

Courtroom Guidelines, Procedures and Expectations
Civil (Jury Trial & Residential Foreclosure) Cases Assigned to Judge Gary L. Sweet
Martin County Courthouse | Courtroom A3-1

1. **PreTrial Procedures: COMPLIANCE WITH AO 2021-05 MANDATORY/CIVIL CASE MANAGEMENT AND RESOLUTION:**

Please see Administrative Order 2021-05 which is available on our website; **compliance is required**. The party initiating a civil action in this division must serve a Case Management Plan and Order (“CMPO”) with the summons and complaint. A fillable case management order is available on Judge Sweet’s webpage. The complete CMPO must be submitted to Judge Sweet by Plaintiff/Plaintiff’s counsel for final approval no later than thirty (30) days after the last defendant is served with the complaint. **For cases filed before April 30, 2021**, the completed CMPO must be submitted to Judge Sweet by Plaintiff/Plaintiff’s counsel for final approval no later than December 3, 2021. If a CMPO for cases subject to a statutory stay or moratorium that prevents prosecution of the case, the completed CMPO must be submitted to Judge Sweet by Plaintiff/Plaintiff’s counsel within forty-five (45) days after the stay or moratorium ends or within thirty (30) days after service of the complaint or the last of all defendants (whichever date is later). **Note:** Plaintiff’s counsel should send the completed, fully executed form in **.pdf format** via e-mail, to mcjudge3@circuit19.org, with cc: to all counsel/pro se parties. When the Case Management Plan and Order are submitted to the Court, a cover letter and hard copies are not required. In the subject line of the e-mail please include: case number, short style, and ATTACHED: COMPLETED CASE MANAGEMENT PLAN AND ORDER.

2. **Special set hearing time in excess of 1-hour:** Special set hearing time **in excess of one (1) hour** may be requested by emailing a letter explaining the circumstances that necessitate a lengthy hearing to the Court’s Judicial Assistant @ MCJudge3@circuit19.org. You must know the amount of time **both parties** will require for the hearing before contacting the judicial assistant. Once counsel has received potential hearing dates, do not copy the Judicial Assistant with attempts to coordinate your hearing. Only send a confirmation once a date is chosen and confirm the date is still available.

3. **Setting of hearings:** Special set hearings **and** Uniform Motion Calendar (UMC) hearings must be scheduled using the online scheduling calendar (5 business days in advance). Please refer to Judge Sweet’s online calendar to confirm and/or obtain available dates. Hearings must be cleared with opposing counsel or *pro se* parties (see paragraph 5 below). You must know the amount of time **both parties** require prior to scheduling a motion for hearing. Good faith cooperation is expected from counsel, their support staff, and *pro se* litigants. After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing **must be immediately forwarded to the Judicial Assistant by U.S. mail/delivery of choice**. Should a notice of hearing not immediately be forwarded to the Judicial Assistant after special set hearing time is scheduled, such hearing time is subject to forfeiture. **Hearings may not be specially set until the motion is actually filed with the Clerk**. And, you must give the opposing party notice of the hearing at least five (5) working days prior to the hearing unless otherwise agreed to by the parties.

Additional motions may not be “piggy-backed” by cross-notice unless counsel first confirms with opposing counsel and the Judge’s Judicial Assistant that sufficient additional time can be reserved to hear them.

Hard copies of all hearing notices, relevant motions, along with a generic order granting/denying with at least five lines for additional provisions must be sent by mail, not email or fax, to the Court’s Judicial Assistant immediately after e-filing the notice of hearing. If a hearing is scheduled only days prior to the hearing date, the parties must ensure hard copies of the motion and notice are provided via expedited delivery. Any case law or statutes to be relied upon (with relevant portions highlighted); exhibits to motions, supporting affidavits, etc. ***shall be submitted to the Court on a thumb drive (hard copies of these materials are no longer to be provided in binder form)*** no later than five (5) working days prior to the hearing. Failure to provide hearing material timely may result in the cancellation of the scheduled hearing.

4. **Unilaterally Scheduled Hearings:** In the event opposing counsel, their staff, or *pro se* litigants fail to respond within three (3) business days to a request coordinating a hearing date, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth either in the motion or in the notice of hearing. See paragraphs 5 and 7 below.

