

**Orange County Probate Division 01
Judge Alice L. Blackwell**

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Hearing Room 2000.02

**Judge Blackwell handles all probate matters.
Effective July 1, 2022, cases ending in 1, 2 & 3 are no longer
assigned to Judge Murphy.**

In order to assist counsel, the litigants and the court, the following guidelines¹, procedures, practices and expectations are adopted for Probate Division 1 in Orange County, Florida when practicing before Judge Blackwell.²

**The court appreciates counsels' efforts to
understand and comply with these procedures.**

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 and Amended September 2014. (See <http://www.ninthcircuit.org> for Attorneys/Information/Rules & Policies/Courtroom Decorum Policy) as well as the local administrative rules.

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

Beginning on February 1, 2022, petitions and motions will be heard by the court as follows:

Petitions to Admit Will to Probate, Petitions to Appoint Personal Representative, Letters of Administration (and related pleadings)	These requests must be submitted to the court via email for the court's consideration.	See instructions below.	Do not set these petitions or motions for hearing at short matters or open hearing times.
Petitions to Determine Homestead	These requests must be submitted to the court via email for the court's consideration.	See instructions below.	Do not set these petitions or motions for hearing at short matters or open hearing times.
All other petitions and order in probate cases that are not contested	Counsel will present these to the court for consideration at open hearing time, either via Zoom or in person.	See instructions for All Other Orders Submitted to the Court for Consideration Other Than Contested Orders, below.	Counsel does not need to communicate with the Judicial Assistant to schedule these hearings.
Contested hearings and evidentiary matters	Must be set at a time obtained through the Court's JACS System.	See Setting of Contested Hearings Other Than Short Matters, below.	
Contested matters that can be heard in 10 minutes or less without evidence, or uncontested matters that need brief explanation to the court	Must be set at Ex Parte/Short Matters hearing time	See Ex Parte/Short Matters Hearings, below.	There is a requirement to provide a courtesy copy of pleadings. Counsel must read the requirements carefully!

CHECKLISTS

A checklist must be filed with the following:

- Opening a Formal Administration
- Closing a Formal Administration
- Filing a Summary Administration
- Filing a Petition for Determining Homestead Status of Real Property in Formal and Summary Administration cases

The forms for the checklists are established in Administrative Order 2021-09-0, effective on August 1, 2021, and can be found here:

<https://www.ninthcircuit.org/about/divisions/probate-court>. All checklists were revised on October 5, 2021. Please only use the most recent version.

- ❖ Please answer each line on the Checklist with Yes, No, or N/A.
- ❖ CONFIRMATION BY COUNSEL/Date Filed – This column must be completed by counsel indicating the filing date for each line item that you have answered with a ‘Yes’. The date must be the filing date of the document in the court file where the court can find this specific information. **IF YOU DO NOT PROVIDE A DATE FOR EACH “YES” ANSWER, THE COURT WILL NOT ACCEPT THE CHECKLIST AS A COMPLETED CHECKLIST AND WILL DENY THE PETITION ON THAT BASIS.**
- ❖ Proof of Service – The date filed column should contain the filing date of the proof or service in the court file (not the date of service). Each proof of service, whether beneficiaries or creditors, must be listed with the filing date where the proof of service can be found. If there are multiple, please list and specify each one. Due to the volume of orders being received, the court does not have adequate time to search for this information.
- ❖ The applicable checklist must be filed in the court file as a separate document (not attached to the petition) before submitting the proposed order. The court will not review the pleading and proposed order(s) until the required fully-completed checklist has been efiled and appears in the Clerk’s Odyssey system.

PETITIONS TO ADMIT WILL TO PROBATE, PETITIONS TO DETERMINE PERSONAL REPRESENTATIVE, LETTERS OF ADMINISTRATION AND PETITIONS TO DETERMINE HOMESTEAD (AND ANY ORDERS RELATED TO THESE PETITIONS)

These petitions and proposed orders must be sent to the court in writing for the court to review and sign in chambers.

Submitting Orders to Chambers: PLEASE DO NOT MAIL OR DELIVER PROPOSED ORDERS IN HARD COPY. Proposed agreed and unopposed orders should be emailed to 1orange@ninthcircuit.org. Orders must be in Word format only, not rtf, pdf or any other version.

