

Judge Hardt

SCHEDULING HEARINGS

Collier County Courthouse
3315 Tamiami Trail East, Suite 404
Naples, FL 34112
Telephone (239) 252-8395 Fax (239) 252-8454

Lanette, Judicial Assistant

Office Policies and Procedures

PLEASE READ THE "GENERAL RULES AND REQUIREMENTS" AND ENSURE THAT YOUR ATTORNEY HAS BOTH READ AND UNDERSTANDS THE "GENERAL RULES AND REQUIREMENTS" AND THE "STANDARDS OF PROFESSIONAL COURTESY AND CONDUCT." The Standards of Professional Courtesy and Conduct govern scheduling, hearings, motion practice, submissions to the Court, etc. and may be found at www.ca.cjis20.org/pdf/ao_2_20.pdf

FAILURE TO COMPLY WITH THE RULES, REQUIREMENTS, AND STANDARDS MAY RESULT IN IMPOSITION OF SANCTIONS AND THE MATTER NOT BEING HEARD

For Technical Assistance: Please send an email to HelpDesk@ca.cjis20.org with your bar number and a description of your issue.

Emergency Hearings:/Scheduling Hearings All hearings 20 minutes or less in length, must be scheduled through the Judicial Automated Calendaring System ("JACS").

You may not schedule back-to-back hearings to acquire a longer block of hearing time (e.g., scheduling two 10-minute hearings to acquire 20 minutes, or scheduling two 20-minute hearings to acquire 40 minutes). If you schedule hearings improperly, the hearing(s) may be canceled, sanctions may be assessed, and you may be blocked from the JACS system.

A party/attorney scheduling a hearing must **concurrently notice** the matter in conformance with the Florida Rules of Civil Procedure and ensure timely notice is served on all pro se parties and counsel of record in advance of the hearing. The original notice must be timely filed with the Clerk of Court. A hearing notice for all hearings that will be evidentiary in nature and involving presentation of evidence (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing on its face.

Once a motion is scheduled through JACS, subsequent motions may not be "piggybacked" using the time reserved for the first motion absent prior approval of the Court.

If a Motion has been cross-noticed, you may not cancel the hearing without written consent of the other parties/counsel.

Exceptions:

* Hearings over 20 minutes must be requested in writing along with a copy of the motion and approved by Judge Hayes before hearing time will be scheduled. The judicial assistant will contact the attorneys' office to schedule these hearings.

* Emergency Hearings must be requested in writing also. Describe the nature of the emergency and estimate the hearing time needed. Do not argue your motion in the letter. (Note: Unless it is a "life or death" situation, it is probably not an emergency. Please use your good judgment as to whether it is a true emergency.)

* Discovery Motions. All Discovery motions and Motions to Withdraw should be scheduled with the Judicial Calendaring System (JACS") with Magistrate Pamela Barger for an odd number case or Magistrate Friedman for an even number case. Please do not schedule any discovery motions with Judge Hayes unless someone specifically objects to the Magistrate hearing the motion(s). PLEASE NOTE: Any motion may be scheduled with Magistrate Barger or Magistrate Friedman if the parties consent.

* Foreclosure Hearings.

*Miscellaneous Hearing Notes** Except for cancellations, there can be no changes, additions, swapping, or other alterations of the motion calendar. Attempts to accommodate such requests in the past have resulted in unnecessary confusion and inadequate notice to opposing counsel.

* Please **do not** send our office a courtesy copy of your notice for hearing and motion(s).

* Hearings via telephone are permitted if the hearing is scheduled for 15 minutes or less. See: Fla. R. Jud. Admin 2.530 (c). If the hearing is scheduled for more than 15 minutes, no telephone appearances are permitted. All phone hearings must be set up through CourtCall at least seven business days in advance of the hearing. CourtCall can be contacted at 888-882-6878 or www.courtcall.com If someone is planning to attend a hearing by phone, the hearing must be scheduled and designated as a phone hearing on JACS and noticed accordingly.

* If you need 30 minutes, ask for 30 minutes. Please don't say, "Can I get in sooner if I only ask for 15 minutes?" You can't squeeze 30 minutes of argument into a 15 minute slot. You know it, and we know it. Judge Hayes will limit the length of the hearing to the time requested. If you don't finish in time, the motion will have to be rescheduled. When estimating necessary hearing time, remember to include opposing counsel's time!