5. **Coordination of Hearings:** If a Motion is scheduled and noticed without coordinating with opposing counsel/*pro se* parties, it will be stricken from the docket by the Court. This includes UMC and Special Set hearings. Once coordinated, the hearing

MUST be added to the online scheduling calendar and a notice of hearing filed. Failure to do so will result in automatic cancellation of your hearing by the Court.

6. **Cancellation of Hearings:** If any hearing is canceled, it must be canceled on the online calendar and a Notice of Cancellation filed and served on all parties. Failure to follow procedures may result in the suspension of counsel's online scheduling privileges.

7. **Cooperation of counsel:** 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 three (3) business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth either in the motion or in the notice of hearing. If counsel does not cooperate, the requesting party may unilaterally set a hearing giving at least two (2) weeks' notice to the opposing counsel who failed to cooperate.

8. **Evidentiary Hearings/Exhibits:** MUST BE SCANNED AND EMAILED TO ALL PARTIES **at least 5-business days** in advance of the hearing. In addition, Exhibits must be hand-delivered to Clerk's office (Circuit Civil Division) no later than 2-business days prior to the court event. All exhibits must be provided to the Court pursuant to the Clerk's requirements. Please contact their office with any questions pertaining to exhibits (772-288-5717).

9. **Emergency hearings:** If an emergency situation arises, counsel may request (in writing) that a hearing be set on short notice (send written request via e-mail to: MCJudge3@circuit19.org). 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 emailed 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 telephone (through CourtCall), if their schedule will not allow them to appear in person.

10. **Appearance by telephone:** Telephone hearings are permitted as long as no testimony or evidence is to be presented. No motion or order is necessary. All telephone appearances must be made through CourtCall, a company which provides connection between the parties and the courtroom for a flat fee. When you know the date and time of your hearing **you must call CourtCall directly at 1-888-882-6878** to arrange for your appearance by phone. **You must schedule your CourtCall appearance at least two (2) working days prior to the hearing.** Counsel who filed the motion must e-mail a generic order granting/denying with at least five lines for additional provisions to mcjudge3@circuit19.org prior to the scheduled hearing (copying all parties). Please provide the proposed Order in word format and a hard copy along with the motion and notice of hearing (see paragraph 3 above).

11. **Uniform Motion Calendar ("UMC"):** A UMC will normally be held Tuesday, Wednesday, and Thursday from 9:00 a.m. to 9:30 a.m. All UMC hearings must be scheduled using the online scheduling calendar (5-days in advance). Please refer to Judge Sweet's calendar posted on our website (www.circuit19.org) to view available dates. **Counsel shall use the online scheduling calendar for all UMC hearings. Counsel will not schedule UMC motions with the Judge's Judicial Assistant. Failure to schedule UMC motions on the online calendar will result in the cancellation of your hearing.**

Hearings at UMC are limited to ten (10) minutes per case (not per motion). 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 the judge runs out of time on UMC, any remaining hearings will need to be rescheduled.

Counsel who filed the motion must provide a proposed blank order to the court (generic order granting/denying with at least five lines for additional provisions may be used) and also e-mail the generic order to mcjudge3@circuit19.org in word format. Once an Order has been entered by the Court, it will be e-filed, the Movant's counsel shall be responsible for serving the order on any party who does not have a registered e-mail address.

Copies of all hearing notices, relevant motions, and blank generic order must be sent by mail, not email or fax, to the Court's Judicial Assistant within five (5) working days of the notice of hearing being filed. Any case law or statutes to be relied upon shall be submitted to the Court with relevant portions highlighted (see paragraph 3 above). You must give the opposing party notice of the hearing at least five (5) working days prior to the hearing.

The Court will not hear evidentiary motions at UMC. The types of motions suitable for hearing on the Uniform Motion Calendar include simple motions to strike affirmative defenses, to amend pleadings, discovery motions, protective orders, 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. If that occurs, the Court will set an evidentiary hearing/trial on such matters as may be necessary.

All Notices of Hearing for UMC shall contain a certification signed by the lawyer who set the hearing 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.

12. **Motions to Compel: Pick and choose your fights wisely. Not every issue requires judicial intervention:** This is especially applicable to **discovery disputes**.¹ Litigants have an obligation to cooperate with respect to planning and executing discovery or resolving discovery disputes. A party cannot file a motion to compel with the Court without first working cooperatively with the other party to resolve the dispute.

