

IMPORTANT INFORMATION RE: COVID-19

Pursuant to the recent pandemic and Orders from the Governor and Supreme Court, Judge Fuller will be conducting hearings remotely.

Jury Trials will be conducted in person, but all of Judge Fuller's other hearings will continue to be conducted via Zoom.

The Notice of Hearing **MUST** clearly indicate that the hearing will be via Zoom and will need to list Judge Fuller's Zoom meeting ID, which is 983 397 1054. We also have a Zoom Attachment to be included with your Notice of Hearing, see link for attachment.

<https://www.ca.cjis20.org/pdf/judge/JudgeFullerZoomInformation.pdf>

PLEASE NOTE: Your JACS Confirmation Number **MUST** be on your Notice of Hearing. If you have not received a JACS Confirmation Number, your hearing time has not been reserved.

Judge Fuller's Civil Division Procedures

These procedures are intended to ensure that all parties and their attorneys have equal access to justice through the organized administration of the courts.



**Judge Fuller is in Courtroom 4-N
(239) 533-2860**

ATTORNEYS: Counsel shall follow the Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit found at www.ca.cjis20.org/pdf/ao/ao_2_20.pdf.

Motions or other court proceedings not scheduled pursuant to the procedures set forth below, may be cancelled by the Judicial Assistant (JA) without notice.

IMPORTANT: When scheduling hearings, please schedule enough time for you to present your argument and information as well as the opposing attorney(s)

or self-represented party(ies). Judge Fuller holds attorneys and self-represented parties to the time that they have reserved. The time allotment that you choose will be divided by the number of parties involved in your case, e.g. one half of a hearing time will be allotted to each party in cases involving 2 parties. The time allotted to each party includes direct and cross-examination of witnesses, any opening statements and closing or other argument

Motions to be heard by Magistrates: Before obtaining court time before a Magistrate, please obtain agreement from the other party or parties to same. While parties in civil cases may object to proceedings occurring before a Magistrate at any time up to the beginning of said proceedings, failure to obtain prior agreement to using the Magistrate or last-minute withdrawal of such agreement, may be grounds for the assessment of fees and costs. **PLEASE** schedule the motions set forth below before the Magistrate except those pertaining to foreclosure cases. Please prepare an Order of Referral and add lc-civmag@ca.cjis20.org to the Electronic Service List. Once the Order of Referral has been approved by the Court, the Magistrate's assistant will assist with scheduling the hearing. If the hearing time is 15 minutes or longer, the following motions should be heard by the Magistrate:

- Discovery motions (shall contain a certificate of good faith)
- Claim of exemption
- Forfeiture-preliminary adversarial hearing
- Replevin
- GA and MH Cases

IMPORTANT JACS LOG-ON INFORMATION

For first time users, click the "[Schedule Time Slots](#)" link, enter your bar number for both user ID and password, select a Judge, and then click "[Log in](#)". If you are able to log in, the system will give you the opportunity to set a password of your choice. If you are unable to successfully log-in, send an email with your bar number to JACSLee@ca.cjis20.org.

Please enter the case number in the following format; 2 digit year, letters assigned to the case type and the base case number, for example "10CA1234".

If you are having problems scheduling, please email the JACS Administrator at JACSLee@ca.cjis20.org.

General Procedures

NOTE: Local Rules and Standards of Professionalism regarding motions are strictly enforced. Any motions not in full compliance with these rules may not be heard. **Motions or other court proceedings not scheduled pursuant to these procedures and those set forth herein, may be cancelled by the JA without notice.**

All hearings of 15 minutes or less in length, **MUST** be scheduled through the Judicial Automated Calendaring System ("JACS"). You must be logged in to JACS to reserve a hearing time. Available timeslots are 5, 10 and 15 minutes. JACS can be accessed online at

<https://www.ca.cjis20.org/Services/jacs.aspx> . Hearings for a commercial foreclosure case or a post-judgment residential foreclosure case can be scheduled online.

