

JUDICIAL ASSISTANT: MELISSA
EMAIL: MPELLE@CA.CJIS20.ORG

OFFICE AND COURTROOM PROCEDURES

Other Contacts:

Court Administration - (239) 252-8800

Clerk of the Court - (239) 252-2646

Court Mediation - (239) 252-8704

Bailiff's Bureau - (239) 252-8129

Websites:

20th Judicial Circuit:

www.ca.cjis20.org

Collier County Clerk of Courts:

www.collierclerk.com

COUNTY COURT JUDGE CHRIS BROWN
OFFICE AND COURTROOM PROCEDURES

CIVIL DIVISION

Judge Brown's office is paperless and prefers email communications. Please try to reduce the amount of paper you are producing from your office by emailing your electronic documents and/or submitting proposed court orders via the e-portal to this office instead of sending hard copies. Judge Brown's office will NOT accept any motions or proposed orders via mail or hardcopy.

CORRESPONDENCE TO THE COURT:

Unless otherwise authorized by law, any correspondence received by the Court shall be placed in the Court file and subject to public record. Pursuant to Canon 3.B(7), Code of Judicial Conduct, the Court cannot consider any ex parte communication made to the Court outside the presence of counsel or the parties concerning a pending or impending matter.

PROPOSED ORDERS:

This office only receives proposed Orders **via email** or through the e-portal at <https://www.myflcourtaccess.com>

If submitting via email, please send the Judicial Assistant an email with the attached proposed Order, which must be in MS Word format. The subject line of the email must include "PROPOSED ORDER" and the case number. A submission of the corresponding motion is only necessary if it was recently emergency e-Filed.

In required or necessary **Civil/Small Claims Division** matters, when submitting a proposed Order, please attach a stipulation or other writing with the signature of opposing counsel or party indicating that he or she has agreed to or has no objection to the proposed Order. At the time of the processing by the Clerk of the original Order through the e-Portal, the attorney(s) of record on the case at the time of processing the Order who are Florida Bar Members will receive a copy via e-mail by the Clerk. Unrepresented or *pro se* parties whose email addresses are known to the Court will also receive a copy via e-mail by the Clerk.

For those cases in which Plaintiff is represented but Defendant is unrepresented, Plaintiff's attorney is responsible for providing Defendant with a copy of the Court Order, Final Judgment, Notice, Fact Information Sheet, or any other

court-issued document. For cases in which both Plaintiff and Defendant are unrepresented or Plaintiff is unrepresented and their email addresses are unknown, the Court will mail hardcopies of court-issued documents to the parties.

SCHEDULING MOTION HEARINGS:

Motion hearings shall be coordinated with opposing counsel and set with the Judicial Assistant **via email**. Please include the case number(s), case name, motion(s) to be heard, and the total amount of time required for each side. You will be provided with several date and time options to be coordinated with opposing counsel. Once you have an agreed upon date and time, please email the Judicial Assistant to verify that it is still available and it will be added to the docket. Thereafter, the moving party should file a Notice of Hearing which shall include the Court's Zoom information if the hearing is to be conducted via videoconferencing. Please only make these requests via telephone if it is an emergency or if you have not received a response after 24 hours of emailing your request.

In the event that both parties are unrepresented or Plaintiff is unrepresented, then the Court will schedule the motion hearing on its own or attempt to coordinate the hearing date and time with the parties.

This office does NOT provide hearing confirmation numbers.

SMALL CLAIMS NONJURY TRIALS:

Small Claims Nonjury Trials will be scheduled by the Court upon receipt of a Small Claims Pretrial Conference tracking sheet indicating that a mediated settlement agreement was not reached. Should the Court schedule the nonjury trial on a date or time that one or more parties or their witnesses are unavailable, then the moving party must immediately file a motion to continue with a copy to the opposing party or counsel along with an electronic copy emailed to the Court's Judicial Assistant. The moving party shall state whether the opposing party or counsel has any objection to the continuance. The Court will rule on the motion without hearing if possible or schedule a hearing on the motion. At Trial absent compelling reasons you should be physically be present at Trial.

TIMELINESS:

All motions should comply with the appropriate Florida Rules of Procedure. Please submit your motions in a timely manner and pursuant to the Florida Rules of Procedure. This office does NOT accept certain motions within 48 hours prior to a scheduled hearing; these motions include motions to appear telephonically or Zoom videoconferencing and motions for continuance.