A motion to compel discovery or for sanctions for failing to answer or respond **must** include a certification that the movant has in good faith conferred or attempted to confer with the party failing to act in an effort to obtain the answer or response without court action. In person or telephonic communications are preferred over written communications. See, Becker, *Civility: A Rational Approach to Combat Discovery Abuse*, Law Trends & News, Vol. 6, No. 1 (Fall 2009). <https://www.smbtrials.com/RC1ACS162/assets/files/documents/Becker%20Civility-A-Rational-Approach.pdf>

The certification **must** include a description of the communications held, or attempted, in attempting to resolve the matter, including the date, time, and participants in each communication.

No motion to compel discovery will be heard where the parties did not comply with the foregoing procedures.

When a motion to compel discovery alleges a complete failure to respond or object to discovery, and 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. The Movant shall submit the proposed order to the Court, and shall also certify that notice of the requested relief was provided to all parties. Envelopes are no longer required. Instead, the Order will be e-filed. Movant's counsel shall serve any party who has not provided an e-mail address with a copy of the Order.

13. **Motions Heard/Not Ruled On:** After twenty-one (21) days from any motion hearing, if the Court has not ruled on the Motion(s) heard, counsel may contact the Judge's office (at mcjudge3@circuit19.org) to inquire as to the status of the Court's ruling. In the subject line of your email, please be sure to include the case number, short style, and the date and time of the hearing.

14. **Motion to Dismiss and/or Motion for More Definite Statement:** The Court will initially consider all Motions to Dismiss filed pursuant to Rule 1.140(b) and Motions for More Definite Statement filed pursuant to Rule 1.140(e), **without** a hearing. Motions to

¹ Judges and litigants now routinely describe modern discovery as a "**morass**," "**nightmare**," "**quagmire**," "**monstrosity**," and "**fiasco**." In 2008, the American College of Trial Lawyers ("ACTL") Task Force on Discovery joined with the Institute for the Advancement of the American Legal System ("IAALS") to survey members of the ACTL on the role of discovery and any perceived problems in the United States civil justice system. Nearly 1,500 ACTL members responded, speaking with an average thirty-eight years of experience in civil litigation and with nearly equal representation of plaintiffs and defendants. An overwhelming majority of the survey participants reported that discovery has become an end in itself---a costly weapon used to "**bludgeon**" parties into settlements. The participants commented that attorneys, rather than clients, "drive excessive discovery." Forty-five percent of them believed that discovery is abused in "**almost every case**." Participants complained that "we have sacrificed the prospect of attainable justice for the many in the interest of finding that one needle in the . . . haystacks," and that "**the total lack of control of discovery . . . is killing civil litigation**."

Netzorg & Kern, *Proportional Discovery: Making it the Norm, Rather Than the Exception*, 87 Denv. U.L. Rev. 513, 515; see also, Nicholls, *A Proportional Response: Amending the Oregon Rules of Civil Procedure to Minimize Abusive Discovery Practices*, 89 Or. L. Rev. 1445 (2011); Therrien, *Talkin' 'Bout a Revolution?: Utah Overhauls Its Rules of Civil Discovery*, 2011 Utah L. Rev. 669 (2011).

Dismiss must strictly comply with the requirements of the Rule in that the grounds on which they are based and the substantial matters of law intended to be argued 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.

The moving party shall furnish a copy of the motion to the Court's Judicial Assistant by U.S. mail. The copy shall be accompanied by a generic order which grants/denies the motion or requires hearing with at least five lines for additional provision to be added by the Court; and a cover letter showing copies to all counsel of record and *pro se* parties. If the moving party fails to comply, any party may furnish a copy of the motion along with the required documents to the Court. The Court will hold the motion for ten (10) days to give the opposing side the opportunity to reply. If the Court determines 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. **Please do not call the Judge's assistant for a hearing on these motions.**

15. **Motions for Rehearing, Reconsideration, or New Trial:** Upon filing said motion the moving party shall send a hard copy to the Judge for review. The copy of the motion sent to the Judge shall be accompanied by generic order granting/denying the motion, with at least five lines for additional provisions, a transmittal letter showing copies to all counsel and *pro se* parties. Envelopes are no longer required. Instead, the Order will be e-filed and Movant's counsel shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's Order. If the moving party fails to comply, any party may furnish a copy of the motion and the required documents to the Court. If the Court determines that a hearing is necessary, the movant will be advised to schedule a hearing and file appropriate notices. **Please do not set a Motion for Rehearing or Motion for Reconsideration for hearing without first receiving permission from the Court via a court order.**

16. **Motions for Protective Orders:** The filing of a Motion for Protective Order, without presenting it before the Court, is insufficient. The Court will make itself available for immediate hearings on said motions where the motion could not have been filed and heard in the due course of discovery.

