



State of Florida Ninth Judicial Circuit of Florida

ORANGE COUNTY COURT BUILDING

Ocoee Branch

475 Story Road

Ocoee, Florida 34761

Phone: (407) 254-6850

Email: 75orange@ocnjcc.org

Virtual Court:

<https://ninthcircuit.webex.com/meet/75orange>

www.ninthcircuit.org

County Judge
K. DOUG WALKER

Judicial Assistant
DEBBIE BOXLEY

Guidelines and Procedures

for

County Civil Division 75

Judge K. Doug Walker

Orange County Judge

(Updated 6/28/2024)

In order to assist self-represented litigants (sometimes referred to as “*pro se* litigants”) and attorneys, the following guidelines and procedures are adopted for County Civil Division 75 in Orange County, Florida when practicing before Judge K. Doug Walker. ***Please note*** these are general guidelines/procedures. Each case is unique. The Court or applicable law may require different or additional procedures than referenced below.

Small Claims Action

If you file a **Small Claims** action (damages sought are \$8,000 or less) it will be set for a **Pre-Trial Conference/Mediation** (Clerk sets the date and time on Summons). Assuming service of process timely perfected, parties will conduct a telephonic or Zoom Pre-Trial Conference. The link for the hearing will appear on the notice.

Parties are encouraged to resolve cases prior to the pre-trial date but they still must appear at the Pre-Trial Conference to meet with Judge and make sure the agreement has been approved by the Court. **Make sure to check in.** Attorney can appear at Mediation

without client in a Small Claims action if they have full settlement authority. **Pre-Trial Conference may only be continued by Court Order.**

If a party fails to appear at Pre-Trial Conference/Mediation, the opposing side can request a Clerk's Default or Court Dismissal of Action. Attorneys wanting a Clerk's Default must submit the Order to the Clerk's office. The Clerk will not provide a Default Order to an attorney. If default is entered, submit a Default Final Judgment packet to the Judge via the Clerk so that all pleadings/affidavits are properly filed, with a copy to the Court in **Word format** at 75orange@ocnjcc.org.

Note: Administrative Order effective October 7, 2021 (2009-12-03) regarding First Party Insurance Claims. While these cases maybe filed as Small Claims cases, the Rules of Civil Procedure are invoked upon filing of the action.

County Court Action

If you file a **County Court** claim (\$8,001 to \$50,000) no mediation date will be set. Defendant typically has 5 to 20 days to reply after service (see Summons for response date). If Defendant fails to respond the Plaintiff can move for a Clerk's Default. If Defendant is self-represented (or "*pro se*") and files a response to complaint, the Court is likely to refer to Mediation office at Courthouse (\$60 mediation fee each party; Mediation office asks that you kindly pay in advance). Landlord Tenant actions are treated differently pursuant to Florida law.

All Parties must be familiar with Ninth Judicial Circuit Administrative Order 2021-04-01, Order Governing Civil Case Management and Resolution.

Hearings

Ex Parte – There are no Ex Parte hearings. Please simply email your proposed order(s) in WORD Format to 75orange@ocnjcc.org

Pro Se Litigants – Written requests for relief or judicial action, known as a **Motion**, must be mailed to or filed with Clerk of Court. Do not fax to Clerk. The Clerk will deliver the Motion to the Judge to review. If a hearing is necessary, the Judicial Assistant will attempt to contact all parties to schedule a hearing. If parties are unable to be reached or fail to return a message, the Judicial Assistant will set hearing date and time. Make sure the Motion has a proper caption, case number, date, your mailing address, phone number, email address (if any), printed name and signature. Mail copies of the Motion to all other litigants or their counsel if represented.

