



**STATE OF FLORIDA
NINTH JUDICIAL CIRCUIT OF FLORIDA**

COUNTIES OF ORANGE AND OSCEOLA
ORANGE COUNTY COURTHOUSE
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COURTROOM 19-B; HEARING ROOM 1100.02
ORLANDO, FL 32801
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JOHN D.W. BEAMER

Circuit Judge

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Judicial Assistant

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A. Communications with the Judicial Office

- **Method of Communication:**

- ☐ Division E-mail
 - ☐ All communications to the judicial office must be submitted by e-mail to 33orange@ninthcircuit.org, the dedicated division e-mail account. The subject line of any e-mail to the judicial office must contain the case number, case name, and relevant matter (e.g., 2026 CA 001234 – Doe v. Doe – 30-Min Hearing Requested).
 - ☐ Emails to the Court must be sent to 33orange@ninthcircuit.org. Emails should not be sent to the Judicial Assistant's or Judge's personal work email.

- **Ex-Parte Communications:**

- ☐ All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering ex parte communications or from considering case related communications outside the presence of all parties, unless authorized by law. All parties **MUST** be copied on any e-mail directed to the judicial office, unless an ex parte communication is authorized by law.

- **Unsolicited Communications:**

- ☐ Parties involved in an active case cannot contact the court ex-parte by email or by phone. If contacted, the Court will take no action as to the phone call or email. All requests **MUST** be made by the Division Email or in writing and filed with the Clerk of Court located at 425 N. Orange Avenue, Room 350, Orlando, FL, 32801, with a copy provided to all other counsel and/or unrepresented parties.
- ☐ This means, all information, emergency matters, and requests of any nature will need to be put in the form of a written motion and filed with the Clerk of Court via the Florida Courts e-filing Portal, hand delivery or U.S. Mail.
- ☐ **ONLY** Self-represented litigants and attorneys excused from e-mail service may communicate with the judicial office by telephone call to [\(407\)-836-1491](tel:(407)836-1491). The judicial office does not accept text messages, and email is the most effective means of communication.

B. Scheduling Procedures for Hearings

ALL HEARINGS ARE CONDUCTED VIRTUALLY VIA WEBEX UNLESS AN ORDER IS ENTERED BY THE COURT INDICATING OTHERWISE.

- **Meet and Confer Requirements**

- ☐ For motions filed on or before December 31, 2024:
 - ☐ Complete the mandatory meet and confer process outlined in the Ninth Judicial Circuit Administrative Order No. 2012-03-01. 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 in the Notice of Hearing filed with the Court.
- ☐ For motions filed on or after January 1, 2025:
 - ☐ Complete the mandatory meet and confer process if required by the Florida Rules of Civil Procedure Rule 1.202 prior to the filing of the motion. Counsel with full authority to resolve the matter shall confer before the filing of the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Conferral required by Rule 1.202. Note that a “meet and confer” anticipates a face to face meeting or telephone/video conference call. Emails between counsel do not constitute a “meet and confer”.
 - ☐ Parties should note that ALL motions filed on or after January 1, 2025 are required to have a “Certificate of Conferral” in the format and placement outlined in FRCP Rule 1.202, even those motions which do not require the parties to confer. Failure to do so will result in the Judicial Assistant being unable to set the motion for hearing.

- **Scheduling Hearings**

- ☐ **Ex-Parte/Short Matters**
 - ☐ These hearings are typically held Monday through Thursday (beginning at 8:45 a.m. via WebEx and ending at 9:30 a.m. Short Matter hearing slots **MUST** be approved by the JA in order to be docketed.
 - ☐ Dates on which the Court is unavailable for Ex-Parte/Short Matters are displayed on aiCalendar.
 - ☐ Types of motions suitable for hearing at short matters are motions which can be heard within **ten (10) minutes**, and may include motions to dismiss, to compel responses to discovery, to strike affirmative

defenses, for withdrawal or substitution of counsel, for more definite statement, to amend pleadings, in limine, for continuance or extension of time, for judicial default, protective order, objections to CMEs or subpoenas, motions for summary judgment after default, motions for summary judgment of foreclosure, orders to show cause, to approve minor settlements or to enforce settlement, case management, etc.