For hearings on all Pre-judgment motions in Residential Mortgage Foreclosure Cases, please visit JACS and select **Foreclosure Judge** to view and schedule hearings.

For all 30 minute hearings, please view JACS and look for two 15 minute spots that are back to back on the same date, once the date and time has been coordinated, please contact the Judicial Assistant to reserve the 30 minute block of time.

For all 45 minute hearings, please view JACS and look for three 15 minutes spots that are back to back on the same date, once the date and time has been coordinated, please contact the Judicial Assistant to reserve the 45 minute block of time.

Extended Hearings: Hearings requiring one hour or more.

A Motion for Extended Hearing should be filed outlining:

- Motion or motions to be heard and the date that the motion(s) were filed
- Indicate amount of time necessary for the extended hearing
- Indicate and necessary timeline for the hearing to be held within/during
- Reference why the specified amount of time is necessary: Witnesses, Testimony, Evidentiary, etc.

The party filing the Motion requesting an Extended Hearing shall submit a courtesy copy (in paper form) of the Motion for Extended Hearing to the Judge's office along with a courtesy copy of the motion(s) to be heard.

The Court will review the Motion for Extended Hearing and most likely schedule the matter for a Docket Sounding for the purposes of scheduling. In this case the Court will generate the Order setting the cause for an Extended Hearing which will set forth a Docket Sounding Date which will indicate a specific trial period where the matter will be set. The counsel/parties shall attend the Docket Sounding and will be advised of their specific date and time for their extended hearing.

- **Notices of Hearings:** In compliance with the 20th Circuit Standards of Professionalism, all Notices of Hearing shall reflect the following:
 - You **MUST** include your JACS confirmation number, title of motion(s), filed date, date & time of the hearing, Courtroom and the amount of time that was requested on the notice of hearing.
 - If you have NOT received a JACS confirmation number, your hearing time has not been properly reserved.
 - Whether the date and time have been coordinated with opposing counsel. If the attorney has been unable to coordinate the hearing with opposing counsel, the notice

should state the specific good faith efforts the attorney undertook to coordinate or why coordination was not obtained.

- **Please do NOT send courtesy copies of hearing notices, also please do NOT submit proposed orders in advance of the hearing.**
- **No Piggybacking of Motions:** Once a motion is scheduled, subsequent motions may not be “piggybacked” or “cross-noticed” onto the time reserved for the first Motion, absent prior approval of the Court AND the original scheduling attorney.
- **No back to back scheduling:** Attorneys may NOT schedule the SAME case or same motion_for back to back hearings to acquire a longer block of hearing time (e.g. scheduling two 5-minute hearings to acquire 10 minutes, etc.) Any hearings scheduled in this manner may be cancelled.
- **Motions for Rehearing** MUST be reviewed by the Judge before they may be scheduled for hearing. Once the Motion has been filed and appears on the Clerk’s docket, a courtesy copy of the motion should be submitted (in paper form) to the Court for review and consideration. The motion may only be scheduled for hearing time IF the Judge so directs and approves.
- **Contacting Judge Fuller’s Office:** You may contact Judge Fuller’s office via phone at: (239) 533-2860 or via e-mail at Lee-Civil-DivisionI@ca.cjis20.org. Please DO NOT leave a message on the phone AND send an email.

Documents Submitted to the Judge:

- Please forward to the JUDGE’S OFFICE (NOT the Clerk’s Office) courtesy copies of documents that you would like the Judge to review prior to your court proceeding, **no sooner than one week and not later than Noon five (5) days prior to the court proceeding**, e.g. noon on the Wednesday prior to a Monday hearing. Please deliver paper copies to the Judge’s Office.
- Please refrain from forwarding copies of pleadings or other extraneous documents to the Judge. Generally, documents submitted to the Judge would include:
 - **Orders or judgments** for the Judge’s execution submitted **AFTER** the court proceeding to which they pertain;
 - Motions for Rehearing;
 - Motions for Emergency hearing; and
 - Memoranda of law pertaining to a future court proceeding.

