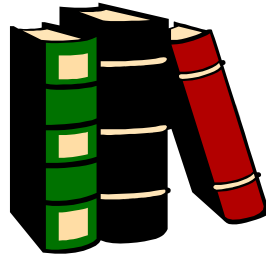


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
CIVIL/FAMILY DIVISION L**



**ADMINISTRATIVE
POLICIES AND PROCEDURES
GUIDELINES
DURING COVID-19**

JUDGE JESSICA J. RECKSIEDLER

****updated on 8/6/2020****

HEARINGS

1. **SCHEDULING:** 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. 15, 30, or 60 minute hearing times are to be retrieved and scheduled online by using JACS. To use JACS, go to www.flcourts18.org, click on Calendaring and JACS on the left hand side of the page, under the Seminole County column click on “Docket Calendar Attorney Scheduling”. **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 you need to contact the appropriate trial coordinator at the numbers listed above. **If you have two motions each needing 1 hour each, you CANNOT** set one motion at 9:30 a.m. and the other motion at 10:30 a.m. even if 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 that must be determined by the attorney.

Pro se parties only: If the opposing party is pro se and a telephone number is listed on any of their pleadings, you must make two attempts on two different days. A message needs to 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 at least fourteen (14) days from the current date. If no phone number is listed in the court file, then a hearing cannot be scheduled sooner than one month.

Once your hearing is set on JACS you will receive a confirmation #. Please print out that confirmation page and attach it to your copy of the Notice of Hearing for your file. Please do not send a copy of the Notice of hearing to the Judge, just file the original Notice in the court file.

Motions: If you do not see the subject of your motion that you are trying to set for hearing listed in the drop down box when scheduling a hearing on JACS, please click cancel and logout at the bottom of the main menu and review the “Answers to the FAQ’s.” The JACS 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, then the other motions need to be listed in the box that says, “Additional Motions to be Addressed.” The Court may review the Motion from the court file.

Courtroom: Do not select a courtroom in the drop-down box. Leave the box blank as is. The Judge holds hearings in different courtrooms, and this will limit your search. Judge Recksiedler is usually in **Courtroom L** but occasionally she is in a different courtroom.

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 log out 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.

Remote Hearings: Motion hearings that are 1 hour or less, may be handled remotely by submitting a motion and order to appear remotely. The order and Notice of Hearing **MUST be filed at least 5 days prior to the hearing and specify the attorney and/or parties each by name who is appearing by video via Microsoft Teams and the email address of each individual in the body of the Notice of Hearing.**

The judge's judicial assistant will email each individual a calendar invitation for the videoconference meeting via teams, which must be accepted in order to attend. She will also provide video instructions for the meeting in the calendar invitation. The parties should sign into the meeting by clicking "JOIN TEAMS MEETING" on the invite. ****The Judicial assistant is available by email during the Teams videoconference hearings. Please attempt to email rather than calling her while you are waiting for your hearing. ****

The attorney needs to stand by for 1 hour from the time the hearing is set for the Judge to admit them from the video "lobby" of Microsoft Teams for the hearing. ***More than one hearing may be scheduled on the docket for the set time, so your hearing may take time before it is addressed.*** Your hearing may not necessarily be heard according to its place on the judge's docket. Please make sure to click on the camera icon and microphone icon to ensure you are seen and heard by the judge. It is all parties' responsibility to make sure the equipment used is operating appropriately. ***You must wait patiently in the virtual lobby until you are admitted and called in to the hearing by the Judge.***

If you have a court reporter, please place the name and email address on the order setting hearing in the body of the email. Also, you **MUST NOTIFY THE COURT** of a court reporter prior to starting the hearing to ensure the court reporter is in attendance.

Remote Evidentiary hearing

If it is an Evidentiary hearing the parties are required to Pre-mark all their exhibits for ID in letter format i.e. "Plaintiff's Ex A" or "Respondent's Ex B" on the bottom right hand corner of the Exhibit if it is a document.

Please make a copy of all exhibits to have hand delivered to the judicial assistant to provide to the Clerk of the court at least 3 business days prior to the hearing. The opposing party shall be provided all exhibits at least 3 business days prior to the hearing.

