

State of Florida
Ninth Judicial Circuit of Florida
Orange County Courthouse
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Orlando, Florida 32801
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WWW.NINTHCIRCUIT.ORG

Jenifer M. Harris
Circuit Judge

Pick Griffin
Judicial Assistant

**PROCEDURES FOR JUDGE JENIER M. HARRIS
PROBATE DIVISION (2) AND DOMESTIC DIVISION (30)**

COURTROOM All hearings, unless otherwise noticed, are held in **Courtroom 16C**

EX PARTE **Monday, Tuesday, and Thursday from 9:00 a.m. to 9:30 a.m.** An updated list of dates that the Judge will be unavailable for Ex Parte & Short Matters is located on the JACS webpage at www.ninthcircuit.org under Division 30. Please visit this site to confirm that the Judge will be available on the date that the hearing is being scheduled.

Ex parte is for entry of orders for quick, stipulated, and unopposed matters.

SHORT MATTERS **Monday, Tuesday, and Thursday from 9:00 a.m. to 9:30 a.m.** Short Matters time is for short legal argument of five minutes or less with no testimony or evidence presented. Motions to Compel, Motions to Dispense with Mediation, Motions to Withdraw & Motions for Substitution of Counsel are examples of short matters. An updated list of dates that the Judge will be unavailable for Ex Parte & Short Matters is located on the JACS webpage at www.ninthcircuit.org under Division 30.

It is the responsibility of the moving party to ensure the matter qualifies as a short matter and to coordinate and timely notify the opposing counsel or pro se litigant of the date and time of the hearing.

HEARINGS Not every motion requires a hearing. If you wish for it to be ruled on in chambers, please state that in the motion. The Court will give time for the opposing party to respond. Either party may request a hearing. To set a hearing, consult the JACS page on the Court's website, www.ninthcircuit.org for available dates and times. You must speak directly with the Judicial Assistant in order to secure hearing time. Please do not send a Notice of Hearing until you have confirmed the time with the JA. The notice should state the entire motion name, the date, and the time. All hearing times must be coordinated with the opposing attorney or pro se litigant.

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If you are seeking a hearing time of more than one (1) hour, you must see the Judge during Ex Parte to get authorization before the hearing can be set. A hearing merely noticed without speaking and confirming with the judicial assistant, will not be entertained.

EMERGENCY HEARINGS

A copy of the filed Verified Emergency Motion, along with a proposed order, must be provided to the court by hand delivery at which time the motion will be reviewed. The Court will not consider emergency motions at Ex Parte or Short Matters. The Court will enter an order without a hearing or contact counsel by telephone to provide emergency hearing time or, if the court determines that the matter is not an emergency, instruct the parties to schedule a hearing on the first available time on the regular calendar.

In the event Judge Harris is unavailable to review an emergency motion you may contact her alternate, Judge Jose Rodriguez to see if he is available to review the matter.

COURT COPIES

All case law, memoranda and anything else that counsel would like the court to review in preparation for the hearing must be provided to the court at least 5 business days but not more than 10 days prior to the hearing. **If the materials exceed 50 pages, the court requires that the materials be on a USB Drive with a hyperlinked index.**

CANCELLATIONS Please notify the Court promptly of any cancellations so that the hearing time can be offered to other parties. A Notice of Cancellation should be sent to the JA at the time the Notice of Cancellation is filed with the Clerk. It is not necessary to contact the JA regarding cancellations of Ex Parte or Short Matters hearings since they are not calendared.

DISCOVERY MOTIONS

Discovery motions should be scheduled at short matters unless they do not meet the short matters criteria of 5 minutes or less with no testimony and no evidence.

TELEPHONIC OR VIRTUAL APPEARANCE

The Court allows out-of-town attorneys to appear by telephone or any other virtual appearance for most hearings. Judge Harris will allow telephonic hearings in some instances. Judge Harris requires a toll free number or a local number to be given for the court to call when he is ready for the hearing. If a party has no local phone number or toll free number available, then counsel shall be responsible for arranging client's appearance via their cell phone and speaker.

The Court offers video conferencing. This is a free service which requires

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a testing be done prior to scheduling a hearing. To schedule a testing: <http://ninthcircuit.org/sites/default/files/VideoConferenceHearings-Probate-Business-Courts.pdf> Please note: Court hearings often run behind scheduled time. If you are appearing via phone or video, please expect delays in start times

If testimony will be presented, the party must be in presence of a person authorized to administer the oath.

Telephonic appearances at Case management or Pretrial are not permitted. The lawyers trying the case and the parties to the matter must be present.

CONTINUANCES The Court does not automatically grant motions or stipulations for continuance. Please set the matter for a hearing at ex parte with notice to all parties.

WITHDRAWAL OF COUNSEL Motions to Withdraw as counsel should be set during ex parte with notice to all parties if client consent cannot be obtained. If you have written client consent (attached to the motion) you may submit a copy of the motion along with a proposed order and service list. You must also provide an addressed, stamped envelope for any unrepresented parties, including the client for which you are withdrawing. In the proposed order, please include the name, physical address, e-mail address and telephone number of the client to whom the pleadings will be sent in the body of the order as well as in the certificate of service. If the client is a corporation or other legal entity, allow no more than thirty (30) days to obtain substitute counsel.