- *You may submit any documents allowed for herein in **paper form** except as set forth herein. The Judge’s mailing or delivery address is:*

Hon. Joseph C. Fuller, Circuit Judge
Lee County Justice Center
1700 Monroe Street
Fort Myers, FL 33901

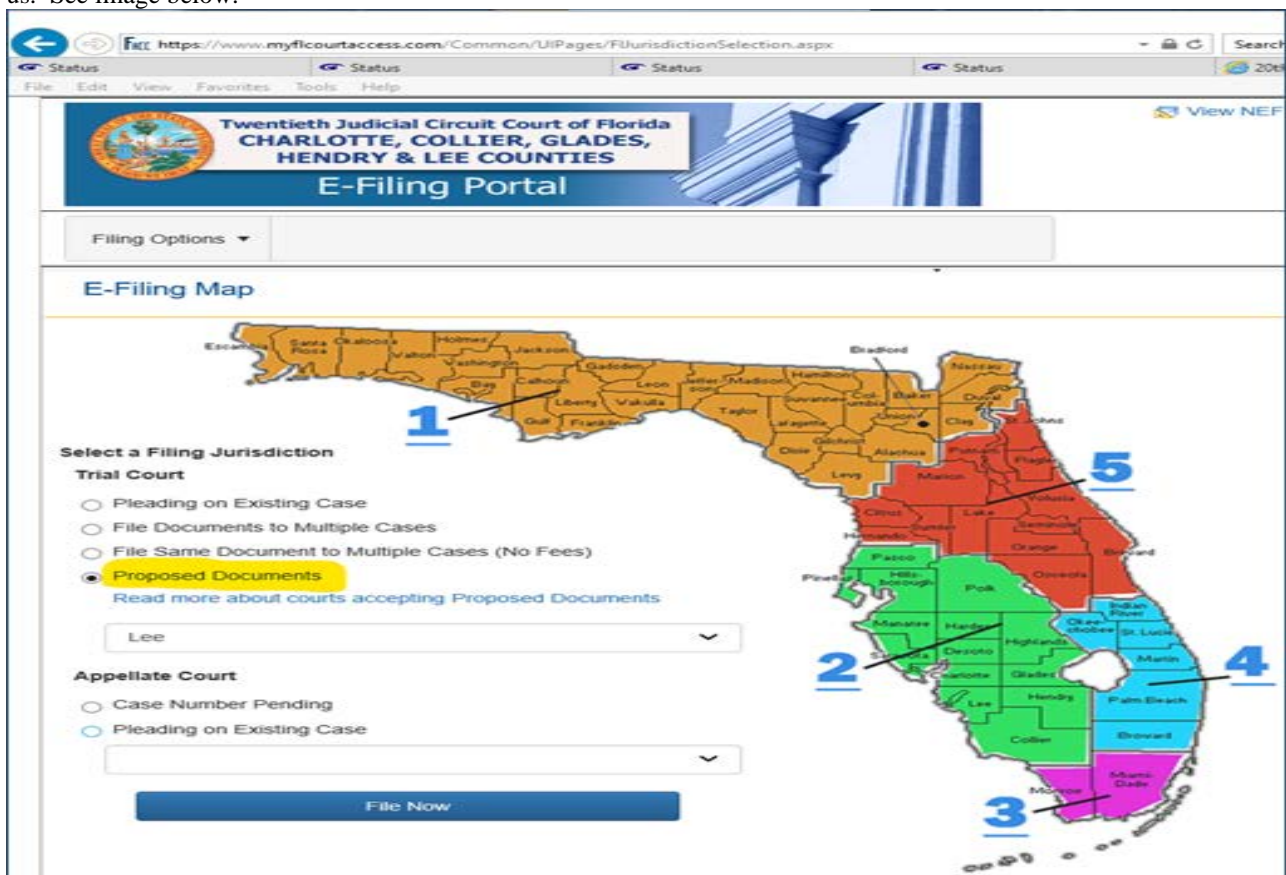
Proposed Orders:

Proposed Orders should now be submitted via the e-filing portal at <https://www.myflcourtaaccess.com/default.aspx>.