- Please be sure the correct case number and decedent's name are on the order as well as in the subject line of the email.
- Along with the proposed order, an e-filed cover letter must be attached to the email (see cover letter section below).
- If applicable for the appointment of a Personal Representative, an oath must be filed. Make sure waivers, death certificates, or formal notice for all other heirs are filed. Letters of administration must accompany the order appointing personal representative. If the will waives bond or the estate is intestate, in the blank for bond, please put waived or \$NONE for the amount instead of leaving it blank.
- Be sure that documents necessary to review the submission, including motion, can be viewed on the Clerk's system before submitting. With the number of emails received daily, the court cannot hold orders waiting on the documents to be viewable.
- Do not put the judge and/or JA's email on the e-service list on the portal as we do not want to receive every document filed on the case. Additionally, e-service is not the way to send a submission to the court for review.
- Effective August 1, 2021, a copy of the required efiled checklist, which includes the e-filing information across the top, must be attached to your email, along with your efiled cover letter and proposed orders in Word. Please be sure you are using the most current version, found on the court's Probate page at <https://ninthcircuit.org/divisions/probate-court>.

- All parties must be copied on all email submissions. If there are parties not receiving service through the Florida Courts e-filing Portal, the proposed order should state that counsel will serve a copy of the order via U.S. mail to the non-filing parties and file a certificate of service in the court file no later than three days from the date of the order.
- Some cases are submitted to the case manager for audit prior to the order being considered by the court. While the court makes every effort to rule promptly on the motions, there may a delay while the motion is reviewed by staff in advance of being forwarded to the court for consideration.

When you submit your email, you will receive an auto-reply from the court. If there is a procedural error in your submission to the court, the JA will respond to advise you as to any issues contained in your email submission and that your email will be deleted and should be resubmitted with all attachments in order to avoid duplication. If you do not receive an email from the JA advising of any procedural issues, your email has been received and has begun the process to be reviewed. The auto-reply will also give you an estimation of how long it may take for entry of your order based upon the current volume of proposed orders being received at that time. The Judge is working as quickly as possible to get through the pleadings and orders being submitted and greatly appreciates your help and your patience.

Resubmitting orders after denial: If you have received an order denying your motion which requires that you fix deficiencies within your case in order to have the motion reconsidered, you must correct any deficiency and then send a new email with a new cover letter indicating that the deficiency/deficiencies has/have been corrected and the proposed order in Word format. (This information can be in the email as well but must be included in the efiled cover letter.) The court cannot hold orders waiting for corrections. If you disagree with the denial, you must file a motion for reconsideration and send a copy to the court for review along with a proposed order in Word.

ALL OTHER ORDERS TO BE SUBMITTED TO THE COURT FOR CONSIDERATION OTHER THAN CONTESTED MATTERS:

As to all other requests for orders from the court that were previously submitted to the court in writing, Judge Blackwell will hold **open hearing times on Tuesday, Wednesday, and Thursday afternoons at 1:30 and 3:00 each day for the entry of orders.** For the 1:30pm open hearing time, if you are not here by 1:45 pm you will not be seen. For the 3:00 pm open hearing time, if you are not here by 3:15 pm, you will not be seen. The court will hear counsel on a first-come, first-served basis (as much as it is possible to determine). Counsel does not need to give the court notice of his or her intention to

appear for these hearings.

At the time counsel appears for hearing, counsel must ensure that all pleadings necessary for the court to review, including a fully-executed checklist if applicable, appear in the Clerk of Court's system. Please remember that the Clerk of Court will take a few days to review a pleading after you file the document through the e-portal before the pleading is uploaded and viewable in the system.

Counsel may appear in person in Hearing Room 2000.02 of the Orange County Courthouse or may appear via Zoom at <https://us06web.zoom.us/my/oneorange> according to counsel's preference. Counsel who appear in person must bring a proposed order with them for entry by the court. Counsel who appear on Zoom will send an order to 1orange@ninthcircuit.org following the hearing along with an efiled cover letter stating that an open hearing was held on (specify date) and that the court granted the relief. If the court orders that anything additional be filed it must be filed and viewable in the Clerk's system before submitting the proposed order.

Counsel must be prepared at the time of the hearing to:

- Be fully familiar with the estate case.
- Assist the court in a review of the matters necessary to determine that the requested order is legally ready for entry.
- Answer the court's questions regarding the estate.

