

State of Florida
Ninth Judicial Circuit of Florida
www.ninthcircuit.org

Mark S. Blechman
Circuit Judge

Orange County Courthouse
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Orlando, Florida 32801

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DOMESTIC RELATIONS DIVISION 29 POLICIES AND PROCEDURES

COURTROOM: 16-H

**CHAMBERS: 20th Floor
(tray on wall for drop off)**

WHEN EMAILING THE JUDICIAL ASSISTANT FOR ALL MATTERS, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED IN THE EMAIL.

EX-PARTE/SHORT MATTERS:

Normally on TUESDAY, WEDNESDAY AND THURSDAY AT 9:00 A.M.

Check JACS for dates that the Court will not have Ex-Parte/Short Matters hearings.

Ex-Parte/Short Matters are not scheduled through the Judicial Assistant, but must be coordinated with opposing counsel or pros se litigant.

NO TELEPHONIC APPEARANCES at Ex-Parte or Short Matters.

Ex-Parte is for entry of orders for stipulated or unopposed matters only.

Short Matters are for short legal argument of five minutes or less, with NO TESTIMONY OR EVIDENCE PRESENTED. Examples of short matters but not limited to are, Motions to Compel, Motions to Dispense with Mediation, Motions to Withdraw (without signed consent of the client) Attorney represented name changes and Motions for Substitution of Counsel.

Any party who notices a case for ex-parte or short matters **must** provide a hard copy of the Notice of Hearing and the Motion to chambers at least three (3) business days prior to the hearing date. If the notice and motion is not received, the matter may not be heard. Counsel must bring a proposed order to the hearing, do not send the proposed order to chambers with the notice. **HARD COPIES ONLY, NO EMAILS OR FAXES.**

ATTORNEY UNCONTESTED DISSOLUTIONS (ATTY UNCONS):

Atty Uncons are heard at Short Matters and are **not** set with the Judicial Assistant. You must complete and file a verified checklist. The procedures and verified checklist can be found on the Judge's page at the ninthcircuit.org. After the verified checklist and Notice of Hearing have been filed as separate documents at the same time, you must provide a hard copy to chambers at least three (3) business days prior to the hearing date. Provide by US Mail or drop off at chambers located on the 20th floor. If you fail to do so, your case will not be heard.

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ADOPTIONS:

Hearings for Adoptions must be set at least 14 days out. Use JACS for available hearing time. Pick a 30-minute time slot and it will be set for only 15 minutes. Family members are welcome and cameras are allowed.

No telephonic appearances permitted at Adoptions without an order signed by the Court.

MEDIATION:

Mediation is required in all Domestic cases in accordance with local amended Administrative Order 2004-14-02. All parties are required to attend mediation prior to requesting hearing time on any matter and prior to filing a Notice for trial.

TEMPORARY MATTERS:

All Parties are required to attend mediation on temporary matters before requesting hearing time. If there is no agreement, or only a partial agreement reached at mediation, a hearing may be scheduled.

SETTING A HEARING AND AVAILABLE HEARING TIME:

All Motions must be filed with the Clerk's office and viewable before hearing time can be requested.

Before requesting a hearing, the mandatory "meet and confer" must be done per Administrative Order 2014-19. This includes with pro se litigants. If the issue(s) are still unresolved then a hearing may be requested. A Certificate of Compliance must be attached to the Notice of Hearing. A copy is attached to Administrative Order 2014-19. Failure to comply with this may result in the Court not having the hearing or not awarding attorney's fees.

All parties must comply with Administrative Order 2014-19 when attempting to coordinate a hearing.

Available hearing time may be obtained by going to the Court's website. Refer to JACS for instructions and available dates/times. Under Services, click on: JACS; then Select Calendar: Domestic Relations Division 29; do not enter a minimum or maximum duration, then click Retrieve.

The majority of time-slots for Division 29 are 30 minutes. If a hearing requires more than 30 minutes, combine consecutive time slots. If you only need 15 minutes, you can pick a 30 minute slot and let the JA know in the email you only need 15 minutes.

Use the available dates/times listed to coordinate with opposing counsel or pro se party. After it has been coordinated you must e-mail the Judicial Assistant, copying opposing counsel or pro se party with all required information listed in the JACS instructions (please use the "outline" listed on JACS by copying and pasting into your email, then filing out the information). A hearing cannot be scheduled until all of the required information is provided. Please note that hearing time is not held. The JA will send an e-mail confirmation securing the hearing. The hearing time is not confirmed until you receive a confirmation email from the JA, do not notice the matter until received.

WHEN EMAILING THE JUDICIAL ASSISTANT TO SCHEDULE A HEARING, THE OPPOSING COUNSEL OR PRO SE LITIGANT MUST BE INCLUDED IN THE EMAIL.

Hearings are not scheduled via telephone.

MATERIALS FOR HEARING OR TRIAL:

Hard copies of any memoranda, case law or any other materials on which counsel may rely on at a hearing or trial must be provided in hard copy to chambers at least three (3) business days before the hearing date. No emails or faxes.

CANCELLATIONS:

Immediately notify the Judicial Assistant of cancellations. A Notice of Cancellation should be filed, with notice to the opposing party and Judicial Assistant (email to JA). Only the party who noticed a hearing may cancel it.

TELEPHONIC APPEARANCES:

A motion to appear telephonically must be filed with the Clerk's office prior to the hearing date. If granted, the party that is to appear telephonically, will be required to provide a local number, Toll-Free number, or Conference call number with a passcode for the Court to

call. The Court is unable to initiate long-distance calls. The party appearing by phone will not call-in to chambers and have their call transferred to the courtroom. A proper number, as indicated above, must be provided. The party appearing by phone must confirm telephonic appearance with the Judicial Assistant (via email) by 11:00 am on the day prior to the date of the hearing. The proposed order must include the above information.

