

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

Mike Murphy
Circuit Judge

Osceola County Courthouse
2 Courthouse Square
Kissimmee, Florida 34741
COURTROOM 5C

Breean Greene
Judicial Assistant
ctjabg1@ocnjcc.org

OSCEOLA CIRCUIT CIVIL DIVISION 22 POLICIES AND PROCEDURES

****COVID-19 TEMPORARY POLICIES/PROCEDURES****

ALL PARTIES WILL APPEAR VIA TELEPHONE/VIDEO CONFERENCE FOR ALL PROCEEDINGS, UNLESS OTHERWISE NOTIFIED

A MOTION/ORDER IS NOT NEEDED FOR TELEPHONIC/VIDEO APPEARANCE, FOR ANY PROCEEDING SCHEDULED

DO NOT SUBMIT HARD COPIES OF ANY MOTIONS/ORDERS OR HEARING MATERIALS TO CHAMBERS, UNTIL FURTHER NOTICE. EMAIL ALL MOTIONS/ORDERS AND HEARING MATERIAL(S) TO THE J.A., UNTIL FURTHER NOTICE.

In Order to assist Counsel, the Litigants and the Court, the following Policies and Procedures are hereby adopted for Circuit Civil Division 22 in Osceola County, Florida when practicing before Judge Mike Murphy.

1. SCHEDULING HEARINGS:

MOTION/DOCKET HEARINGS

****Please Do Not email the Judicial Assistant to set a hearing, until the following is completed:**

(A) Refer to the Judicial Automated Calendaring System (JACS), for available hearing dates/times. On the Court's website, www.ninthcircuit.org, under "Services", click on: JACS; then: Go To JACS now; then select calendar: Osceola Civil Division 22; then Retrieve. Most hearing slots are 15-minute slots. If a hearing requires more than 15 minutes, you may combine consecutive 15-minute slots. A party may contact the Judicial Assistant to inquire about possible additional hearing time, not listed on JACS, for any *time-sensitive* issue.

(B) Coordinate the date and time with opposing counsel/pro se party, and email the Judicial Assistant at ctjabg1@ocnjcc.org, with opposing counsel(s)/pro se litigant(s) included, for the hearing to be added to the docket. Parties unable to coordinate with opposing party/pro se litigant must complete, and file with the Notice of Hearing, a certificate of compliance (regarding coordination of hearing time). (See attached "Exhibit B")

(C) A Notice of Hearing should NOT be filed/sent out, unless/until you

have received the email written confirmation from the Judicial Assistant.

(D) ANY NOTICE OF HEARING FILED MUST INCLUDE THE TITLE OF THE MOTION AND FILING DATE.

****HEARING TIME IS NOT CONFIRMED UNTIL YOU RECEIVE A WRITTEN CONFIRMATION FROM THE JUDICIAL ASSISTANT.**

***HEARINGS ARE NOT SCHEDULED VIA TELEPHONE.**

***HEARINGS ARE NOT SCHEDULED BY SIMPLY FILING A NOTICE OF HEARING.**

***In addition to filing the Notice of Hearing with the Clerk of Court, a hard copy of the Notice of Hearing, with a copy of the Motion(s) to be heard, must be furnished to the Judicial Assistant, either by US mail or hand delivery.

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FORECLOSURE HEARINGS (RESIDENTIAL/TIMESHARE & HOA LIEN)

ALL FORECLOSURE TRIALS AND FORECLOSURE SALES ARE CANCELLED UNTIL FURTHER NOTICE

Foreclosure hearings should ONLY be scheduled, if the matter is “essential”. Foreclosure hearings are scheduled on the second Tuesday of each two-week hearing period at 9:00am and 1:30pm. Review the available Tuesday dates on JACS. Once coordinated, email the JA with the date/time requested.

A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.

EX-PARTE HEARINGS

MONDAY – THURSDAY 8:30AM VIA MICROSOFT TEAMS ONLY

Ex-parte is for uncontested/non-evidentiary matters, requiring **five (5) minutes or less ONLY**. Refer to JACS, to verify that the Judge will be available on the date selected. **Any date(s) that the Judge will not be holding ex-parte hearings will be posted on JACS, indicated as “BLOCKED DATES”.** Attempt coordination, and timely notify opposing counsel(s)/pro se litigant(s) of the hearing.

