

COUNTY COURT

Honorable William J. Wallace – 312 N.W. 3rd Street, Okeechobee, FL 34972
Judicial Assistant: Karen M. Harris - email: harrisk@circuit19.org ~~~~~ Telephone: (863) 763-3193

General

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.

E-mails:

If you need to communicate with this office, kindly forward an e-mail rather than telephone call. Please send all e-mails to Judge Wallace's Judicial Assistant at: harrisk@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. **It is not necessary to send multiple e-mails regarding the same subject matter. A response to your e-mail will be forthcoming at our earliest opportunity.*

Phone Calls:

As referenced above, e-mail is the most effective method of contact with our office. If you call and receive a voicemail, please do not leave more than one message for the Judicial Assistant.

Original Pleadings, Letters, Requests

All original pleadings, letters, requests, etc., must be filed with the Clerk of Court and a copy must be furnished to the opposing party. Please make sure your phone number and correct address are included in the event the Judicial Assistant may need to contact you regarding your case. Please DO NOT send original documents to the Judge's Chambers. All original documents MUST be sent/filed with the Clerk's Office.

All parties on e-service may forward proposed Orders and provide copies to the opposing party. If any party is Pro Se, any proposed Order must be mailed in with self-addressed stamped envelopes and copies for conforming.

In addition, please be sure that the Clerk has your current address and/or telephone number. If necessary, please fill out the appropriate form with the Clerk's Office. This office will not be responsible for ascertaining which address to use for notifications.

Scheduling Hearings

All Hearings must be coordinated with the Judge's Judicial Assistant. Please e-mail the Judicial Assistant at harrisk@circuit19.org or call (863) 763-3193.

DO NOT use the online calendar system to schedule any Hearing – you must get hearing time from the Judicial Assistant or directly from the Judge in Court.

Hearings must be cleared with opposing counsel and/or *Pro Se parties*. Good faith cooperation is expected and required from counsel, their support staff, and *Pro Se litigants*. Notice of the hearing must be provided at least five (5) working days prior to the hearing.

Please be advised that Court Interpreters and/or Court Reporters are not provided on civil cases.

Settlements, Cancellations and Telephonic Hearings

If your case settles, please notify the Judge's Judicial Assistant as soon as possible via e-mail, transmittal confirmation to all parties attaching an e-filed notice of settlement.

Cancellation of any Hearing must be done by filing or e-filing a Notice of Cancellation of Hearing in advance of the hearing date and by sending a courtesy copy of your Notice to the Judicial Assistant via e-mail, once you have e-filed same.

Telephonic hearings are permitted as long as there is no testimony or evidence to be presented. A toll-free number is requested for non-local calls. **A Motion and proposed Order is necessary.** 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.

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 at harrisk@circuit19.org 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 Court-Call or telephonic appearance if their schedule will not allow them to appear in person.

Landlord/Tenant Cases

The parties are asked to become familiar with the Landlord/Tenant process. Plaintiff(s) are required to provide two self-addressed stamped envelopes for each party upon the filing of the Complaint for Eviction. The Court sets these cases after a review of any documents or Motions or when the Court decides Mediation is necessary. Mediators will be available at no charge to the parties.

Small Claims Pre-Trials

All Small Claim cases must go to Mediation and Mediators are provided. If not resolved, the case will be set for Trial.

Civil Traffic

Please follow all instructions on the Citation. Any request for extension, traffic school, Court date, etc. should be filed with the Clerk of Court first. Be sure to include case name, case number and subject matter. If you are looking for a continuance, please provide a detailed explanation as to the request. The Court will regulate continuances, if the case is being unreasonably delayed.

Trials

Trials may be set directly by the Judge in Court or by the Judicial Assistant upon request. A Pretrial Order will be sent to both parties regarding Mediation and uniform pretrial procedures. If the case settles prior to the Trial date, please notify the Court by emailing harrisk@circuit19.org. A written confirmation of the settlement agreement must be filed/uploaded with the Court with a copy to opposing party.

PLEASE REMEMBER: ALL COMMUNICATIONS WITH THE COURT MUST BE IN WRITING, filed with the Clerk and copied to all parties in the lawsuit. Be sure to include the case number, case name, and your telephone number, the reason for said correspondence or documents being sent and, if the case is scheduled for a Hearing or Trial, include the date and time. Otherwise, we will be unable to process your request.

Misdemeanor Cases and Criminal Traffic

Arraignments: All Defendants are required to be present unless counsel appears for them or a written plea and waiver of arraignment is filed by Counsel prior to the State or Court on the Arraignment day.

Docket Sounding: All Defendants are required to be present unless counsel appears on their behalf to request a continuance and waive speedy Trial. The Court will grant Unopposed Motions for continuances with a waiver of speedy Trial at the Docket Sounding.

Jury Docket Call: All Defendants and Counsel are required to be present unless counsel appears on their behalf and a written waiver of appearance is filed by Counsel prior to the start of Court. All counsel should make every effort to be ready to resolve the case whether through negotiated plea, open plea to the Court or to announce ready for Trial.

Only for good cause shown, will the Court grant further continuances at the Jury Docket Call. Defense Counsel, both private and Public Defender, shall inform their clients prior to the Jury Docket Call that if their case is announced that "it is ready for trial", all plea offers are withdrawn.

Jury Selection: Jury Selection will normally commence on the following Monday after Jury Docket Call. Trial will commence either on that day or the following Tuesday after Jury Selection.

Continuances

If a case is set for a Motion, Docket Call/Case Management Conference, or Trial and you desire a Continuance (for good reason), you must first contact the opposing party and determine if they will stipulate to a continuance. If there is a stipulation, please submit a stipulated Motion for continuance and proposed Order. If stipulated, the Court will often agree. If there is no stipulation, file the Motion and contact the Court for a hearing date and time, just as with any other Motion. Any such Motion must be filed as soon as you are aware of the need for a continuance. If an emergency occurs, contact the other party and the Court as soon as possible to resolve such an issue. The Court will regulate continuances, if the case is being unreasonably delayed. Any party may request a continuance of the case in open court, if necessary.

Probate

Checklists re: Formal or Summary Administration: The Court utilizes form checklists to determine if Petitions for Administration and Petitions to Determine Homestead is correct, and to verify that required documents have been provided. These checklists can be found under the Procedures Section.

Petition to Determine Homestead - When a Hearing is Unnecessary: If either two years have lapsed since the date of decedent's death or 90 days since the date of first publication of Notice to Creditors, and a claim has not been filed, then homestead can be determined by Petition/proposed Order without a Hearing. The Petition should include facts establishing that the claim period has expired and that no claims have been filed.

Obtaining a Homestead Order in Summary Administration: The Petitioner generally swears that there are no creditors. If there are known creditors with timely filed unsatisfied claims, notice needs to be provided of a hearing on the homestead issue. Under the Summary procedure, publication to determine unknown creditors is not required.

All parties on e-service may forward proposed Orders and provide copies to the other parties. Should the Court be required to send out conformed copies, please supply self-addressed stamped envelopes and copies for conforming.