

Margaret O. Steinbeck
Circuit Judge, 20th Judicial Circuit
Lee County Justice Center, 1700 Monroe Street, Fort Myers, FL 33901
(239) 335-2412

MEMO

To: All Parties (Counsel and Pro Se Litigants)
Re: General Procedures – Civil
Date: July 18, 2006

1. **Hearings**. A motion must be filed *before* scheduling it for hearing. Hearings are limited to the time requested. The party opposing the motion is entitled to equal time; therefore, a party requesting hearing time should determine how much time he or she needs and then double the estimate when calling for hearing time, or, alternatively (and preferably), confer with opposing counsel and agree regarding the time required.

When calling to set hearing time, please have the following information ready to give the Judicial Assistant:

* Amount of hearing time needed	* Case caption/style
* Case number	* Motion title

PLEASE NOTE: Leaving a voicemail message for the judicial assistant regarding a specific hearing time does not constitute or confirm that the hearing will be placed on the docket. **A HEARING IS NOT PLACED ON THE DOCKET UNTIL VERBAL CONFIRMATION IS MADE BETWEEN THE JUDICIAL ASSISTANT AND THE PARTY SETTING THE HEARING.**

If more than one (1) hour is needed to hear a specific motion, the court will require the party setting the motion to file a Motion Requesting Extended Hearing Time with the Clerk of Court and provide the judge’s office with a courtesy copy so the motion can be placed on the court’s trial docket.

Once a motion is scheduled on the court’s docket, subsequent motions may not be “piggybacked” onto the time reserved for the first motion. Also, hearing time may not, absent prior coordination with the court’s Judicial Assistant and the opposing party, be used to hear other motions in the event the hearing time is not needed for the originally scheduled motion.

Please call the court’s Judicial Assistant to cancel hearing time as soon as you are aware that the need for hearing time no longer exists and file a Notice of Cancellation.

Use of communication equipment (including participation by telephone) is governed by Rule 2.071 of the Florida Judicial Administration Rules. **Party/counsel wishing to schedule a telephonic hearing should REFER TO THE MEMO REGARDING TELEPHONIC HEARING PROCEDURES on the Court’s website at www.ca.cjis20.org**¹. Regretfully, Judge Steinbeck’s

¹Procedure forms specific to Judge Steinbeck can be found on the website for the 20th Judicial Circuit, www.ca.cjis20.org Click on “Court Information,” Click on “Judges,” Click on “View Judges - Lee,” Scroll down to Judge Margaret Steinbeck’s picture, Click on her name, Click the “Downloads” tab.

office cannot accommodate telephonic appearance in foreclosure cases. Please make arrangements to appear personally OR for local counsel to cover the hearing on your behalf.

Pursuant to Rule 2.071(d), testimony may be taken through communication equipment only with the consent of all the parties.

2. **Motions for Rehearing.** A motion for rehearing must be filed with the Clerk of the Court with a courtesy copy forwarded to the judge for review. The judge's office will notify the moving party if hearing time will be granted.

3. **Motions for Case Management Conference.** Requests for Case Management Conferences must be in the form of a motion, filed with the Clerk of Court and served on opposing counsel/parties. **The motion must specify the issues to be addressed at the conference.**

4. **Emergencies.** "Emergency" motions must be filed with the Clerk of the Court and served upon opposing party, except in those rare cases which permit *ex parte* relief. **The cause of the emergency must be incorporated in the body of the motion. Please Note:** Unless movant specifically requests that the Clerk's Office file the emergency motion and attach it to the file and forward it to the judge's office for review, the motion will simply be filed. It is movant's responsibility to make sure the judge's office receives the motion and file for review and consideration of the emergency motion.

A hearing will not be set on an "emergency" basis until the motion has been reviewed by the court. Upon determination, the court will issue and serve an order granting or denying the request for emergency hearing time.