Ex-parte hearings are not scheduled by the Judicial Assistant. Cases are addressed on a first-come, first-served basis.

****Notice of Hearing should be sent to the JA.**

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EMERGENCY/EXPEDITED HEARINGS

If an emergency motion is filed, a copy of the motion, along with a proposed order should be submitted to chambers, and the motion will be reviewed to determine if an emergency/expedited hearing will be scheduled. **Before it can be reviewed, the motion must be imaged on the Clerk's screen and available for viewing. If the motion is not viewable, the motion should be emailed to the JA including the e-filing "time stamp" on the top of the motion, or including the e-filing confirmation received when filed.** Once the motion has been reviewed, if it is determined that a hearing is necessary, the Judicial Assistant will contact the moving party to set the hearing. Expedited hearings are typically scheduled approximately 15 days out, to allow for service of any notice/order regarding the hearing. Emergency hearings may be scheduled with less notice, depending on the nature of the matter. Due to short notice, opposing counsel may appear telephonically, if their schedule will not allow them to appear in person.

A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.

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2. COOPERATION OF COUNSEL

Hearings times must be coordinated with opposing counsel(s)/pro se parties.

Good faith cooperation is expected from all counsel and support staff, and pro se litigants. Should counsel and/or their staff, or pro se litigants fail to respond within three (3) business days, or refuse to cooperate in obtaining or setting a hearing, the difficulty should be specifically set forth in the certificate of compliance, to be completed and submitted with the hearing request and filed with the notice of hearing. If counsel(s)/pro se litigant(s) does not cooperate in scheduling a hearing, the moving party may unilaterally set a hearing, giving at least 15 days written notice to the opposing counsel(s)/pro se litigant(s) who failed to cooperate. **The Notice of Hearing must include a Certificate of Compliance (regarding coordination of hearing time), (see attached "Exhibit B").**

After filing any motion(s), or notice(s), with the Clerk, a courtesy copy should be forwarded to the Judicial Assistant.

A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.

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3. MANDATORY MEET AND CONFER PROCESS

Pursuant to Administrative Order 2012-03, effective April 12, 2012, a mandatory meet and confer process is established for all motions to be set for bearing in the circuit civil division and to occur before scheduling the hearing, except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment; or to permit maintenance of a class action.

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 (regarding meet and confer) **(see attached "Exhibit A")** that the conference has occurred in the Notice of Hearing filed with the court.

It shall be the responsibility of the moving party 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.

A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.

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4. TELEPHONIC APPEARANCES

Parties will appear by telephone/video conference ONLY, unless otherwise notified, and until further notice. ****See additional info in below.**

A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.

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DIVISION 22 – OSCEOLA COUNTY VIDEO AND TELEPHONIC APPEARANCES (NO LIVE APPEARANCES)

Due to the COVID-19 pandemic, beginning March 17, 2020, all civil and probate proceedings in Division 22 will be either by video or telephonic conference only. No parties, attorneys, witnesses or court reporters will be allowed to attend in person at the Osceola County Courthouse. Court reporters may appear remotely, and may coordinate the conference call to the courtroom.

Realistically, the current procedure should be used to address time-sensitive, essential, and routine matters ONLY. The decision to restrict access to the Courthouse was made by the Chief Judge and may be modified or extended at any time.

ALL SCHEDULED EVIDENTIARY HEARINGS WILL NEED TO BE NOTICED AS EVIDENTIARY HEARINGS, AND ALL DOCUMENTS BATES STAMPED and filed with the clerk, as an attachment to a Notice of Filing, two (2) days prior to the hearing, AND ALL WITNESSES MUST HAVE A NOTARY IN THEIR PRESENCE.

