



State of Florida

Ninth Judicial Circuit of Florida

ORANGE COUNTY COURT BUILDING
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Orlando, Florida 32802-4934
(407) 836-2024 (office)
www.ninthcircuit.org

Adam K. McGinnis
County Judge

Paige Nagel
Judicial Assistant

Guidelines and Procedures
County Civil Division 70
Judge Adam K. McGinnis Orange County Judge
Paige Nagel, Judicial Assistant
70orange@ocnjcc.org

In order to assist self-represented litigants (referred to as **pro se litigants**) and attorneys, the following guidelines and procedures are adopted for County Civil Division 70 in Orange County, Florida when practicing before Judge David P. Johnson. **Please note** these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below.

Small Claims Action

If you file a Small Claims action (damages sought are \$8,000 or less) it will be set for a Pre-Trial Conference/Mediation (Clerk sets the date and time on Summons). Assuming service of process timely perfected, parties will conduct a telephonic or Zoom Pre-Trial Conference. Parties are encouraged to resolve cases prior to the pre-trial date but they still must appear at the Pre-Trial Conference to meet with Judge and make sure the agreement has been approved by the Court. Make sure to check in. Attorney can appear at Mediation without client in a Small Claims action if they have full settlement authority. **Pre-Trial Conference may only be continued by Court Order.**

If a party fails to appear at Pre-Trial Conference/Mediation, opposing side can request a Clerk's Default or Court Dismissal of Action. Attorneys wanting a Clerk's Default must submit the Order to the Clerk's office. Clerk will not provide a Default Order to an

attorney. If default entered, submit Default Final Judgment packet to Judge, via the Clerk so all pleadings/affidavits are properly filed.

Note: Administrative Order effective October 7, 2021 (2009-12-03) regarding First Party Insurance Claims. While these cases maybe filed as Small Claims cases, the Rules of Civil Procedure are invoked upon filing of action.

County Court Action

If you file a County Court claim (\$8,001 to \$50,000) no mediation date will be set. Defendant typically has 5 to 20 days to reply after service (see Summons for response date). If Defendant fails to respond the Plaintiff can move for a Clerk's Default. If Defendant is pro se and files a response to complaint, Court likely to refer to Mediation office at Courthouse (\$60 mediation fee each party; Mediation office asks that you kindly pay in advance!). Landlord Tenant actions are treated differently pursuant to Florida law.

All Parties must be familiar with Ninth Judicial Circuit Administrative Order 2021-04-01, Order Governing Civil Case Management and Resolution.

Hearings

Self-Represented Litigants – Written requests for relief or judicial action, known as a Motion, must be mailed to or filed with Clerk of Court. Do not fax to Clerk. The Clerk will deliver the Motion to the Judge to review. If a hearing is necessary, the Judicial Assistant will attempt to contact all parties to schedule a hearing. If unable to reach or fail to return a message, Judicial Assistant will set hearing date and time. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, email address (if any), printed name and signature. Mail copies of the Motion to all other litigants or their counsel if represented.

Ex Parte - Wednesdays from 8:30-9:00 a.m. (**THERE MAY BE BLOCKED DATES**) Ex-Parte hearings are held in Hearing Room 17-B (17th Floor) for **uncontested non-evidentiary hearings** that are **no more than 5 minutes**. Do not call Judicial Assistant to schedule. Give opposing side reasonable written notice of hearing. File a Notice of Hearing with the Clerk and serve a copy on opposing side. If the Judge is hearing a contested matter between 8:30 and 9:00 a.m., you will be brought in as soon as possible. There is a drop box for Division 70 is on the 14th floor for documents for the Courts review and Orders for the Judge.

Short Matters- Wednesdays 9:00-10:00 a.m. (**THERE MAY BE BLOCKED DATES**) (**ATTORNEYS ONLY ON BOTH SIDES**)- These are not scheduled with the Court but **MUST** be coordinated with opposing counsel. The hearings are limited to 10 minutes with no evidence or testimony being taken. Parties may appear virtually by logging into <https://ninthcircuit.webex.com/meet/70orange>

How to Schedule a Hearing/Cancel a Hearing

For Contested Hearings:

ALL EVIDENTIARY HEARINGS INCLUDING NON-JURY TRIAL ARE IN PERSON UNLESS OTHERWISE ORDERED

Using the aiCalendar, select an available hearing date and time. Go to the Court's website, www.ninthcircuit.org Scroll down to "Quick Links" under Resources you will find **JACS/aiCalendar**. Select the aiCalendar for division (70). Click on available Hearings button. Available hearing time for approximately the next 60 days is displayed in fifteen & thirty-minute increments. **Coordinate the date and time with opposing counsel and;**

REQUIREMENTS TO SCHEDULE HEARINGS/ADD MOTION(S):

Carefully consider the amount of time required for your hearing including a reasonable amount of time for the opposing party to respond.

