

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

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Hearing Room 2000.02

**All Virtual Hearings and Virtual Non-Jury Trials
will connect via Webex at**

<https://ninthcircuit.webex.com/meet/ctjuaw1>

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
review and comply with these procedures.
Please note that Division 1 no longer
holds open hearings.**

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*.

ROUTINE PLEADINGS IN PROBATE CASES

Routine petitions and proposed orders must be sent to the Court in writing for the Court to review and sign in chambers. These include, but are not limited to, the following:

- Petition to Appoint Personal Representative and issue Letters of Administration
- Order to Admit Will (original and ancillary) including the admission of authenticated copies of foreign wills
- Orders to Appoint Commissioners and Issue Commissions
- Preliminary Order to Inventory Safety Deposit Box
- Petition to Determine Homestead (uncontested)
- Petition to Determine Exempt Property (uncontested)
- Disposition of Personal Property without Administration
- Petitions to Sell Real Estate
- Petition for Opening Subsequent Administration
- Establishment and Probate of Lost or Destroyed Will (uncontested)
- Order of Summary Administration
- Order of Discharge
- Any agreed or uncontested Petitions or Motions that are non-evidentiary and any other Petition or Motion that does not require giving notice to interested parties pursuant to the requirements of due process

Attorneys must submit via email to 1Orange@ninthcircuit.org the following:

1. The Petition or Motion
2. An appropriate cover letter (see below)
3. A proposed Order in Word (see below)
4. Any required checklist (see below)

The Court will read and consider your matter and sign the proposed order or will issue an order denying the Petition or Motion. The order denying will instruct counsel or the self-represented party how to proceed regarding the matter.

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 2021-09-04, effective on August 1, 2021, and can be found here:

<https://ninthcircuit.org/divisions/probate-court>

All checklists were revised on July 25, 2022. Please only use the most recent version.

The applicable checklist must be fully completed or the petition or motion will be denied.

Submitting Orders to Chambers: Proposed agreed and unopposed orders should be emailed to 1orange@ninthcircuit.org. Proposed Orders are to be submitted in Word format only. No other versions will be accepted, including *rtf* or *pdf*.

- 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).
- Be sure that documents necessary to review the submission, including motion, can be viewed on the Clerk's system before submitting.
- 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-e-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 be a delay while the motion is reviewed by staff in advance of being forwarded to the Court for consideration.

Orders after denial: If you have received an order denying your motion or attended a hearing that 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. 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.

EMERGENCY CONSIDERATION: If you have a routine matter that you believe needs emergency consideration by the judge, please contact the Judicial Assistant by telephone to alert the Court that there is a Petition or Motion for emergency consideration. Only sending an email stating that a matter is an emergency may cause a delay in consideration by the Court because of the volume of email received in this division.

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 the 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.

SHORT MATTER HEARING TIME

During Short Matter time, the Court will hear the following hearings:

- Ex parte hearings defined as uncontested matters not listed as routine pleadings above
- Short matters defined as contested hearings requiring no evidence and that can be concluded in 10 minutes or less
- Matters set by the Court during short matters

Please note that the Court will hear short matters **in person** or via the Webex link: <https://ninthcircuit.webex.com/meet/ctjuaw1>

Important information about short matter hearings:

- These ex parte matters and hearings are not scheduled with the Judicial Assistant but **a courtesy copy of the motion, notice of hearing with the Webex link (even if the matter is uncontested), and reason for the necessity of the hearing, and proposed order must be provided to the judge via email at least three (3) 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 granting the relief to be requested 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 7 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.
- A list of dates that the Court is unavailable for Short Matters is

located in the instructions found at the top on JACS. (Select the calendar for Probate Division 01 and hit “Retrieve.”) 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 self-represented litigants.

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.

- Any hearing requests for longer than 1 hour must be approved by Judge Blackwell either by appearing during short matters or by email to the Judge detailing the reasons for the excessive time. After the Court reviews your request, you will receive a response.
- Click on Judicial Automated Calendaring System ([ninthcircuit.org](http://www.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.

Coordinate the date and time with opposing counsel/self-represented party as required by the Ninth Circuit’s Administration Meet-and-Confer Order. Hearing times must be cleared with opposing counsel and/or self-represented parties. Because other attorneys are also coordinating hearing time, you should coordinate up to 3 alternate times in case the time you request is booked.

After coordinating the hearing time, 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 (*i.e.* 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. The Webex link and testing instruction [highlighted in Procedures for Webex hearing, below] 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 totally or in part, 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 must be filed within 3 business days of the JA confirming your hearing time.

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.

Procedures for 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).

The Webex link <https://ninthcircuit.webex.com/meet/ctjuaw1> and the following language shall be included in your Notice of Hearing:

A party may appear virtually using the Webex link provided and must test the link prior to the hearing date. If a party is unable to connect to Webex, the party is required to appear in person.

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.

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.

Failure to provide courtesy copies to all parties 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.

Virtual Webex Conference Instructions:

At least 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.

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.

Counsel who appear in person must bring a proposed order with them for entry by the court. Counsel who appear on Webex will send an order to 1orange@ninthcircuit.org following the hearing along with an efiled cover letter stating that an short matters hearing was held on (specify date) and that the Court granted the relief.

HEARINGS AND NON-JURY TRIALS

The Court will accommodate both in-person and remote appearances for hearings and non-jury trials in accordance with the Florida Supreme Court Rules.

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 probate hearings and probate non-jury trials are conducted via Webex using the following link: <https://ninthcircuit.webex.com/meet/ctjuaw1>

In-person probate hearings and non-jury trials may also be conducted in a hearing room or courtroom that is equipped with Webex technology which allows any person to fully participate and testify remotely.

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 self-represented 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 must identify the exhibit by bates-stamped numbers and identify the ground(s) for any objection. The objections must 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. 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.

b. The witness must be provided copies of all pre-marked, Bates-stamped exhibits prior to the hearing.

c. The witness must be instructed by counsel not to look or refer to any other document or device during his or her testimony.

d. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.

e. 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.

ORDERS AND RULINGS

1. 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 is 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.

2. 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."

3. 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.

4. 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 the cover letter must document in the court file why the order was received by the court – for instance: "as a result of the hearing held on [date]" or "as a result of a stipulation reached by counsel," etc.

5. 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 General Practice and Judicial Administration and that the last-known address, phone number and email address are on the order and that the last-known address is in the certificate of service. If formal administration, you must add the following language to the order granting the Motion to Withdraw: “The Personal Representative has 30 days to obtain new counsel and have the new counsel file a written Notice of Appearance in this estate, or the court will dismiss this case without further order.”

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 send 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.

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: January 23, 2023