

**CHARLOTTE COUNTY SMALL CLAIMS AND COUNTY CIVIL
ELECTRONIC SUBMISSION OF PROPOSED ORDERS
TO JUDGE BURNS AND JUDGE BELL**

12/15/2019

*Beginning November 18th, 2019, all proposed orders can be submitted electronically via E-mail to Judge Burns. This grace period ends December 31st, 2019, after which date **all** proposed orders (with very few exceptions) must be submitted electronically.*

This document contains detailed instructions on submitting proposed orders electronically to Judge Burns and Judge Bell for the Charlotte County Civil and Small Claims cases. All documents should be submitted by e-mail using the instructions contained in this document. E-mails must be sent to the following address(es):

Cha-countycivila@ca.cjis20.org
for Judge Burns

Cha-countycivilb@ca.cjis20.org
for Judge Bell

BASIC / GENERAL RULES

- 1. ALL SUPPORTING DOCUMENTS MUST BE VIEWABLE (NO EXCEPTIONS):**
Do not send any proposed order until the supporting document(s) are viewable on the clerk's website.
- 2. ELECTRONIC SUBMISSION OF PROPOSED ORDERS:** A proposed order, or any other document that requires Judge Burns' or Judge Bell's signature, is to be sent directly to the Judge at the appropriate email address:

Cha-countycivila@ca.cjis20.org
for Judge Burns

Cha-countycivilb@ca.cjis20.org
for Judge Bell

Do not route proposed orders through the Clerk. If certain Clerk action is needed, send the document/request to the Clerk.

- 3. THE E-FILING PROCESS AND CLERK ACCEPTANCE OF E-FILED DOCUMENTS:** When you e-file a document through the e-filing Portal, the document is not viewable to a user of the system (including attorneys, judges and judicial assistants) until several steps occur. The attorney's receipt acknowledgment by the E-filing Portal only confirms that the Portal has received the document and that it is located on their file server. The Portal must then transfer the electronic document to the Clerk's Office which must then transfer the file to the Clerk's internal case maintenance system. Finally, the

Clerk must formally accept the document into the Clerk's case maintenance software to make the document viewable to users. The E-Filing rules give Clerks three (3) days to complete those steps. Additional days may be required if the document does not comply with the E-filing rules. **Therefore, keep in mind that when the E-filing Portal acknowledges receipt of your E-filed document it is not immediately viewable on the Clerk's website.** Consequently, if you E-file a document and simultaneously E-mail a proposed order to the judge's office, the judge and judicial assistant will likely not be able to view the document that you just filed. This will prevent the judge from immediately signing your proposed order and will only waste the time of the judge and judicial assistant as they try in vain to review the pleading on which the proposed order is based. Please **wait until YOU can view the recently filed document(s) on the Clerk's website** before you E-mail the proposed order to the judge's office.

4. **WHOM TO CONTACT WITH QUESTIONS:** For ALL questions regarding Judge Burns' procedures, you may contact his Judicial Assistant, Terri, by email at tforister@ca.cjis20.org or by calling 941/637-2266. For ALL questions regarding Judge Bell's procedures, you may contact his Judicial Assistant, Vicki, by email at VDelleDonne@ca.cjis20.org or by calling 941/637-2291.

For ALL Clerk / Benchmark / Court Records related issues **ONLY:** You may contact the Clerk's Office Civil Courts Director Grace Colon at Grace.colon@charlotteclerk.com

ELECTRONIC SUBMISSION OF PROPOSED ORDERS:

1. **Document Format** All electronically submitted proposed orders MUST be submitted to the Court utilizing recent versions of Microsoft Word (Versions from 2003 and later with a "docs" file type). No other formats will be accepted at this time. "RTF" files are not acceptable and if your office uses WordPerfect you can convert the WP files to Word files, but if your WP program has not been upgraded for many years, the version of Word that is produced may not be compatible with the judicial software that must process the proposed order.

2. **Form/Template Modifications** All proposed orders MUST be stripped of the following information at the bottom/end of the document:

- Any reference to the date, but please keep the language "Ordered and Adjudged".
- Judge signature line and Judge's Name
- Certificate of Service

An example of how your documents must be modified is available on our ca.cjis20.org website. The example shows the text that should be removed from proposed orders in red strikethrough text. The judicial software will insert the judge's signature electronically with a date/time stamp included in the signature as well as the electronic certificate of service downloaded from the E-filing

portal at the time the judicial software is processing the order. The Judicial Assistant will manually add the certificate of service for recipients who will not be served by E-Service from the Portal.

