

GENERAL RULES AND REQUIREMENTS

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.

FREQUENTLY ASKED QUESTIONS / SUGGESTIONS:

- **I am receiving an error message in JACS “Record not found”.** - DO NOT USE DASHES IN YOUR CASE NUMBER. Case numbers shall be entered as 21CA1234. All hearings are to be scheduled in **Courtroom 4-O**.
- **How do I submit documents to the Court?** – By U.S. Mail or through the E-Portal under proposed documents. All orders MUST be submitted through the E-Portal.
- **When should I submit materials for a hearing?** – Please submit all material at least one week in advance of the hearing. Any material over 20 pages must be submitted by U.S. Mail. Anything under 20 pages may be submitted via the E-Portal under “Proposed Documents”.
- **I do not see an option for Proposed Documents to submit my Order, where can I find it?** - “Proposed Documents” can be found on the E-Filing Map page under “Select a Filing Jurisdiction” “Trial Court”.
- **What is the status of my Order?** - Please allow at least one week to check the status of an Order. Prior to contacting the Judge’s Office, please review the Clerk’s Docket.
- **How do I appear remotely?** - See below under REMOTE APPEARANCES.
- **Is there any additional time for hearings 5-15 minute?** - All hearing time is shown on JACS. Additional time may open depending on the Judge’s Trial cycles. Please check JACS for cancellations and/or additional openings. No additional time can be given.
- **Who is the Magistrate for the Civil Division?** – Magistrate Kimberly Davis Bocelli
- **What is your e-mail and/or fax number?** – Our office does not accept e-mail or fax.
- **How can I continue/cancel a Court Ordered Hearing?** – The Judicial Assistant does not have the authority to continue/cancel a hearing set by Order of the Court. The appropriate Motion must be filed and an Order must be submitted to the Judge via the E-Portal.

SCHEDULING HEARINGS:

- All hearings requiring **15 minutes or less** in length, **must** be scheduled through the Judicial Automated Calendaring System (“JACS”). Available timeslots are **5, 10, & 15**. JACS can be accessed online at www.ca.cjis20.org. **DO NOT USE DASHES IN YOUR CASE NUMBER.** Case numbers shall be entered as 21CA1234. All hearings are to be scheduled in **Courtroom 4-O**.
- All hearings requiring **20 - 30 minute** timeslots **must** be scheduled through the Judicial Assistant. Please contact Kathleen at 239-533-2744 to obtain hearing time.
- For all hearing requiring **45 minutes or more**, counsel shall first send a copy of the motion to the Judge with a cover letter (**via U.S. Mail or the E-Portal**). The cover letter shall set forth the agreed amount of hearing time needed. If not agreed, the cover letter must set out each attorney’s time estimations and reasoning. Upon filing of the motion and

correspondence to the Court, the Court shall schedule said hearing and notify the parties and their counsel accordingly. Said hearings shall not be cancelled unless expressly permitted by the Court. Should the issues giving rise to said hearing resolve, the party having requested hearing time is required to notify the Court and submit an agreed order as to the resolution at least 24 hours prior to the hearing date. **The Court will not accept e-mailed requests.**

Any hearings scheduled that are not in compliance with any of these requirements will be cancelled by the judicial assistant without telephonic notice.

NOTICE: In compliance with the Twentieth Circuit Standards of Professionalism, all Notice of Hearings shall reflect the following:

- 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 provide a courtesy copy of the Notice of Hearing to the Judge's office (**via U.S. Mail or the E-Portal**).

NOTE THE FOLLOWING:

- **COMMUNICATIONS WITH THE COURT:** Electronic communication with the Court is prohibited. Scheduling and other court appearances must be done in accordance with the rules prescribed herein.
- **PIGGYBACK:** Once a motion is scheduled, any other motions or matters may not be "piggybacked" or noticed onto the time reserved for the first motion absent prior approval of the Court and the original scheduling attorney.
- **CROSS-NOTICE:** Before filing a cross-notice on a previously scheduled and docketed hearing, the Judicial Assistant must be notified.
- **NO BACK TO BACK SCHEDULING:** Attorneys **may not** schedule 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 canceled and sanctions may be assessed.
- **TIME:** Each party will be entitled to one-half of allotted hearing time.
- **REHEARING: Motions for Rehearing and/or Motion for New Trial must be submitted in writing.** Judge Laboda will then decide whether a hearing will be

granted. Please send a courtesy copy of the motion to the Judge's Chambers (**via U.S. Mail or the E-Portal**).

MOTIONS THAT MUST BE HEARD BY MAGISTRATE (Kimberly Davis Bocelli):

ALL DISCOVERY MOTIONS WILL STILL BE HEARD BY THE MAGISTRATE. ALL OTHER MOTIONS REQUIRING MORE THAN A 10 MINUTE HEARING (EXCLUDING PRE-JUDGMENT, NON-COMMERCIAL FORECLOSURE MOTIONS) MAY BE REFERRED TO THE CIVIL MAGISTRATE BY THE ASSIGNED JUDGE ON A CASE-BY-CASE BASIS. **MAGISTRATE BOCELLI'S MOTION GUIDELINES ARE AVAILABLE ON JACS.** UPON REFERRAL FROM THE ASSIGNED JUDGE, PLEASE CONTACT ADELA AT (239) 533-2583 TO SCHEDULE YOUR HEARING.