If the documentation in the estate file is incomplete or counsel is unfamiliar with the case, the court will likely require that the hearing on the matter be reset to another date. On occasion, the court may take a matter under advisement if an unusual issue of fact or law arises.

A list of dates that the court is unavailable for open hearings is located in the instructions found at the top on JACS. (Select the calendar for Probate Division 01 and hit "Retrieve.") The court does not have coverage by other judges on dates that the court is unavailable. Please be sure to check the schedule so that you are not inconvenienced in the rare event that Judge Blackwell is not available on a particular date and time.

NO CONTESTED MATTERS MAY BE HEARD AT THESE HEARING TIMES. Contested matters must continue to be set during the times available through the court's JACS on-line scheduling system.

EX PARTE/SHORT MATTERS HEARINGS

Ex Parte and Short Matters are uncontested matters that cannot be submitted without explanation or very brief contested (10 minute or less) hearings held Tuesday through Thursday at 9:00 a.m. Agreed and uncontested matters will be handled first, followed by short contested matters. The court will not hear evidentiary hearings at short matters.

THIS TIME IS NOT AVAILABLE TO HEAR MATTERS THAT ARE ROUTINE ORDERS IN ESTATE FILES. THESE ROUTINE MATTERS MUST BE HEARD ON TUESDAY, WEDNESDAY, AND THURSDAY AFTERNOONS AS SET FORTH ABOVE.

Important information about short matters:

- These hearings are not scheduled with the Judicial Assistant **but** a courtesy copy of the motion, notice of hearing (with the conference call number and reason for the necessity of the hearing), and proposed order must be provided to the judge via email at least five (5) business days before the hearing. Failure to do so will result in the hearing not being held. Courtesy copies in pdf or Word and the proposed order in Word format must be provided by email to 1orange@ninthcircuit.org. The subject line of the email must include the case number, style, and date/time of the hearing. Courtesy copies must not be sent any sooner than 10 days prior to the hearing.
- The Judge does prepare for these hearings in advance. If a courtesy copy is not received, the Judge may not go forward with the hearing.
- Nothing may be set for Short Matters in order to circumvent the court's system of submitting orders electronically for entry based upon the pleadings or being heard at open hearing times on Tuesday, Wednesday, and Thursday afternoons.
- Short matters hearings must also be coordinated with opposing counsel/opposing party or parties (if there are any).
- A list of dates that the court is unavailable for ex parte/short matters is located in the instructions found at the top on JACS. (Select the calendar for Probate Division 01 and hit "Retrieve.") The court does not arrange for coverage by other judges on dates that the court is unavailable. Any hearings scheduled on a posted unavailability date will not be heard and will need to be rescheduled.
- The attorney noticing the hearing must provide at least 5 days' notice of the hearing to all parties, including pro se litigants.

Telephone Conference Instructions for Short Matters: Short matters will be heard with the parties/attorneys/court reporters appearing via the court's telephone conference line only. The conference call number and code are below and must be included in the notice of hearing. At the time of the hearing, the parties/attorneys/court reporter should call the number below to join the conference.

Conference call number: (904) 900-2303; Attendee access code: 97784684

Please note: This new call in number became effective 5/23/22. Any hearings noticed with the old call in information will have to be reset.

Conference Call Notes:

- You will be entering a virtual "room" with other participants. There will be others on this conference call.
- Please mute your telephone until your case is called.

SETTING OF CONTESTED HEARINGS OTHER THAN SHORT MATTERS

All available hearing time is listed on the Judicial Automated Calendaring System ("JACS") in real-time. The Judicial Assistant does not have hearing time that is not listed on JACS.

- Click on Judicial Automated Calendaring System (ninthcircuit.org) or Go to the court website at <http://www.ninthcircuit.org>. Click the "Services" link or click on the box that says JACS. Click on the Judicial Automated Calendaring System (JACS) link.
- Select the calendar for Probate Division 01 and hit "Retrieve." All instructions for scheduling in Division 01 and available hearing times will be displayed. For requests exceeding 15 minutes, please combine consecutive timeslots.
- Any hearing requests for longer than 1 hour must be approved by Judge Blackwell either by appearing during ex parte or by letter to the Judge detailing the reasons for the excessive time. The letter may be emailed to 1orange@ninthcircuit.org. After the court reviews your request, you will receive a response.
- Hearings that are 10 minutes or less and non-evidentiary should be heard at short matters. See above for instructions.
- Again, nothing should be set for hearing that can be ruled on based upon the pleadings and submission of the proposed order electronically through the court's

normal process.