MOTIONS MUST BE eFILED/ATTORNEYS MUST COMPLY WITH THE MEET AND CONFER ADMIN ORDER/OPPOSING COUNSEL MUST BE COPIED ON ALL EMAILS/HEARING MUST BE COORDINATED with opposing counsel. EMAIL HEARING REQUEST TO Judicial Assistant at: 70orange@ocnjcc.org and you MUST include on the body of your email the following:

CASE STYLE:

CASE NUMBER:

DATE AND TIME SELECTED:

HOW MUCH TIME NEEDED

TITLE OF THE MOTION(S):

NAME OF ATTORNEYS FOR BOTH PARTIES, OR IF PRO-SE:

MEET & CONFER DATE:

DATE COORDINATED WITH OC:

VIRTUAL OR IN PERSON:

Hearings are not set until confirmation is received from JA. Leaving a voice message with your selection of hearing date will not be honored.

*For Hearings requiring more than one (1) hour on the same case number, combine 30 minute slots Mon-Thurs or any Friday morning or email JA for available dates/times.

Cancellation of Hearings:

It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are cancelled. The Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Notice of cancellations must be emailed to:

70orange@ocnjcc.org

Virtual Appearances: Judge McGinnis' Web-Ex Link is:

<https://ninthcircuit.webex.com/meet/70orange>

You appear virtually at your own risk and all evidentiary requirements still apply.

Court Reporter - If you want a record of hearing/trial you must make arrangements for a Court Reporter. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present in the hearing room/courtroom.

Interpreters - Unlike criminal cases, **County Civil does not provide language interpreters for litigants. You must make your own arrangements. Caveat** –Under the ADA, Court Administration will provide sign language interpreter in civil matters. Contact Court Administration no later than 2 working days in advance to arrange accommodation for hearing or voice impairment. See Administrative Order 2008-01-02.

Hearings/Trials cannot be cancelled unilaterally. You must email or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with Clerk's Office and email to Judicial Assistant a notice of cancellation. If you settle a case, file dismissal with Clerk's Office, email copy to Judicial Assistant and advise Judicial Assistant to take case off hearing/trial docket..

Cooperation of Counsel – If counsel does not cooperate in scheduling a hearing, the requesting party may unilaterally set a hearing giving at least 14 days written notice (plus 5 days if mailed) to the opposing counsel/litigant who failed to cooperate. Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time.

Faxes – **Division 70 does not accept any submissions via fax.**

Caselaw/Exhibits - Case law/exhibits/motions/orders to the Judge. Emails, especially day of hearing/trial, are strongly discouraged. **IN A USB/FLASH DRIVE** Mail or hand deliver in advance of hearing/trial (3 days prior) all of the materials you intend to rely on at the Hearing/Trial. Keep in mind all Fed Ex/UPS deliveries addressed to the Judge are received by the Courthouse Mail Room and are delayed in delivery to the Judge. If you FedEx/UPS for next day morning delivery it may be two days before the Judge receives it.

Filing of Pleadings – E-File using Florida e-Filing Portal. The Court does not automatically receive copies of motions e-filed. Any motions you would like the Court to review must be first e-Filed and then e-mailed to the JA. If you go to the Clerk's Office, Room 310, to file a document/pleading in a case set for hearing within 48 hours, please tell the Clerk at the counter. He or she will make sure it makes it into the Court file/Odyssey.

Div. 70 Proposed Orders – all Proposed Orders are encouraged to be sent via e-Mail in WORD format to 70orange@ocnjcc.org

If you are appearing in person for a hearing, bring proposed Orders to **ALL** hearings, with proper number of copies, and self-addressed stamped envelopes. If the parties are appearing virtually and there is an attorney on both sides, the parties agree to the form of the Order after the hearing, the Order can be emailed to 70orange@ocnjcc.org in WORD format to be signed and e-filed.

* Emailed Orders must contain the following certificate of service wording:

COURT SERVES PARTIES/COUNSEL OF RECORD VIA E-PORTAL. PLAINTIFF IS RESPONSIBLE FOR SERVING ANY PARTY NOT PARTICIPATING IN ELECTRONIC FILING AND THEN FILING A CERTIFICATE OF SERVICE WITHIN THREE (3) BUSINESS DAYS OF THIS ORDER.