The Motion will need to appear on the Clerk’s docket, before the order can be considered. Once the motion appears on the Clerk’s docket, you can submit the proposed order.

When you upload proposed orders, please put the case number first in the “Document Title” field on the “Add/Edit Document screen when you submit the order. Also, if your document is an emergency or time-sensitive, please put the word “emergency or urgent” before the case number in the “Document Title” field. Please use the following format for the case number, 20CA123, (two digit year, CA, CP, GA, or MH and case number with no leading zeros).

When e-filing a proposed order, be sure to select “Proposed Documents” to ensure that that the order gets routed to us. See image below.



If there are any parties in the case without an email address set up for electronic service, you will be responsible for sending them a signed copy by regular mail.

If you are having a problem with e-filing, please visit <https://www.myflcourtaaccess.com/Common/UIPages/Contactus.aspx>.

If you need assistance with e-filing, please visit <https://www.youtube.com/user/FLCrtsEFilingPortal/> or <https://www.myflcourtaaccess.com/authority/trainingvideos.html> or <https://www.myflcourtaaccess.com/authority/trainingmanuals.html> or contact your local Clerk’s Office to request training sessions or contact 850-577-4609 to request training.

- Proposed Orders shall be provided to other counsel with a reasonable time for approval or comment prior to submission to the court. Opposing counsel should promptly communicate any objections thereto. Thereafter, the drafting attorney should promptly submit a copy of the proposed order to the court and advise the court as to whether or not it has been approved by opposing counsel.
- If counsel/parties object to an order or judgment submitted to a judge, he/she/they must submit an alternate proposed order or judgment. A letter enclosing such should outline the areas of disagreement or objection.
- The court **WILL NOT** accept any orders or judgments via email UNLESS specified by the Judge or Judicial Assistant. If you are instructed to submit an order via email, please be sure all parties are copied on the email to ensure that there is no Ex-Parte communication. The email address is Lee-Civil-DivisionI@ca.cjis20.org.
- If you request paper copies to be returned in paper form, please submit an original for signature and sufficient copies to be conformed along with stamped addressed envelopes to the Judge's office.
- The Court will not hold Orders or Judgments pending objection by the parties or their counsel.

Emergency Hearings may not be scheduled through JACS. All requests for such hearings must be submitted to the Judge in in **paper form** with a copy of the verified Motion signed by not only counsel, but also their client(s). The Motion must be filed with the Clerk's Office prior to or simultaneously with its submission to the Judge. Please set forth the basis for the emergency in the Motion, rather than in the cover letter.

Cancellations: If you cancel a hearing, you are required to file a Notice of Cancellation and to cancel the hearing on JACS, if scheduled through this service, or through the Judge's judicial assistant if not, **no later than 4PM the business day next preceding the hearing day**. The Notice of Cancellation should be filed with the Clerk's Office, with copies being provided to all parties and counsel of record, as well as the Judge's office, as soon as counsel becomes aware that a hearing is to be cancelled or is otherwise given reasonable notice of the cancellation. If a hearing has been cross-noticed by self-represented parties or counsel, then they must agree to the cancellation of the subject hearing and file a Notice of Cancellation of Cross-Notice of Hearing.

Continuances:

- **This Court strictly adheres to Fla.R.Jud.Admin. 2.085(e) and Fla.R.Civ.P. 1.460. As such continuances will rarely be granted, and then only upon a showing of an unanticipated event and good cause.**
- Stipulations to Continue Trial do not automatically continue the trial. Such Stipulations should set forth the reasons for the continuance and be signed by all parties, as well as by their attorneys, if they are so represented. Motions or Stipulations for Continuance of Trial must be heard by the Judge at or before pre-trial. All parties shall continue to prepare for trial as scheduled unless an Order is entered granting a continuance.

- Opposed motions to continue must include the moving party's written consent and be coordinated for hearing using JACS.