REMOTE APPEARANCES:

- **TELEPHONIC HEARINGS** - In order to appear telephonically, **a motion and order must be filed and approved by the Court** in sufficient time for the approved order to be returned to the requesting party. The motion must state the type of hearing, length of time, date and time scheduled, and **MUST** state that the hearing will be held via Courtscribes only. A template of the motion and order may be found under the Judge's downloads, see below for link. Please schedule your hearing prior to submitting the Motion and Order to the Court. **TELEPHONIC APPEARANCES WILL BE VIA COURTSCRIBES.** Once approved by the Court, Attorneys and/or parties may schedule a telephonic appearance in accordance with above by any one of the following means:
 - a. emailing to scheduling@courtscribes.com;
 - b. calling (833) SCRIBES (727-4237); or
 - c. scheduling online at www.courtscribes.com/ra.

The following information is required:

1. Name of party appearing remotely
2. Contact information (email and phone)
3. Court location
4. Judge/department (e.g., family, civil)
5. Appearance date/time
6. Case name & case number
7. Nature of proceeding
8. Party being represented

If you do not receive confirmation within 2 hours of placing your order and making payment, call (833) SCRIBES (727-4237) for assistance.

Please refer to the Judge's downloads section for a template motion and order.
https://www.ca.cjis20.org/About-The-Court/jud_profile.aspx?judge=laboda

- **VIDEO-CONFERENCE HEARINGS** will only be held upon Stipulation signed by all parties and approved by order of the Court. **ALL PARTIES MUST BE APPEARING VIA ZOOM VIDEO.** In order to appear via ZOOM VIDEO, a Stipulation and order must be filed with and approved by the Court in sufficient time for the approved order to be returned to the requesting party. **The Court will provide the Zoom Meeting ID and Passcode in the Order Granting Video Appearance.** **Video-Conference appearances will only be available for hearings 20 minutes or longer.** If all parties cannot agree to appear via Zoom Video, you may motion the Court to appear telephonically pursuant to the procedure above.

Please refer to the Judge's downloads section for a template stipulation and order.
https://www.ca.cjis20.org/About-The-Court/jud_profile.aspx?judge=laboda

- If you have obtained court permission to attend a hearing telephonically and/or by video (by order), the hearing must be noticed accordingly. If attending a hearing by phone/video, you should call/log-in into the hearing at least five to ten minutes prior to the scheduled hearing time to ensure your timely appearance and to provide ample time to address connection problems, if any. Also, please do not place your phone/computer on hold at any time and remain quiet and/or on mute until your case is called.
- The requesting parties will not designate a hearing in JACS as remote. Only the judicial assistant will make this designation.

DOCUMENTS SUBMITTED TO COURT:

When submitting documents or proposed Orders for the Court's consideration, a cover letter must be submitted, along with the documents or proposed Orders outlining the materials being directed to the Court and state the reasons for such submissions.

- **All orders should be submitted through the E-portal at <https://www.myflcourtaaccess.com>, under "PROPOSED DOCUMENTS" UNLESS DIRECTED OTHERWISE BY THE COURT.**
- All counsel and/or other parties (if not represented by counsel) shall be copied on the cover letter and provided a set of the documents being submitted to the Court. The cover letter must list the names of all counsel or other parties to whom copies were sent.

- If submitting a proposed Order or other such document, the cover letter must indicate that all counsel have reviewed the proposed submission and indicate whether or not they have an objection to the same. If there is an objection both parties must submit their proposed Orders or documents to the Court, outlining the objections and copying all parties with enclosures. **The Court will not hold Orders pending objection by the parties. All Orders not in conformity with the above will be returned.**

EMERGENCY HEARINGS:

Emergency hearings shall not be scheduled through JACS. All requests for emergency hearings must be submitted to the Judge in writing (**via U.S. Mail or the E-Portal**) with a copy of the verified Motion signed not only by counsel but also their client(s). The motion must be filed with the clerk prior to submission. All parties of interest shall be copied on the correspondence to the Court. After review, the Judge will determine if hearing time is required.

CANCELLATIONS:

If you cancel a hearing you are required to file a Notice of Cancellation. You are also required to cancel the hearing on JACS.

Said notice should first be filed with the Clerk of the Court, 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 the hearing is to be cancelled. The notice should indicate that the opposing side either agreed to the cancellation or is otherwise given reasonable notice of the cancellation. **You may not cancel a cross-noticed motion hearing without written consent of the other parties/counsel.**

Cancellations are allowed through JACS up to seven (7) days prior to the hearing. Please contact the Judicial Assistant to cancel a hearing within six (6) days.

CONTINUANCES:

- This Court strictly adheres to Fla.R.Jud.Admin. 2.085(e) and Fla.R.Civ. P. 1.460 **Continuances will rarely be granted, and then only upon a showing of an unanticipated event and good cause.**
- **Stipulations:** Trials are not automatically continued by the submission of a stipulation. **A stipulation must be signed by all counsel and all parties** and shall be submitted to the Court detailing the reasons a continuance is necessary. The Judge will determine if a hearing is required. **All parties shall continue to prepare for trial as scheduled until an Order is entered granting a continuance.**
- **Motions:** All opposed motions **must include the moving party's written consent,** and be coordinated for hearing using JACS.

SANCTIONS:

Failure to comply with these standard procedures and requirements and the administrative orders upon which they are based may result in the cancellation of hearing, termination of the privilege to appear telephonically/by video, or other sanctions. Chronic offenders may be denied access to JACS and required to request hearing time by phone, which may result in substantial delays in the processing of cases.