- ☐ These hearings are set by the Court, by agreement of the parties or pursuant to the Court's procedure for setting unilateral hearings. Please note that there is a maximum of ten (10) cases set at Short Matters each day during hearing weeks, and a maximum of six (6) cases set during trial weeks. Cases are set first come, first served in the order that the NOH was emailed to the Division email. Each daily docket is viewable on aiCalendar under "All Hearings" which displays how many cases are set on any given day.
- ☐ All court proceedings, except those approved to occur in person, are conducted virtually each day using the static link provided below. The link **must** be included in the Notice of Hearing.

Hon. John Beamer

<https://ninthcircuit.webex.com/meet/DIV33> | 23321288256

Join by phone +1-904-900-2303 United States Toll (Jacksonville)

Access code: 2332 128 8256

- ☐ A courtesy copy of the Notice of Hearing, including the above videoconference information, must be provided to the Court at least three (3) business days in advance of the hearing by email to 33orange@ninthcircuit.org. **If a copy of the Notice is not emailed to the Judicial Assistant, and if the Judicial Assistant does not reply "Received", the matter will not be docketed.**

☐ **Special-Set Hearings**

- ☐ Available hearing time is displayed in fifteen minute increments on aiCalendar. [aiCalendar - Division 33](#). Reach out to Judge Beamer's Judicial Assistant via email at 33orange@ninthcircuit.org and copy all opposing counsel/pro se parties for the hearing to be added to the docket. The emailed hearing request to the JA must include all of the following:

Copy the table below when requesting for a hearing along with courtesy copy(s) of the motion(s) attached to the email.

1) Date and time of the "meet and confer" conference, or confirmation that the motion contains a Certificate of Conferral
2) Date and time being requested for the hearing
3) Case number
4) Style of the Case

5) Names of the Attorneys (or pro se if applicable)
6) Title of the motion(s) to be heard
7) Amount of time being requested for the hearing
8) Whether the matter is an evidentiary hearing

☐ **Miscellaneous Issues Regarding Hearings**

☐ **Cross-Noticed Additional Motions**

- Please do not cross-notice additional motions without prior approval of all opposing counsel/pro se parties, **and** the Judicial Assistant. If permitted, counsel must email the JA to confirm the matter can be heard within the same time frame, or that sufficient additional time is available for all requested matters to be heard.
- It is the cross-noticing counsel's responsibility to make sure the additional matter is placed on the Court's docket or it may not be heard despite the filing of the cross-notice.

☐ **Hearing Length Limitations**

- Motions to Dismiss/ Motions for Summary Judgment
 - If Counsel is seeking more than 30 minutes of hearing time for a Motion to Dismiss or a Motion for Summary Judgment, a separate Motion for Extended Hearing Time must be filed and submitted via email to chambers, along with a cover letter explaining the reason(s) for the extra time. The judge will then either approve or limit the hearing time.
- All Other Hearings
 - Hearing time in excess of 1 hour must be approved by Judge Beamer either by appearing during Short Matters for a case management conference or by the filing of a Motion for Extended Hearing Time explaining the reason(s) for the extra time needed.
- ☐ Coordinate the date and time with all opposing counsel/pro se parties. Hearing times should be cleared with all opposing counsel and pro se parties.
- ☐ Good faith cooperation is expected both from counsel, their support staff and pro se parties. If three (3) good faith attempts to coordinate the hearing are made on separate days, and opposing counsel/pro se party does not respond in good faith to coordinate the hearing, the requesting party may unilaterally set the hearing giving at least two weeks' notice

to the opposing counsel/pro se party who failed to cooperate or respond. Efforts to coordinate the hearing shall be documented on the Notice of Hearing. See, Admin. Order 2012-03 ¶6

☐ **Cancellation of Hearings (please note, only the party who set the hearing can cancel the hearing)**

- The cancelling party must:
 - 1) Email the JA to notify the Court of the cancelled hearing.
 - 2) File a Notice of Cancellation and email a copy of the notice of cancellation to the Judicial Assistant. Note that the Clerk does not notify the Judicial Assistant when a Notice of Cancellation is filed.
 - 3) Notify any scheduled court reporter of the cancellation

If the hearing is cancelled less than four (4) hours beforehand and counsel cancelling the hearing has not been able to confirm that the Judge has been informed, counsel should appear or have someone appear on counsel's behalf to inform the Court.

C. Submission of Orders and Instructions on Motions

The Court will generally issue orders and rulings on matters taken under advisement within 60 days. Every effort will be made to rule the day of the hearing.