Also, please scan and email the judicial assistant all pre-marked exhibits in PDF format for documents or JPEG for photos.

In the email identify each exhibit by name and marking in the email. i.e. “PL Ex A Insurance policy” or “Respondent’s Ex B Wife’s Financial Affid.”

In the subject line of the email, please include the case name, case number, date of hearing, time of hearing, Motion to be heard, and whose exhibits are attached, i.e. plaintiff/petitioner or defendant/respondent exhibits. The email will be forwarded to the court for use during the remote hearing.

******The proposed Order setting hearing needs to be e-filed with all the required information no less than one week from date of hearing.**

2. **CONTINUANCES:** If a continuance of a hearing is requested, the attorney who scheduled the hearing needs to go on JACS (*see above, under Scheduling*) click “Display a list of available hearing dates” under the main menu. Clear a new date with the opposing side. When you’re ready to reschedule go on JACS and click “To Re-Schedule a Hearing” under the Main Menu. Type in your confirmation # and hit “Reschedule”. Click the new coordinated date and the hearing will be rescheduled and you will receive a new confirmation # for your records. An Amended Notice of Hearing needs to be prepared and e-filed in the court file. Please do not send a copy of the Amended Notice of hearing to the Judge, just file the original in the court file.
3. **CANCELING:** 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 # and click “Cancel Hearing”. You must follow up with the filing of a Notice of Cancellation in the court file. Please send a copy of the Notice of Cancellation to the Judge. **If a hearing is continued or cancelled, it is the responsibility of the scheduling attorney to advise the judicial assistant that the scheduled hearing is continued or cancelled so that it is removed from the court’s calendar. SHOULD A HEARING BE CANCELLED LESS THAN 24 HOURS PRIOR TO THE HEARING, THE PARTIES ARE STILL REQUIRED TO ATTEND THAT HEARING TIME, TO INFORM THE COURT AS TO THE REASON FOR THE LATE CANCELLATION.**
4. **CROSS NOTICING/PIGGY BACKING/CHANGING MOTION(S):** If you wish to add a motion to a previously set hearing date and do not need more time, you must contact the party who set the hearing and obtain permission to share their time. If you need additional time you may either set a new hearing on JACS for that same date and time, if available, or have the party who set the original hearing cancel theirs and reschedule it for a timeslot with sufficient time for both hearings. Please make sure that Amended Notices and/or Cross Notice of Hearings are e-filed. 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 time in JACS.

*****If a matter settles prior to the hearing time scheduled and you have other pending motions you may not unilaterally change the motion/matter being heard without first**

confirming same with opposing counsel. If opposing counsel objects and can verify a conflict or has less than five (5) business days notice, then the hearing must be rescheduled.

5. **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 the 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, just file the original with the clerk.**

6. **TEMPORARY RELIEF FOR FAMILY CASES:** Motions for Temporary Relief are scheduled before and conducted by the General Magistrate's office. Please send your name, case number and contact phone number to seminole@flcourts18.org. If the case has **never** been referred to the GM in the past (*from the time the case was first opened till now regardless if you were the attorney at that time*) and you do **not** wish to have the GM hear the motion then an **objection** must be filed in writing. Before the hearing can be scheduled before the Judge, mediation **MUST** have occurred regarding the temporary issues. Temporary Relief hearings before the Judge **will be limited to 60 minutes**.

If the case has been referred to the GM in the past for a previous issue and neither party objected to that hearing within the ten (10) day rule then **no** party can **ever** object in the future to a hearing before the GM (*regardless if new attorneys have taken the case.*)

If a temporary relief hearing is set before the GM and this is the first hearing that has ever been referred to the GM and the opposing party objects within the ten (10) days, the objection **MUST** contain the agreed date and time for mediation or the objection is not a valid objection and the hearing will remain on the GM's docket (*Administrative Order 05-15S Amended*).

7. **UNCONTESTED DISSOLUTIONS OF MARRIAGE:** Uncontested Dissolutions of Marriage, where **BOTH parties are represented by counsel**, can e-file the judgment for the judge to e-sign.

Prior to submitting the proposed Final Judgment in an uncontested matter, check the Court's docket to ascertain that the following has been filed.