APPEARANCE METHOD OPTIONS:

MICROSOFT TEAMS VIDEO/PHONE APPEARANCE:

***HOSTED BY THE COURT
MICROSOFT TEAMS ALLOWS PARTIES TO APPEAR VIA VIDEO OR CALL-IN, WITH NUMBER PROVIDED IN TEAMS INVITE. MICROSOFT TEAMS ALSO ALLOWS FOR CHAT COMMUNICATION.
THE COURT WILL SEND A TEAMS INVITATION TO ALL PARTIES VIA THE EMAIL ADDRESS LISTED ON THE NOTICE OF HEARING.**

TELEPHONIC APPEARANCE:

**TELEPHONIC APPEARANCE OR CONFERENCES:
THERE ARE TWO (2) TELEPHONIC APPEARANCE OPTIONS:**

***PLACING A CALL TO THE COURTROOM
IT IS THE RESPONSIBILITY OF THE ATTORNEY NOTICING THE HEARING TO INITIATE THE CALL TO:
COURTROOM 5C: 407-742-2588 (THERE IS ONE (1) LINE – IF MULTIPLE ATTORNEYS WILL BE APPEARING, THE ATTORNEY NOTICING THE HEARING IS RESPONSIBLE FOR ARRANGING AND PLACING THE CONFERENCE CALL TO THE COURTROOM WITH ALL PARTIES ON THE LINE.**

***PROVIDING TO THE COURT A CONFERENCE CALL NUMBER
ATTORNEYS MAY PROVIDE A LOCAL OR TOLL-FREE CALL-IN CONFERENCE NUMBER. ALL PARTIES MUST BE ON THE LINE WHEN THE COURT PLACES THE CALL TO THE LOCAL OR TOLL-**

FREE NUMBER PROVIDED. THE NUMBER PROVIDED MUST BE LOCAL OR TOLL-FREE IN ORDER FOR THE COURT TO CALL IN.

The Notice of Hearing should indicate the parties appearing, and the method of appearance. A copy of the notice must be emailed to the Judicial Assistant, Breean Greene, at ctjabg1@ocnjcc.org.

RESCHEDULED HEARINGS

If you need to reschedule your hearing, please email the Judicial Assistant. There may be additional availability other than what is listed on JACS online.

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5. AUDIO/VIDEO COMMUNICATION EQUIPMENT APPEARANCES

Parties seeking to have a witness appear by audio/video equipment must review *Rule 1.451* of the Florida Rules of Civil Procedure. Witnesses appearing by audio/video communication equipment must be sworn in at their location by a notary or other person authorized to administer oaths in the witness's jurisdiction.

Parties must contact Osceola Court IT Department (407-742-2488) in advance of hearing/trial to coordinate equipment requirements.

6. CROSS-NOTICING

Additional motions should not be "piggy-backed" by cross-notice, unless counsel first confirms with opposing counsel that there is no objection to the cross-notice, and the Judicial Assistant has confirmed that sufficient additional time is available for all matters to be heard. It is the cross-noticing counsel's responsibility to file a cross-notice of hearing.

A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.

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7. CANCELLATIONS

PROMPTLY notify the Judicial Assistant of cancellations. A Notice of Cancellation should be filed with the Clerk, with notice to the opposing counsel(s)/pro se litigant(s) and Judicial Assistant. If you settle a case, file a dismissal with the Clerk's Office, fax/email copy to the Judicial Assistant. Only the party who noticed a hearing can cancel

it. Only inform the JA of any cancellation of ex-parte hearing if you have previously provided a copy of the notice of ex-parte hearing.

8. COURT REPORTER

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

9. INTERPRETERS

Circuit Civil Court does not provide language interpreters for litigants. You must make your own arrangements. Under the ADA, Court Administration will provide sign language interpreter in civil matters. Contact Court Administration no later than two (2) working days in advance to arrange accommodation for hearing or voice impairment. See *Administrative Order 07-97-32-04*.

10. DISCOVERY DISPUTES

Parties should attempt to resolve discovery disputes in good faith prior to scheduling a hearing. All Circuit Civil Judges follow the guidelines set out in the 2013 Florida Handbook on Civil Discovery Practice.