- **Proposed Orders:** If Counsel are asked to prepare an order, the order should be:
 - A. Drafted and circulated within three (3) business days, and
 - B. Submitted to the Court within ten (10) days of the hearing, with a copy to opposing counsel.
 - C. All Orders must describe, in the caption, the subject and ruling of the court, i.e. "Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability." See Fla.R.Civ.P. 1.100(c)(2).
 - D. Counsel must advise the Court of opposing counsel's approval as to the form of the proposed order, or any objection to the form of the proposed order, when the order is submitted.
 - E. The Court does not hold orders waiting for approval or objection from opposing counsel/pro se parties. Please do not send proposed Orders to the Court until you

have approval as to the form by opposing counsel, or opposing counsel notes objection.

- F. If there is an objection to the form of the proposed order, which the parties are unable to resolve after conferral, the objecting party may submit a competing order. The competing order must use the proposed order and make the changes that the objecting party requests, as opposed to preparing a different order. Both parties' cover letter should CLEARLY indicate that competing orders are being submitted. The competing order must be submitted within five (5) business days after the proposed order is submitted.

- **Types of Motions**

- ☐ **Motions to Withdraw as Counsel.** Motions should be set during ex-parte with notice to all parties if client consent has not been obtained and filed with the motion.
- ☐ If you have written client consent (attached to the motion) you may submit a copy of the motion along with a proposed order to chambers. Addressed, stamped envelopes must be provided for all parties not receiving service through the ePortal.
- ☐ The body of the proposed order and certificate of service must include the name, address, telephone number and e-mail address of the client to whom the pleadings will be sent. If the client is a corporation or other legal entity, allow at least thirty (30) days to obtain substitute counsel, and outline in the proposed order that a corporate entity is required to be represented by counsel.
- ☐ **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 involving medical malpractice, complex commercial litigation, multiple party litigation, voluminous records or exhibits, as well as other types of cases may be set by the Court, without request.

Parties may set limited CMCs during the Court's short matter hearings. See procedures regarding short matters.

At any time, the Court may *sua sponte* set a status hearing, case management hearing, or a hearing on a filed motion or pleading, and the parties are expected to participate in that hearing unless excused by the Court

- ☐ **Motions for Re-Hearing, Reconsideration or New Trial**

- ☐ Upon filing one of these Motions, you must send a copy directly to chambers for review, as the Clerk of Court does not provide these directly to the Court.
- ☐ The Court will either: (i) rule upon the motion without a hearing, (ii) direct that a written response be filed by opposing counsel, or (iii) direct the JA to contact the moving counsel to schedule a hearing.
- ☐ The proponent of the Motion should not attempt to set one of these motions for hearing without having been advised to do so by the Judicial Assistant.
- ☐ **Discovery Motions and Motions to Compel**
 - ☐ The mere filing of a Discovery Motion, Motion to Compel or Motion for Protective Order is insufficient to toll time or relieve a party of complying with the discovery request. These Motions must be both filed and set for hearing within a reasonable period of time. All motions to compel and/or enforce discovery must comply with the Florida Rules of Civil Procedure including, but not limited to, including a certification of a good faith attempt to resolve the matter without court action. See Fla. R. Civ. P. 1.380(a)(2)
 - ☐ If no response or objection is filed to initial Florida Supreme Court approved discovery requests (e.g. Fact Information Sheet, Initial Interrogatories, etc.) the moving party may submit a proposed order compelling the discovery, with the Motion. Unless there is a written objection filed by the opposing party, no hearing will be necessary and the Court will enter an appropriate order in chambers.
- ☐ **Attorney Fees in Discovery Disputes**
 - ☐ If you are seeking attorney's fees, before filing a Motion to Compel pursuant to Fla. R. Civ. P 1.380, you must confer with counsel for the opposing party and/or any pro se parties, in a good-faith effort to resolve the discovery issue, and file with the court at the time of filing of the motion, a statement certifying that counsel has conferred or attempted to confer with opposing counsel/pro se parties, but has 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 to the moving party, which may include attorney's fees, unless the Court finds the opposition was substantially justified or other circumstances make an award of expenses/fees unjust.
- ☐ **Compulsory Medical Examinations**

- See **Division 33** Guidelines for Counsel Regarding Compulsory Medical Examinations at the Ninth Circuit Court’s web page.

