



State of Florida Ninth Judicial Circuit of Florida

County Judge
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Guidelines and Procedures *for* County Civil Division 74 Judge Cherish R. Adams Orange County Judge

(Updated 6/11/2024)

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 74 in Orange County, Florida when practicing before Judge Cherish R. Adams.

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. The link for the hearing will appear on the notice.

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 the Judge and make sure the agreement has been approved by the Court. **Make sure to check in.** Attorneys 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, the 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. The Clerk will not provide a Default Order to an attorney. If default is entered, submit a Default Final Judgment packet to the Judge via the Clerk so that all pleadings/affidavits are properly filed, with a copy to the Court in **Word format** at 74orange@ninthcircuit.org .

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

Ex Parte – Ex Parte hearings are held **IN-PERSON** only on Wednesdays from 9:00 to 9:30 am in Room 370 (3rd Floor) for **uncontested non-evidentiary hearings** that are **no more than 5 minutes**. Do not call Judicial Assistant to schedule but do check [aiCalendar](#) to ensure hearings are being held on the specific Wednesday for which you are planning to appear. The Court typically only has the docket open for scheduling no more than 60 to 90 days out.

You may also utilize the **drop box** for Division 74 on the 3rd Floor, room 370 for documents for the Courts review and Order for the Judge, or simply email your order to 74orange@ninthcircuit.org

Short Matters (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. Division 74 conducts short matter hearings every Wednesdays from 9:30-10 am. Parties may appear virtually by logging into <https://ninthcircuit.webex.com/join/74orange> . **Counsel 48 hours prior to the**

hearing must email the Notice of Hearing and proposed orders to the 74orange@ninthcircuit.org email with “SHORT MATTERS NOH” in subject line. If the Notice of Hearing is not emailed to the Court, the case will not be called up for hearing.

Pro Se Litigants – Written requests for relief or judicial action, known as a **Motion**, must be mailed to or filed with the 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 set the hearing date and time. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, **email address**, printed name and signature. Pro Se litigants may mail copies of the Motion to all other litigants or their counsel if opposing parties are represented.

PLEASE DO NOT EMAIL THE COURT with questions as this is considered EX PARTE communication and is prohibited. Any issue you need the Court to review must be filed in your case and not by email.

All inquiries/letters/motions/proposed Orders must be in writing and filed with the Orange County Clerk of Court in Room 350, located at 425 North Orange Avenue, Orlando Fl 32801, for the Judge’s review. Their hours of operation are from Monday through Friday from 7:30 a.m. to 4:00 pm.

You should sign up for the e-portal to file your documents and receive them on your email, saving time and money by clicking this link
<https://www.myflcourtaaccess.com/common/ui/pages/register.aspx?rr=5>

How to Schedule/Cancel a Hearing

Counsel of record must comply with the 9th Circuit “Meet and Confer” Rule outlined in the Ninth Judicial Circuit Administrative Order No. [2012-03-01](#)

Contested Hearings:

ALL NON-EVIDENTIARY HEARINGS 15 MINUTES OR LESS ARE VIRTUAL UNLESS REQUESTED TO BE IN-PERSON.

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

(1) **Using the aiCalendar, select an available hearing date and time.** Go to the Court website, www.ninthcircuit.org Go to the bottom of the Home Page where you will find “Available Hearing Time”. This takes you to a separate page, click on aiCalendar. Scroll down to Civil Division 74. Click on Available Hearings. Dates have to be searched one day at a time. There is not a selection that will allow you to see a week or month, only one date at a time.

(2) Coordinate the date and time with opposing counsel/pro se party. **To set unilaterally, you MUST comply with the requirements of the Ninth Judicial Circuit Administrative Order No. [2012-03-01](#) and include a completed Certificate of Compliance with your hearing request.**

(3) Email the Judicial Assistant at 74orange@ninthcircuit.org, with a copy to all counsel/pro se litigants. Your email must include the case number and style, title of the motion to be heard and date it was filed, date of the “meet and confer”, date and time of the requested hearing, and number of witnesses. **If more than 15 or 30 minutes is needed for the hearing, you must state the reason for the amount of time in your email.**

Do not send your email with “! High Importance” unless you are requesting an Emergency Motion. Your email will not be ignored but may take up to 24 + hours to receive a response as the Court receives a heavy volume of emails and hearing requests. In most cases, your request will be responded within the same business day or shortly thereafter.

(4) **Receive confirmation time for your hearing.** Your hearing time is not confirmed until you receive a reply email from the Judicial Assistant. Your confirmation will include the virtual link to attend the hearing if applicable. Once your hearing is confirmed by the Judicial Assistant, you will receive an email that requires you to file a Notice of Hearing promptly to include all of the language provided to you in the confirming email.