- a. Financial Affidavit for Husband
- b. Financial Affidavit for Wife
- c. A copy of Petitioner's Florida Driver's License confirming residency requirements.
- d. If there are assets, a copy of the Marital Settlement Agreement signed by each party.

e. If child(ren), a Certificate of Completion of a State-Approved Parent Education and Family Stabilization Course for each party.

f. If child(ren), a copy of the parenting plan signed by each party with agreed upon child support guidelines.

******IF THESE DOCUMENTS ARE NOT SUBMITTED THE COURT WILL NOT SIGN THE FINAL JUDGMENT******

Thereafter, the attorney preparing the final judgment is to submit the proposed final judgment to opposing counsel for approval as to form and content **prior to** submission to the court. All final judgments are to be accompanied by a cover letter stating, if in fact, that opposing counsel has reviewed and approved the form of the final judgment. If the attorneys cannot agree on the final judgment, then a hearing is to be scheduled.

Uncontested Dissolutions of Marriage, where **ONE party is represented by counsel**, or **both parties are unrepresented** a remote hearing via Microsoft Teams is **MUST be scheduled**. Prior to the hearing all the above documentation in 7a.-7f. is to be e-filed in the court file and a proposed final judgment for the judge to e-sign.

8. **ADOPTIONS and TERMINATION OF PARENTAL RIGHTS PENDING:** These motions are set for a short remote hearing via Microsoft Teams (*see the short matter section above for locating dates and times*). If both parties are *pro se*(unrepresented) then they must fill out Form “A” located on the 18th Judicial Circuit’s website, <https://flcourts18.org/selfhelp/> and email Seminoleselfhelp@flcourts18.org on how to proceed further.

9. **FLORIDA SELF-REPRESENTED LITIGANTS (PRO-SE)** – Please register for the E-Portal so you can electronically receive and file documents. <https://www.mylcourtaccess.com/default.aspx>

10. **MOTION TO WITHDRAW AS COUNSEL:** If the attorney is able to obtain a **signed consent** from their client, then the proposed Order may be –e-filed. If a signed consent is **unable** to be obtained, then the motion **MUST** be set for hearing with at least 5 days notice to the parties. Please make sure the motion and notice of hearing has a certificate of service that indicates they were mailed to client. The proposed Order allowing withdrawal of counsel must reflect the following:

- a) The client's name, address and telephone number, and e-mail address
- b) Statement that all pleadings are to be furnished to the client
- c) Statement that the client is responsible for notifying the Clerk, in writing, within (5) days of any changes of address.

11. **MOTION FOR SUMMARY JUDGMENT (RESIDENTIAL FORECLOSURE):**

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

Waiving Mediation: If the Plaintiff feels that mediation is not necessary, or the case has been pre-mediated then a motion to waive mediation needs to be filed explaining the reason(s). Motions to waive mediation can be signed ex parte. Please upload the proposed Order to the e-portal for entry.

12. MOTION FOR REHEARING/RECONSIDERATION: Once a Motion for Rehearing/Reconsideration is filed with the Clerk's office, a copy can be e-mailed to the Judge for review. The Judge will either make a ruling on the motion, without a hearing, and copies will be sent out or the JA will contact your office to let you know to set a hearing on JACS. **Do NOT set a hearing** unless you receive approval first. The hearing is **NOT** the rehearing of the issue but an opportunity for the party to argue their motion before the court.

13. NOTICE OF INTENT TO RELOCATE: Pursuant to §61.13001, F.S. the following information must be included with the Notice and signed under oath under penalty of perjury:

- a. A description of the location of the intended new residence, including state, city, and specific physical address if known.
- b. The mailing address of the intended new residence, if not the same as the physical address, if known.
- c. The home telephone number of the intended new residence, if known.
- d. The date of the intended move or proposed relocation.
- e. 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, that written job offer must be attached to the Notice of Intent to relocate.
- f. A proposal for the revised post-relocation schedule of time-sharing together with a proposal for the post-relocation transportation arrangements necessary to effectuate time-sharing with the child.
- g. 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 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.

- h. 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 the proposed Order titled “Order Approving Relocation and Modifying Time Sharing” and the Order must repeat the proposed time-sharing schedule.