/s/ Paige Nagel, Judicial Assistant

Discovery Disputes

Discovery Motion – If no response or objection has been filed to initial Supreme Court approved discovery requests (e.g. Fact Information Sheet, Interrogatories, etc.), The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. If the matter cannot be agreed upon, the Motion must be set for hearing to bring the matter to the Court's attention.

Attorney Fees - **If you are seeking attorney fees you must, before filing a Motion to Compel** pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a **Motion for a Protective Order**, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, **confer with counsel** for the opposing party in a **good-faith effort** to resolve by agreement the issues raised, and **shall file** with the court at the time of filing of the motion a statement certifying that he/she has conferred with opposing counsel and that counsel have been unable to resolve the dispute.

As provided in Section (a) (4) of Rule 1.380, if the motion is granted, the court shall award expenses which may include attorney's fees. Review the 2007 Handbook on Discovery Practice, which is available on the Ninth Judicial Circuit website, www.ninthcircuit.org.

County Court Trial

County Court actions will be set for trial when they are at issue.

Non-Jury Trial - All hearings and trials are held in Room 17-B unless otherwise noted. In Division 70, for a **non-jury trial**, file a Notice for Trial (i.e. that the case is at issue) with the estimated time needed by all sides and Court will schedule a Status Conference

Hearing, issue a Case Management Order/ Uniform Order Requiring Pre-Trial Matters to be completed or coordinate with parties to set trial date. You can also review JACS docket for available times, clear with opposing counsel/pro se litigant and then contact Judicial Assistant with your request for a date, time and length of trial. Court will ultimately decide trial date and how much time will be allocated for trial. If you need more than an hour suggest you set out reasons in writing to Judge.

Jury Trial - For a **jury trial** in Division 70, before filing a Notice for Trial, filing party shall coordinate a Status Conference date through JACS with opposing party. Court will determine at hearing if case is at issue and if so, set on a Jury Trial Docket. Order of cases will be determined at Pre-Trial Conference, usually 10 days before start of trial period. After status conference court will issue a **Uniform Order Setting Case for Jury Trial and Pre-Trial Conference**.

All Pre-Trial matters including Mediation, all hearings, and discovery must be completed before the Pre-Trial Conference.

Have A Question About Your Case?

Please understand that the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and pro se litigants, the Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file or by simply filing an appropriate Motion.

When the Court signs an Order it is delivered to the Clerk for filing. Copies are mailed to the parties. If you want to know if an Order has been entered check with Clerk or wait for mailed copy. Court does not maintain copies of signed Orders.

Myclerk - County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for “myclerk”. Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember “o” as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the Clerk. You cannot open up a particular document (unless you go to Room 310 and use a computer in the Viewing Room); you essentially are looking at a docket index. It is the same one that the Judicial Assistant is looking at if you were to call with a question. Please use “myclerk” instead of calling the Judicial Assistant.

Electronic Filing - County Civil is part of the Electronic filing system used in Circuit Civil. You can electronically file County Civil pleadings. **Note:** The Judicial Assistants print mailing envelopes using the Odyssey and SmartBench system. If you know a name/address is erroneously listed in Odyssey, contact Clerk’s Office to modify. If address has changed, file Notice of Change of Address with Clerk’s Office. Clerk has complete authority over what goes into Odyssey. **Court Files** - Technically County Civil

is “file less”. In other words, the Judges do not need files as they can access Odyssey. If you file something today Clerk’s policy to have it displayed in Odyssey in 72 business hours. The reality is that it may be much longer.

Review File - If you want to review a file in person or see the pleadings listed in Odyssey go to **Viewing Room** located in Room 310. Using available computers, type in password “public” and navigate to file. No charge to view; \$1 per page to print out.

Confirm Upcoming Hearing - Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Click the “Attorney” link on right side and click the “Dockets” link toward the bottom of the Information column. Select the division and it will display scheduled hearings/trials for approximately the next two weeks.

Contact Information

Judge Adam K McGinnis

Hearing Room: 17-B

Paige Nagel

Judicial Assistant

Phone Number: 407-836-2024

425 N. Orange Ave. Orlando, FL 32801

ALL Division 70 County Civil emails: 70orange@ocnjcc.org

Judicial Assistant Email Address: ctjapn1@ocnjcc.org

Clerk of the Court Phone Number: 407-836-2000

425 N. Orange Ave. Ste. 310, PO Box 4994, Orlando, FL 32801

Website: www.myorangeclerk.com

File Viewing Room: Room 310