



**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 GUIDELINES¹, PROCEDURES, PRACTICES AND EXPECTATIONS ARE HEREBY ADOPTED FOR THE CIRCUIT DOMESTIC DIVISION 31 WHEN PRACTICING BEFORE JUDGE MICHAEL DEEN.²

VIRUTAL/IN-PERSON HEARINGS

Currently, hearings 30 minutes or less will be held virtually unless otherwise instructed by the Court or previously noticed for in-person. Hearings may still be held in person for hearings 30 minutes or less upon the request of the parties. All hearings longer than 30 minutes shall be in person unless otherwise ordered. A party requesting a virtual hearing must do so by filing a motion no later than seven (7) days prior to the scheduled hearing. 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. 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.

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*.

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Contact Information: The e-mail address to be used for all matters is 31Orange@Ninthcircuit.org.

(IF YOU ARE REPRESENTING YOURSELF) PRO SE LITIGANTS

If you representing yourself without the assistance of a lawyer, please know the Court and the Judicial Assistant CANNOT give you legal advice or assist you with your case. You are responsible for complying with all the applicable laws, rules, and procedures of this Court. There is assistance available online at <https://www.flcourts.gov/Resources-Services/Office-of-Family-Courts/Self-Help-Information> and <https://help.flcourts.gov/>. There is also a Self Help Center located in the Orange County Courthouse, where you can meet with attorneys for a low cost (<https://www.myorangeclerk.com/Divisions/Self-Help-Center/Self-Help-Center>).

DOMESTIC/FAMILY COURT PROCEDURES

Hearing Procedure:

Hearing time shall be obtained by first checking Judge Deen’s website: <https://ninthcircuit.org/judges/circuit/michael-deen>. From there, click the link labeled aiCalendar – Dockets and Schedules, and look for available times which are listed from the **Available Hearing Button**. Coordinate your hearing time with opposing counsel. Next, please contact the Judicial Assistant by e-mail at 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. **DO NOT ADD ADDITIONAL HEARINGS TO THE NOTICE OF HEARING WITHOUT APPROVAL FROM THE JUDICIAL ASSISTANT.**

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. Similarly, if a party desiring a hearing is unable to coordinate hearing time with opposing counsel (or other party if pro se) after three (3) good faith attempts, the party requesting the hearing shall submit the request for hearing time to the judicial assistant with all documentation (including emails) demonstrating that party's efforts to coordinate a hearing date. 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. No hearings shall be set until the Motion is filed and viewable on the clerk's website.
 - b. **HEARING EXHIBITS:** Copies of all exhibits must be provided to Opposing Counsel three (3) business days prior to the hearing in hard copy or digitally. If the hearing is in person, all exhibits must be tagged with the yellow tags utilized by the clerk.
 - i. If the hearing is virtual, 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 may bring their exhibits and give them to the clerk the day of the hearing.
 - ii. All Exhibits shall be marked utilizing LETTERS and shall be moved in as numbers. For example, what is marked for identification purposes only as Petitioner's A, will be moved into evidence as Petitioner's Exhibit 1. If all letters are utilized, exhibits should be marked with two letters, such as AA.
 - c. **CASE LAW:** Any cases being relied on by the parties at a hearing or trial should be provided to opposing counsel and the Court no later than three (3) days before the hearing. However, the Court will always consider any law applicable to the matters being litigated. Litigants should **highlight** the parts of a law or case that they believe are the most relevant to the issues at hand.
 - d. APPROPRIATE AMOUNT OF TIME FOR THE HEARING: Any moving party is responsible for requesting the appropriate amount of time for their hearing. Parties should presume that each side will be given an equal amount of time. If motions from multiple parties are set during the same hearing time, each moving party is responsible for requesting the appropriate amount of time.
 - 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 or the Court may distribute time *sua sponte*. 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 problems that are not extremely serious and imminent are NOT emergencies. Non-emergency issues should not be the subject of an emergency motion. Motions filed that do not amount to an emergency may be DENIED in chambers by the Court. 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 and legal

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basis of the circumstances constituting the emergency as well as the substance of the motion. All Emergency Motions should be verified and submitted with a proposed order. The Court will review the motion and, if it is determined an emergency exists, the Court will generate an Order or set the matter for a 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:** 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 and stipulated 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 and submit a proposed order. 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.
 - a. PLEASE INDICATE THE POSITION OF THE OTHER PARTY IN YOUR MOTION BEFORE SUBMITTING AN ORDER FOR A RULING IN CHAMBERS. If you are unable to obtain the opposing party’s position after three attempts, then indicate the efforts to obtain the other party’s position in your motion.