NOTICE FOR HEARINGS: ALL NOTICE OF HEARINGS MUST CONTAIN YOUR HEARING CONFIRMATION NUMBERS AND THE AMOUNT OF HEARING TIME YOU HAVE BOOKED FOR YOUR MOTION(S) TO BE HEARD.

ORDERS PRESENTED AFTER HEARINGS * We do not hold orders pending objection from opposing counsel. Your options are:

a. Be prepared at the hearing with a proposed order, appropriate copies and envelopes. b. If you cannot agree on the language in the order at the time of the hearing, you should:

- (1) Consult with opposing counsel and work out an acceptable order on blank forms provided by the Court. You may return the agreed order to the Clerk, and it will be executed the same day.
- (2) Mail a stipulated order after the hearing stating in your cover letter that opposing counsel has reviewed the order presented and has no objection thereto

* Orders tendered that are not stipulated or agreed to by all counsel **will be returned** unexecuted to the party presenting the order. * If you can't reach opposing counsel, keep trying. This is not an acceptable reason for submitting an order without prior review by opposing counsel. If opposing counsel refuses to agree or stipulate to the form of the order, please advise the judge, in writing, ASAP. * If you can't agree at all on the language in the order, we will schedule another hearing. * **If you haven't received your conformed copy yet, call the clerk's office before you call the judge's office.**

TRIAL DOCKETS. For ease of scheduling and in an effort to assign trial dates more quickly, jury and non-jury trials are combined on the same docket. When a Notice of Trial is filed, the following occurs:

1. A photocopy of the notice is sent from the clerk's office to the Judge's office.
2. The case information will be forwarded to the Civil Case Manager's office for the scheduling of a Case Management Conference. If the case has gone to mediation or non-binding arbitration, an Order

of Referral to Magistrate for Pretrial Conference will be entered and mailed to all the parties. The Magistrate will schedule the case for trial at the Pretrial Conference.

Once your case is scheduled for trial, it is the responsibility of the lawyers to keep the judge's office informed. Our office cannot possibly call all the lawyers on a trial docket to check the status of each case prior to trial. **PLEASE let us know when you have settled or otherwise disposed of your case.** Please cancel your trials and hearings.

Once placed on a trial docket, cases need to be taken out of order so that we can dispose of as many cases as possible in a trial period. We do not give preference to certain lawyers, parties or cases. We put your trial where it will fit. We are truly sympathetic when this is not convenient for you. If you can suggest a better way, we'd be more than happy to listen.

TELEPHONE. Telephone hours are from 9:00 a.m. to 5:00 p.m. Due to the high volume of phone calls the civil division receives, you will unlikely reach the J.A. in person. Therefore, when calling and receiving voice mail, please leave your name and a brief message. Your phone call will be returned. It is not necessary for the JA to call back to confirm that your message was received. Calls of that nature are not returned.

WRITTEN MOTION POLICY There is no written motion policy. Motion hearings may be scheduled on any motion. Written memoranda on lengthy or complex motions are appreciated, but not necessary. They must be submitted at least seven days prior to the hearing to be considered.

EXCEPTIONS:

A. Motions for Rehearing and for New Trial must be submitted in writing. Judge Hayes will then decide whether a hearing or new trial will be granted.

B. Motions to Advance on Trial Docket pursuant to statutes, rules of procedure, or caselaw are also reviewed without hearing. Simply submit your motion with a cover letter and you will receive notice of the judges' decision

MISCELLANEOUS: Please send a letter of transmittal with all pleadings sent to our office. You know what you want - we can only guess when an unexplained pleading comes in a month or so after the proceeding to which it relates. In most cases, the unexplained pleading will receive no action or be discarded. Thanks for your cooperation!

Other People Who Can Help:

Judicial Assistant
Lanette, Judicial Assistant (239)252-8395
Court Administration (239) 252-8800
Order of Referral to the Magistrate

[Order of Referral to Magistrate David C. Friedman](#)

[Order of Referral to Magistrate Maria Dente](#)

Agreed Case Management Plan and Order www.ca.cjis20.org/pdf/casemanagementplan.doc