Telephonic appearances are permitted when moved for and approved in advance. A motion to appear telephonically should be filed at least one week prior to a hearing date. Any party testifying via telephone must have a Notary or authorized person present to place the testifying party under oath.

Under cover letter, provide a hard copy of the motion and proposed order to chambers.

MOTIONS FOR REHEARING:

Once a Motion for Rehearing has been filed with the Clerk, a hard copy must be provided to chambers for review by the Judge. The Court will either rule without a hearing or will advise the moving party to schedule a hearing.

EMERGENCY MOTIONS FILED BY ATTORNEY'S:

After filing a verified emergency motion with the Clerk, **you must email a copy to the JA** with a proposed order in word format. The Court may enter an order without hearing or may set for a hearing without coordinating the date/time with the parties.

NOTICE FOR NON-JURY TRIAL:

The Parties must attend mediation, prior to filing a notice for non-jury trial to attempt a resolution of the case. After mediation is concluded, Form 51 must be filed with a notice for non-jury trial. Parties are required to provide a hard copy of the notice, along with Form 51, to chambers. Stamped addressed envelopes are **not** required.

PRETRIAL/TRIALS:

Once the Notice for Non-Jury Trial has been reviewed by the Court, a Uniform Order Setting Pretrial Conference and Non-Jury Trial will be entered.

Attorneys/pro se litigants are required to prepare a Joint Pretrial Statement and file with the Clerk of Court no later than five (5) days before the pretrial conference. A hard copy must be delivered to the Judge via US mail or hand delivery to chambers located on the 20th floor, no later than five (5) days before the pretrial conference. Refer to the Uniform Order Setting Pretrial Conference and for Non-Jury Trial for additional information. Failure to do so will result in sanctions that may include cancelling the trial, continuing the pre-trial, paying

opposing party's attorney fees and costs, fine or combination of the foregoing.

Once a trial date has been set, counsel/pro se litigants are required to email the Judicial Assistant (copying opposing party) a proposed Final Judgment with findings of fact, Parenting Plan and Child Support Guidelines (if children involved) in word format by 8:30 a.m. the day of trial. Again, failure to comply may result in the trial being postponed/continued, paying opposing party's attorney fees and costs, fine or combination of the foregoing.

EXHIBITS:

For ALL hearings and trials, all exhibits must have an exhibit tag attached and filled out **prior** to showing it to any witness. Exhibit tags can be obtained from the Clerk of Courts office.

NOTICE OF HEARING:

For hearings scheduled with the Judicial Assistant, all notices must include the exact title, filing date of the motion being addressed and a Certificate of Compliance in accordance with Administrative Order 2014-19. All parties are required to comply with Admin. Order 2014-19, paragraph 4. For hearings where coordination between the parties was unsuccessful due to no response, the Notice of Hearing must also include the dates and method used to attempt to coordinate a hearing.

UNCONTESTED FINAL JUDGMENTS FOR PATERNITY OR SUPPLEMENTAL PETITIONS:

Uncontested Paternity Final Judgments and Supplemental Final Judgments may be submitted to the Judge's chambers for review. Please see "Orders" below. A hearing will not be required if all necessary documents have been filed. Hard copies only, no emails or faxes.

MOTIONS:

Uncontested motions may be submitted to the Judge's chambers for review. See "Orders" below. Contested motions will require a hearing.

PROPOSED ORDERS:

All orders should include a complete title, not just the word "order" and should include the filing date of the motion and if hearing held date of the hearing. Stipulated or agreed orders may be submitted to chambers via US Mail or hand delivery for the Judge to review. A cover letter must be included with all orders submitted to chambers, with the opposing counsel's/party's position to the proposed order and cc: all parties. Orders will not be held,

awaiting opposing counsel/party's position. All orders should contain a complete certificate of service ("copies to" or "copies furnished to" is not sufficient) including the names and addresses (if pro se party) of all parties receiving a conformed copy. All signed orders will be e-filed through the portal. If one of the parties is pro se and not listed in the portal then you must provide an additional copy of the proposed order and a stamped addressed envelope.

After a hearing is held, the Judge will direct counsel to email (copying all parties) the JA an agreed proposed order. Indicate in the email the date of the hearing and if opposing counsel or pro se party agrees to the proposed order. If the parties cannot agree on the order, the original order should be sent and in the email provide opposing counsel/parties objections. Do not email two orders. The order must be sent in word format.

HARD COPIES:

Any place that it says "hard copies" this means provided via US Mail or hand delivered to chambers located on the 20th floor, drop off in the tray on the wall.
No emails or faxes accepted.

ADMINISTRATIVE ORDERS:

ALL PARTIES SHOULD BECOME FAMILIAR WITH THE ADMINISTRATIVE ORDERS FOR DOMESTIC RELATIONS CASES. The orders can be found on the Court's webpage ninthcircuit.org on the Judge's page or by clicking on Services, Administrative Orders, Subject: Domestic Relations.

PRO SE LITIGANTS:

Pursuant to Administrative Order No. 2014-25, Section 4 (B)(2), "the unrepresented party will be governed by the same rules of law, procedure, and evidence that attorneys are required to follow".

Please note: These procedures apply to Judge Mark S. Blechman only. It is recommended that you refer to the procedure of each Judge or contact the Judicial Assistant in the division for instructions.