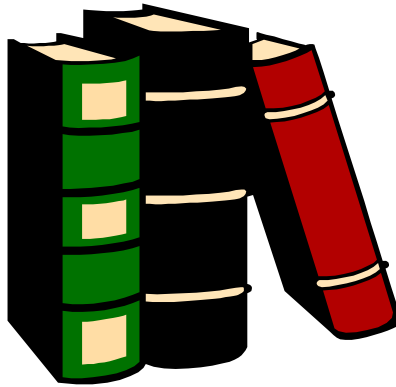


**EIGHTEENTH JUDICIAL CIRCUIT
SEMINOLE COUNTY
CIVIL DOMESTIC DIVISION**



PRACTICES AND PROCEDURES

GENERAL MAGISTRATES

**MARCIA LANGLOIS
MARY A. NARDI**

September 2020

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1. TEMPORARY PROCEDURES FOR COVID-19 REMOTE VIDEO HEARINGS

ALL HEARINGS CONDUCTED BY THE GENERAL MAGISTRATES WILL BE HELD THROUGH MICROSOFT TEAMS

Until further notice, all hearings before the General Magistrates are being conducted by video conference via Microsoft Teams. If you are using a smartphone or tablet, you must download the application prior to your scheduled hearing.

The party scheduling the hearing shall be responsible for including in the Notice of Hearing the names and email addresses for all parties, including self-represented (pro-se) litigants and the court reporter who will be attending the hearing.

Once the Notice of hearing has been filed, the Magistrate's Assistant will set up the video conference and the parties will receive an email with a link to the Microsoft Teams meeting the week prior to your hearing. You must accept the invitation to the video conference.

2. GENERAL PROCEDURES FOR THE GENERAL MAGISTRATE'S DIVISION

A. REFERRAL TO THE GENERAL MAGISTRATE

A General Magistrate will solely preside over all matters related to any motion or petition which is specifically referred to the General Magistrate, without objection, pursuant to Florida Rule of Family Procedure 12.490. All hearings conducted by the General Magistrate are recorded by Digital Court Reporting.

Either party may request that their case, or portions of their case, be heard by a General Magistrate. To request an Order of Referral, you must contact the Judicial Assistant to the assigned Judge or contact the Assistant to the General Magistrate. Each Order of Referral to a General Magistrate must state with specificity the matter being referred and the name of the General Magistrate to whom a referral is being made.

Note: General Magistrate Marcia Langolis is assigned odd numbered cases and General Magistrate Mary Nardi is assigned even numbered cases.

B. OBJECTIONS TO A REFERRAL TO THE GENERAL MAGISTRATE

After the judge refers your case to a General Magistrate, either party may object to the referral within 10 days of the date that the referral is made (if the Order of Referral is served by mail, the parties have an additional 5 days within which to object to the referral). A copy of the Objection to the Order of Referral to General Magistrate should be sent to the Magistrate's Assistant to request cancellation of a hearing, if one has already been scheduled.

C. EXCEPTIONS TO THE GENERAL MAGISTRATE'S REPORT AND RECOMMENDATION

The parties have 10 (ten) days from the time the General Magistrate's Report and Recommendation is served on them to file "Exceptions".

The party filing the Exceptions must provide a copy of the Exceptions to the Judge's Judicial Assistant and the Magistrate's Assistant by email. You must contact the Judge's assistant to request a hearing on the Exceptions.

The party filing Exceptions must file a written transcript of all relevant proceedings before the General Magistrate. If the party filing the Exceptions fails to provide a record, the court will deny the Exceptions and enter an Order approving and ratifying the General Magistrate's Report and Recommendation.

The court does not provide written transcripts of any proceedings. For information regarding Digital Court Reporting, please contact the Seminole Digital Court Reporting Department at 407-665-6012 or by email at SeminoleDCR@flcourts18.org. To order a copy of the recording, please follow the link below which explains the procedure, and the cost.
<https://flcourts18.org/court-programs/seminole-digital-court-recordings/>

3. HEARINGS

A. SCHEDULING

To schedule hearings/trials on matters that have been specifically referred to the General Magistrates, you must email the General Magistrate's Assistant (Paola.Fuentes@flcourts18.org) for available hearing dates and times. You must also include the case style and title of the motion in your email. *Prior to requesting any hearing time before the General Magistrate, you must ensure that the matter has been specifically referred by an Order of Referral from the Circuit Judge.* All parties are required to give a good faith estimate of the time needed for the hearing.

