

## **I. SCHEDULING HEARINGS**

### **1. Filing Motions**

A motion **must** be filed with the Clerk of Court before setting the matter for hearing in JAWS or requesting hearing time from the Judicial Assistant.

### **2. Notice of Hearing**

After the moving party has set the hearing time in JAWS, the moving party **must** file a notice of hearing within forty-eight (48) hours of scheduling. For any hearing that is scheduled less than forty-eight (48) hours from the hearing time, a notice of hearing **must** be filed immediately, and the Court and the non-moving parties **must** be emailed a copy of that notice. Failure to comply may result in the hearing being stricken.

### **3. Scheduling of Hearings Within Thirty (30) Days of Filing**

Any motion that requires a hearing, which is filed for the Court's consideration, **must** be scheduled for a hearing within thirty (30) days. If no hearing is set after the thirty (30) days, the Court may strike the motion for lack of prosecution.

### **4. Scheduling Emergency Motions**

The Court takes the filing of emergency motions very seriously, and parties are advised to **use the designation of "emergency" cautiously**. The motion must be first e-filed with the Clerk of Circuit Court, then emailed to the JA. The party must notify the opposing party by providing them a copy of the motion simultaneously. All requests must contain the case number and the amount of time that is being requested. The motion's proponent **must** certify that the motion is an emergency, and that the proponent has notified or attempted to notify the opposing side to schedule a hearing. Failure to do so may result in the motion being stricken for failure to comply.

## **II. CANCELLING HEARINGS**

### **1. Who May Cancel Hearings**

A litigant may cancel a hearing that they set according to the procedure. A litigant may not cancel a hearing set by another party without a Court order or mutual agreement of the parties. Litigants **SHALL NOT CANCEL** any hearing noticed by the Court without a Court order. Parties are expected and required to attend all hearings noticed by the Court unless otherwise ordered, and failure to do so may result in sanctions. Once set, trials and final hearings are not to be cancelled or continued without leave of court.

### **2. Trials/Final Hearings Will Not Be Cancelled Or Continued Without A Written Order From The Court.**

If a party wishes to continue a trial or final hearing that has been previously set, the party requesting the continuance must confer with the opposing party. The party shall then file a motion detailing the reasons for the continuance and a written proposed order, which includes the date for the new proposed trial or final hearing date for the Court's consideration, the trial or final hearing will remain on the Court's calendar, until the

Court signs the order continuing the trial. Orders that do not include language that the parties conferred about the continuance and the outcome of that conference, the old date of trial, and the proposed new date of trial will be rejected. Motions to continue a trial or final hearing filed with forty-eight (48) hours of the trial or final hearing **MUST** have a hearing prior to the continuance being granted.

### III. **CASE LAW FOR THE COURT'S CONSIDERATION**

1. Parties are encouraged to submit legal authority or any other material that will aid the Court. Please highlight sections you want to bring to the Court's attention.
2. Any party, who wants the Court to consider any information, **must** submit that information to both the Court and the opposing party. The Division's email is [niulka.martinez@fljud13.org](mailto:niulka.martinez@fljud13.org).
3. The Court will consider any submission that is submitted ten (10) days prior to the hearing. Any submission that is sent to the Court less than ten (10) days prior to the scheduled hearing, may not be considered by the Court, and may be stricken.
4. The Court will NOT consider submissions submitted within twenty-four (24) hours of the scheduled hearing without prior Court approval.

### IV. **PROCESS FOR EVIDENTARY HEARINGS VIA VIDEO CONFERENCING**

1. All documentary/photographic exhibits **must** be scanned and submitted to the E-Filing Portal, and emailed to the Court and opposing counsel **ten (10) days prior to the hearing**. The submission shall be in .pdf format, and the submitter may submit multiple, clearly labeled exhibits in a single filing, or in multiple filings. All documentary/photographic exhibits **must** be labeled with the party's designation and either the exhibit number or letter, i.e. "Plaintiff's Exhibit 1 or Defendant's Exhibit A." The Division's email is [NIULKA.MARTINEZ@FLJUD13.ORG](mailto:NIULKA.MARTINEZ@FLJUD13.ORG)
2. All video evidence **must** be submitted via email to the Court and opposing counsel ten (10) days prior to the hearing. The file should be named with the case name and case number and party's designation and exhibit number or letter, i.e. "19CP12345 JONES v SMITH PLTF EX 2". The Division's email is [NIULKA.MARTINEZ@FLJUD13.ORG](mailto:NIULKA.MARTINEZ@FLJUD13.ORG). A notice of filing **shall** be filed to the e-filing portal, containing the exhibit's designation and the file name.
3. If the file size is over is "10MB," the sender may submit the file using a "cloud service" like "dropbox" to the Court's email address.

4. Parties **must** file an exhibit list and witness list. The witness list **must** have the names of the witnesses who will testify; generic witness lists will **NOT** be accepted.
5. Witnesses who plan to testify, **must** appear at the hearing through video, and **must** be prepared to present government issued identification that has the witness's name and photo.
6. Any party who wishes to introduce physical evidence **must** coordinate with the Court and the opposing party five (5) days prior to trial.
7. Failure to comply may result in exclusion of witnesses or evidence, or may result in resetting the hearing.