APPEARANCE VIA ELECTRONIC COMMUNICATIONS:

Beginning on March 1, 2023 all hearings in this division will be conducted live at the Collier County Courthouse unless the Court has indicated otherwise. Should any party, attorney or witness in any proceeding wish to appear via Zoom, that individual or their counsel should submit a letter to the Court with copies to the attorneys/parties on the case. The letter may be provided electronically to the Court by email to: mpelle@ca.cjis20.org

The letter shall indicate good cause as to why personal appearance should not be required. Some examples of good cause would be: illness, a scheduling conflict or an undue financial hardship due to having to travel to court. The Court will then issue an order indicating whether Zoom appearance will be allowed

The Zoom App is available at no charge for all iOS (Apple) and Android phones and tablets. Zoom can also be accessed from any computer or laptop at <https://zoom.us> and the Zoom Help Center can be accessed at <https://support.zoom.us> where you can also do a practice session with your device or computer.

If you connect before your hearing is ready to begin, please wait patiently until your case is called. Please ensure that your screen name, user name, or profile name, is your legal name in order to expedite the proceedings. If your case is not the case being heard, please MUTE YOUR MICROPHONE until your case is called. Once your hearing begins, REMEMBER YOU ARE IN COURT. DO NOT SPEAK “OVER” OTHERS AND MAINTAIN APPROPRIATE DECORUM.

All physical evidence and witness lists should be exchanged by the parties pursuant to Administrative Order 2.40 or any other Florida Rules of Procedure or Administrative Orders in effect at the time of the hearing. All physical evidence should also be filed with the Clerk and emailed to the Court’s Judicial Assistant at mpelle@ca.cjis20.org at least five (5) days prior to the court proceeding. No court interpreters will be available for Civil Division hearings. Should you require an interpreter, you should have one available with you.

Individuals do not need to be present together to use this service, and each individual should plan to appear via a separate device/computer. However, the parties are strongly discouraged from sharing the Zoom Meeting information with anyone who is not directly involved (party, lawyer, or witness) in the hearing. Please review Zoom support and best practices found at <https://support.zoom.us/hc/en-us>, including instructions on how to do a practice session so that your hearing will run smoothly and on time.

If you do not have the technological resources necessary to participate via videoconferencing as instructed in a Court Order, or if you cannot participate for other reasons, you must notify the Court immediately. Failure to appear or notify the Court of an inability to participate by the Plaintiff as instructed in the Order may subject this case to an Order of Dismissal. Failure to appear or notify the Court of an inability to participate by the Defendant as instructed in the Order may subject Defendant to be in Default and a Final Judgment issued in favor of the Plaintiff.

Testimony shall be taken from a witness or party appearing telephonically or via Zoom videoconferencing pursuant to the applicable Florida Rules of Procedure and any Administrative Orders in effect at the time of the hearing.

ZOOM VIDEOCONFERENCING AND APPEARING VIRTUALLY FOR COURT

The Court is generally willing to permit persons to appear for court virtually, by videoconference. The Court uses a Zoom platform to conduct virtual hearings. There is no charge for litigants to use Zoom for their court appearances, nor do they have to set up an account. If your notice from the court does not specifically permit you (or your witness) to appear by Zoom, you should contact the JA (above) to request permission to appear by Zoom.

SUBMITTING ORDERS FOR THE JUDGE TO SIGN

- Best method is submission via the e-portal o Include a cover letter which confirms (1) that the motion or stipulation to which the order pertains has been e-filed already and (2) whether the order is agreed to or contested by the other party(ies) o Order must be in Word format – preferably Times New Roman, 12-point font o Order should have NO TEXT OR FORMATTING below the line “DONE AND ORDERED in Naples, Collier County, Florida.”

The Court’s document system will apply a signature block, date and a list of e filing recipients, based on all persons listed in the e-portal for the case.

If you have formatting such as columns and tabs/indents, we may have to ask you to resubmit the order without those, as our system will not work otherwise.

The order shall include language clearly certifying that the party submitting the proposed order will ensure (by mail or email) that signed copies of the order are sent to all parties who are not listed in the e-portal.

- Alternatively, you may email the order in Word to the JA

Same details apply as with the e-portal, above • Paper orders will be accepted, but should be accompanied by stamped and addressed envelopes, along with copies of the order to be conformed by the JA and mailed to all parties who are not listed in

the e-portal.

- If you are submitting a proposed order prior to a scheduled hearing, please do not send the order until the hearing is within the next 5 days
- DO NOT SEND CONTESTED ORDERS BY E-PORTAL. INSTEAD, EMAIL THEM TO THE JA, AND CC THE OTHER PARTY(IES). INCLUDE CLEAR NOTICE THAT THE ORDER IS CONTESTED. THE PARTY(IES) CONTESTING THE ORDER WILL HAVE 48 HOURS TO SUBMIT THEIR COMPETING VERSION OR REQUEST EXTENSION. OTHERWISE THE COURT WILL RULE. PROPOSED FORECLOSURE JUDGMENTS
- Judgment language must make clear the Defendant's Right of Redemption will be concluded by the filing of the Certificate of Sale, no later.