B. COORDINATING

Reasonable attempts need to be made to clear a date with opposing counsel or before confirming a hearing date/time. Several attempts on the same day is insufficient. **DO NOT** contact the Magistrate's Assistant to determine what a reasonable attempt is or how much time is reasonable. This must be determined by the attorney.

Self-Represented Litigants (pro se parties) Only: If the opposing party is a *self-represented litigant* 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 by email or phone on both days requesting a response 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 request to set a hearing unilaterally giving at least ten (10) days-notice of the hearing to the self-represented litigant. If no phone number or email address is listed in the Court file, you may request to set a hearing unilaterally giving at least fifteen (15) days-notice of the hearing to the self-represented litigant.

C. CONTINUANCES ON CASES SET BEFORE THE GENERAL MAGISTRATE

No continuance will be granted unless a Motion For Continuance is filed. Please ensure that the motion contains the opposing party's position on the continuance. Please contact General Magistrate's Assistant (Paola.Fuentes@flcourts18.org) to coordinate a time for your Motion to be heard.

If all parties agree to the continuance, the moving party must obtain new dates, and re-coordinate with the opposing party. An Amended Notice of Hearing must be prepared and e-filed in the Court file.

D. CANCELLING

Only the party who scheduled the hearing may cancel the hearing. **Please send a copy of the Notice of Cancellation to the Magistrate's Assistant** (paola.fuentes@flcourts18.org). **IF A HEARING IS CONTINUED OR CANCELLED, IT IS THE RESPONSIBILITY OF THE SCHEDULING ATTORNEY/PARTY TO IMMEDIATELY ADVISE THE MAGISTRATE'S 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 party and/or attorney's office **must** email and/or call the Magistrate's Assistant to advise the court of the cancellation.

E. CROSS-NOTICING

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 obtain new dates by emailing the Magistrate's Assistant or have the party who set the original hearing cancel theirs and reschedule for a timeslot with enough time for both hearings. Please make sure that Amended Notices and/or Cross-Notice of Hearings are filed with the Clerk. **NOTE: YOU MAY NOT CROSS-NOTICE ANY MATTER THAT HAS NOT BEEN SPECIFICALLY REFERRED TO THE GENERAL MAGISTRATE.**

F. 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*. You must e-file the Notice of Hearing in the court file and provide a courtesy copy by email to the Magistrate's Assistant.

G. SELF-REPRESENTED (pro se) LITIGANTS – UNCONTESTED DISSOLUTIONS OF MARRIAGE

If both parties are *pro se*, they must fill out the Form A request for action located at www.flcourts18.org under "Program/Services, Self Help (Represent Yourself)," and file the Form A with the Clerk of Court. The Family Court Case Management Department will review your case and notify you if additional documents are needed. You can email

Seminoleselfhelp@flcourts18.org if it has been over 30 days since the filing of your FORM A for inquiries on the status of your case. Do not file a second FORM A for the same request for a final hearing.

4. REPORTS AND RECOMMENDATIONS OF THE GENERAL MAGISTRATES

When directed by the General Magistrate to prepare a Report and Recommendation at the conclusion of your hearing or trial, submit the proposed Report and Recommendation via email to the Magistrate’s Assistant in Word format for electronic signature. You must attach a separate cover letter stating whether the opposing party has reviewed the proposed Report and Recommendation and has no objection to the form. The proposed Report and Recommendation shall be forwarded to the General Magistrates office as directed with copies provided to the opposing party.

5. TRIALS BEFORE THE GENERAL MAGISTRATES

A. PRE-TRIAL CONFERENCE

All cases referred to the General Magistrates for a final trial are required to attend a Pre-Trial Conference prior to the scheduling of *any final trial requiring more than 1 hour*. The General Magistrate will determine the status of the case, determine whether it would be appropriate for the parties to attend mediation, set deadlines for completion of discovery, filing of exhibit and witness lists, and exchange of documents intended to be admitted into evidence, and otherwise ensure the parties meet full compliance with Florida Statutes and Florida Family Law Rules of Procedure prior to trial. To schedule a Pre-Trial Conference after the case has been referred, you must email the Magistrate’s assistant and request hearing time for a Pre-Trial Conference.