If you fail to file the Notice of Hearing, the hearing will be cancelled. Please keep in mind that once the Court confirms your hearing request, that time is reserved on the Court’s docket and other requests for this same date/time are denied to hold position for your case. *It is imperative that all parties are mindful of the Court’s time as well as other litigants who are seeking hearing time.*

(5) **File a Notice of Hearing with the clerk of court and properly notice all parties.** **Cooperation of Counsel** – If counsel/pro se litigant does not cooperate in scheduling a hearing, the requesting party may set the hearing unilaterally. The hearing request must include a completed **Certificate of Compliance** per AO reference in (2). The Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time.

Emergency Hearings - If an emergency situation arises, counsel/pro se litigant 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 delivered 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 attempt to contact counsel/litigants to set the hearing. In light of the short setting, opposing counsel/litigant may attend the hearing virtually or telephonically, if their schedule will not allow them to appear in person and the Court approves.

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. **Email Notice of Cancellations to: 74orange@ninthcircuit.org.** *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 ask if you can file a Notice of Cancellation to take the case off of the hearing/trial docket.

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.

Hearing Materials (Caselaw, Exhibits, etc.) – All hearing materials to be reviewed by Judge Cherish R. Adams must be submitted on USB flash/jump drive or via email using the Division 74 email. Hearing Notebooks will not be accepted. All materials SHALL be provided or filed with the court 72 hours prior to the scheduled hearing. (Keep in mind FL ST BAR Rule 4-3.3 when preparing your materials.)

Filing of Pleadings – E-File or Mail to Clerk's Office. Please understand if you e-file, it takes roughly 72 hours for that filing to appear in the clerks system for the Judge to see. 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.

Proposed Orders and Final Judgments – Proposed Orders can be emailed to 74orange@ninthcircuit.org in **WORD format**. Agreed orders should indicate "Agreed". Please attach a courtesy copy of the motion and any required supporting documentation or affidavits.

The Court serves parties/counsel of record via the 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 the Order. Please ensure your proposed orders include this language or it will be kicked back to you for modification.

For in-person hearings, bring proposed Orders to *ALL* hearings, with proper number of

copies, and self-addressed stamped envelopes.

Proposed Orders and requests for Default Final Judgments are often sent back to the attorney. Division 74 uses a “**Kickback Order**”. This is an Order from the Judge that advises the attorney/pro se litigant why a requested action cannot be acted on by the Court. You may want to review as it addresses the common deficiencies of Pleadings/Motions/Affidavits filed with the Court.

Preparation - A well prepared attorney/pro se litigant should do the following:

(A) **Show up on time.** If you fail to show up or to contact the Court to advise you are running late, the hearing or trial will start without you, even if your client is present. As a courtesy, the Court may provide a 5 minute grace period for hearings and a 10 minute grace period for trials.

(B) **Check In-** Check in with Receptionist or Deputy when you arrive for a hearing. The Deputy’s job is to provide security, not serve a receptionist. Questions should be directed to the Judicial Assistant, go to the Clerk’s Office Room 310 or go on line to “www.myorangeclerk.com”.

(C) **Bring proposed Order** with copies/stamped addressed envelopes; copies of case law/Statutes for Judge and opposing counsel; and copies of Motion, in case missing from Court File/Odyssey system. If you highlight case law/exhibit, all copies must be highlighted. Bench notebooks with copies of pertinent pleadings, case law and Proposed Order, are welcomed. Make sure opposing counsel receives the same notebook. If you want the Court to review notebook before hearing, make sure to deliver well in advance (e.g. 5 days).

(D) **Know proper Courtroom Decorum.** The Ninth Circuit has adopted the Orange County Bar Association Standards of Professionalism (see attached). If you are not sure about appropriate courtroom protocol, please ask.

Telephonic/Virtual Appearance – Florida Rule of Judicial Administration 2.530 governs the use of communication equipment.

Discovery Disputes

Discovery Disputes – Attempt to resolve discovery disputes in good faith prior to scheduling a hearing. All County Civil Judges follow the guidelines set out in the 2021 Handbook on Discovery Practice, available at [Rules and Policies | Ninth Judicial Circuit Court of Florida \(ninthcircuit.org\)](https://www.ninthcircuit.org/Rules-and-Policies)

Discovery Motion – The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. Motion must be set for hearing to bring the matter to the Court’s attention. If no response or objection has been filed to initial Supreme Court approved discovery requests (e.g. Fact Information Sheet, Interrogatories,

etc.), the moving party may submit proposed order with the Motion. No hearing will be necessary.

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.

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 370 unless otherwise noted. In Division 74, 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 the Court will schedule a Status Conference Hearing, issue a Case Management Order/ Uniform Trial Order requiring Pre-Trial matters to be completed or coordinate with parties to set trial date. You can also review JACS/ai Cal 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, it is suggested that you set out reasons in writing to the Judge.

Jury Trial - For a **jury trial** in Division 74, file a Notice for Trial and email a copy of the notice to the Judicial Assistant who will then schedule a Status Conference Hearing. 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**.

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 or emailed 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 - As of March 2009 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 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 a 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

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