

**Orange County Guardianship/Mental Health Division 01**  
**Judge Mark S. Blechman**  
**Judicial Assistant: Terry Marino**  
**Email: 1orange@ninthcircuit.org**  
**Address: 425 N. Orange Avenue, Orlando, Florida 32801**  
**Chambers: 2035, 20th floor**  
**Courtroom: 19-C (Effective 1/2/24)**  
(Revised December 2023)

**\*\*\* As guardianship/mental health cases are confidential, you will not see an On-line Docket for this division. \*\*\***

In Order to assist counsel, the litigants and the Court, the following guidelines<sup>1</sup>, procedures, practices and expectations are hereby adopted for Guardianship/Mental Health Division 01 in Orange County, Florida when practicing before Judge Blechman.<sup>2</sup> **These procedures have been separated into sections to help counsel and litigants efficiently find information.**

**Hearings are conducted both in person and remotely.** Specific matters require in person appearance and others the Court will permit hearing to be conducted virtually. Please refer to the breakdown below of types of hearings that are permitted to be set virtually and those that require in person appearance:

**Permitted Virtual Hearings:** Telephone hearings are not permitted. The parties must appear virtually through the Webex link and turn on their cameras so that the Court can identify the speaker.

- Short matters (**matters that are uncontested and 10 minutes or less** such as requests to approve minor settlement, requests to withdraw, petitions to sell property, petitions to authorize funds, etc). These matters may also be set during regular hearing time if available.
- Uncontested petitions to appoint guardian/determine incapacity.
- Request for DNR orders with medical testimony from the treating physician.
- Annual review hearings under Florida Statutes 393.11(8)(b) unless a trial is required.
- Uncontested petitions for appointment of emergency temporary guardian.
- Petitions for medical intervention if uncontested, and require medical testimony.

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<sup>1</sup>The 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.

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

- Uncontested suggestion/restoration of capacity.
- Petitions for Pooled Trust.
- Virtual testimony is permitted for Doctors in most cases, absent a valid objection.

**\*\*\* IF YOU ARE UNSURE IF YOUR PETITION IS A MATTER THAT CAN BE SET VIRTUALLY, PLEASE EMAIL [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org). \*\*\***

**Hearings where in person appearance is required:**

- Compliance hearings for Risk Protection Orders.
- Return hearings for Adult Protective Services (appearance of the AIP may be excused).
- TB cases (the affected patient is excused).
- Return hearings for Injunction for Protection Against Exploitation of a Vulnerable Adult.
- Petitions for Habeas Corpus.
- Orders to Show Cause or Rules to Show Cause hearings.
- Case management hearings, unless otherwise indicated when scheduled.
- Petitions for Attorney or Guardian fees (if the Court orders a hearing to be set or there is an objection).
- Petitions for medical intervention that are contested.
- Petitions for Appointment of Guardian/Determination of Incapacity or Appointment of Emergency Temporary Guardian if contested or involve lengthy testimony.
- Contested suggestions/restoration of capacity.
- Trial or evidentiary hearings (anything that is contested, involves testimony or argument from counsel).

**\*\*\* IF YOU ARE UNSURE IF YOUR PETITION IS A MATTER THAT MUST BE HELD IN PERSON, PLEASE EMAIL [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org). \*\*\***

**SETTING OF SHORT MATTERS HEARINGS:** Short Matters are uncontested hearings that last 10 minutes or less and are held Tuesday and Thursday from 9:30 a.m. to 10:00 a.m. in Courtroom 19-C. Please see JACS for unavailability dates. Short matters may be in person or via video. (See video appearance link instructions below under setting of virtual hearings and refer to Section One, number 1 of permitted virtual hearings for types for short matters.) The Court will not hear contested or evidentiary hearings at short matters.

Please note that in December 2023, short matters will be held on Wednesday's (instead of Thursday) the week of December 4<sup>th</sup> and December 11<sup>th</sup>.