Coordinate the date and time with opposing counsel/self-represented party. Hearings times must be cleared with opposing counsel and/or self-represented parties. Because others are also coordinating hearing time, you should coordinate up to 3 alternate times in case the time requested is booked.

After completing the first two steps, you may contact the Judicial Assistant by e-mail at 1orange@ninthcircuit.org, copying opposing counsel/self-represented litigants for the hearing to be added to the docket. The emailed hearing request must include:

- 1-Date and time being requested for the hearing
- 2-Case number
- 3-Style of the case
- 4-Names of the attorneys (or self-represented if applicable)
- 5-Title of the motion(s) to be heard
- 6-Date each motion was filed
- 7-Amount of time requested for the hearing
- 8-Evidentiary or Non-Evidentiary
- 9-Agreement of in-person or virtually (see below HEARINGS AND NON-JURY TRIALS)
- 10-Reason that the hearing is necessary (ie. contested)

If any of the above information is not included in your email, the JA will email you back to inquire which may result in your hearing time being taken by another case, so please be sure to include all information in order to assist in getting your requested hearing time.

Your hearing time is not confirmed until you receive a reply from the Judicial Assistant. At the time of the emailed hearing confirmation, the JA will provide video link if the hearing is virtual. The video hearing information must be included in the Notice of Hearing. If the hearing will be held in person, the Hearing Room/Courtroom location will be included in the response from the JA. If the hearing is in person, please include the courtroom information on your Notice of Hearing. Please include the filing date of each motion to be heard on your Notice of Hearing. Your notice of hearing shall be filed within 3 business days of the JA confirming your hearing time.

Video Conference Instructions: If your hearing is by video, five minutes before the hearing, all participants should connect to the video conference. At the time of the hearing, the judge will connect to the video conference.

ORDERS AND RULINGS

1. The court will issue orders and rulings in a timely manner. Every effort will be made to rule on the day of the hearing. If it is necessary to take an issue under advisement, the court will attempt to set a date by which the court will issue its ruling.
2. If counsel is asked to prepare an order without opposing counsel or parties, the order must be submitted to the court within three (3) working days of the hearing. If counsel are asked to prepare an order where there are opposing counsel or other parties, the order should be drafted and circulated within three (3) working days and must be submitted to the court within seven (7) days of the hearing, with a copy to opposing counsel or to the other parties.
3. All Orders must describe, in the caption, the subject and ruling of the court, i.e. "Order Granting Motion to Strike Claim of Creditor Truist Bank."
4. If there are any objections to the order, counsel shall coordinate and set a hearing at Short Matters for entry of the order. Do not submit competing opposed orders to the court.
5. Proposed agreed and unopposed orders should be emailed to 1orange@ninthcircuit.org in Word. Please be sure the correct case number and decedents name are on the order as well as in the subject line of the email. Along with the proposed order, an e-filed cover letter must be attached to the email (see cover letter section below). Orders must be in Word format only, not rtf, pdf or any other version. PLEASE DO NOT MAIL OR DELIVER PROPOSED ORDERS IN HARD COPY.
6. All parties must be copied on all email submissions. Again, if the parties are unable to agree on the form of the order, a Short Matters hearing must be scheduled.
7. If there are parties not receiving service through the Florida Courts e-filing Portal, the proposed order must state that counsel will serve a copy of the order via U.S. mail to the non-e-filing parties and file a certificate of service in the court file no later than three days from the date of the order.
8. All proposed orders must be accompanied by an e-filed cover letter in pdf (the cover letter must have the filing stamp across the top) and must indicate that opposing counsel, if applicable, has reviewed and approved the form of the order or that there is no opposing counsel when submitting to the court for review. The cover letter (but not the proposed order) must be e-filed by the attorney with the Clerk and

is required on all cases to document in the court file why the order was received by the court. (This information can be in the email as well but must be included in the efiled cover letter.)