17. **Legal Memorandum and Citations:** Thumb/flash drives, rather than notebooks, are required. Any legal memorandums or briefs for special set hearings, along with copies of significant cited authorities (highlighting the pertinent sections is appreciated by the Court), should be provided to the Court **at least ten (10) business days before the hearing (via email and on thumb/flash drive)**. The Court will attempt to review the motion and memorandum, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered. Again, highlighting pertinent sections is appreciated. **Brevity is also appreciated, and memorandums should be kept to no more than five (5) pages in length.** If the Memo is 6 pages or longer, a hard copy must be provided to the Court, under cover letter. Case law and Memorandums provided to the Court during the hearing may not be considered. **The Court, on occasion, may rule on motions without a hearing. Therefore, both counsel filing the motion and opposing parties are encouraged to timely file written argument with the Court.**

18. **Proposed Orders:** When submitting proposed orders, agreed orders, or stipulations please send via U.S. Mail under cover letter (with the exception of paragraph 1 above). Envelopes are no longer required. Instead, the Order will be e-filed and Movant's counsel shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's Order. Do not put "cc: all counsel of record" at the bottom of the order. Each party shall be individually named. Please also provide my judicial assistant, via email, in WORD format a blank order. In the subject line include the date of cover letter, case number, brief case style & hearing date. Always copy opposing counsel with all correspondence to our office.

The Court will not execute proposed orders, agreed orders, or stipulations without a cover letter stating the action requested and which states: a copy was provided to all counsel of record and *pro se* parties and if there is a stipulation or an agreed order, that there are no objections to the entry of the order. If opposing counsel objects to the proposed order, do so timely – via e-mail. Such counsel will have ten (10) days from the date the proposed order is submitted to the Court, to deliver (not send) to the Court an alternate proposed order via US Mail and also provide the judicial assistant via e-mail with the order in WORD format. If the alternate proposed order is not received by the judge's office within ten (10) days after receipt of the initial proposed order, the initial proposed order may be signed by the Court.

19. **Requirements for Court Reporters:** All evidentiary matters (both trials and hearings) must be reported by a court reporter. It is the moving party's responsibility to arrange to have a court reporter present.

20. **Withdrawal or Substitution of Counsel:** You must follow the provision of Fla.R.Jud.Admin. 2.505. You must obtain the client's consent in writing which shall be filed with the Court, **or** a hearing must be held after proper notice to the client.

21. **Notice for Trial, Orders Setting Trial and Dockets:** Counsel must be in compliance with paragraph 1 above, prior to submitting a notice for trial to the Court. When appropriate, the notice for trial must be submitted in accordance with this paragraph. Noting that stamped return envelopes are no longer needed, unless there are parties who have not registered an e-mail address for e-filing. If you do not provide the required envelopes with sufficient postage, your case will not be placed on the trial docket. ***When appropriate, you must provide the judicial assistant with the notice of trial via e-mail in WORD format to MCJudge3@circuit19.org.*** In the subject line of the e-mail, please include the NOTICE FOR TRIAL attached; the case number; and, a brief case style. All parties must be copied. NOTE: Your case will **not** be set for docket call unless you follow these requirements.

The Court will schedule the trials at docket call. It will be the responsibility of the lawyers and *pro se* litigants to keep track of their position on the trial docket following docket call. Please note that cases set for trial will remain on the trial docket until the case is concluded. Plaintiff's counsel will provide **via e-mail**, an Order Setting Case for Jury Trial to MCJudge3@circuit19.org within 5 business days after docket call, providing self-addressed stamped envelopes (*only for those parties who have not provided an e-mail address for e-filing/e-service*).

22. **Certificate of Mailing/Service:** With the exception of paragraph 19 above, envelopes are no longer required. Instead, the Order will be e-filed and Movant's counsel shall be responsible for serving any party who has not provided an e-mail address with a copy of the Court's Order. Movant's counsel will file a Certificate of Mailing/Service into the court file. Please add the following language to the service list of each Order (only if applicable): *(movant's counsel) shall serve the above-referenced parties on the service list and file a Certificate of Mailing/Service into the Court file within 3 working days after the Order has been e-filed.*

23. **Settlement of Cases:** If your case settles after you have received an order setting a case for trial please first immediately notify the Court's Judicial Assistant by telephone and follow up with a letter advising of settlement. This also applies to cases that are subsequently placed on the trial docket.

