

Last Updated August 23, 2022



**State of Florida  
Ninth Judicial Circuit of Florida**

**MICHAEL DEEN  
CIRCUIT JUDGE  
Domestic Relations**

COUNTIES OF ORANGE AND OSCEOLA  
ORANGE COUNTY COURTHOUSE  
SUITE 380

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**PROCEDURES FOR JUDGE MICHAEL DEEN  
ORANGE COUNTY DOMESTIC DIVISION 31**

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES<sup>1</sup>, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT DOMESTIC DIVISION 31 WHEN PRACTICING BEFORE JUDGE MICHAEL DEEN.<sup>2</sup>

**GENERAL INFORMATION**

**Currently, most hearings under an hour may be held virtually unless otherwise instructed by the Court or previously noticed for in-person. All Final Hearing shall be heard in person unless otherwise authorized by the Court. All in person hearings shall be in Courtroom 16G of the Orange County Courthouse. Please ensure that all notices have the correct location for the hearing being scheduled.** Requests for in-person hearings should be made at the time the hearing time is selected and by email to [31Orange@ninthcircuit.org](mailto:31Orange@ninthcircuit.org). This email must include all attorneys/pro se litigants and must include the opposing party's position on the request. The Court will not engage in that discussion, it must take place as a part of the required meet and confer.

**Contact Information:** The e-mail address to be used for all matters is [31Orange@Ninthcircuit.org](mailto:31Orange@Ninthcircuit.org).

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<sup>1</sup>The above standards, procedures, practices and guidelines are minimum standards. All counsel are presumed to be familiar with and are expected to abide by the *Rules Regulating The Florida Bar*, and the *Guidelines for Professional Conduct* promulgated by the Trial Lawyers Section of The Florida Bar and adopted by the Conference of Circuit Judges. Copies of each of these documents may be obtained from The Florida Bar and/or are available on-line on its website <http://www.floridabar.org>. In addition, counsel must be aware of the *Ninth Judicial Circuit Courtroom Decorum Policy* promulgated on February 11, 2003. (See <http://www.ninthcircuit.org> For Attorneys/Information/Rules & Policies/Courtroom Decorum Policy.) Counsel must also be familiar with relevant Administrative Orders, e.g. *Administrative Order Establishing Ninth Judicial Circuit Court Domestic Guidelines* dated August 5, 2014, etc. all of which may be found at the above Circuit website.

<sup>2</sup>This Court is held to the additional standards set forth in *Code of Judicial Conduct* and the *Principles of Professionalism for Judges*.

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## DOMESTIC/FAMILY COURT PROCEDURES

### Hearing Procedure:

Hearing time may be obtained by first checking on the website at <http://www.ninthcircuit.org>. From the home page, click the icon labeled Judicial Automated Calendaring System (JACS) and look for available times which are listed under **Family Divisions 31**. Coordinate your hearing time with opposing counsel. Next, please contact the Judicial Assistant by e-mail at [31Orange@Ninthcircuit.org](mailto:31Orange@Ninthcircuit.org). Hearings must be confirmed by the Judicial Assistant to appear on the docket, including short matters hearings. In addition to filing the Notice of Hearing with the Clerk of Court, via copy of the Notice of Hearing and motion(s) must be furnished to the Judicial Assistant via email. All requests for hearing time will be reviewed by the Judge.

For the convenience of everyone, the following rules apply to the setting and handling of hearings:

1. **Setting of Hearings: Pursuant to the Administrative Order, parties are expected to attempt to work out issues prior to setting motions for hearing. A certification that counsel have actually and recently conferred and attempted to resolve the issue(s) to be heard will be required prior to any hearing being scheduled.** Any violation of this Order may be met with sanctions, including attorney's fees and taxable costs. Hearing times must be cleared with opposing counsel or pro se parties. Good faith cooperation is expected both from counsel, their support staff and pro se litigants. Parties must respond promptly to inquiries and communications from opposing parties. If a party who notices the hearing is unable to reach opposing counsel (or other party if pro se) to conduct the conference after three (3) good faith attempts, the party who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact the opposing party. The moving party shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained. The party who notices the hearing shall ensure that the court's judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.
  - a. **HEARING EXHIBITS:** Copies of all exhibits must be provided to the Court and Opposing Counsel three (3) days prior to the hearing in hard copy or digitally. **The Court will not accept links, such as links to Dropbox.** Copies must also be delivered to the Clerk three (3) days prior to the hearing if the hearing is virtual. If the hearing is in person, the parties shall bring their exhibits and give them to the clerk the day of the hearing.
  - b. **APPROPRIATE AMOUNT OF TIME FOR THE HEARING:** The moving party is responsible for requesting the appropriate amount of time for their hearing. If motions from multiple parties are set during the same hearing time, each moving party is responsible for requesting the appropriate amount of time.

