

## **RESIDENTIAL FORECLOSURE CASES**

### **CHARLOTTE CIVIL ELECTRONIC SUBMISSION OF PROPOSED ORDERS**

*Beginning on February 15, 2019, all proposed Final Judgments and orders must be submitted electronically via E-mail to Judge Porter. This document details the procedures for electronic submission of proposed orders **IN RESIDENTIAL FORECLOSURE CASES ONLY.***

This document contains detailed instructions on submitting proposed orders electronically to the Charlotte County Circuit Civil judge. All documents should be submitted by E-mail using the instructions contained in this document. E-mails must be sent to the following address:

[Cha-circuitcivil@ca.cjis20.org](mailto:Cha-circuitcivil@ca.cjis20.org)

#### **BASIC/GENERAL RULES**

- 1. SUBMISSION OF PROPOSED FINAL JUDGMENTS:** All Final Judgments *must* be submitted to the above email address (Cha-circuitcivil@ca.cjis20.org) **5 days prior to your trial. Please note in the subject line of the email “Proposed Final Judgment – Foreclosure Case No. 12-345-CA.”** If there is a request for an extended sale date, you must note the request in the proposed Final Judgment. If there are parties who are not on the eservice list, then you must bring extra copies of the judgment, with envelopes, on the day of trial. Please see the Clerk of Court’s instructions regarding Notice of Foreclosure Sale.
- 2. ALL OTHER ORDERS: ALL SUPPORTING DOCUMENTS MUST BE VIEWABLE (VERY IMPORTANT):** Before sending proposed orders that will require Judge Porter’s review of online documents before entering the proposed order(s) check the Clerk’s website to make sure that all required supporting documents are viewable online. **DO NOT SEND THE PROPOSED ORDER UNTIL THE SUPPORTING DOCUMENT(S) ARE VIEWABLE ON THE CLERK’S SITE.**
- 3. ELECTRONIC SUBMISSION OF ORDERS:** A proposed order or other document that requires Judge Porter’s signature should be sent directly to the Judge at the appropriate email address: cha-circuitcivil@ca.cjis20.org **Do not route proposed orders through the Clerk.** If certain Clerk action is needed, send the document/request to the Clerk.
- 4. THE E-FILING PROCESS AND CLERK ACCEPTANCE OF E-FILED DOCUMENTS:** Remember, 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 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.

5. WHOM TO CONTACT WITH QUESTIONS:

For ALL questions regarding Judge Porter's procedures, these will be answered by Judge Porter's Judicial Assistant, Cheryl O'Brien at [co'brien@ca.cjis20.org](mailto:co'brien@ca.cjis20.org). ***Again, E-mail is the much preferred method of communication.***

For ALL Clerk/Benchmark/Court Records related Issues **ONLY**: Clerk's Office Civil Courts Director Grace Colon at [Grace.colon@charlotteclerk.com](mailto: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. **No other formats will be accepted at this time.** "Recent versions of Word" include all versions from 2003 and later with a "docx" file type. "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 document:
  - Any reference to the date (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 Cacjis20.org website. The example shows the text that should be removed from proposed orders at the end of the order 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 have to manually add the certificate of service for recipients who will not be served by E-Service from the Portal.

-Included below is a procedure that must be used to insure that your electronically submitted proposed orders do not generate electronic service language in fonts other than Times New Roman. We have seen a few examples of Word documents generating non-standard fonts when the electronic service list is imported and then inserted into the proposed order(s). This is due to the presence in your forms of non-standard fonts that appear when the service list is generated. This is not due to errors from the Portal or the judicial software. Please use the procedure at the end of this document to correct any errors that may occur.

**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 serve 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-CA 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, a relatively easy and quick operation.

**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-circuitcivil@ca.cjis20.org](mailto:Cha-circuitcivil@ca.cjis20.org). 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).** It is requested that no more than one proposed order 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.

- 8. Subject Line of E-mails** E-mails sent must be contain *at a minimum* the following language within subject line using the following format:  
12-345-CA Smith v. Jones  
or for unrepresented/no email  
12-345-CA Smith v. Jones (envelopes submitted)

***For Proposed Final Judgments ONLY:***

Proposed Final Judgment – Foreclosure Case No. 12-345-CA

- 9. Cover Letters** **Please 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 email 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 envelope. In addition, include in the body of the E-mail the name and mailing addresses of pro-se party. **Please also include whether all opposing counsel agree or disagree with the form of the order within the body of email.**

- 10. Copy Opposing Counsel With the 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).