre-Trial Conference and Trial Date. **Unless specifically excused by the Judge, all attorneys and pro se parties are required to attend the Pre-Trial Conference in person**, even if a time certain trial has been set. The Court may address pending motions at this time, if they are short in nature and the Court has the time to do so.

Jury Selection: All juries are selected on Monday morning of the trial week. All attorneys and parties are expected to be present for trial at 8:30 a.m. The presiding Judge will normally review the docket for last minute adjustments at the Pre-Trial Conference.

Attorneys are expected to conduct *voir dire* in a professional manner without wasting time. The presiding Judge will not tolerate attempts to curry favor with jurors. Question which do not touch upon a juror's qualifications to serve, or the issues in the case, will not be allowed. Questions should be designed to solicit an answer that will assist in deciding if the juror should be challenged, either peremptorily or for cause, and not for reasons of idle curiosity. For instance, spare time activities, reading habits, and bumper sticker preferences are not normally a valid subject of inquiry. Direct questions such as, "Do you belong to the N.R.A.?" rather than, "Do you have any bumper stickers on your automobile?" get to the issue at hand, instead of soliciting an answer which may have nothing to do with the case. Attorneys are prohibited from suggesting to a juror that *voir dire* can be conducted individually at the bench without the express permission of the Court. Jurors will be excused from the Courtroom before the jury selection process beings. The Court will alternate between counsel asking them to accept or challenge jurors. The Plaintiff will be requested to accept or challenge the first juror. This procedure will be continued until a jury is selected. Back strikes are allowed until the jury is sworn. Most juries are sworn immediately after selection to avoid last minute back strikes and delays.

Responsibility for preparation of jury instructions is upon the party requesting the instruction, unless the Court orders otherwise. Jury instructions shall be in 12 point type, Times New Roman

font, and follow the format of the Standard Jury Instructions in Civil Cases. All draft jury instructions must be provided to the Court by noon the Friday before trial.

FORECLOSURE DIVISION:

Foreclosure Coordinator: **Lisa Hockenhull**
(407) 665-4296
Lisa.Hockenhull@flcourts18.org
Contact regarding Trials

Notice for Trial: A Notice for Trial stating the cause is at issue must be filed with the Clerk's office, and must contain complete, current, e-mail addresses for all counsel of record or *pro se* parties. The Notice shall include an estimate of the time required. The case will then be forwarded to the **Foreclosure Division Coordinator** for review. The Court will issue an Order setting the case for trial, which is required for all cases. Should a case require more than two hours it may be rescheduled to the Court's civil trial docket to complete. The Court will expect full compliance with the Order Setting Foreclosure Trial.