SETTLEMENTS WITHOUT SIGNED AGREEMENTS

Many plaintiffs find themselves in the position of having reached a settlement agreement with a pro se party but not getting back a signed agreement. If a plaintiff finds themselves in this position and the defendant is performing (that is paying) the plaintiff may seek ratification and future enforcement of the unsigned agreement (while allowing the Court to close the case). The plaintiff simply needs to download, from this page, the appropriate motion and order. The motion and unsigned agreement should then be filed with the Clerk and the proposed order should be submitted to the Court for signature.

E-FILING

• E-filing is the fastest, most convenient and most reliable method for ensuring that your documents make it into the Court File. • You do NOT have to be an attorney to use e-filing, and there is no charge to set up an account or file documents (though the standard filing fees apply for filing new lawsuits, just as they do when you file in-person at the Clerk's Office. • This video will show you how to set up your own account as a self-represented litigant:

<https://youtu.be/16gB9xGQ:-0>

An added benefit of e-filing is that you will receive instantaneous copies of everyone else's filings via email, keeping you informed on your case at all times, even if you change your physical address.

VIDEOCONFERENCING AND APPEARING VIRTUALLY FOR

COURT EVIDENCE

Just because you have filed something in the Court File does NOT mean it is in evidence, OR that it is even admissible (meaning, able to be considered by the Judge for your case) • Evidence in Florida is governed by the Florida Evidence Code, which can be found at Chapter 90, Florida Statutes. The Florida Evidence Code applies in all court proceedings, including Small Claims.

EVIDENCE IN ZOOM HEARINGS

If you (or your witness) plan to testify, you will need to appear by video and not just call in by phone via Zoom. The Judge has to be able to see you in order to swear you in so that you can testify.

IF YOU APPEAR MERELY BY PHONE, YOU MAY NOT BE ABLE TO TESTIFY

If your hearing is being conducted via Zoom, and you wish to present evidence, you will need to forward the evidence (generally photographs, documents and the like) to the Court at least 5 days before your hearing AND send an identical copy to each other party in the case. You may forward this by mail, email or files sharing link (e.g. Dropbox).

HEARSAY

Hearsay is generally defined as: any out-of-court statement, made by a person, that is offered in court for the purpose of proving the truth of the matter asserted. A common example would be: the car mechanic estimated that it would cost \$700.00 to fix the damaged car. When offered for the purposes of getting \$700.00 awarded in a lawsuit against the other party in the car accident, this would NOT be admissible. Instead, the mechanic would have to appear at the hearing, and offer live testimony and be subject to questioning (called cross-examination) by the other party. There are several exceptions to this

OTHER TIPS (AND PET PEEVES):

- All self-represented (or pro se) litigants should include a valid email address on all court filings, and should further check to ensure that court documents are not ending up in spam or junk folders. Many rights in County Court are highly time-sensitive, and if you do not promptly receive our communications, you may lose your opportunity to protect those rights.

- All motions and correspondence should make clear that copies of same have been sent to all other parties. Said notation should be specific, and should include the details of where/how such copies were sent (e.g. to John Doe at 123 Elm Street, Naples, FL 34112 or to John Doe at jdoe1234@aol.com). It is NOT appropriate to note simply, “copies sent to all counsel of record” or “copies sent to all parties via the e-portal.” Insufficient specifics as to the delivery of your document to all parties may result in your motion being delayed while you re-send it with proper notations as to service.

COURTROOM DECORUM and CALENDAR CONFLICTS

All counsel, parties, witnesses, and other persons in the courtroom shall comply with the Standards of Courtroom Decorum as set forth in Administrative Order No. 2.13, which may be found online at www.ca.cjis20.org.

The following additional standards apply:

- Attorney cell phones, laptops, electronic tablets, smart watches, pagers, etc. must be turned on **silent** before entering the courtroom. All parties, witnesses, or other persons in the courtroom should turn **off** their devices before entering the courtroom.
- No talking during court proceedings.
- No chewing of gum or tobacco.
- No beachwear or inappropriate shoes or clothing.
- No hats or sunglasses.
- Children must be quiet.

All attorneys are expected to follow Florida Rule of Judicial Procedure 2.550 and Administrative Order No. 2.10 when they have calendar conflicts whether inside or outside of Collier County and whether between county, circuit, or federal court in or out of Florida. The case having priority established by statute, rule of procedure, case law, administrative order, or otherwise should take precedence unless determined differently by the presiding judge.