Final Judgments without Hearing

If the parties desire the entry of a Final Judgment without a hearing, they may submit the proposed final judgment in PDF format with all appropriate attachments attached to the proposed Final Judgment. If the Final Judgment is a Dissolution of Marriage, the parties must complete (1) a Motion/Waiver requesting Ex Parte Final Hearing with Final Hearing Sworn Testimony, and (2) the required checklist for entry of Final Judgment without Personal Appearance. This packet can be found on Judge Deen’s webpage on ninthcircuit.org. For all other Final Judgments, that do not require a hearing, sworn affidavits may be filed with the clerk in lieu of “live” testimony when testimony is required by law.

Trial/Case Management Procedure:

Notice for Trial: If either party believes their case is ready for trial, they shall file a Notice of Trial in compliance with Family Rule of Procedure 12.440 (also see 12.924). The Court may set the case for a case management upon receiving the notice if the parties have filed:

1. Financial affidavits within the past 12 months.
2. Certificates of mandatory disclosure (12.285)
3. UCCJEA affidavit (if applicable)
4. Social Security Notice (F.S. 61.052(7) or 742.032)
5. A Mediation report or certificate from the past 12 months.
 - a. If mediation is not appropriate, counsel or pro se litigants shall file a Motion to

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- Dispense with Mediation and set it for hearing at ex parte/short matters.
- b. Both parties should note that the current Administrative Orders governing Paternity and dissolutions state “Mediation is encouraged early in the proceedings and required prior to scheduling a hearing on temporary relief and prior to noticing the case for trial. Several mediation conferences should be held in all cases when required and in order to accomplish a result that both parties fully understand and with which they are both comfortable.”
6. 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.
 7. Any other filings required by law.
 8. 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.
 - a. 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.

Case Management Conference: Upon receipt of a Notice for Trial, most cases shall be first set for a Case Management Conference. The primary attorney for each party must appear at the conference/hearing, or the party if unrepresented. Even if represented, the parties are encouraged to attend. Prior to the conference, the parties 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 and all of the requirements of Florida Family Rule 12.200(a).

Pre-Trial Conference: Counsel and pro se litigants must comply with all aspects of the Uniform Pre-trial Order. Non-compliance may result in sanctions or cancellation of any scheduled Pre-Trial Conference. 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 identify and narrow the issues for trial heavily relying on the Joint Pre-Trial statement submitted by the parties. **The attorney trying the case must appear at the pre-trial conference. The parties are encouraged to attend as well.** If the case is ready, the Court shall schedule the trial. 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 may be removed from the trial docket. 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.

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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. Please 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 should be sent in Microsoft Word format (unless it is an Agreed Final Judgment with attachments). 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. 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.

Please do not submit proposed orders until AFTER the Motion appears on the clerk's site.

Motions to Continue: Pursuant to Florida Rule of Family Procedure 12.460 and Florida Rule of Judicial Administration 2.545(e), 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, absent extraordinary circumstances.**

- **Motions to Withdraw and Substitution of Counsel:** Pursuant to Florida Rules Procedure, all motions to withdraw or for Substitution of Counsel must have the client's signature/consent and specific reason(s) for the withdraw/substitution. Additionally, all proposed orders granting withdrawal shall be accompanied by the filing of an email designation form for your client or notice to the Court that an email designation has been previously file. The Form for email designation can be found on Judge Deen's webpage.
 - If an attorney is unable to obtain client consent or an email designation filled out by the client, then the 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: The current policy of the Ninth Judicial Circuit is to only refer matters to the General Magistrate that are paternity (post mediation) and post-judgment (a final judgment has been previously entered). This includes Motions for Contempt, Enforcement, and Supplemental Petitions. Either party may request the above matters be referred to the General

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Magistrate or the Court may refer the matter *sua sponte*. 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.

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 an interpreter on your own and notify the other participants and their attorneys (if they are represented) that you will be utilizing an interpreter.

How to Redline: See Jack Lloyd, How to Redline a Document in Microsoft Word (last updated June 4, 2020) available at <https://www.wikihow.com/Redline-a-Document-in-Microsoft-Word#:~:text=%20Redlining%20Manually%20%201%20Open%20the%20document,to%20the%20%22Underline%22%20button.%20You%27ll%20use...%20More%20>.

Link to Judge Deen's Webpage: <https://ninthcircuit.org/judges/circuit/michael-deen>

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.