Because of the confidential nature of many proceedings in guardianships, these short matters hearings are placed on the Court's docket by the Judicial Assistant once the courtesy copies are received so the Court can admit those parties that are not attorneys into the hearing. All short matters hearings must be coordinated with opposing counsel on a date that Judge Blechman is

available. A list of dates that the Court is unavailable for short matters is located in the instruction header for the division on JACS. 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.

A courtesy copy of the motion, notice of hearing with the video link 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 in Word format must be provided by email to [lorange@ninthcircuit.org](mailto:lorange@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 the courtesy copies are not received, the Judge may not go forward with the hearing. Orders that are to be submitted electronically for consideration may not be set at short matters without the Court's permission

The attorney noticing the hearing must provide at least 3 days notice of the hearing to all parties, including pro se litigants.

**Judge Blechman's video link:** If the hearing is being done virtually, Judge Blechman uses a static Cisco Webex "click to join" link for all these virtual hearings and this information must be placed on the Notice of Hearing. The link is:

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

This information must also be placed on the Notice of Hearing:

The hearing may be done by video conference using the below information. The hearing will not be cancelled or postponed due to a party's technical difficulties with the video link; accordingly, those wishing to be heard should consider coming to the hearing in person.

**SETTING OF CONTESTED HEARINGS OTHER THAN SHORT MATTERS:** Until the Court's new calendaring system is running, 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. When the calendaring system changes, new procedures will be posted.

- Click on Judicial Automated Calendaring System ([ninthcircuit.org](http://www.ninthcircuit.org)) or go to the court website at <http://www.ninthcircuit.org>. Select "Services" link or select the box that says JACS. Select 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 Blechman either by appearing during short matters or by email to the lorange email detailing the reasons

for the excessive time. After the Court reviews your request, you will receive a response.

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. Be aware other attorneys are also coordinating hearing time, so you should coordinate up to 3 alternate times in case the time you request is booked.

Email [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org) copying opposing counsel/self-represented litigants for the hearing to be added to the docket. The hearing request must include:

- 1-Date and time being requested for the hearing
- 2-Case number and style of the case
- 3-Names of the attorneys (or self-represented if applicable)
- 4-Title of the petition(s)/motion(s) to be heard
- 5-Amount of time requested for the hearing
- 6-Evidentiary or Non-Evidentiary
- 7-Parties appearance at hearing (in-person or virtually)

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 confirm your appearance type for the hearing. If set in person, the courtroom or hearing room location **must** be included in the Notice of Hearing. If set virtually, the video hearing information **must** be included in the Notice of Hearing. Hearing time is assigned on a first come, first served basis. 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.

**Cooperation of Counsel to Coordinate Hearings:** Good faith cooperation is expected both from counsel, their support staff and pro se litigants. If after 3 attempts on separate days to coordinate a hearing, counsel does not cooperate or respond, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel who failed to cooperate or respond. Efforts to coordinate the hearing should be noted on the Notice of Hearing.

**Virtual Appearance Instructions:** Five minutes before the hearing, all participants should connect to the video conference. You will be entering a virtual waiting room before the hearing. The judge will admit you to the hearing when it begins. 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.

**Judge Blechman’s video link:** If the hearing is held in the hearing room, Judge Blechman uses a static Cisco Webex “click to join” link for all these virtual hearings. The link is:

<https://ninthcircuit.webex.com/meet/1orange>

This information must also be placed on the Notice of Hearing:

The hearing may be done by video conference using the below information. This wording must be on the Notice of Hearing: The hearing will not be cancelled or postponed due to a party’s technical difficulties with the video link; accordingly, those wishing to be heard should consider coming to the hearing in person.

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.

It is the responsibility of the attorneys to provide the link to the necessary parties. All parties must have their name clearly displayed to be allowed into the hearing. If it is a call in, the attorney must be able to identify the number for the Court.

**Courtesy Copies Required:** Please only send electronically, do NOT send a hard copy unless directed otherwise by the Court. 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](mailto: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 other formats cannot be moved properly. Counsel must ensure 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.

**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 email** [1orange@ninthcircuit.org](mailto:1orange@ninthcircuit.org) to advise of the cancellation. The party cancelling the hearing must also file a Notice of Cancellation and email a copy of the notice of cancellation to [1orange@ninthcircuit.org](mailto: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.