11. DISCOVERY MOTIONS AND MOTIONS TO COMPEL

All contested discovery motions, Motion to Compel, or Motions for Protective Order must be set for hearing to bring the matter to the Court's attention. Motions to Compel, as well as all discovery motions, must comply with the *Florida Rules of Civil Procedure* including, but not limited to, a certification of a good faith attempt to resolve that matter without court action. See *Fla.R.Civ.P 1.380(a)(2)*. **If no timely 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 (including self-addressed stamped envelopes) with the Motion, and no hearing will be necessary.**

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12. MOTIONS FOR PROTECTIVE ORDERS

The filing of a Motion for Protective Order, without presenting it before the Court, is insufficient. The Court will make itself available for hearings on said motions where the motion could not have been filed and heard in the due course of discovery. Where necessary, and when possible, the Court will hear and, if possible, rule by telephone, on motions that occur during depositions where a failure to do so would require the conclusion of a deposition and the resetting of same, depending on the Court's ruling.

13. MOTIONS IN LIMINE

Motions in Limine may not be scheduled for a hearing unless they contain a certification of good faith attempt to resolve the matter without court action. Notices of hearing on Motions in Limine must specifically identify the specific issues which remain in controversy after counsel has conferred.

14. HEARING NOTEBOOKS, LEGAL MEMORANDUM AND CITATIONS

If you want the Court to review the notebook before the hearing, make sure to email to the Judicial Assistant, at least three (3) business days before the hearing (removable storage device using Word or PDF). Pursuant to Florida law, all Motions/Orders must be in English.

The Court will attempt to review the motion/memorandum, and read the cases cited therein, prior to the hearing, so that an immediate ruling may be rendered. Brevity is appreciated, and Memorandums should be kept to no more than five (5) pages in length. Case law and Memorandums provided to the Court during the hearing may not be considered. The Court, on occasion, may rule on motions without a hearing. Therefore, both the party filing the motion, and opposing parties, are encouraged to timely file written argument with the Court.

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15. LIMITATION ON HEARINGS

All hearings related to discovery or trial matters must be filed and heard prior to the pre-trial conference. Motions in Limine must be heard no later than one (1) week prior to the first day of the trial docket. **NO HEARINGS DIRECTED TOWARDS MATTERS INVOLVING THE TRIAL WILL BE HEARD DURING THE ACTUAL TRIAL PERIOD.**

16. ORDERS AND RULINGS OF THE COURT

The Court will strive to issue Orders and rulings in a timely manner. Every effort will be made to rule the day of the hearing. If it is necessary to take an issue under advisement, the Court will attempt to set a date by which the Court will issue its ruling. If counsel is asked to prepare an Order, the Order must be submitted within seven (7) days of the hearing, after first submitting a copy to opposing counsel. Opposing counsel must advise the Court of any objection to the form of the proposed Order within three (3) days thereafter.

Please make certain that: (1) a copy is provided to opposing counsel; (2) a copy is provided to the Court on a removable storage device or via e-mail; (4) the caption contains more than the word "Order." All Orders must describe, in the caption, the subject and ruling of the court, e.g. "Order Granting Plaintiff Motion for Partial Summary Judgment on Liability. See Fla.R.Civ.P. 1.100(c)(1).

****Orders submitted for review:** For all orders submitted to chambers for signature, without a hearing, a cover letter must be included with all orders submitted, with the opposing counsel's/pro se litigant's position to the order. Orders will not be held, awaiting opposing counsel's/party's position. **Orders will be accepted by email only. All orders**

should contain the following certificate of service:

I HEREBY CERTIFY that I electronically filed the foregoing, via the Florida Courts E-Filing Portal, which will send a Notice of Electronic Filing to the parties listed. The Court further Orders the Moving Party, and if no Moving Party, the Plaintiff, to IMMEDIATELY serve a true and correct copy of this Order to all parties/counsel(s) of record, for whom service is not included in E-file service and file proof of such service with the Clerk of the Court.

*******NO ORIGINALS of ANY document should be submitted to the Judge's chambers. *****THIS OFFICE DOES NOT ACCEPT PAYMENT OF ANY KIND TO ANY PARTY. DO NOT SUBMIT CHECKS OR ANY OTHER FORM OF PAYMENT TO THE JUDGE'S CHAMBERS*******

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EMAIL ALL MOTIONS/ORDERS AND HEARING MATERIAL(S) TO THE J.A., UNTIL FURTHER NOTICE.