9. The court does not hold orders waiting for approval or objection. Please do not send proposed orders to the court until you have approval as to the form by opposing counsel, if applicable. No response from opposing counsel does not indicate no objection.

ORDERS ON MOTIONS TO WITHDRAW: On motions to withdraw as counsel, please make sure that your order is in compliance with the Rules of Administration and that the last known address, phone number and email address are on the order. If formal administration, the PR shall be given 30 days to obtain new counsel or case will be dismissed.

REQUESTS FOR AMENDED ORDERS: If an error is made on the order and an amended order is needed to correct a scrivener's error, please do a cover letter specifically indicating what needs to be corrected so there is documentation in the court file why the amended order is being signed. Please do not use the same cover letter as when the order was originally submitted.

INQUIRIES ABOUT ORDERS: Orders are processed as the Judge has time out of court. If the Judge is out of the office, the order(s) will be processed upon her return in the order they were received. Additionally, there may be a delay if the JA is out of the office. If you want to know if a specific order has been signed by the Judge, you should first check your e-service email as the order may have been e-served. If not received by e-service, then check the Clerk's system to see if it has been docketed before contacting the Judicial Assistant as she may not be able to track the signing of a specific order due to the volume of orders received by the court. Please wait until the estimated time has passed as was indicated in the automatic response you received when submitting the proposed order.

COVER LETTERS

Cover letters are an opportunity to help the court efficiently and effectively dispose of matters that are being submitted to the court. Please include any appropriate information in the cover letter that will assist that court in understanding why the order is ready for entry. In general, err on the side of giving information to the judge and Judicial Assistant in the cover letter.

Additional information to include in the cover letter, which is extremely helpful to the court in expediting the review and entry of your proposed orders, is:

1. If the proposed order is being submitted following a hearing, please state this in your cover letter and provide the date of the hearing and that either that there is no opposing counsel or that opposing counsel has reviewed and agrees with the language in the order.
2. If your pleading has been previously denied and all deficiencies have been satisfied, please state that fact in your cover letter. By doing so, the court can simply review the satisfaction of the deficiencies and not review the entire case again.
3. If an amended order is being submitted due to a scrivener's error or to correct some other non-technical error, by specifying this fact in the cover letter as well as explaining specifically what the correction is, the amended proposed order can be reviewed and entered much more quickly.

All of the information above may also be included in your email if you wish, but the information must be contained in the efiled cover letter.

HEARINGS AND NON-JURY TRIALS

DUE TO COVID, THE COURT WILL ACCOMMODATE BOTH IN-PERSON AND REMOTE APPEARANCES FOR HEARINGS AND NON-JURY TRIALS.

IN GENERAL, IF COUNSEL AGREE TO HOLD THE HEARING EITHER IN-PERSON OR REMOTELY, THE COURT WILL ACCEPT THE AGREEMENT OF COUNSEL. THIS INFORMATION SHOULD BE SPECIFIED IN YOUR EMAIL REQUESTING THE HEARING TIME.

FULLY-REMOTE HEARINGS AND NON-JURY TRIALS ARE CONDUCTED VIA ZOOM.

IN-PERSON HEARINGS AND NON-JURY TRIALS ARE CONDUCTED IN A HEARING ROOM OR COURTROOM THAT IS EQUIPPED WITH WEBEX TECHNOLOGY WHICH ALLOWS ANY PERSON TO FULLY PARTICIPATE AND TESTIFY REMOTELY.

Procedures for Zoom or Webex hearing:

Notice of Hearing: Please include in the Notice of Hearing (1) the exact title of each pleading that will be heard; (2) the party on whose behalf the pleading was filed; and (3) the date the pleading was filed in the Clerk of Court's record (not the signing date).

Time Reserved: Please be realistic in your estimate of time needed for hearing. Be sure to consider the opposing party's need for equal time. The court is not likely to have time available beyond what is scheduled for the hearing.