ORDERS

- 14. **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 either by email with the approved proposed Order. The Order must have the heading, case number, division, and the parties’ names filled out. If the Judge enters the order ex parte a certified copy can be obtained through the Clerk’s office for service and a hearing will be indicated on the Order as to the date and time for the parties to appear in court to present evidence. The Judge may deny the ex parte request but set a hearing and will either notify you with an email and/or an Order denying. A hearing will be set on an expedited basis within 14 days and the moving party will be responsible for preparing the Notice of Hearing. (*An example of an issue for a child pick-up is a child “seriously” endangered*)
- 15. **EMERGENCY HEARING:** **DO NOT** drop-off or fax your emergency motion to the Judge. It will not be reviewed before the hearing. If you feel that your motion is an emergency (*An example of an emergency issue is a child “seriously” endangered*) **and** need the Judge to stop what they are doing to hold a hearing within 24 hours, contact the Judge Recksiedler’s Judicial Assistant at Vanessa.Lau@flcourts18.org and attach your emergency motion for the Court’s review and determination.
- 16. **PROPOSED ORDERS:** ALL proposed Orders should be submitted through the e-portal (in Word format) along with a separately filed cover letter (in PDF format). For the Order to be electronically signed in ICMS the format of the order **MUST NOT** have the actual date, “Circuit Judge” or “Judicial Assistant” signature line within the order and **MUST** contain the following language on EVERY ORDER:

ORDERED and ADJUDGED on this DDDD(for the date the court signed it to be electronically populated)

JJJJ(for the Judge’s signature to be electronically populated)

****** You must add all 4 letters in all caps and both fields, DDDD and JJJJ for the order to be signed, or it will be rejected for resubmission once corrected**

If the parties are represented by counsel and/or all parties(including pro se) are listed in the e-portal for eservice the Order does not require and should not contain a certificate of service but rather state, the following

Copies have been furnished via the Florida Courts E-filing portal to the following:

CCCC(for the service list to electronically populate in the order)

If all parties are not listed in the e-portal for eservice, then the party may add a certificate of Service to state the following

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(for the date the JA signed it to be electronically populated)

AAAA (for the Judicial assistant's signature to be electronically populated)

SAMPLE PROPOSED ORDER

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

**Name,
Plaintiff/Petitioner,**

CASE: 2020-XXXX

vs.

**Name,
Defendant/Respondent,**

TEST ORDER

THIS CAUSE having come before the Court on February 18, 2016, having considered the exhibits, reviewed the file, and otherwise being fully advised in the premises, finds as follows:

The Petitioner's Motion is hereby GRANTED.

ORDERED and ADJUDGED on this DDDD

JJJJ

****If the parties are all in the e-portal state:**

Copies have been furnished via the Florida Courts E-filing portal to the following:

CCCC

****If all parties on the service list are in the e-portal a certificate of service is not necessary, if they are not then please provide the following certificate of service:**

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**.

AAAA

If the parties agreed upon the order without hearing, the cover letter should confirm that opposing counsel has reviewed the order and has no objection to the form of the order.

In the alternative, you may submit the order without a cover letter and title the order Agreed Order to indicate the order was agreed upon by both parties.

If the matter was heard and the court ruled, the cover letter should confirm that opposing counsel has reviewed the order and has no objection to the form of the order.

If opposing counsel has an objection, he/she may also submit a proposed order for the Judge's review with an accompanying cover letter indicating such, or a hearing should be scheduled. Please highlight the differences in the competing orders so the judge may ascertain them without difficulty. Do **NOT** ask opposing counsel to contact the Judge's office with objections to a proposed order.

If opposing counsel has been forwarded a copy of the proposed order, but has not responded within a reasonable time frame, you may forward the proposed order to the court with a cover letter stating same **ONLY IF** the motion was already heard before the court.

If the motion has not been heard before the court and you have not received a response from opposing counsel as to his/her position, then it **MUST** be set for a hearing.

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

After a hearing is completed and the court has ruled, you **MUST** file the order within one week of the date the hearing took place.