5. **Discovery.** **ALL MOTIONS REQUESTING COMPLIANCE WITH DISCOVERY MUST COMPLY WITH THE TWENTIETH JUDICIAL CIRCUIT, JUDICIAL ADMINISTRATION RULE 2.20.** More specifically, any motion requesting compliance with discovery requests, such as a motion to compel, should contain in the text of the motion the statement that counsel filing the motion (movant) has spoken with the opposing counsel/party and the matter cannot be worked out. **The court's Judicial Assistant will not schedule hearings on discovery motions without such a statement, and if set by mistake, the court may not grant the relief requested by the movant.**

NOTE: If the court grants a motion to compel discovery, and there is no sufficient excuse for not complying with the discovery rules, the court will likely assess a sanction of at least \$250 for attorney's fees and costs against the party compelled because the discovery rules are self-executing and should not require a court order to be followed.

6. **Trials.** A trial will be set only when a case is "ready and at issue" and only after a Notice for Trial is filed with the Clerk of Court. The Notice for Trial should advise the court of the time required for trial and whether a jury or non-jury trial is requested. After filing the Notice of Trial, movant should submit an Order Setting Cause for Trial. The Order Setting Cause for Trial can be found on Judge Steinbeck's website at www.ca.cjis20.org along with a memo regarding same entitled "Obtaining a Trial Date" dated November 9, 2006. Upon receipt of the Order, the court will set the cause on the next available trial docket.

The court may remove a cause from the "active" trial docket upon written request from either counsel, indicating that the matter has settled or otherwise resolved. A Final Judgment or Notice of

Voluntary Dismissal (filed by the Plaintiff) or other final disposition (and final disposition form) must be filed with the Clerk of Court **within thirty (30) days** after written notice to remove the action from the “active” trial docket. Failure to do so may result in sanctions.

7. **Continuances.** Pursuant to Rule 1.440(b), a “notice for trial” announces that the action is at issue and “ready to be set for trial.” Continuances to complete discovery or for other reasons that suggest that the action was not ready for trial at the time the “notice for trial” was filed and served will be strongly disfavored.

Pursuant to Rule 2.085(c), Florida Judicial Administration Rules, and Rule 1.460, of the Florida Rules of Civil Procedure, **motions for continuances shall be in writing and must be signed by party, not just their counsel.** The Court must approve stipulations to continue a trial, once it is set.

8. **Attorney Substitution/Withdrawal.** Pursuant to Rule 2.060(h) of the Florida Judicial Administration Rules, **substitution of counsel requires a court order and the written consent of the client filed with the court.** Pursuant to Rule 2.060(i), **attorney withdrawal requires a court order upon motion and hearing, with notice to the client and adverse parties.** Therefore, **attorney withdrawal requires a hearing unless ALL parties stipulate, in writing, to withdrawal.**

9. **Facsimiles.** The court will not consider facsimile requests. All documents should be filed with the Clerk of the Court. If a courtesy copy would benefit the court, it should be forwarded by regular or special mail. Facsimiles are strongly disfavored.

10. **Memorandum of Law.** Any Memorandum of Law or legal authority to be considered by the court should be provided to the court **for RECEIPT no later than three (3) business days PRIOR TO the scheduled hearing.** **FAILURE TO DO SO MAY RESULT IN A CONTINUANCE OF THE SCHEDULED HEARING, or alternatively, the judge will not consider your written argument/legal authority.** All law provided must be either hand delivered or mailed to the Judge’s office along with a Certificate of Service showing service on all parties.

11. **Courtroom Decorum.** Counsel should review a copy of Administrative Order 2.13 of this circuit concerning “Standards of Courtroom Decorum,” and Administrative Order 2.20, “Standards of Professional Courtesy and Conduct and Establishment of Peer Review Program” and conduct themselves accordingly. Clients should be advised of their obligations pursuant to these Orders before coming to court.

12. View Judge Steinbeck’s Weekly Docket, Pretrial Conference, Docket Sounding and Trial dates, as well as, other memos, and procedures by visiting the Twentieth Judicial Circuit’s website at www.ca.cjis20.org²

Margaret O. Steinbeck (electronically signed)

MARGARET O. STEINBECK, Circuit Judge

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