You should sign up for the e-portal to file your documents and receive them on your email, saving time and money by clicking this link
<https://www.myflcourtaaccess.com/common/ui/pages/register.aspx?rr=5>

How to Schedule/Cancel a Hearing

Counsel of record must comply with the 9th Circuit “Meet and Confer” Rule outlined in the Ninth Judicial Circuit Administrative Order No. [2012-03-01](#)

Contested Hearings:

***ALL NON-EVIDENTIARY HEARINGS 15 MINUTES OR LESS ARE VIRTUAL
UNLESS REQUESTED TO BE IN-PERSON.***

***ALL EVIDENTIARY HEARINGS INCLUDING NON-JURY TRIAL ARE IN-
PERSON UNLESS OTHERWISE ORDERED***

- (1) Using the aiCalendar, select an available hearing date and time. Go to the Court website, www.ninthcircuit.org. Go to the bottom of the Home Page where you will find “Available Hearing Time”. This takes you to a separate page, click on aiCalendar. Scroll down to Civil Division 75. Click on Available Hearings. Dates have to be searched one day at a time. There is not a selection that will allow you to see a week or month, only one date at a time.
- (2) Coordinate the date and time with opposing counsel/pro se party. **To set unilaterally**, you MUST comply with the requirements of the Ninth Judicial Circuit Administrative Order No. [2012-03-01](#) and include a **completed Certificate of Compliance** with your hearing request.
- (3) Email the Judicial Assistant at 75orange@ocnjcc.org, with a copy to all counsel/self-represented litigants, for the hearing to be added to the docket. Your email must include the case number and style, title of the motion to be heard, date of the “meet and confer”, date and time of the requested hearing, number of witnesses, and amount of time requested. If more than 30 minutes is needed for the hearing, you must state the reason for the amount of time requested in your email.
- (4) Receive confirmation time for your hearing. Your hearing time is not confirmed until you receive a reply email from the Judicial Assistant. Your confirmation will include the virtual link to attend the hearing if applicable.
- (5) File a Notice of Hearing with the clerk of court and properly notice all parties.
Cooperation of Counsel – If counsel/pro se litigant does not cooperate in scheduling a hearing, the requesting party may unilaterally set a hearing giving at least 14 days written notice (plus 5 days if mailed) to the opposing counsel/litigant who failed to cooperate. Notice of Hearing must state that opposing counsel/litigant refused to coordinate a hearing time.

Emergency Hearings - If an emergency situation arises, counsel/pro se litigant 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 delivered 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 attempt to contact counsel/litigants to set the hearing. In light of the short setting, opposing counsel/litigant may attend the hearing via telephone if their schedule will not allow them to appear in person.

Cancellation of Hearings: It is the responsibility of the attorney to notify the Judicial Assistant of all hearings that are cancelled. The Clerk of Court does not send copies of Notices filed to the Judge or Judicial Assistant. Email Notice of cancellations to: 75orange@ocnjcc.org. ***Hearings/Trials cannot be cancelled unilaterally.*** You must email or speak directly with the Judicial Assistant, provide the reason for the cancellation and the Judicial Assistant will advise if the matter can be cancelled. Timely file with Clerk's Office and fax/email to Judicial Assistant a notice of cancellation. If you settle a case, file dismissal with Clerk's Office, fax/email copy to Judicial Assistant and advise Judicial Assistant to take case off hearing/trial docket.

Court Reporter - If you want a record of hearing/trial **you must make arrangements** for a **Court Reporter**. Parties, Witnesses and/or Attorneys shall not record the proceeding except through a court reporting service present in the hearing room/courtroom.

Interpreters - Unlike criminal cases, **County Civil does not provide language interpreters for litigants. You must make your own arrangements.** **Caveat** –Under the ADA, Court Administration will provide sign language interpreter in civil matters. Contact Court Administration no later than 2 working days in advance to arrange accommodation for hearing or voice impairment. See Administrative Order 2008-01-02.

Hearing Materials (Caselaw, Exhibits, etc.) – All hearing materials to be reviewed by Judge Walker must be submitted on USB flash/jump drive or via email using the Division 75 email. Hearing Notebooks will not be accepted. All materials SHALL be provided or filed with the court three (3) days prior to the date of scheduled hearing. (Keep in mind FL ST BAR Rule 4-3.3 when preparing your materials). Physical hearing binders are strongly discouraged.