PRETRIAL/TRIAL After a Notice for Trial are received by the Court an Order Setting Trial and Pre-Trial Conference will be mailed to counsel/pro se litigants or the case may be referred to the General Magistrate for Trial.

Attorney/pro se litigants are required to file and deliver by mail or hand delivery to the Court, three days prior to the pre-trial a Pre-Trial Memorandum as directed by said order. Trials are heard generally within a two (2) week trial period on Wednesdays, Thursdays and Fridays. **Appearance at the pre-trial conference by telephone is not permitted.** Lead attorneys **MUST** be present at the pre-trial conference. Motions are not heard during pre-trial conference. All motions must be scheduled for hearing **PRIOR** to pre-trial conference.

ORDERS

Bring proposed orders to scheduled hearings with sufficient copies. If the Court requests counsel to prepare an order from the hearing/trial, counsel shall prepare and submit the order to the Court **within 10 days. Counsel should submit the order to opposing counsel/pro se litigant for approval before submitting it to the Court with a cover letter stating whether the opposing counsel/party has an objection to the form of the order.** If the parties cannot agree on the form of the order, both counsel and/or pro se litigant shall present proposed orders with the differences red-lined to the Court within the ten day window. Proposed orders shall be emailed in word format in addition to mailing a hard copy to chambers. Please do not submit an order and ask the Court to hold the order pending approval by the opposing party.

All orders should be titled with the name of the motion and the date the hearing was held and include a complete certificate of service.

AGREED ORDERS

All proposed agreed orders: Orders shall be submitted to the court in hard copy by mail or hand delivery as well as emailed. **Please indicate in the cover letter that opposing counsel has reviewed and approved the content of the order when submitting to the court.** If you want to know if a specific order has been signed by the Judge, you should check the clerk's system to see if it has been docketed as the JA is unable to track the signing of a specific order.

Agreed Orders Following a Hearing:

Please include the date the hearing was held both in the cover letter and in the first paragraph of the order. **Orders must be approved by opposing counsel. If the content of the order cannot be agreed upon, or no response is received, see the preceding instructions.** The court will not hold orders waiting for objections.

Agreed Orders Without Hearing: The agreed proposed order shall be submitted, **with a copy of the motion**, and a cover letter stating that it is agreed by all parties. The motion must also contain a certificate of good faith conference.

Certificate of Service: The order should indicate that the original will be filed via ECF. If there are any parties that do not receive copies via ECF, an additional copy and self-addressed stamped envelope should be provided for that party. The certificate of service should also indicate that these parties will receive their copy via U.S. Mail. If all parties are registered on ECF, it is only necessary to submit one hard copy for the Judge to sign. Please do not indicate that the order will be sent to all parties both via U.S. Mail and ECF.

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MOTIONS FOR REHEARING Motions for Rehearing should be mailed or hand delivered to the Court for review. After review the Court will enter a ruling without a hearing; notify the moving party that a hearing will be set on the Motion or notify the moving party that a new hearing on the motion shall be scheduled.

VOICE MAIL Voice mail is routinely updated to state if the Judicial Assistant is in or out of the office for any reason. If you reach the voice mail during the work day, the Judicial Assistant has been called away from her desk to assist the Judge or a litigant, make copies, attend a pre-trial conference or at lunch. Please leave a brief message with your name, phone number and case number, and if calling to schedule a hearing, the date and time of the requested hearing. Your call will be returned. If you receive a busy signal, rest assured the Judicial Assistant is on the line with someone else and will finish that call shortly.

WEBSITE Visit the Court’s website at www.ninthcircuit.org for general information including scheduling, Court Services and Florida Supreme Court approved Forms.

DOMESTIC ONLY

UNCONTESTED DIVORCE Attorney represented uncontested divorce cases are heard by the Domestic Violence Judges. The instructions for setting uncontested divorce hearings can be found under JACS on the ninth circuit website at www.ninthcircuit.org/services/jacs.

ADOPTIONS These hearings will not be heard at Ex parte/Short Matters. All available hearing time is located on the JACS webpage at www.ninthcircuit.org under Division 30. Family members are welcome and cameras are allowed.

NAME CHANGES Attorney represented Name Change hearings are held at Exparte/Short matters Monday-Thursday at 9:00 am. Please refer to the JACS page on the Court’s website, www.ninthcircuit.org for available dates and times.

Pro se name changes will be scheduled through Family Court Services.

GENERAL MAGISTRATE If you wish to have your case heard by the General Magistrate, file a Motion for Referral to the General Magistrate and provide the Court a copy including the motion/issues you wish to have referred to the General Magistrate. The Court will issue an Order of Referral to the General Magistrate.

MEDIATION Mediation is required in all Domestic cases in accordance with local amended

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Administrative Order 2004-14-02. The parties are to mediate prior to scheduling hearing time on temporary matters as well as prior to filing a Notice for Trial. Motions to dispense with mediation may be taken up at Short Matters.

**TEMPORARY
HEARINGS**

Prior to scheduling temporary hearings, the parties must attend mediation. Also note that only one temporary hearing will be set. If a further hearing is needed, counsel should see the Div. 30 Judge during ex parte before scheduling additional time or notice it for trial.

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