- **Submission Method:** The following should be contained in one email to 33orange@ninthcircuit.org:
 - 1) E-filed cover letter indicating whether:
 - a. The date and time of the hearing held, if applicable
 - b. Whether all opposing counsel/pro se parties agree to the content and form of the order
 - c. The cover letter (but not the proposed order) must be e-filed by the attorney with the Clerk of Court.
 - d. If the parties disagree as to the form of the Order, competing orders shall be submitted as outlined above.
 - 2) Proposed Order in Microsoft Word format (please do not title the order as “Proposed Order...” simply note in the cover letter that the submission is a proposed order.
 - 3) Copies of any motions or accompanying documentation for the Court’s review.

Please note that all Orders in the Ninth Circuit are electronically filed, therefore the Certificate of Service should not be formatted for the signature of the JA, or that U.S. Mail copies are being served by the JA.

D. Courtesy Copies of Case Law and Other Documents

- Motion(s), supporting memoranda and/or case law that counsel would like the Court to review in advance of the hearing **MUST** be received by email to 33orange@ninthcircuit.org **at least three (3) business days prior** to the hearing. This is to ensure an opportunity for the Court to review. If the material is received less than three business days prior to the hearing, the Judicial Assistant cannot guarantee review by the Court of the documentation submitted.
- Please note: **NO PAPER COPIES OF HEARING MATERIALS, INCLUDING PHYSICAL HEARING NOTEBOOKS, WILL BE REVIEWED OR ACCEPTED. ALL HEARING MATERIALS MUST BE E-MAILED TO THE JUDICIAL ASSISTANT.**
- Counsel **MUST** copy all opposing counsel/pro se parties with the same information provided to the Court.

- Due to court cybersecurity procedures, our office is not able to open share files, links, or zip folders containing hearing documentation. Please submit as email attachments. Please divide the document into smaller files if it is too large to send.
- Counsel must index materials and ensure the index contains a hyper-link to the document/exhibit/case indexed. Cases should be highlighted.

For technical assistance, please visit:

<https://helpx.adobe.com/acrobat/using/creating-pdf-indexes.html>

Failure to provide courtesy copies of hearing materials to opposing counsel/pro se parties may result in the hearing being cancelled.

E. Emergency and Other Urgent Matters

• Requirements:

- ☐ If a party believes there is a factual basis for setting an emergency hearing, a motion with a detailed explanation constituting the emergency as well as the substance of the motion must be filed and either hand-delivered or e-mailed to the Court prior to a hearing being set. **The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing.** All opposing counsel/pro se parties **MUST** be copied on any email of emergency motions to the Court.
- ☐ There is a difference between “Emergency” matters and “Time Sensitive” or “Urgent” matters. Emergency matters will be reviewed on an expedited basis, however improperly designating a matters as an “Emergency” will result in summary denial of the motion. Counsel should review *VMR Products v. Electric Cigarettes Outlet, LLC*, 2013 WL 5567320 (S.D. Fla. Oct 13, 2023) for the definition of matters constituting an emergency.
- ☐ Although the Court may agree to set a matter as an emergency, the parties are **NOT** entitled to an unlimited amount of hearing time, but the Court will accommodate the emergency motion within the Court’s calendar, with reasonable regard for other scheduled matters.

F. Evidentiary Hearing/Non-Jury Trial Procedures

- **1) Preparing Evidence for a Virtual Hearing**

- a. **No later than 5 business days before the hearing**, counsel and/or pro se parties shall exchange all exhibits, which must be Bates-stamped.
- b. The parties must have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit by Bates-stamped number(s) and identify the ground(s) for objection.
- c. The objection(s) shall be in writing and filed in the court file. Any objections not noted are waived.
- d. Evidentiary hearings should be noticed as such, with clear indication on the Notice of Hearing.
- e. After the substantive, good faith telephone conference and **no later than 5 business days before the hearing**, the parties must
 - pre-mark the Bates-stamped exhibits that they intend to use during the hearing,
 - provide a set of the exhibits to all other parties and the witness(es),
 - mail/deliver one hard copy of the exhibits and the filed objections (one for the Trial Clerk, and email one electronic copy to 33orange@ninthcircuit.org for the Court's use at the hearing.
 - Please note that if the exhibits are too voluminous to email, counsel and/or pro se parties should contact the Judicial Assistant to determine if the Court would prefer the exhibits in a notebook, or on a flash drive

- **2) Preparing Witnesses for a Virtual Hearing**

- a. Counsel or a pro se party calling a witness to testify virtually, shall be responsible for insuring their witness has adequate technology available to participate in the hearing, including a strong enough internet signal, a device with an operational camera and an adequate microphone to permit their testimony to be seen and clearly heard by all parties participating in the hearing.

