



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

DIANA M. TENNIS
CIRCUIT JUDGE
Associate Admin Judge
For Family Divisions

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
SUITE 1130

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**PROCEDURES FOR JUDGE DIANA M. TENNIS
ORANGE COUNTY DOMESTIC DIVISION 41**

IN ORDER TO ASSIST COUNSEL, THE LITIGANTS AND THE COURT, THE FOLLOWING GUIDELINES¹, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT DOMESTIC DIVISION 41 WHEN PRACTICING BEFORE JUDGE DIANA M. TENNIS.²

GENERAL INFORMATION

Hearings and trials in 2022 will be held primarily in Courtroom 16-C of the Orange County Courthouse. Tuesday hearings will be held virtually using the WebEx link: <https://ninthcircuit.webex.com/meet/ctjudt2>. Other hearings may be held virtually or as hybrid (some persons appearing virtually) as authorized by the Court. Please ensure that all notices have the correct location for the hearing being scheduled. Requests for virtual or hybrid hearings not scheduled on a Tuesday should be made at

¹The 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.

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

the time the hearing time is selected and by email to 41Orange@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 41Orange@Ninthcircuit.org.

DOMESTIC/FAMILY COURT PROCEDURES

Hearing Procedure:

Domestic 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 41**. Coordinate your hearing time with opposing counsel. Next, please contact the Judicial Assistant by e-mail at 41Orange@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 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. Should counsel, their staff, or pro se litigants fail to respond within 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth to the Judicial Assistant at the time of the hearing request and must be included either in the motion or in the notice of hearing. After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing must be immediately forwarded to the Judicial Assistant via email.

Hybrid (partially in person and partially virtual hearings (which may allow for telephonic participation) are permitted so long as the hearing is thirty (30) minutes or less in length, no testimony or evidence is presented, and when counsel's office is located outside the ninth circuit. In this situation, no motion or order for telephonic appearance is necessary. When setting the hearing, please inform the JA of the request for telephonic

appearance so it may be noted on the docket and the WebEx link and courtroom number included on the notice.

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.

3- **Ex Parte/Short Matters:** Will be heard at 9:30am on Tuesdays and Thursdays, virtually via WebEx. This may be used for uncontested matters, (motions to withdraw, uncontested final hearings, name changes, or to have agreed upon Orders entered) and matters involving only legal argument of 5 minutes or less. These are not scheduled hearings so counsel should coordinate a date with opposing counsel or pro se litigants and file a notice of hearing, and provide a copy to the Court

Please check the JACS hearing calendar for our division to ascertain ex parte/short matters dates. Ex parte/short matters are held on the dates and times listed. Furnish your motion and notice of hearing to the Court 48 hours prior to the hearing so that the Court can prepare for the hearing.

NOTE: There are many matters that the Court will rule on without a hearing. Minor discovery matters are among those issues. 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 Word is also advised.

Trial/Case Management Procedure:

The Court may set a Case Management Conference prior to the hearing or trial, at which all counsel and parties must be present. The Court may also require pre-hearing memorandums, discovery limitations, or other means to streamline the proceedings.

During pre-trial conference, **back-up trials may be scheduled.** The trial that is "number one" will be set for a time certain date and given priority. Trial "number two" will be set at the same time, and will also be given a later trial date with "number one" priority. If the number one trial cancels or settles, it is the responsibility of the Petitioner (or legal counsel if one party is pro se) to notify both the Court as well as the Petitioner for the back-up trial of the cancellation or settlement. It is the duty of the Petitioner for the back-up trial to notify the opposing party. The Court will also notify the back-up trial attorneys and/or pro se litigant(s) by e-mail and/or phone of the cancellation so the back-up trial may have

the opportunity to have their case tried. The success of this procedure depends upon the timely notification of all hearing cancellations by following the below Cancellation Policy. In other words, if you have scheduled both a back-up and time certain trial, and your matter is ultimately heard on the back-up day, then you must immediately notify the Court of the cancellation of the date certain hearing time pursuant to the Cancellation Policy below.

NOTE: The Court will select trial dates 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 attend mediation. 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. 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/Scheduling Conference: 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 scheduling conference, the Court will schedule the trial and any back up trials. Attorneys for the "number one" and "number two" trials should exchange contact information at that time. **The attorney trying the case must appear at scheduling conference and telephonic appearance is not permitted at scheduling conference.** If counsel or a pro se litigant is unable to attend the scheduling conference, 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 scheduling 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. Generally the Court will draft its own Orders. IF you have a short matter, uncontested matter or default final trial, or are requested by the Judge, please provide a proposed Order in Word to the Court three days prior to the hearing to 41Orange@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 evidence marking. Any additional provisions contained within a separate Order Setting Case Management shall be followed. All evidence that is expected to be utilized at trial will be disclosed, marked and a list thereof provided to opposing counsel as well as the Court at the conference.

Miscellaneous:

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: After a hearing, if requested by the Court to prepare and order, the counsel doing so must send opposing counsel a proposed order **prior to** submitting it to the Court. Typically, the Court will issue their own orders unless counsel are requested to produce a proposed Order prior to the hearing. After a lengthy or complex hearing and pursuant to Rules of Judicial Administration 2.516, the Court may request a party to draft the Order and submit it to opposing counsel. If counsel cannot agree on the proposed order they should complete a joint redline version and provide to the Court in Word. 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 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 an Income Deduction Order (with attached Income Withholding Order is 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.

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 told 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. All courtrooms have AV equipment that may be different than that last used in family Courtrooms in Orange County. 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: If the Court requires an interpreter to speak to and understand your client, please give the JA as much notice as possible. If you find you need to request an interpreter before the next hearing, please inform the JA at the time you schedule your hearing or at least (3) business days prior to the scheduled time for Spanish interpreters and at least five (5) business days for any language other than Spanish.

Please note: These procedures apply to Judge Diana M. Tennis only. It is recommended

that you refer to the procedure of each Judge or contact the Judicial Assistant in that division for instructions.