Filing of Pleadings – E-File or Mail to Clerk's Office. Please understand if you e-file, it takes roughly 72 hours for that filing to appear in the clerks system for the Judge to see. If you go to the Clerk's Office, Room 310, to file a document/pleading in a case set for hearing within 48 hours, please tell the Clerk at the counter. He or she will make sure it makes it into the Court file/Odyssey.

Proposed Orders and Final Judgments – Proposed Orders should be emailed to 75orange@ocnjcc.org in WORD format. Agreed orders must indicate "Agreed" within the order itself. Please attach a courtesy copy of the motion and any required supporting documentation or affidavits. **PLEASE DO NOT MAIL PAPER ORDERS TO CHAMBERS.**

The Court serves parties/counsel of record via the E-Portal. Plaintiff is responsible for serving any party not participating in electronic filing and then filing a Certificate of

Service within three (3) business days of the Order. **Please ensure your proposed orders include this language.**

For in-person hearings, bring proposed Orders to ***ALL*** hearings, with proper number of copies, and self-addressed stamped envelopes.

Proposed Orders and requests for Default Final Judgments are often sent back to the attorney. Division 75 uses a “**Kickback Order**”. This is an Order from the Judge that advises the attorney/pro se litigant why a requested action cannot be acted on by the Court. You may want to review as it addresses the common deficiencies of Pleadings/Motions/Affidavits filed with the Court.

Preparation - A well prepared attorney/pro se litigant should do the following:

(A) **Show up on time.** If you fail to show up or to contact the Court to advise you are running late, the hearing or trial will start without you, even if your client is present. As a courtesy, the Court may provide a 5 minute grace period for hearings and a 10 minute grace period for trials.

(B) **Check In-** Check in with Receptionist or Deputy when you arrive for a hearing. The Deputy’s job is to provide security, not serve a receptionist. Questions should be directed to the Judicial Assistant, go to the Clerk’s Window or go on line to “www.myorangeclerk.com”.

(C) **Bring proposed Order** with copies/stamped addressed envelopes; copies of case law/Statutes for Judge and opposing counsel; and copies of Motion, in case missing from Court File/Odyssey system. If you highlight case law/exhibit, all copies must be highlighted. Bench notebooks with copies of pertinent pleadings, case law and Proposed Order, are welcomed. Make sure opposing counsel receives the same notebook. If you want the Court to review notebook before hearing, make sure to deliver well in advance (e.g. 3 days).

(D) **Know proper Courtroom Decorum.** The Ninth Circuit has adopted the Orange County Bar Association Standards of Professionalism (see attached). If you are not sure about appropriate courtroom protocol, please ask.

Telephonic/Virtual Appearance – Florida Rule of Judicial Administration 2.530 governs the use of communication equipment. You appear remotely/virtually at your own risk – all evidentiary and procedural requirements still apply.

Discovery Disputes

Discovery Disputes – Attempt to resolve discovery disputes in good faith prior to scheduling a hearing. All County Civil Judges follow the guidelines set out in the 2021 Handbook on Discovery Practice, available at [Rules and Policies | Ninth Judicial Circuit Court of Florida \(ninthcircuit.org\)](https://www.ninthcircuit.org/rules-and-policies)

Discovery Motion – The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient. Motion must be set for hearing to bring the matter to the Court's attention. If no 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 with the Motion. No hearing will be necessary.

Attorney Fees - If you are seeking attorney fees you must, before filing a Motion to Compel pursuant to Rule 1.380, Florida Rules of Civil Procedure, or a Motion for a Protective Order, as provided in Rule 1.280(c), Florida Rules of Civil Procedure, 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 with opposing counsel and that counsel 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.

County Court Trial

County Court actions will be set for trial when they are at issue.