Please note that a party without a camera cannot be sworn in by the Trial Clerk, and will not be permitted to provide testimony unless a Notary Public is present with the witness, to administer the oath.

- b. In the event the **rule of sequestration** is invoked, the witnesses will be instructed to hang up from the videoconference and counsel or self-represented parties will be responsible for contacting their witness(es) when it is time for their testimony.

- c. The witness(es) must be provided copies of all pre-marked, Bates-stamped exhibits being used for their testimony, prior to the hearing.
- d. The witness(es) should be instructed not to look at, or refer to any other document(s) or device(s) during their testimony, unless directed to do so by counsel or the Court.
- e. Counsel and/or pro se parties are responsible for providing these instructions to any witness(es) and ensuring their compliance.
- f. Witness(es), other than named parties, are discouraged from being in the same physical space as the attorney(s) and/or pro se parties. However, in the event a witness or party is testifying in the same physical space as the attorney or pro se party questioning the witness, the participants should each have a separate device with a camera directed toward them. Please note that one of these devices may have to have audio fully muted to avoid auditory feedback. No attorney or pro se party may assist any witness with their testimony in any way, including but not limited to, gestures, notes, facial expressions, or any other method of impacting or influencing the witness' testimony "off camera."

G. Pre-Trial and Trial Procedures

- **1) Setting the Case for Trial**

- 1. For cases filed on or before December 31, 2024:
 - a. If the case has not yet been set for trial by the Court, Plaintiff's counsel should set a Case Management Conference for purposes of selecting an appropriate docket for trial. Prior to scheduling the Case Management Conference, the parties should confer and attempt to agree upon a docket.
 - b. Alternatively, either party can file a Notice for Trial, including the length of time anticipated to try the case, and the Court will assign a docket and issue a Uniform Trial Order.
- 2. For cases filed on or after January 1, 2025:
 - a. A Uniform Trial and Case Management Order (UTCMO) will be issued within ten (10) days after the filing of the Complaint. If a UTCMO is not filed within ten (10) days after the filing of the Complaint, the parties should coordinate a Case Management Conference to set the case for trial.

- **2) Prior to the Pre-Trial Conference**

The *Uniform Trial and Case Management Order* (or for older cases a *Uniform Order Setting Case for Trial; Pre-Trial Conference and Requiring Pre-Trial Matters to be Completed*) will govern the pretrial deadlines for the case. 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 with time limits is not optional nor extendable by stipulation. **The Court expects strict compliance with the Uniform Trial Order, absent a timely motion and order of Court modifying the conditions therein. Modification of the Uniform Trial Order by stipulation of the parties, without an order of the Court modifying the Uniform Trial Order, is strictly prohibited.**

- **3) 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 in the motion; (4) set forth specifically why the continuance is necessary and when the parties will be ready for trial, if granted; and (5) must comply with Fla. R. Civ. P. 1.460. **Stipulated motions to continue are not permitted and will not result in the trial being continued unless and until the motion is set for hearing and heard by the Court.**

- **4) Alternative Dispute Resolution**

- ☐ **A) Mediation**

Pursuant to the Uniform Trial Order, mediation must be **completed** prior to the Pre-Trial Conference. The Plaintiff is charged with timely submitting the Mediation Order to the Court for signature. Please review the Uniform Order Setting Case for Trial if you have any questions. The parties must also make certain the Mediator files a final mediation report in the court file. If the case has not been mediated or if the mediation occurred more than a year before the Pre-Trial Conference, the parties will not be permitted to commence trial until after mediation is completed.

- ☐ **B) Non-Binding Arbitration**

In appropriate cases, the Court may order the parties to participate in non-binding arbitration pursuant to Florida Rules of Civil Procedure 1.800, 1.810, and 1.820.