### **ADDITIONAL REQUIRED DOCUMENTS FOR PROBATE MATTERS**

#### ***FORMAL ADMINISTRATION***

If the decedent died less than two years before the date of filing, the petition for administration must be accompanied by a paid funeral bill or other satisfactory proof that the funeral expenses have been paid. All petitions for administration in intestate estates must be accompanied by an affidavit of heirs.

In addition to the requirements listed above, all signatures related to petitions for administration filed *pro se* must be notarized.

#### ***SUMMARY ADMINISTRATION***

If the decedent died less than two years before the date of the filing, the petition for summary administration must be accompanied by a paid funeral bill or other satisfactory proof that the funeral expenses have been paid. All petitions for summary administration in intestate estates must be accompanied by an affidavit of heirs.

In addition to the requirements listed above, all signatures related to petitions for summary administration filed *pro se* must be notarized.

#### ***PROPOSED ORDERS EXTENDING TIME FINAL ACCOUNTING/DISCHARGE***

Good cause **MUST** be shown for an extension of time. *If the need is related to a pending civil case please provide the case number and county in which the case is currently pending along with the current status of the pending case.* If the Court determines good cause has not been demonstrated the Court will order you to schedule a hearing and provide documentation demonstrating good cause and efforts to discharge.

***PROPOSED ORDER APPROVING DISTRIBUTION/AUTHORIZING DISCHARGE OF GUARDIAN***

Discharge of a guardian will NOT occur until a receipt of assets and value of assets is signed by the minor and filed with the Clerk.

The Court will NOT allow for waiver of amount of compensation to be paid to the guardian, attorneys, accountants, or other agents employed by the guardian and MUST be included in the Petition for Discharge.

The Court will NOT allow for waiver of list of assets and MUST be included in the Petition for Discharge.

***PETITIONS FOR APPROVAL OF SETTLEMENT AND /OR PETITIONS FOR APPROVAL OF MINOR SETTLEMENT***

The closing/settlement documents MUST be attached to the petitions. If there is a request for confidentiality, the documents SHALL be emailed to the Judicial Assistant [NIULKA.MARTINEZ@fljud13.org](mailto:NIULKA.MARTINEZ@fljud13.org) for the court to review in camera.

***ORDER TO SHOW CAUSE***

Documents filed in response to an **Order to Show Cause** MUST be filed no later than 5 business days PRIOR to the hearing. Documents filed after this date **WILL NOT** result in cancellation of the Order to Show Cause Hearing. NOTE: This includes petition and order extending time.

***INCAPACITY HEARINGS***

Please notify the division at least 3 business days PRIOR to the hearing if you will or will not be providing a court reporter. Failure to notify the judge's office AND failure to provide a court reporter will result in cancellation of the scheduled hearing.

***MEDIATION***

The parties are **REQUIRED** to attend mediation prior to attending any hearing for 2 hours or more. Failure to attend mediation shall result in CANCELLATION of the hearing.

### ***APPROVAL OF MINOR'S SETTLEMENT***

A hearing is not required to approve a minor's settlement provided all conditions precedent have been met, including, but not necessarily limited to:

1. Appointment of a Guardian Ad Litem to review the proposed settlement.
2. Filing of the Guardian Ad Litem's Report.
3. Appointment of a Guardian of the Property, Issuance of Letters of Guardianship and Designation of Depository Account, when applicable.
4. Waiver of Hearing by all Interested Parties

If all procedural statutory requirements have been met, and there is no objection to the settlement by an Interested Party, proposed orders may be uploaded to the E-Portal for entry without the necessity of a hearing.

### ***SUBMISSION OF ORDERS***

Attorneys please do not upload any orders to the E-Portal until all required documents have been filed in the Court file. Please wait three (3) business days after filing through the E-Portal or submitting original documents to upload the Order to allow time for the Clerk's office to docket the same. Any orders uploaded without compliance with the above requirements having been met will be rejected by the Clerk's office and removed from the Judge's work queue. **Upload all orders in .PDF format not MS Word.**

Every order that is uploaded through the E-Portal as a result of a hearing **MUST** include the date of the hearing in the opening paragraph of the order and **SHOULD NOT** be uploaded more than two (2) days before the hearing. If an order is uploaded more than two (2) days in advance of a hearing, the Clerk's office will reject and remove the order. **PLEASE DO NOT MAIL IN HARD COPIES OF PROPOSED ORDERS.**

### ***ESTABLISHMENT OF GUARDIANSHIP (ALL TYPES)***

The eight hour **in-person** training offered by the Elder Justice Center is **REQUIRED**. The Court will **NOT** consider waiving this requirement of any non-professional guardian. It is recommended that this requirement be met **PRIOR** to establishing the guardianship but no later than 60 days after the letters have been issued or assets will be frozen and letters revoked.