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- i. If there is a concern that a hearing may go over the allotted time, then either party may request for the Court to allot an equal amount of time to each party at the beginning of the hearing. Parties will be responsible for presenting the entirety of their argument and presentation of evidence within their allotted time.
2. **Emergency Hearings:** Parties are reminded that difficulties with timesharing or other problems that are not extremely serious and imminent are NOT emergencies. Non-emergency issues should not be the subject of an emergency motion. If a true 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. All Emergency Motions should be verified. The motion must be hand delivered to Chambers before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Court will generate an Order and/or direct counsel to either submit a detailed order or set the hearing. Expedited hearing time may be requested with notice to the opposing counsel or party, and is often more appropriate than an emergency motion,
  - a. **EXPEDITED HEARING/GENERAL MAGISTRATE:** Parties may have their motions heard in a more expedited fashion if it is referred to the General Magistrate and neither party objects. The Court may refer individual motions to the General Magistrate and then hear the remainder of the case, or the Court may refer any motion and final hearing to the General Magistrate at the request of the parties. Requests for the General Magistrate may be made to the Judicial Assistant and must include the position of the opposing party.
3. **Ex Parte/Short Matters:** Used for uncontested matters, (motions to withdraw, uncontested final hearings, name changes, or to have agreed upon Orders entered) and matters that may be resolved in 5 minutes or less. Ex-parte and short matters are Tuesday 9:00 a.m. – 9:30 a.m. and pre-scheduled with the Judicial Assistant.
4. **Ruling in Chambers:** There are many matters that the Court will rule on without a hearing. Minor discovery matters are among those issues. If you are requesting the Court to rule on the Motion in Chambers, please indicate as such in your email to the Judicial Assistant. Copies of all hearings coordinated for short matters should be provided the Court expeditiously so that an order may be entered if appropriate. Providing proposed Orders in Microsoft Word is also advised.

### **Final Orders without Hearing**

If the parties desire the entry of a Final Judgment without a hearing, they must complete (1) a Motion/Waiver requesting Ex Parte Final Hearing with Final Hearing Sworn Testimony, and (2) the required check list for entry of Final Judgment without Personal Appearance. This packet can be found on Judge Deen's webpage on [ninthcircuit.org](http://ninthcircuit.org).

### **Trial/Case Management Procedure:**

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NOTE: The Court will select a trial date(s) at Pre-Trial Conference with the full involvement of all parties, and in most cases with full agreement by both sides. This means that everyone has affirmed they will be ready by that date. Trials and contested hearings, therefore, will very rarely be continued and only upon extraordinary circumstances.

**Notice for Trial:** Prior to filing a Notice for Trial, the parties shall have attended mediation within the past 18 months. If mediation is not appropriate, counsel or pro se litigants shall file a Motion to Dispense with Mediation and set it for hearing at ex parte/short matters. Additionally if the case is a dissolution of marriage with children or a paternity case, parenting class certificates must be filed with the Clerk's Office pursuant to state law and the circuit's administrative order. Pursuant to Administrative Order 2004-14 entered on June 29, 2004, counsel or pro se litigants shall attach Form 51 to their Notice of Trial. **No Notice of Trial is accepted without Form 51.** Form 51 is available from the Court's website (<https://www.ninthcircuit.org/sites/default/files/Form%2051.pdf>). Counsel or pro se litigants are required to furnish sufficient self-addressed, stamped envelopes (if not utilizing a pre-arranged pick up box for counsel on the sixth floor), for the Order Setting Scheduling Conference.

**Pre-trial:** Counsel and pro se litigants must comply with all aspects of the Uniform Pre-trial Order. Non-compliance may result in sanctions. The Order should be reviewed in detail and the dates for completion of various items calendared. The Court will presume that each attorney and each party is familiar with the requirements of that order. Compliance and time limits are not optional, nor extendable by stipulation. **THE COURT EXPECTS STRICT COMPLIANCE WITH THE ORDER ABSENT A TIMELY MOTION AND ORDER OF COURT MODIFYING THE CONDITIONS THEREIN.** Joint stipulations to extend time may not be granted.

At the Pre-Trial Conference, the Court will schedule the trial. **The attorney trying the case must appear at scheduling conference.** If counsel or a pro se litigant is unable to attend, a motion for continuance must be submitted to the Court and an Order entered by the Court, or your case will be removed from the trial docket. After the conference, all exhibits to be used at trial are to be pre-marked **prior to** the trial date. Copies of all exhibits must be provided in hard copy to the Clerk's office three days prior to hearing or otherwise, as provided in the Court's specific pretrial Orders. Also provide a copy of all exhibits and exhibit list to the Court either in hard copy or digitally (preferred) ***Please schedule an appointment with the Court's Trial Clerk prior to the trial date for the marking of all exhibits.*** If there are any unusual or complex issues to be tried, attorneys may be asked to file a short memorandum citing case law and deliver a copy of the memorandum and the case law to the Court at least one week prior to trial. Please provide a proposed Order in Word to the Court three days prior to the hearing to [31Orange@Ninthcircuit.org](mailto:31Orange@Ninthcircuit.org).

