



19th Judicial Circuit Court Judge Janet Croom
Guidelines and Procedures

Circuit Civil Jury and Non-Jury Division
(Updated: December, 2018)

PLEASE REVIEW ALL PROCEDURES PRIOR TO CONTACTING THE JUDGE'S
OFFICE

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COMMUNICATIONS WITH JUDGE'S OFFICE: Please do not ask the Judicial Assistant or other Court personnel to communicate any message to the Judge. This is prohibited ex-parte communication. The Court's staff is not permitted to relay ex-parte information to the Judge. This office can best respond to all communications via e-mail to: IRCJudge2@circuit19.org. E-mails must contain the case name, case number, subject matter and relevant date(s). Please ensure that all e-mails are also copied to all opposing counsel and/or *pro se parties* and indicate same in the body of your e-mail to prevent ex-parte communication to the Court.

PAPERLESS OFFICE: This office is paperless. All correspondence, motions, hearing materials, etc. should be sent by EMAIL in PDF format to the Judicial Assistant at IRCJudge2@circuit19.org. Although strongly discouraged, if you lack the ability to transmit documents by email, you may deliver or mail hard copy documents. Hearing materials should be provided to the Court at least five (5) business days before the hearing. Lengthy materials submitted in the form of tabbed PDF electronic binders are greatly appreciated. Highlighting pertinent sections and brevity is appreciated. Lengthy submissions may be sent through an online drop box. Alternatively, lengthy submissions may be mailed or delivered to the Judicial Assistant on a flash drive. Please do not mail binders or hard copies of hearing materials. An electronic copy of the submission, including any flash drive, must be simultaneously provided to all other parties.

Case law and memorandums provided to the Court during the hearing may not be considered.

ORDER PREPARATION & SUBMISSION: Proposed orders should be submitted in Microsoft Word format. Proposed order's title must describe 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., Rule 1.100(c)(1), and shall contain the name and e-mail service address for all parties. If any party does not have an e-mail service address, that parties' physical service address shall be contained in the proposed order.

Proposed orders may be brought to court hearings, or you may send your proposed orders by email in advance of the hearing date. In the latter event, it is unnecessary to bring paper to the hearing. If you bring a paper proposed order to a hearing, additional copies are unnecessary.

If counsel is asked to prepare an order, the order shall be drafted and circulated within 2 business days of the hearing, and submitted to the Court with transmittal confirmation to all counsel and *pro se parties* within 7 business days of the hearing, advising the Court in writing of any objection to the form of the proposed order. The Court will not execute proposed orders, agreed orders, or stipulations without transmittal confirmation to all counsel of record and *pro se parties*.

ORDER FILING & SERVICE: Orders are E-Filed and E-Served via the Clerk of Court E-Filing Portal. Stamped, addressed envelopes are necessary only for copy recipients who must be served by regular mail. The complete name and mailing address of those recipients must also appear at the bottom of the proposed order.

COURT REPORTERS: Fl. R. Jud. Admin 2.535(b) requires that the party requesting a court reporter must arrange for and pay the reporting fees for any hearing or trial. This requirement shall not preclude taxation of costs as authorized by law.

SETTLEMENT OF CASES: If your case settles immediately notify the Judicial Assistant via e-mail, transmittal confirmation to all parties, ATTACHING AN ALREADY E-FILED NOTICE OF SETTLEMENT, DISMISSAL DOCUMENTS AND FINAL DISPOSITION FORM.

A. PRETRIAL PROCEDURES

HEARING SCHEDULING: *All motions must be e-filed PRIOR to setting a hearing, however, the mere filing of a motion is insufficient to set a motion for hearing. The motion must be set for hearing to bring the matter to the Court's attention. Provide the Judge's office with the notice of hearing and hearing packet via e-mail only.

Uniform Motion Calendar (5-10 minute non-evidentiary hearings) and Special Set Hearings (1 hour or less) must be scheduled online by counsel. All UMC hearings must be noticed for 8:30 a.m. Please refer to Judge Croom's on-line calendar to confirm and schedule available dates. Parties will be restricted to the time allotted for the hearing. Attorneys who repeatedly abuse the online scheduling may be denied further privileges of self-scheduling. Any hearings requiring more than 1 hour must be scheduled by contacting the Judicial Assistant via e-mail, with the attached copy of the Motion already e-filed with the Clerk.

Telephone hearings are permitted as long as there is no testimony or evidence to be presented. No Motion or Order is necessary. *All telephone appearances must be arranged by contacting Courtcall at: 888-882-6878 or online at www.courtcall.com. Courtcall will provide participants with a written confirmation of their telephonic appearance and a number to call to make said telephonic appearance. Persons electing to make a telephonic appearance must notify all parties in writing no less than five (5) business days prior to the scheduled hearing date.