17. 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, then a hearing must be set.**

18. FINAL JUDGMENTS OF DISSOLUTION OF MARRIAGE:

The final judgment must contain the following: Appropriate paragraphs relating to any child issues, for example, support, time sharing, abatement of support, etc., if any. The final judgment cannot merely ratify and confirm the agreement. It must specifically state what is also in the agreement. Should it attempt to confirm a marital settlement agreement or parenting plan, said document **MUST BE** attached to the Final Judgment as an exhibit.

- b. Signature page must contain text. It cannot only contain the "ORDERED AND ADJUDGED" clause or a JJJJ line for the judge's signature.
- c. Certification that conformed copies are being forwarded to all counsel and *pro se* parties, giving their names and addresses and a place for the judicial assistant to sign and date.
- d. A separate sheet with identification information of the parties - name, address, and the last four (4) digits of their social security number, as well as name and date of birth of children.
- e. A separate paragraph regarding payments which are to be through the Clerk's office similar to the following:

The husband/wife, _____ whose address is _____, shall pay child support in the amount _____ per _____, commencing _____, and on the _____ of each month thereafter, to the Clerk of the Circuit Court, Support Division, Seminole County Courthouse, Sanford, Florida (mailing address: P. O. Box 819, Sanford, FL 32772-0819), together with the statutory service charge of 4% of the payment or \$5.25 whichever is less. Payment shall be made in the form of cash, cashier's check, certified check, money order, or other payment form acceptable to the Clerk, and must include the case number, name of the payer and payee for proper identification.

Child Support payments shall continue until the minor child(ren) reach the age of 18 years, marries, dies, becomes emancipated, or otherwise ordered by this court; whichever event shall occur first.

The Clerk of the Circuit Court is instructed to forward any payments received to the husband/wife, _____ whose address is _____.

Each party shall inform the other and the Clerk of the Circuit Court immediately of any change of name or address,

- f. If there are matters that cannot be completed by the final judgment or are ongoing, such as alimony, child support, security, etc., then the final judgment shall contain a statement that each party shall keep the other party advised of their current address and telephone number.

Prior to submitting the proposed Final Judgment, check the Court's docket to ascertain that the necessary documentation has been filed in the court file in accordance with the list set forth on page 5, 7a.-7f. for an Uncontested Dissolution of Marriage of this Policies and Procedures manual.

Thereafter, the attorney preparing the final judgment is to submit the proposed final judgment to opposing counsel for approval as to form and content **prior to** submission to the court. All final judgments are to be accompanied by a cover letter stating, if in fact, that opposing counsel has reviewed and approved the form of the final judgment. If the attorneys cannot agree on the order, then the parties should proceed as follows:

If the trial was conducted and the court ruled, the party may submit the order indicating counsel objects to said order. If opposing counsel has an objection, he/she may also submit a proposed final judgment for the Judge's review with an accompanying cover letter indicating such. Please highlight the differences in the competing final judgments so the judge may ascertain them without difficulty. Do **NOT** ask opposing counsel to contact the Judge's office with objections to a proposed final judgment.

TRIALS

A. FAMILY DIVISION:

FAMILY COORDINATOR: Sandy Gorman (407) 665-4222, whose email is Sandy.Gorman@flcourts18.org

(Contact regarding: Pre-trial Conferences & Trials)

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

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, emails or stamped, self-addressed envelopes**

to all parties. If emails or envelopes do not accompany the Notice for Trial the Court will take no action. The notice shall include an estimate of the 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.

Pretrial Conference: Orders Requiring Mediation, Setting Pre-Trial Conference and Trial Date will be entered by the Court. Pretrial Conferences will be conducted remotely. Parties are to be available for at least one (1) hour from the stated time for a videoconference from the Court. If an attorney has made an appearance and will not be in the office during the necessary time frame, the attorney **MUST** contact the trial coordinator *before the pre-trial conference* with an alternative the attorney will be available at the time of the pre-trial conference or have counsel who is available for coverage. If the party is *pro se*, they **MUST** contact the trial coordinator before the pre-trial conference with an email or phone number. A time certain trial time will be given during the pretrial conference. If it becomes necessary to place a case on the trial docket as a backup, the parties will be notified of the actual time of trial no less than 24 hours prior to trial time. The court will not address any pending motions at this time.