**Case Management Conference:** All domestic trials are subject to having a case management hearing set prior thereto. All counsel and parties must appear at the conference/hearing. Prior to the conference, the attorneys shall meet to discuss any stipulations, issues, and the posture of the case. The parties shall also be expected to be prepared to comply with any of the requirements of 12.200(a).

**Miscellaneous:**

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**Cancellation Policy:** Please immediately notify the Judicial Assistant via e-mail of all cancellations or settlements so that the calendar may be opened up for other matters. You must attach to the e-mail a copy of the Notice of Cancellation. It is the responsibility of the moving party to file a Notice of Cancellation in the court file and submit a courtesy copy to Chambers as well as the responsibility to contact the opposing party to notify them of the cancellation.

**Submitting Proposed Orders:** All proposed orders must be sent in Microsoft Word format. Counsel preparing a proposed order must send opposing counsel the proposal **prior to** submitting it to the Court. If counsel cannot agree on the proposed order they should complete a joint redline version. If further input is needed, the Court will request that counsel schedule the matter for ex parte/short matters. Additionally, all orders must contain the following information: title of the order includes the motion(s) that was/were heard; date of filing of pleading, date of the hearing; and a complete certificate of service including names and addresses of counsel and pro se litigants. Orders generally will be accepted via email and will be distributed once entered via email. If requested, due to a pro se litigant or the like, Orders submitted physically must also include sufficient copies and self-addressed, stamped envelopes for conforming and sending to all parties.

**Motions to Continue:** Pursuant to Florida Rules of Civil Procedure, all motions to continue must have the client's signature and specific reason(s) for the continuance. Motions to continue may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. **Motions to Continue filed after the case has been set for trial will not normally be granted.**

**Motions to Withdraw and Substitution of Counsel:** Pursuant to Florida Rules of Civil Procedure, all motions to withdraw or for Substitution of Counsel must have the client's signature and specific reason(s) for the withdraw/substitution. If you are unable to obtain client consent, motions to withdraw or to substitute counsel may be set and noticed for ex parte/short matters or at a regularly scheduled hearing. Motions to Withdraw filed after the case has been set for trial, may not be granted, and all such orders need to include notice to the now pro se litigant of the date and time of the previously scheduled hearing or trial. Motions to Withdraw, even with consent, may require a hearing if filed prior to an already scheduled hearing or trial.

**Referral to General Magistrate:** Motions and/or Trials may be referred to the General Magistrate. Either party may file a written request that a matter be referred to the General Magistrate. A copy of the motion and the Order of Referral should be sent to the Court (include additional copies and envelopes for conforming and mailing to all parties and the General Magistrate). Also the Court may *sua sponte* refer a matter to the General Magistrate. If counsel or a pro se litigant objects to the referral, said objection must be filed within ten (10) days of the referral.

**Support or Income Withholding Orders:** When submitting an order or Final Judgment directing a party to make payments to the State Disbursement Unit, please submit an Income Deduction Order (with attached Income Withholding Order if there is child support) to be entered simultaneously by the Court. Sufficient copies and self-addressed, stamped envelopes for the parties must be provided. **It is the responsibility of the receiving party to ensure the Obligor's employer receives a copy of the Withholding Order pursuant to Statute.** Sample forms for IDO and IWO may be found on the Court's page of the Ninth Circuit's Website at [NinthCircuit.org](http://NinthCircuit.org).

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**Motions for Re-hearing/Reconsideration:** Upon filing said motion, please send a copy to the Court for review. The Court will either rule without a hearing or will advise the moving attorney to schedule a hearing. While an email may suffice in the correction of scrivener's errors, please remember that emails pointing out errors do NOT toll the time for rehearing or reconsideration under the Rules.

**Audio/Visual Equipment in the Courtroom:** The procedure for help and assistance is to call our IT Department/Help Desk Line at (407) 836-0522 and they will schedule a test/training time for you. The Court will make the courtroom available before the equipment is to be used. It is the moving party's responsibility to ensure any digital media works.

**Request for Interpreter:** Interpreters are not provided. If you as an attorney, party or witness need the assistance of an interpreter, you must procure and interpreter on your own, notify the other participants and their attorneys (if they are represented) that you will be utilizing an interpreter.

*Please note: These procedures apply to Judge Michael Deen only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in that division for instructions.*