Non-Jury Trial - All in person hearings and trials are held at the Ocoee Branch Courthouse, located at 475 Story Road, Ocoee, FL 34761 unless otherwise noted. In Division 75, for a non-jury trial, file a Notice for Trial (i.e. that the case is at issue) with the estimated time needed by all sides and the Court will schedule a Status Conference Hearing, issue a Case Management Order/ Uniform Trial Order requiring Pre-Trial matters to be completed or coordinate with parties to set trial date. You can also review aiCalendar docket for available times, clear with opposing counsel/pro se litigant and then contact Judicial Assistant with your request for a date, time and length of trial. Court will ultimately decide trial date and how much time will be allocated for trial. If you need more than an hour, it is suggested that you set out reasons in writing to the Judge.

Jury Trial - For a jury trial in Division 75, file a Notice for Trial and email a copy of the notice to the Judicial Assistant who will then schedule a Status Conference Hearing. Court will determine at hearing if case is at issue and if so, set on a Jury Trial Docket. Order of cases will be determined at Pre-Trial Conference, usually 10 days before start of trial period. After status conference court will issue a **Uniform Order Setting Case for Jury Trial and Pre-Trial Conference**.

Mediation, all hearings, and discovery must be completed before the Pre-Trial Conference.

Have A Question About Your Case?

Please understand that the County Civil Judges and Judicial Assistants work very hard to handle the thousands of cases before them. With so many law firms and pro se litigants, the Judicial Assistants spend hours each day talking to individuals when most of their questions could be answered by using the internet to review the Court file or by simply filing an appropriate Motion.

When the Court signs an Order it is delivered to the Clerk for filing. Copies are mailed or emailed to the parties. If you want to know if an Order has been entered check with Clerk or wait for mailed copy. Court does not maintain copies of signed Orders.

Myclerk - As of March 2009 County Civil utilizes the **Odyssey electronic case management system**. Odyssey is maintained by the Clerk of Court. Odyssey electronically displays court filings, including financial information. Non-court personnel can access the Odyssey docket listing by going to www.myorangeclerk.com. On the left side is the icon for “myclerk”. Click the icon, answer access question, click Civil Case Records link, search by case and type in your case number (remember “o” as in Orlando, is the typical court location). Click the case and you can see the list of pleadings and orders filed with the Clerk. You cannot open up a particular document (unless you go to Room 310 and use a computer in the Viewing Room); you essentially are looking at a docket index. It is the same one that the Judicial Assistant is looking at if you were to call with a question. Please use “myclerk” instead of calling the Judicial Assistant.

Electronic Filing - County Civil is part of the Electronic filing system used in Circuit Civil. You can electronically file County Civil pleadings. **Note:** the Judicial Assistants print mailing envelopes using the Odyssey system. If you know a name/address is erroneously listed in Odyssey, contact Clerk’s Office to modify. If address has changed, file Notice of Change of Address with Clerk’s Office. Clerk has complete authority over what goes into Odyssey. **Court Files** - Technically County Civil is “file less”. In other words the Judges do not need files as they can access Odyssey. If you file something today Clerk’s policy to have it displayed in Odyssey in 72 business hours. The reality is that it may be much longer.

Review a File - If you want to review a file in person or see the pleadings listed in Odyssey go to **Viewing Room** located at the Orange County Courthouse, 425 N. Orange Avenue, Orlando FL 32801 in Room 310. Using available computers, type in password “public” and navigate to file. No charge to view; \$1 per page to print out.

Confirm Upcoming Hearing - Want to confirm a scheduled hearing in a division? Go to www.ninthcircuit.org. Click the “Attorney” link on right side and click the “Dockets” link toward the bottom of the Information column. Select the division and it will display scheduled hearings/trials for approximately the next two weeks.

Contact Information

Judge K. Doug Walker

Orange County Courthouse
Ocoee Branch
475 Story Road
Ocoee, FL 34761

Debbie Boxley, Judicial Assistant

Phone Number: 407-254-6850
475 Story Road
Ocoee, FL 34761
Email Address: 75orange@ocnjcc.org