**EMERGENCY HEARINGS:** If an emergency 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 hand delivered or 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.

**ORDERS AND RULINGS:** This division receives hundreds of orders per week and they are addressed as rapidly as possible in date order received. It is requested that you do not contact the Judicial Assistant to follow up on submitted orders unless 30 days have elapsed OR your submitted order was time sensitive. If time sensitive, at the time it was submitted, your communication to the Court should have indicated this. Sending emails prior to 30 days to ask status only delays the entering and processing of orders.

If counsel is asked to prepare an order, 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. All Orders must describe, in the caption, the subject and ruling of the Court, *i.e.* "Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability." See Fla.R.Civ.P. 1.100(c)(2). **Do not simply title the document Order. Counsel must advise the Court of any objection to, or agreement on, the form of the proposed order when the order is submitted.** Cover letter indicating order being submitted subsequent to hearing must be filed and included with order in word format.

**Submitting Orders to Chambers:** Proposed agreed orders should be emailed to [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org) in Word format. Along with the proposed order, an e-filed cover letter indicating opposing counsel agrees to the content and form of the order must be included. If the parties are unable to agree on the form of the order, both sides shall email their proposed Order in Word to the Court for consideration within the seven (7) days. 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 in the certificate of service 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.

**Other useful information about Orders:** 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.

**E-filed cover letter:** All proposed orders must be accompanied by an e-filed cover letter (the cover letter must have the filing stamp across the top) and must indicate that opposing counsel has

reviewed and approved the form of the order 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.

**Certificate of Service:** Please be sure that the certificate of service on the proposed Order complies with the Rules of Civil Procedure.

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 high volume of Orders received by the Court.

If the Judge rejects an Order and directs the setting of a hearing or a change to the order, the proposed order will be deleted and will need to be resubmitted upon resolution of the issue.

**WITHDRAWAL OF COUNSEL:** If you do not have signed consent of the client, Motions to Withdraw as counsel should be set for hearing with notice to all parties. 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 guardian, allow no more than thirty (30) days to obtain substitute counsel. The case will be stayed for 30 days while the guardian obtains counsel.

**MOTIONS FOR ATTORNEYS FEES:** There must be either a filed, written consent of the guardian or proper service of notice to the appropriate parties.

**MOTIONS FOR GUARDIAN FEES:** The approved rate without further Court permission for ORANGE COUNTY ONLY is \$70.00 per hour effective for work done after December 12, 2022.

**MOTIONS FOR REHEARING, RECONSIDERATION OR NEW TRIAL:** Upon filing said Motion, you must send a copy directly to chambers for review as the Clerk does not provide them 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.

**EVIDENTIARY HEARING/NON-JURY TRIAL PROCEDURES:**

- a. **Preparing Evidence:** 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) and either drop off or bring 2 hard copies of the exhibits and the filed objections (one for the Judge and one for the Clerk) to the Court for use at the hearing.

**b. Preparing Witnesses:**

1. If your case involves witness testimony and the witness cannot appear in person or it would be hardship for in person appearance, you must file a notification of the issue and file the appropriate motion to request Court permission for virtual appearance. This notice must be provided to all counsel of record and counsel be given sufficient time to object. Failure to provide notice will result in a denial of the virtual appearance. Failure to object to a virtual appearance in a timely fashion waives the objection.
2. In the event the rule of sequestration is invoked, the witnesses will be instructed to leave the hearing/courtroom and counsel or self-represented party will be responsible for contacting the witness when it is time for their testimony.
3. The witness shall be instructed not to look or refer to any other document or device during his or her testimony.
4. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.

**INFORMATION NOT COVERED:** If any matters concerning the conduct of the hearing procedures of Orange Guardianship/Mental Health Division 01 are not covered herein, counsel is free to contact the Court by email at [lorange@ninthcircuit.org](mailto:lorange@ninthcircuit.org). A status hearing can be set during short matters at which time the Court will attempt to answer any inquiries. The Court appreciates counsels' efforts to understand and comply with this Court's procedures.

Revised: December 2023