- **5) Pre-Trial Conference**

All cases are **required** to have a completed Joint Pre-Trial Statement signed

and filed in the court file, and a Pre-Trial Checklist and Order Controlling Trial signed and emailed to the Judicial Assistant, at least three (3) business days **prior to** the Pre-Trial Conference. Prior to the Pre-Trial Conference, witness and exhibit lists must be exchanged, and all pretrial motions, except motions in limine, must have been heard. Please note that a failure to identify specific objections to exhibits in the Joint Pre-Trial Statement will conclusively establish that all such objections are **waived**.

Pre-Trials will be utilized to set the order of the trial docket, determine venire size, discuss witness scheduling issues, jury instructions, audio/visual equipment needs, requirement for interpreters, responsibility for obtaining the court reporter and other trial related issues. Pre-Trial is NOT the time to handle Motions to Continue, discovery issues or witness/exhibit objections.

Parties shall provide to the Court at least three (3) business days before the Pre-Trial Conference a completed copy of the Pre-Trial Check List. One copy signed by all counsel should be emailed to 33orange@ninthcircuit.org. Failure to provide a Pre-Trial Checklist and Order Controlling Trial will result in counsel being asked to leave the Pre-Trial until proper compliance is provided to the Court.

The attorney who appears at the Pre-Trial Conference on behalf of a party shall be designated as Lead Counsel for the Trial, unless prior approval of the Court has been obtained for secondary trial counsel to handle the Pre-Trial Conference. Under no circumstances should the Pre-Trial Conference be handled by any attorney not expected to be trial counsel for the party. Any attorney other than Lead Counsel attending the Pre-Trial Conference on behalf of the Lead Counsel must be fully familiar with the case and authorized to make binding trial decisions.

- **6) Settlement or Resolution**

The filing of a Notice of Settlement DOES NOT excuse the parties from attending the Pretrial Conference or appearing for Trial. The Court must be notified immediately by email to the Judicial Assistant, of any settlement or resolution of any matter on the trial docket. The pretrial and/or trial will not be removed from the actual docket, and the attorneys are not excused from appearing, until such time as the Court receives a copy of the Notice of Settlement along with either, a) a Notice of Hearing setting a Settlement Status, or b) an agreed upon Order of Dismissal or Final Judgment , that fully resolves the matter.

If the case is closed in the Clerk's office prior to the date of the Settlement Status, and a copy of the dismissal or entered Final Judgment is provided to the Judicial Assistant, the parties will be excused. If not fully finalized, all counsel must attend the Settlement Status.

- **7) Jury Trials**

Jury trials will take place in Courtroom 19B unless otherwise indicated.

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 Trial Clerk, the witnesses or the jury. All parties and attorneys shall avoid direct contact with jurors, and shall refrain from speaking about any aspect of the case within hearing of jurors outside the courtroom, and counsel shall so instruct their clients and witnesses. If more than one attorney is providing representation to a party, there will be no “tag teaming”. Only one attorney will be permitted to examine, cross-examine, and/or object to questions directed toward an individual witness. Each party may have one attorney participate in bench conferences or side bars. When not participating in the questioning of a witness or participating in a bench conference/side bar, counsel shall remain seated at their assigned counsel table. Counsel shall address all arguments to the Court, and not to opposing counsel. Counsel shall admonish their clients and witnesses that gestures, facial expressions or any manifestations of approval or disapproval of anything occurring in the courtroom is **absolutely** prohibited. Neither counsel nor witnesses shall engage in unnecessary theatrics, including yelling, throwing objects, or other similar behavior. Please see *Amended Administrative Order No. 2003-07-12 – Establishing Ninth Circuit Courtroom Decorum Policy* available at www.ninthcircuit.org.

Exhibits: All exhibits are to be marked for identification by Counsel with tags provided by the Clerk prior to the day of trial. Exhibits which will be stipulated into evidence, or which are not objected to, may be marked into evidence as exhibits. Once exhibits are marked in evidence or are offered but not admitted, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without an Order of the Court. No exhibits are to be published or exhibited to the jury, until admitted into evidence and publication has been authorized by the Court.

INFORMATION NOT COVERED: If any matters concerning the hearing procedures of the division are not sufficiently covered herein, counsel is free to contact the Judicial Assistant by email at 33orange@ninthcircuit.org. The Court appreciates counsels’ and pro se parties’ efforts to understand and comply with this Court’s procedures.

“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.