B. CASE MANAGEMENT CONFERENCE – SELF REPRESENTED LITIGANTS

A Case Management Conference will be scheduled by the General Magistrate’s office if both parties are self-represented *and* the case is not ready to proceed to a final trial. The General Magistrate will determine the status of the case, determine whether it would be appropriate for the parties to attend mediation, and ensure the parties meet full compliance with Florida Statutes and Florida Family Law Rules of Procedure.

C. TRIAL

Trial dockets for General Magistrate Mary A. Nardi (even numbered cases) are on Tuesdays and Wednesdays. Trial dockets for Marcia Langlois (odd numbered cases) are on Mondays and Wednesdays.

For trials 1 hour or less, please contact the Magistrate’s Assistant (paola.fuentes@flcourts18.org) for available trial dates and times. Reasonable attempts need to be made to clear a date with opposing counsel or before confirming a hearing date/time. Several attempts on the same day is insufficient. **DO NOT** contact the Magistrate’s Assistant to determine what a reasonable attempt is or how much time is reasonable. This must be determined by the attorney.

Self-Represented Litigants (pro se parties) Only: If the opposing party is a *self-represented litigant* 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 by email or phone on both days requesting a response 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 request to set a hearing unilaterally giving at least ten (10) days-notice of the hearing to the self-represented litigant. If no phone number or email address is listed in the Court file, you may request to set a hearing unilaterally giving at least fifteen (15) days-notice of the hearing to the self-represented litigant.

For trials requiring more than 1 hour in length, please refer to paragraph 5A above.

D. PROCEDURES FOR SUBMITTING EXHIBITS FOR EVIDENTIARY HEARINGS AND TRIALS BEFORE THE GENERAL MAGISTRATE

If the hearing/trial exhibits you intend on offering into evidence exceeds more than 40 pages in length, a hard copy of all exhibits must be hand delivered *or* mailed to the Clerk’s office. ***Please note that all exhibits must be personally delivered and/or received by the Clerk at least 48 business hours prior to the hearing.*** You must also include with your Exhibits a cover letter to the attention of:

- **Frankie Whitehorn, Team Leader of Court Appearances and Judicial Services.**
- The cover letter shall contain the Case Number, Case Style and the date and time of the hearing or trial.

IN ADDITION TO THE ABOVE: The parties are required to furnish courtesy copies of all intended Exhibits to the court staff Yonaery.ramos@flcourts18.org and Paola.fuentes@flcourts18.org (Magistrate’s Assistants) no later than 48-business hours prior to the trial via e-mail. All parties associated with the case shall be copied on the e-mail. **DO NOT COPY THE MAGISTRATE ON THE E-MAIL.** The Subject of the E-mail shall include the Case Number, Case Name and Date of Hearing/Trial. ***All E-mails shall have the Exhibits clearly marked and attached in PDF format.***

EXAMPLE: Case Number, Case Style, Hearing Date, Part 1 of ____ e-mails.

Marking of Exhibits for Identification:

All Exhibits/evidence shall be clearly marked for identification (A, B, C, etc..) or, have a title page at the beginning of their evidence indicating "Exhibit A, etc." and the name of the document. Below is the preferred format:

<input type="checkbox"/> PETITIONER <input type="checkbox"/> RESPONDENT <input type="checkbox"/> JOINT EXHIBIT
CASE NO.:
DATE:
IDENTIFICATION:
EXHIBIT #:

IMPORTANT: If Exhibits are not timely received, properly marked or separated, they will not be acceptable for use at the trial or hearing

6. **SELF-REPRESENTED LITIGANTS (Pro Se)**

Florida Self-Represented Litigants (Pro Se)

For general information on representing yourself in Seminole County, please visit our website at <https://flcourts18.org/selfhelp/>

If you are self-represented you should register and file documents in your case through the Florida E-filing Portal <https://www.myflcourtaccess.com/>. This will ensure you get timely notice of documents filed in your case and that your documents are delivered to the opposing party registered with the portal.

For a training video follow this link: <https://www.youtube.com/watch?v=BEAyq3AHb-M&feature=youtu.be>.

If you have submitted a FORM A (Request for Action) and it has been over 30 days, email seminoleselfhelp@flcourts18.org for a status on your case. You must provide your case number, case style, and the date of filing of your FORM A. Do not file a second FORM A for the same request.