17. MOTIONS FOR REHEARING. RECONSIDERATION OR NEW TRIAL

Once the motion has been filed with the Clerk's Office, submit a copy, along with a proposed Order, to the JA for the Judge's review. A hearing will not be scheduled, unless the Judge so directs. **A Notice of Hearing should NOT be filed/sent out, unless/until you have received the email written confirmation from the Judicial Assistant.**

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18. ATTORNEY FEES - DISCOVERY DISPUTES

If you are seeking attorney fees you must, before filing a Motion to Compel, pursuant to *Fla.R.Civ.P 1.380*, 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, or attempted to confer, with opposing party and 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 2013 Florida Handbook on Civil Discovery Practice, which is available on the Ninth Judicial Circuit website.

19. COMPULSORY MEDICAL EXAMINATIONS

See Guidelines for Counsel Regarding Compulsory Medical Examinations at Court's web page or email the Judicial Assistant ctjabq1@ocjcc.org for a copy.

20. SETTING OF TRIALS

SUBMIT COPY OF NOTICE FOR TRIAL TO J.A. VIA EMAIL

The Judicial Assistant can advise counsel, upon inquiry, as to future trial dockets.

Counsel may request in their Notice for Trial, after consultation with opposing counsel, a trial period that will allow sufficient time to complete discovery and facilitate out of court resolution. **When filing the Notice for Trial, include the length of time anticipated to try the case. A copy of the notice, as well as sufficient self-addressed, stamped envelopes for all parties, must be submitted to chambers in order for the case to be scheduled.** If a trial period is not requested in the Notice, the Court will issue an Order setting a Status Hearing to Determine Date of Trial, the order will provide upcoming available trial dockets. The parties may agree to a trial docket and notify the JA by email, and the hearing will be cancelled.

The Court issues a “Uniform Order Setting Case for Trial; Pre-Trial Conference and Requiring Pre-trial Matters to be Completed” in every case, when setting the Trial and Pre-Trial Conference, pursuant to *Fla.R.Civ.P 1.440*.

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21. CASE MANAGEMENT CONFERENCE

The Court may schedule certain cases for a formal Case Management Conference (CMC) and issue an order setting forth the matters to be covered at the conference. Cases such as some medical malpractice, complex commercial litigation, multiple party litigation, cases with voluminous records or exhibits, as well as other types of cases may be set by the Court, without request, for a Case Management Conference.

However, any case can be submitted for a Case Management Conference by simply filing a written request, with brief detail indicating the reason for the request, and emailing to the Judicial Assistant. A Case Management Conference request should not be submitted to obtain a Status Conference or Pre-Trial/Trial Period date, if a Notice for Trial has been filed (see #20 *Setting of Trials*). Once submitted, the action will be controlled, not only by the Pre-Trial Order, but also by the Case Management Order.

22. PRIOR TO PRE-TRIAL

As noted above, a “*Uniform Order Setting Case for Trial; Pre-Trial Conference and Requiring Pre-trial Matters to be Completed*” will be issued, when the dates are set for pre-trial and trial. The Uniform Order should be reviewed in detail and the dates for completion of various items calendared. The Court will presume that each attorney and each party is familiar with the requirements of that Order. Compliance of time limits is not optional nor extendable by stipulation. **THE COURT EXPECTS STRICT COMPLIANCE WITH THE ORDER ABSENT A TIMELY MOTION AND ORDER OF COURT MODIFYING THE CONDITIONS THEREIN.**

Mediation: **Mediation MUST BE COMPLETED prior to pre-trial.** The Plaintiff is charged with timely submitting the mediation order.

Witnesses, Exhibits and Experts: The pre-trial order requires disclosure of witnesses, exhibits and experts with specificity in a timely manner. Exhibits must be presented for review and annotation of objections lest said objections be deemed waived. Experts must be disclosed and must be made available for discovery by the retaining party without the necessity of a subpoena.