Hearings on UMC are limited to ten (10) minutes per case (not per motion). Additional motions should not be "piggy-backed" by cross-notice unless counsel first confirms with opposing parties and the online calendar, that sufficient additional time is available and can be reserved for same. UMC is heard on a "first come, first serve" basis. After proper notice, failure of any party to appear at the hearing shall not prevent a party from proceeding with the matter when the case is called. If the party noticing the matter for hearing chooses to wait for the absent party, the matter may be passed over until the end of the calendar. If UMC time expires, any remaining hearings will need to be rescheduled.

Contested summary judgment and evidentiary motions will not be heard at UMC. The types of motions suitable for hearing on the Uniform Motion Calendar include simple motions, such as motions to strike affirmative defenses, amend pleadings, discovery motions, objections to CME, etc. UMC is available to pursue a summary final judgment for liquidated damages, including attorney's fees and costs after a default based upon a proper motion with supporting documentation, unless a party appears to contest it. In that instance, the parties must reset per the on-line calendar for an evidentiary hearing/trial on such matters.

HEARING CANCELLATION: Cancellation of any hearing must be done 1) through the online Court scheduling calendar, 2) by e-filing a Notice of Cancellation of Hearing in advance of the hearing date, and 3) a

courtesy copy of your Notice of Cancellation of Hearing to the Judicial Assistant via **email**, once you have e-filed same.

EMERGENCY HEARINGS: If an emergency situation arises, counsel 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 e-mailed 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 contact counsel to set the hearing. In light of the short setting, opposing counsel may attend the hearing via Courtcall telephonic appearance if their schedule will not allow them to appear in person.

COOPERATION OF COUNSEL: Hearings must be cleared with opposing counsel and/or *pro se parties*. Good faith cooperation is expected from counsel, their support staff, and *pro se litigants*. Should counsel, their staff, or *pro se litigants* fail to respond within 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be set forth either in the motion or in the notice of hearing. After 3 days, the requesting party may unilaterally set a hearing. Notice of the hearing must be provided at least five (5) business days prior to the hearing. All motions must comply with the Florida Rules of Civil Procedure, including, but not limited to, a certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make discovery in an effort to secure the information without Court action. *See*, Fla.R.Civ.P., Rule 1.380(a)(2). All notices of hearing shall contain a certification signed by the scheduling attorney in substantially the following form:

I HEREBY CERTIFY that I have personally contacted opposing counsel in an effort to resolve the issue(s), however, the matter cannot be resolved and a hearing is necessary.

Please note that certifications containing language to the effect that an effort will be made to resolve the issue in the future is NOT sufficient. Failure to comply with this requirement may result in cancellation of the hearing by the Court. If it is determined that the certification is not true, other sanctions may be imposed, including a referral to the Florida Bar.

MOTION TO DISMISS and/or MOTION FOR MORE DEFINITE STATEMENT: All Motions to Dismiss filed pursuant to Fla.R.Civ.Pro., Rule 1.140(b) and Motions for More Definite Statement filed pursuant to Fla.R.Civ.Pro., Rule 1.140(e), will initially be considered without a hearing. Motions to Dismiss must strictly comply with the requirements of the Rule in that the grounds and the applicable substantial matters of law shall be stated specifically and with particularity. Motions for More Definite Statement must strictly comply with the requirements of the Rule in that the motion must point out the defects complained of and the details desired.

Any party may furnish to the Court via email: the motion, a proposed completed order, and transmittal confirmation to all counsel of record and *pro se parties*. The copy shall be accompanied by a proposed completed order. The motion will be held for ten (10) days to give the opposing side the opportunity to reply. If it is determined that a hearing is necessary, the movant will be advised to schedule a hearing and file the appropriate

notice. If a hearing is not required, an appropriate order will be entered. No case dispositive ruling will be made without a hearing.

EX PARTE MOTIONS TO COMPEL: If a motion to compel discovery sets forth a complete failure to respond or object to discovery, the time for complying with the discovery request has lapsed, and there has been no request for an extension of time, an ex parte order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. Upon the filing of such motion, the moving party shall send the motion, proposed order and transmittal confirmation to the Court via e-mail.

MOTIONS FOR PROTECTIVE ORDERS: The filing of a Motion for Protective Order, without presenting it to the Court, is insufficient. The party filing such order must email the Motion to the Judicial Assistant, and set same for hearing.