Courtesy Copies Required: **Please only send electronically, please do not send to the court in hard copy.** In addition to filing the Notice of Hearing with the Clerk of Court, a copy of the Notice of Hearing, Motion(s), supporting memoranda and/or case law to be heard **must be received**, by email at 1orange@ninthcircuit.org at least five (5) but no more than ten (10) business days prior to the hearing to ensure an opportunity for the court to review. Please be sure to provide opposing counsel with the same information provided to the court. Copies provided by email should be sent in pdf or Word, not in a zip folder or share folder as they are moved to a queue for the Judge to review and they cannot be moved properly. Counsel must insure that the electronic copy is indexed and that the index contains a hyper-link to the document/exhibit/case indexed. The subject line of the email must include the case number, style and date/time of the hearing. Again, courtesy copies must not be sent any sooner than 10 days prior to the hearing. Failure to provide courtesy copies may result in the hearing being cancelled.

You will be entering a virtual waiting room before the hearing. The judge will admit you to the hearing when it begins.

Miscellaneous:

Cross-noticing: You may cross-notice a matter with the understanding that the court will address what was originally noticed first and will address what has been cross-noticed, only if time permits. If there is not sufficient time for the cross-noticed matter to be heard, counsel must go through the normal scheduling procedure to schedule it with the JA.

Cancellations: Only the party setting the hearing may cancel the hearing. The party cancelling the hearing **must** call the JA to advise of the cancellation. If you do not reach the JA by phone, please email the Judicial Assistant to notify the court of the cancelled hearing. The party cancelling the hearing must also file a Notice of Cancellation and email a copy of the notice of cancellation to the Judicial Assistant at 1orange@ninthcircuit.org (filing the Notice of Cancellation with the Clerk is not sufficient as the Clerk does not notify the court). If the hearing is cancelled less than 4 hours beforehand, and counsel cancelling the hearing has not been able to confirm the Judge has been informed, counsel must

appear or have someone appear on counsel's behalf to so inform the Judge.

On-line Docket Available: If you want to see if your hearing is on the docket, the court's real-time docket for the next 30 days is posted on-line at <http://apps.ninthcircuit.org/jacsatt/AttDocketFrame.asp>. Select the calendar for Probate Division 01. This docket will not show matters scheduled for Short Matters.

EVIDENTIARY HEARING/NON-JURY TRIAL PROCEDURES:

1. Preparing Evidence for the Videoconference

a. **No later than 5 business days before the hearing**, counsel and/or pro se parties must exchange any and all exhibits, which must be bates-stamped. The parties must have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit by bates-stamped numbers and identify the ground(s) for any objection. The objections shall be filed with the Clerk and any objections not noted are waived.

b. After the substantive, good faith telephone conference and **no later than 5 business days before the hearing**, the parties are to pre-mark the bates-stamped exhibits that they intend to use during the hearing, provide a set of the exhibits to the other party and the witness(es). An electronic copy must also be sent to 1orange@ninthcircuit.org with the case number, date and time of the hearing appearing in the subject line. One hard copy of the pre-tagged exhibits must be sent to chambers for the trial clerk's use at the hearing.

2. Preparing Witnesses for the Videoconference

a. Pursuant to current COVID-19 CDC guidelines and orders from all levels of government, all participants must abide by social distancing requirements and limit in-person contact. As such, witnesses do not need to be present with the attorneys or self-represented parties during the videoconference hearing.

b. Each party must arrange for a notary or other person qualified to administer an oath to swear in their witness(es) in accordance with Administrative Order of the Supreme Court 20-23.

- c. In the event the rule of sequestration is invoked, the witnesses will be instructed to hang up from the videoconference and counsel or self-represented party will be responsible for contacting the witness when it is time for their testimony.
- d. The witness must be provided copies of all pre-marked, bates-stamped exhibits prior to the hearing.
- e. The witness shall be instructed not to look or refer to any other document or device during his or her testimony.
- f. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.
- g. Witness(es) are discouraged from being in the same physical space as the attorney or self-represented party unless safe to do so. However, in the event a witness or party testifying is in the same physical space as the attorney or pro se party questioning the witness, the participants should be socially distant and the camera must be directed at the witness. The attorney or self-represented party may not assist the witness with answers in any way, including but not limited to, gestures, notes, or facial expressions, or otherwise impact or influence the witness' testimony "off camera." Please note, using multiple devices in close proximity will cause "feedback" and may disrupt your videoconference hearing.

PROCEDURES APPLICABLE TO ALL HEARINGS WHETHER REMOTE OR IN-PERSON:

NOTICE OF HEARING: Please include in the Notice of Hearing (1) the exact title of each pleading that will be heard; (2) the party on whose behalf the pleading was filed; and (3) the date the pleading was filed in the Clerk of Court's record (not the signing date).