24. **Docket Call and Trial Calendars: Telephonic appearance is NOT permitted at docket call. The lawyers must appear in person at docket call.** Please see Judge Sweet's web page on www.circuit19.org for dates of docket call and trial settings. The foregoing will be updated as time permits. A copy of the cases to be set on the Court's docket will be available on the Court's website prior to, and on the day of, docket call along with a list of available trial dates. Counsel is urged to choose their desired trial week prior to court. Motions will not be heard by the Court at docket call. ***PLEASE NOTE, if a joint pre-trial stipulation is not filed prior to docket call, the case will not be set for trial at docket call.***

- a. **Continuance of Docket Call** - If your case is continued or rolled over to another date for trial and/ or Docket Call this does not extend the cut-off dates set out in the original pretrial order. You must obtain a court order either by stipulation or hearing to extend the cut-off dates as set forth in the pretrial order.
- b. **Case Tracking:** It will be the attorney's and/or *pro se* party's responsibility to track the case progression on the trial docket. Please do not call the Judicial Assistant for updates on the Trial Dockets or Trial Dates; all are posted on the website for your convenience.
- c. **Trial Docket Results:** The trial docket results will be posted on Judge Sweet's webpage at www.circuit19.org as quickly as possible after docket call.

25. **Trial Preparation:** Judge Sweet requires compliance with the Pre-Trial Order setting your case for trial, which includes, without limitation, timely submission of joint pre-trial stipulation. Your case will be subject to removal from the trial docket if a pre-trial stipulation is not filed prior to, or the morning of, docket call. **Motions in limine and other motions concerning how the trial is to be conducted will not be entertained during trial or on the day of jury selection, unless the Court is satisfied that with due diligence, the matter could not have been heard pretrial.**

26. **Commercial Mortgage Foreclosures/Summary Judgment:** If you wish to schedule your Motion for Summary Judgment for hearing and to attend by telephone, please call CourtCall directly at 1-888-882-6878 to schedule the hearing and to arrange for your appearance by phone (5 business days prior to hearing). Do not schedule a hearing for Summary Judgment until you have filed

your motion. Hearing time is at a premium. IF IT IS DETERMINED THAT YOU HAVE SCHEDULED YOUR MOTION FOR SUMMARY JUDGMENT AND HAVE NOT YET FILED YOUR MOTION, YOUR HEARING WILL BE CANCELLED BY THE COURT AND YOU WILL NEED TO RESCHEDULE ONCE YOU HAVE FILED YOUR MOTION.

27. **Residential Mortgage Foreclosures:** A link to the Residential Mortgage Foreclosure Procedures can be found at www.circuit19.org on the left-hand side of the screen. **NOTE:** Martin County Residential Mortgage Foreclosure matters are heard at the Martin County Courthouse at 100 East Ocean Boulevard in Stuart. Judge Sweet has a separate procedures and online scheduling calendar for ALL Martin County Residential Mortgage Foreclosure matters.

SETTING OF TRIALS

The Court will issue an Order Directing Pre-Trial Procedure and Setting Trial in every case upon receipt of a copy of Notice for Trial pursuant to Fla.R.Civ.P 1.440 and paragraph 19 above. Please remember that the fact 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, or if the Court issues an order setting a matter for trial pursuant to a Notice for Trial, and the opposing party believes that the trial date will not allow sufficient time to complete discovery, counsel should immediately motion the Court for a status hearing and/or a case management conference. Delays in advising the Court that there is not sufficient time to complete discovery may be considered a waiver of any objection to the setting of a trial date.

The Judicial Assistant may advise counsel, upon inquiry, as to future trial dockets (please make your request in writing, via e-mail. Counsel should request in their Notice for Trial, after consultation with opposing counsel, a trial period that will allow sufficient time to complete discovery and facilitate out of court resolution.

CASE MANAGEMENT CONFERENCE

The Court will 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 such as some medical malpractice cases, complex commercial litigation, multiple party litigation, cases with voluminous records or exhibits, and mortgage foreclosure cases, as well as other types of cases will be set by the Court, without request, for a CMC.