Joint Meeting of Counsel: Plaintiff is charged with arranging a meeting of all counsel at least 10 days prior to pre-trial in person. Attendance is mandatory by the attorneys that will actually be trying the case.

Joint Pre-trial Statement: Following the joint meeting, Plaintiff is charged with preparing the joint pre-trial statement. If disagreements exist among the attorneys, the statement must set forth both versions.

Motions to Continue: If counsel believes the trial date is not workable, an immediate request for continuance should be made. All motions to continue must be: (1) in writing; (2) signed by the attorney and the parties requesting same; (3) identify the position of opposing counsel on the motion; (4) set forth when the parties will be ready for trial, if granted; and (5) comply with *Fla. R. Civ. P. 1.460*. Stipulated motions to continue will not result in the trial being continued unless and until the Court reviews the motion and enters an Order on same. The Court may require a hearing on the motion or conduct a case management conference.

23. PRE-TRIALS

Pre-trials will be utilized to set the order of the trial docket, discuss witness problems, jury instructions issues, audio/visual equipment needs, need for interpreters, responsibility for obtaining the court reporter, and other trial related issues. Pre-trial is NOT the time to handle Motions to Continue, or discovery issues, as these matters must have been raised and heard well before the pre-trial conference. **PARTIES SHOULD ESSENTIALLY BE READY TO TRY THEIR CASES AS OF THE PRE-TRIAL CONFERENCE.**

24. SETTLEMENT OR RESOLUTION

The Court must be notified immediately of any settlement or resolution of any matter on the trial docket. However, the trial will not be removed from the actual docket, is subject to trial call, and the attorneys must appear, until such time, as the Court receives written notice of dismissal, or has signed an Order that the matter has been resolved.

25. TRIALS

NO CIVIL TRIALS WILL BE SCHEDULED THROUGH JULY 31, 2020.

Trials will take place in Courtroom 5C unless otherwise indicated. Counsel and their clients are to be in the courtroom and ready for trial no later than 8:30 a.m.

Courtroom Etiquette and Decorum: Counsel shall stand when addressing the Court or the jury. Counsel should seek permission of the Court to approach the bench, the clerk, the witness or the jury. All parties and attorneys shall avoid contact with the venire and jury and counsel shall so instruct their clients and witnesses. Counsel shall address all arguments to the Court and not opposing counsel. Counsel shall admonish their clients that gestures, facial expressions or any manifestations of approval or disapproval of anything occurring in the courtroom is absolutely prohibited. Please see *Ninth Judicial Circuit Courtroom Decorum Policy* available at www.ninthcircuit.org.

Trial Briefs: **If a trial brief is to be filed with the Court it should be submitted to the Judge's Chambers no later than five (5) business days before the trial is to commence.** The Court appreciates hard copies of cases cited in the trial brief with appropriate highlighting of the pertinent sections.

Court Reporter: The same Court Reporter must report the entire trial to enable jury read backs.

Voir Dire: The Court will conduct a preliminary voir dire of the jury. Counsel may

request the Court to explore certain areas of inquiry that may be important to the trial but sensitive in nature. Counsel are reminded to be considerate of the jurors' personal lives during their inquiries as well as the jurors' time constraints. While the Court will afford counsel significant latitude in questioning, the Court will limit repetitive questions. Counsel shall not attempt to either explore the facts of their case or explain the law that may apply in the case.

Jury Selection Process: After voir dire, the Court will first ask each side for any cause strikes. Upon completion of challenges for cause, the Court will move to peremptory challenges. The Court will start with the first juror and move sequentially as they are seated in the venire, alternating between counsel(s), until a panel is chosen. Back striking during jury selection is always permitted. The number of alternates will be determined by the type and length of the trial. Each party will have one additional strike as to each alternate.

Opening and Closing: Only demonstrative aids or exhibits marked by the clerk, agreed to by all counsel or approved by the Court may be used in either opening or closing. Counsel may move away from the podium, but shall remain mindful of the jury's space. Counsel should stay at least three feet back from the jury rail at all time. Do not block Judge's view of jurors. The Court will discuss with counsel the time requirements for both opening and closing and will expect that a reasonable estimate be provided by counsel. Counsel are expected to adhere to these time constraints. Counsel shall not read from, nor appear as if she/he is reading from, reports, depositions or transcripts.