- 3. Designation of E-mail Address (Pro se)** Counsel are encouraged to request that pro se litigants and unrepresented interested parties who must be served with the orders agree to receive their copies by E-service via the E-filing portal. “The court may service any order or judgment by E-mail to all attorneys who have not been excused from E-mail service and to all parties not represented by an attorney who have designated an E-mail address for service.” Rule 2.516(h)(1), Fla.R.Jud.P. Reducing the number of mailed hard copies that must be physically served will save time and money for law firms and the court. The procedure for serving by Portal E-Service parties not represented by an attorney is set forth in Rule 2.516(b)(1)(C), Fla.R.Jud.P. which provides “any party not represented by an attorney may serve a designation of a primary e-mail address and also may designate no more than two secondary e-mail addresses to which service must be directed in that proceeding by the means provided in subdivision (b)(1) of this rule. If a party not represented by an attorney does not designate an e-mail address for service in a proceeding, service on and by that party must be by the means provided in subdivision (b)(2) of this rule.”
- 4. No Designation E-mail Address** In cases where an unrepresented party or interested person has not designated an e-mail address pursuant to the Rule, the Court will print copies of electronically signed orders and mail them. Stamped, addressed envelopes must be furnished by the attorney who submitted the proposed order. In these cases, the electronic submission of the proposed order should contain a reference in the subject line of the e-mail to envelopes submitted (for example: “12-345 CC (SP) Smith v Jones (envelopes submitted)”). Please include a paper copy of the E-mail with the envelopes when you mail them to the court. When the J.A. sees this reference in the subject line she will wait until the envelopes are received before she processes the submitted order and submits it to the court for electronic signature and E-filing. In addition, since the judicial software will not be retrieving service information from the Portal for these pro se individuals, it will be necessary for the J.A. to manually add to the proposed order the name and address of the unrepresented party or interested person to the certificate of service. To assist in this process, the attorney’s office must include the name and address of those persons to be served by mail in the body of the E-mail submitting the proposed order. It is

expected that the judicial assistant will be able to simply cut and paste this text into the proposed order.

- 5. Preserve Existing Forms** It is recommended that for the time being you preserve your forms/templates for creating form orders for hard copy submission as you have submitted them in the past. It is recommended that you create new versions of your older forms/templates that are modified as outlined above for E-filing only. In the event that there is a computer outage at any of the several transmission nodes or networks that must be working in order for this process to work, you will retain the option to return to the previous practice of paper submission and continue functioning with limited interruption of service.
- 6. Where to Send E-mails** All documents should be submitted by E-mail to
Cha-countycivila@ca.cjis20.org
for Judge Burns

Cha-countycivilb@ca.cjis20.org
for Judge Bell
- Each order should be sent as a separate attachment with only one E-mail per order. **Submittals not sent to the mail box will not be processed. Failure to send E-mails to the correct E-mail address will result in a failure to issue the proposed order(s).** One proposed order shall be attached per email.
- 7. Supporting Documents Must Be Viewable** To preserve the efficiency of the Court's workflow do not submit proposed orders until the supporting documents are viewable in the Clerk's system. In most cases this will take one to three days for the Clerk to process the supporting document and make it viewable. In some cases a longer delay will be necessary. **Additionally, once you've e-filed your stipulation or motion, you must attach a copy of the signed/e-filed stipulation or motion along with the proposed order and email to the appropriate e-mail address / Judge for EACH CASE.**
- 8. Subject Line of E-mails** E-mails sent must contain *at a minimum* the following language within the subject line using the following format:
12-345-CC (or SP) Smith v Jones

Or for unrepresented / no email parties:
12-345-CC (or SP) Smith v Jones (envelopes submitted)

9. Body of Email

The body of the email must list ALL parties to be included in the electronic service list, along with their email address (or mailing address for the pro se and/or unrepresented interested parties who do not have designated email addresses).

10. Cover Letters

Do not attach a cover letter to the e-mail. Feel free to place the information normally placed in the cover letter into the body of the e-mail containing the attached proposed order. When envelopes are submitted due to pro se parties or litigants without designated e-mail address, include a hard copy of the e-mail with the envelopes. In addition, include in the body of the e-mail the name and mailing address of the pro se party. **Also include whether all opposing counsel agree or disagree with the form of the order within the body of e-mail.**

11. Copy Opposing Counsel With E-mail

As with hard copy cover letters, copy opposing counsel with the e-mail and pro se parties / interested persons who must be served and who have designated an e-mail address (or by mail if there is no designated email address).