However, any case can be submitted for a CMC by simply filing a written motion. The motion must be copied to the Judge's office, via e-mail to MCJudge3@circuit19.org in both WORD and PDF format. Once submitted, the action will be controlled, not only by the Order Setting Trial, but also by the CMC order.

TRIALS

Counsel and their clients are to be in the courtroom and ready for trial no later than 9:30 A.M. on the date of trial. Depending on other emergency matters, the Court will start as soon after 9:30 A.M. as possible.

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 clerk, the witness, or the jury. All parties and attorneys shall avoid contact with the venire and jury, and counsel shall so instruct their clients and witnesses. Counsel shall address all arguments to the Court and not opposing counsel.

Trial Briefs: If a trial brief is to be filed with the Court it should be submitted to the Judge's Chambers no later than three (3) working days before the trial is to commence. The Court appreciates hard copies of cases cited in the trial brief with appropriate highlighting of the pertinent sections.

Trial Notebook: Plaintiff's counsel shall present to the Court, five (5) business days prior to trial, a trial notebook containing copies of pertinent pleadings filed in the case (i.e., Complaint, Answer and Affirmative Defenses, Counter-Claims, Pre-Trial Stipulation, etc.).

Jury Selection Process: After voir dire, the Court will first ask each side for any cause challenges. Upon completion of challenges for cause, the Court will move to pre-emptory challenges. The Court will start with the first juror and move sequentially as

they are seated in the venire, alternating between counsel until a panel is chosen. Back striking during jury selection is always permitted. The number of alternates will be determined by the type and length of the trial. Each party will have one additional strike as to each alternate.

Opening and Closing: Only demonstrative aids or exhibits marked by the Clerk, agreed to by all counsel, or approved by the Court may be used in either opening or closing. The Court will discuss with counsel the time requirement of both opening and closing and will expect that a reasonable estimate be provided by counsel.

Exhibits: If counsel has questions regarding submitting exhibits to the Court, please contact the Clerk of Court/Civil Division. All exhibits are to be marked for identification by the clerk **prior** to the start of trial. Exhibits which will be stipulated into evidence may be marked in evidence. Once exhibits are marked, either for identification or in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and authorized by the Court. Objections to exhibits not preserved in the pre-trial stipulation shall be deemed waived.

Demonstrative Aids: Any demonstrative aide that is to be used at trial must be marked by the clerk and exhibited to opposing counsel and the Court prior to the start of trial. The Court will hear argument of any counsel opposing the use of the demonstrative aids prior to the start of trial. No aids are to be shown to the jury without prior approval of the Court.

Experts: The Court will not accept or qualify a witness as an expert in front of the jury. Challenges to an expert's qualifications will be handled outside the presence of the jury. Experts are to be cautioned by the attorney who calls the expert of "in limine" rulings, and the effect of the invocation of the Rule of Sequestration.

Use of Depositions: If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.) make certain a hard copy is available for both the Court and for the witness being questioned.

Objections: The Court will not allow speaking objections in front of the jury. When counsel rises to object, the legal basis for the objection only should be stated. If elaboration is necessary the Court will call counsel to the bench for a bench conference out of the presence of the jury. Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer or question is patently objectionable. Once the Court has ruled, no further argument shall be permitted.

Jurors: The Court generally will allow jurors to take notes and to ask questions where necessary. Section 40.50, Florida Statutes. If any counsel objects to these procedures such objection should be addressed to the Court prior to the day of trial.

Jury Instructions: Jury instructions are to be prepared by both sides and exchanged at least fourteen (14) days prior to trial. **A hard copy shall be provided to the Court as well as a copy on a removable storage device, or by e-mail (MCJudge3@circuit19.org), at least ten (10) working days prior to trial.** The Court intends to provide the jury with a written copy of all jury instructions when the jury retires to deliberate. Therefore, there should be enough copies of the final instructions for each juror and the Court, counsel and the court reporter. In addition, the final instructions should not contain any citations, jury instruction titles, or information as to who requested the instruction. In certain cases, and with the agreement of all counsel, the Court may provide some substantive law instructions to the jury during preliminary instructions and/or before closing arguments.

INFORMATION NOT COVERED

If any matters concerning the conduct of the pre-trial or trial procedures are not covered herein, counsel is free to contact the Court, in writing via e-mail (MCJudge3@circuit19.org). A status hearing can be set at which time the Court will attempt to answer any inquiries. The Court appreciates counsels' efforts to understand and comply with this Court's procedures.