MOTIONS FOR REHEARING, RECONSIDERATION OR NEW TRIAL: Upon the filing of such motion, the moving party shall send a copy to the Court for review via e-mail. The copy of the motion shall be accompanied by a proposed order and transmittal confirmation to all counsel. If the Court determines that a hearing is necessary, the movant will be given dates and times to coordinate with opposing counsel or *pro se litigants*, and the movant must file the appropriate notices.

WITHDRAW OR SUBSTITUTION OF COUNSEL: Compliance with Fla. R. Jud. Admin. Rule 2.505 is required. Written client consent must be filed, or a hearing must be held after proper notice to the client.

MOTION TO CONTINUE: Any motion to continue must comply with Florida Rule of Civil Procedure 1.460, including requirement of signature by the party requesting continuance. **Simply filing a motion to continue will not suffice to continue the case. Your case will not be continued because both parties agree and note same on the E-Docket Call Form.**

CASE MANAGEMENT, NOTICE FOR TRIAL, TRIAL ORDERS: All cases filed January 1, 2019 and later, must submit an Agreed Case Management Plan and Order, available in SmartFill format on this Court's webpage, within 20 days after the filing of the last responsive pleading. Deadlines are established and enforced pursuant to such Order. Submitting the Agreed Plan allows attorneys to choose their own deadlines and trial dates. Failure to submit the Agreed Case Management Plan shall result in the Court issuing its Pre-Trial Case Management Plan and Order.

Notices for Trial are not required in cases filed after January 1, 2019, as those cases are controlled by the Agreed Case Management Plan and Order. For cases filed before January 1, 2019, the Agreed Case Management Plan and Order is encouraged to be submitted, however, if a Notice for Trial is filed, than such Notice must to be e-filed, and also e-mailed to the Court. It is important to note, simply e-filing a document does not bring it to the Court's attention. PLEASE DO NOT mail a copy of your Notice for Trial with envelopes.

Pursuant to Fla. R. Civ. P., Rule 1.440, a Pre-Trial Case Management Plan and Order will be issued in every case upon receipt of a Notice for Trial. The fact that a case is still in the discovery stage does not prevent the filing of a Notice for Trial or prevent the Court from setting the case for trial. If a Notice for Trial is filed, and the opposing party believes that the trial date will not allow sufficient time to complete discovery, counsel should immediately file a motion for a status hearing and/or a case management conference and set for hearing. Delays in advising the Court that there is not sufficient time to complete discovery may be considered a waiver.

B. TRIAL DOCKETS:

****E-DOCKET PROCEDURE****

There is no requirement to physically attend Docket Call. Instead, counsel with cases on each month's docket will fill out the E-Docket Call Form found on your Agreed Case Management Plan and Order or on your Trial Order, and e-mail it to IRCJudge2@circuit19.org. Your case will be placed on a Trial Schedule during the week(s) you have selected. Cases will be stacked during your selected week(s) according to the year that the case was filed, with the older cases being placed at the top of that week's trial schedule.

Counsel for each case is required to submit the E-Docket Call Form for the trial period during which your case is set. All counsel shall discuss and agree regarding trial dates to be selected and one form is to be submitted for each case. The form shall be signed by all counsel of record for that particular case. If you fail to submit the form as set forth above by the deadline, you will be set on the Trial Schedule at the will of the Court. All forms are to be e-mailed to IRCJudge2@circuit19.org by 5:00 p.m. the business day before the posted Docket Call date.

A Trial Schedule will be posted on this Court's webpage located online at www.circuit19.org. We will endeavor to have the Trial Schedule posted by noon on the day of the designated Docket Call date. ***It will be the responsibility of counsel and pro se litigants to keep track of their position on the trial docket and to monitor whether the cases set ahead of your case are settled or continued.**

The top 2 (two) cases moving forward as of 5:00 p.m. on the Monday preceding your trial are required to appear the morning of trial. Unless the case is settled or continued prior to the date set for trial, counsel must appear for trial. All other cases are rolled to the next Docket Call and are required to file the E-Docket Call Form for same.

***If your case is rolled or continued, existing deadlines stay in place and you will not be issued a new Trial Order.** Do not call the Judge's office to determine the status of your case or priority of your case for the trial week. It is unacceptable to announce to the Court that counsel is not ready to proceed to trial because counsel thought another case would proceed instead. If your case is called up for trial and you do not appear or are not ready for trial, the case will be dismissed if you represent the plaintiff, or a default entered if you represent the defense.

All other trial specific information is found on your Agreed Case Management Plan and Order or your Trial Order.