

ADMINISTRATIVE ORDER
NO. 2014-19

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE AND OSCEOLA
COUNTIES, FLORIDA

**ADMINISTRATIVE ORDER ESTABLISHING
NINTH JUDICIAL CIRCUIT COURT DOMESTIC COURT GUIDELINES**

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, standardized procedures and manners of communication between the parties and the court best serve the interests of those that come before the court, preserve valuable judicial resources and prevent confusion and delay; and

WHEREAS, the Ninth Judicial Circuit Family Law Commission (Commission) was tasked with, and did submit to the Court, recommendations for accomplishing standardized procedures for the Domestic Divisions of the Ninth Judicial Circuit Court; and

WHEREAS, in order to provide effective coordination and in the interest of promoting judicial economy, the prompt and efficient administration of justice and in service to the citizens of the Ninth Circuit;

NOW, THEREFORE, I, Belvin Perry, Jr., in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the

Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order that, **effective immediately** and to continue until further order:

1. If an *ex parte* or short matter is to start late or be covered by a different division, without prior notice, attorneys and litigants shall be made aware through the posting of a note on the hearing room door.
2. In the interest of judicial economy and promotion of the prompt and efficient administration of justice, all circuit civil judges shall start *ex parte*, short matter and regular hearings on time, or as soon as practicable, and all judges shall strictly enforce allotted hearing time between attorneys except for good cause shown.
3. In the event that a party seeks to cancel a hearing that has been previously scheduled with the Court, the party must immediately notify the judge's judicial assistant and file a notice of cancellation with a copy to the judicial assistant as soon as it is cancelled. If the judicial assistant requests confirmation via an e-mail correspondence, the party shall comply.
4. A mandatory meet and confer process is hereby established, as set forth below, for all motions to be ***set for hearing*** in the domestic division and must occur ***before*** scheduling the hearing, except for the following motions: injunctive relief without notice; judgment on the pleadings; or summary judgment.

Counsel with full authority to resolve the matter shall confer ***before*** scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as "Exhibit A") that the conference has occurred in the Notice of Hearing filed with the court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.

The term "confer" requires a substantive conversation in person or by telephone in a good faith effort to resolve the

motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, e-mail or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.

Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.

Counsel 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.

Counsel who notices the hearing shall ensure that the court and the court's judicial assistant are aware of any narrowing of the issues or other resolution as a result of the conference.

5. Counsel is required to provide the court (and opposing counsel) with courtesy copies of any memoranda, case law or any other materials on which counsel may rely at a scheduled hearing at least three (3) court days before the scheduled hearing.
6. A party seeking to schedule hearing time shall check the Judicial Automated Calendaring System (JACS) via the Ninth Judicial Circuit website (<http://www.ninthcircuit.org/>) for available time slots. Once a hearing time is agreed to, the party seeking to set the hearing shall then send an e-mail correspondence to the judicial assistant to confirm the hearing time. This may be done by phone if allowed by the judicial assistant. The opposing party may not refuse to cooperate with setting the hearing just because they object to the hearing being set. The party seeking to set the hearing must give the opposing party at least three (3) proposed specific dates and times for the hearing by e-mail. If the

opposing party does not respond to requests for availability within two (2) business days by either picking one of the proposed dates or by providing alternative dates and times within seven (7) days of the originally proposed dates, the party seeking to schedule the hearing may go ahead set the hearing. However, the hearing must be noticed for a time at least fifteen (15) days from the date the notice is served and must certify the party made a good effort to coordinate the hearing with the opposing party. The hearing will go forward as noticed unless the opposing party files its objection to the hearing detailing the conflict with the case style, number and presiding judge within 48 hours of the date the notice is served. The opposing party must set the hearing on its objection at short matters to occur within ten (10) days of the date the notice of hearing was first served. The Court will use Fla. R. Jud. Admin 2.550 as a guide in resolving conflicts. Mediations and depositions shall not take priority over Court appearances. Conflicts due to vacations are discretionary with the Court. The requirement to cooperate in coordinating mediation shall apply in the same manner.

7. All communications from a party to scheduling hearings shall be by e-mail correspondence copying the opposing party, unless the judicial assistant allows communication by phone or specifies otherwise. If the judicial assistant requests a follow-up or confirmation e-mail correspondence, the party shall comply. When communicating with the judicial assistant by e-mail correspondence the case name, number and attorney name must be included.
8. As the court system continues to move toward a paperless system, and as technology related to electronic filing, scheduling of hearing time and other related matters continues to become available, judges, judicial assistants and parties appearing before the court are

strongly encouraged to utilize said technology when feasible. Where court technologies as contemplated by this Order become the standard, use of such technologies will be required without need for amendment of this Order.

DONE AND ORDERED at Orlando, Florida, this 5th day of August, 2014.

_____/s/_____
Belvin Perry, Jr.
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
<http://www.ninthcircuit.org>

“Exhibit A”

First Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person or by telephone with opposing counsel in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

/S/ _____

Counsel for the party who noticed
the matter for hearing.

Second Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person or by telephone on:

1. _____ (Date) _____ at _____ (Time) _____ ;
2. _____ (Date) _____ at _____ (Time) _____ ; and
3. _____ (Date) _____ at _____ (Time) _____ ;

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

/S/ _____

Counsel for the party who noticed
the matter for hearing.