Exhibits: All exhibits are to be marked for identification by the clerk prior to the start of trial. Exhibits which will be stipulated into evidence may be marked as exhibits. Once exhibits are marked, either for identification or in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and authorized by the Court. **Audiovisual and/or equipment questions should be addressed to the IT department at (407) 742-2488.**

Demonstrative Aids: Any demonstrative aid that is to be used at trial must be marked by the clerk and exhibited to opposing counsel and the Court prior to the start of trial. The Court will hear argument of any counsel opposing the use of the demonstrative aids prior to the start of trial. No aids are to be shown to the jury without prior approval of the Court.

Experts: The Court will not accept or qualify a witness as an expert in front of the jury. Challenges to an expert's qualifications will be handled outside the presence of the jury. Experts are to be cautioned by the attorney who calls the expert of "in limine" rulings, and the effect of the invocation of the Rule of Sequestration.

Use of Depositions: If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.), make certain a hard copy is available both for the Court and for the witness being questioned.

Objections: The Court will not allow speaking objections in front of the jury. When counsel rises to object, the legal basis for the objection only should be stated. If elaboration is necessary the Court will call counsel to the Bench for a Bench Conference out of the presence of the jury. Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer or question is patently objectionable. Once the Court has ruled, no further argument shall be permitted.

Jurors: The Court generally will allow jurors to take notes and to ask questions where necessary. *Section 40.50, Florida Statutes.* If any counsel objects to these procedures such objection should be addressed to the Court prior to the day of trial.

Jury Instructions: Jury instructions and verdict forms are to be prepared by both sides and exchanged **no later than three (3) working days before the Pre-Trial Conference.** A hard copy should be provided to the Court at least three (3) business days prior to the trial along with a copy on a removable storage device. The Court intends to provide the jury with a written copy of all jury instructions when the jury retires to deliberate.

Therefore, there should be enough copies of the final instructions for each juror, the clerk, Court, counsel and the court reporter. In addition, the final instructions should not contain any citations, jury instruction titles or information as to who requested the instruction.

DO NOT SUBMIT HARD COPIES OF ANY MOTIONS/ORDERS OR HEARING MATERIALS TO CHAMBERS, UNTIL FURTHER NOTICE. EMAIL ALL MOTIONS/ORDERS AND HEARING MATERIAL(S) TO THE J.A., UNTIL FURTHER NOTICE.

26. COURT'S WEBSITE/RESOURCE/INFORMATION

www.ninthcircuit.org

Under the RESEARCH tab: parties will find the link to Administrative Orders, Court Forms (an online library of court approved forms), Court Resource Center (conduct legal research and receive general court information), Legal Glossary (definitions for legal terms), Legal Research (resources), and Rules and Policies.

Under the SERVICES tab: parties will find the link to JACS (for available hearing dates/times).

Administrative Orders: All parties should become familiar with the Administrative Orders of the Court.

27. CONTACT/QUESTIONS

Please email the Judicial Assistant with any questions regarding these policies and procedures. Email is always the most efficient way to communicate with this office.

"Exhibit A"

First Option

CERTIFICATE OF COMPLIANCE (as to meet and confer)

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 (as to meet and confer)

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.

“Exhibit B”

CERTIFICATE OF COMPLIANCE (as to coordination of hearing time)

I HEREBY CERTIFY that a good-faith attempt was made to contact opposing party/attorney to coordinate hearing time, via email/telephone/US mail, on:

_____ (date), _____ (time)

_____ (method of contact)

(email address/telephone number/physical address)

I have provided the opposing party with the following three (3) available dates/times:

1. _____ (date) at _____ (time)
2. _____ (date) at _____ (time)

3. _____(date) at _____(time)

The opposing party has not responded within two (2) business days by either picking one of the proposed dates or by providing alternative dates/times within seven (7) days of the originally proposed dates, therefore I am requesting the following date/time to schedule a hearing:

_____(date) _____(time)

/S/ _____

Party/Attorney requesting hearing time.

Date