TIME RESERVED: Please be realistic in your estimate of time needed for hearing. Be sure to consider the opposing party's need for equal time. The court is not likely to have time available beyond what is scheduled for the hearing.

COURTESY COPIES: If you choose to send courtesy copies of any materials for the court to review in advance of a hearing, please only send materials electronically; please do not send materials to the court in hard copy. In addition to filing the Notice of Hearing with the Clerk of Court, a copy of the Notice of Hearing, Motion(s), supporting memoranda and/or case law to be heard must be received, by email at 1orange@ninthcircuit.org at least five (5) but no more than ten (10) business days prior

to the hearing to ensure an opportunity for the court to review. Please provide opposing counsel with the same information provided to the court. Copies provided by email should be sent in pdf or Word, not in a zip folder or share folder as they are moved to a queue for the Judge to review, and they cannot be moved properly. Counsel must insure that the electronic copy is indexed and that the index contains a hyper-link to the document/exhibit/case indexed. The subject line of the email must include the case number, style and date/time of the hearing. Again, courtesy copies must not be sent any sooner than 10 days prior to the hearing.

CROSS-NOTICING: You may cross-notice a matter with the understanding that the court will address what was originally noticed first and will address what has been cross-noticed, only if time permits. If there is not sufficient time for the cross-noticed matter to be heard, counsel must go through the normal scheduling procedure to schedule it with the JA.

CANCELLATIONS: Only the party setting the hearing may cancel the hearing. The party cancelling the hearing must call the JA to advise of the cancellation. If you do not reach the JA by phone, please email the Judicial Assistant to notify the court of the cancelled hearing. The party cancelling the hearing must also file a Notice of Cancellation and email a copy of the notice of cancellation to the Judicial Assistant at 1orange@ninthcircuit.org (filing the Notice of Cancellation with the Clerk is not sufficient as the Clerk does not notify the court). If the hearing is cancelled less than 4 hours beforehand, and counsel cancelling the hearing has not been able to confirm the Judge has been informed, counsel must appear or have someone appear on counsel's behalf to so inform the Judge.

ON-LINE DOCKET AVAILABLE: If you want to see if your hearing is on the docket, the court's real-time docket for the next 30 days is posted on-line at <http://apps.ninthcircuit.org/jacsatt/AttDocketFrame.asp>. Select the calendar for Probate Division 01. This docket will not show matters scheduled for Short Matters.

EMERGENCY HEARINGS: 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 e-mailed to the court 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. Opposing counsel must be copied on any email to the court.

COOPERATION OF COUNSEL TO COORDINATE HEARINGS: Good faith cooperation is expected from counsel, their support staff and self-represented litigants. If after 3 attempts on separate days to coordinate a hearing, counsel or a self-represented litigant does not cooperate or respond, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel or party who failed to cooperate or respond. Efforts to coordinate the hearing should be noted on the Notice of Hearing.

WITHDRAWAL OF COUNSEL: Motions to Withdraw as counsel should be set during ex-parte with notice to all parties if client consent cannot be obtained. If you have written client consent (attached to the motion), you may submit a copy of the motion along with a proposed order to chambers. The body of the proposed order and certificate of service must include the name, address, telephone number and e-mail address of the client to whom the pleadings will be sent. If the client is a corporation or other legal entity, allow no more than thirty (30) days to obtain substitute counsel.

MOTIONS FOR REHEARING, RECONSIDERATION OR NEW TRIAL: Upon filing the Motion, you must send a copy directly to chambers for review because the Clerk does not provide the motion to the court. The court will either (i) rule without a hearing, (ii) direct that a written response be filed by opposing counsel, or (iii) direct the JA to contact the moving counsel to schedule a hearing.

FOR ANY INFORMATION NOT COVERED ABOVE: If any matters concerning the conduct of the procedures of Orange Probate Division 01 are not covered herein, counsel is free to contact the court by email at 1orange@ninthcircuit.org. **In addition, a status hearing can be set during short matters at which time the court will attempt to answer any questions.**

The court appreciates counsels' efforts to understand and comply with this court's procedures.

Effective: July 1, 2021
Last Updated: April 29, 2022