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 ensures the parties meet full compliance with Florida Statutes Chapter 61 prior to trial.

Family Trials: All family trials may be conducted remotely via videoconferencing, as long as both parties agree for it to be heard remotely. If so, the trial will be conducted remotely via videoconference using Microsoft Teams in accordance with the guidelines set forth for an evidentiary hearing on page 3 of this Policies and Procedures manual under the Remote hearing heading.

B. CIVIL DIVISION:

CIVIL COORDINATOR: Kelley Rowland (407) 665-4203, whose email is kelly.rowland@flcourts18.org

(Contact regarding: Case Managements, Pretrial Conferences, & 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 to 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 time will simply 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 pre-trial conference with the phone number the attorney will be available at the time of the pre-trial 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 Pretrial Conference and trial date.

Pretrial Conference: Pretrial Conferences are automatically set for any case requiring more than one day. If less time is required, a pretrial conference will have to be requested at the time of noticing the case for trial. The court will expect full compliance with the Order Setting Pretrial Conference and Trial Date. Unless specifically excused by the judge, all attorneys/parties are **required to attend** the pretrial conference **remotely via videoconference**, even if a time certain for trial has been set. The court may designate counsel to send written notice to opposing counsel or *pro se* party who did not appear at the pretrial conference. The court **will not** address any pending motions at this time.

Jury Selection: **UNLESS THE EIGHTEENTH JUDICIAL CIRCUIT IS 30 DAYS IN PHASE 2, NO JURY TRIALS WILL BE SCHEDULED** and will be continued to another docket. 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 that time.

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. Questions 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.?" instead of "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. Counsel 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 begins. 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 with Times New Roman font and follow the format of the Standard Jury Instructions in Civil Cases. All draft jury instructions should be provided to the Court by noon the Friday before trial.

**C. FORECLOSURE DIVISION:
FORECLOSURE COORDINATOR:**

Lisa Hockenull (407) 665-4296; whose email is lisa.hockenull@flcourts18.org
(Contact regarding: Foreclosure Case Management, Pre-Trials 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 to 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. **ALL FORECLOSURE TRIALS** may be rescheduled to the Court's civil trial docket to complete. The court will expect full compliance with the Order Setting Foreclosure Trial. All foreclosure trials may be conducted remotely via videoconferencing, as long as both parties agree for it to be heard remotely. If so, the trial will be conducted remotely via videoconference using Microsoft Teams in accordance with the guidelines set forth for an evidentiary hearing on page 3 of this Policies and Procedures manual under the Remote hearing heading.

A. MOTIONS TO CONTINUE PRE-TRIAL/TRIAL: Opposed Motions for Continuance of Case Management, Pre-Trial, and/or Trial must be heard at Short Matters/Ex Parte. Any motion for continuance must be made in writing, signed by counsel for the parties, and shall state when the cause will be ready for trial. In ruling upon such motions, the court will weigh the following factors:

- What are the legal grounds?
- When was the case filed?
- When was the case noticed for trial?
- When was the motion filed?
- Will the parties be prejudiced?
- Has the case been previously continued and if so, how many times?

- Has there been compliance with the temporary support order?
- What is the condition of court's calendar?

REMOTE HEARING/COURTROOM DECORUM AND BEHAVIOR

1. All parties and counsel shall exercise proper courtroom decorum while in the Court in person or by remote appearance.
2. Address all remarks to the Court, not opposing counsel or the opposing party.
3. Maintain composure and proper tone of voice throughout the proceedings. Attorneys should not raise their voice toward court, counsel, witnesses or jurors.
4. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
5. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names unless the permission of the Court is sought in advance.
6. Only one attorney for each party shall examine, or cross examine each witness. The attorney stating objections, if any, during direct examination, shall be the attorney recognized for cross examination.
7. In making objections counsel should state only the legal grounds for the objection and shall withhold all further comment or argument unless elaboration is requested by the Court. If elaboration is requested, each party will have opportunity to provide argument. The party making the objection shall provide argument first, then the opposing party will have the opportunity to respond and the court will rule.
8. When referencing case law to court and counsel, attorneys are required to provide the full cite of the case for court and counsel.