

Judicial Practices and Procedures

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Table of Contents

A. Communications with the Judicial Office.....	1
B. Scheduling Procedures	2
C. Remote Appearance.....	3
D. Submission of Orders and Judgments	4
E. Emergency and Other Urgent Matters.....	4
F. Exhibits for Evidentiary Proceedings.....	4
G. Pretrial Procedures and Conferences	5
H. Setting Case for Trial.....	6
I. Other Division Procedures.....	6

A. Communications with the Judicial Office

- **Method of Communication:** All communications to the judicial office is by phone to the Judicial Assistant. When leaving a voice message, please include the party name, case number and brief description of the purpose of communication with a return phone number to be reached at.
- **Ex parte Communications:** All communications with the judicial office must comply with Canon 3 of the Code of Judicial Conduct, which prohibits a judge from initiating, permitting, or considering *ex parte* communications and from considering other communications outside the presence of the parties concerning a pending or impending proceeding, unless authorized by law. All parties must be copied on any e-mail directed to the judicial office, unless an *ex parte* communication is authorized by law.
 - o Please note that the Judge cannot consider any letters, statements, or other information about the case without the involvement of the other party. Any information sent to the Judge on behalf of a party will be filed in the court file and made part of the record. They will not be considered by the Judge unless appropriately and legally presented.

- o The Judge cannot talk to any party on the phone, email, or otherwise outside of court regarding any pending cases.
- **Unsolicited Communications:** Unsolicited communications from non-parties will not be considered by the court. Parties may only contact the judicial office in accordance with these practices and procedures.
- **E-Filing Portal Contact Information:** All attorneys and self-represented litigants must provide an e-mail address to receive signed orders electronically, unless excused. Fla. R. Gen. Prac. & Jud. Admin. 2.516. It is the responsibility of attorneys and self-represented litigants to update their contact information using Form 2.603 any time there is a change in the e-mail account registered for electronic service.
- **Response to Inquiries:** Neither the Judge, nor the Judicial Assistant, can give any party legal advice.
 - o If you are a self-represented litigant and cannot afford an attorney, please contact Florida Rural Legal Services at 239-334-4554, Lee County Legal Aid at 239-334-6118, or make an appointment at the Self Help Center at [Self-Help Center - Lee County Legal Aid Society](#), to speak to an attorney.
 - o For criminal cases, you must proceed in person to the Lee County Justice Center, 3rd Floor, 1700 Monroe Street, Fort Myers, FL 33901, to get screened for the services of the Public Defender.
- **Other Communication Procedures:** Repeated or Harassing communication with the Judge or Judicial Assistant will go unanswered. Any harassing communication which is perceived as a credible threat will be forwarded to the appropriate investigative agency.

B. Scheduling Procedures

- **Court Schedule:** All Lee County “criminal” Judges are assigned to a six-week rotation. Please refer to The 20th Judicial Circuit website under “my court schedule” to determine the week in which the court is currently operating.
<https://www.ca.cjis20.org/schedules/docketopt.asp?judgeID=33>
 - o All Mondays (except arraignment week) are generally reserved for pleas, criminal hearings, and violations of probation.
 - o For Small Claims, Traffic Offenses, or Ordinance Offenses, please contact the Judicial Assistant for scheduling.

- **Scheduling Hearings:** Hearings must be scheduled through the Judicial Assistant. Please call for hearing time. All motions must be filed and viewable in the court file before hearing time will be given.
- **Notice of Hearing:** A notice of hearing must be filed and served immediately after reserving hearing time. A notice of hearing involving any remote appearance must list the judicial zoom credentials. All notices of hearing must contain the ADA notification required by Florida Rule of General Practice and Judicial Administration 2.540.
- **Continuance Procedures:**
 - o For criminal cases, the court will generally grant a defense-requested continuance, with a waiver of speedy trial, when the case is less than 150 days old and the prosecution does not object. For any subsequent or extended continuance, the parties must appear before the court and establish “good cause” for the request.
 - o For civil cases, continuances are disfavored and will be granted only upon a showing of good cause. A request for continuance must be submitted at least five days before the scheduled court date, unless there is a good reason for requesting it later.
- **Cancelling Hearings:** You must cancel hearings by notifying the judicial assistant immediately. You must also immediately file and serve a notice of cancellation on opposing counsel and any self-represented litigant.

C. Remote Appearance

- **Remote Appearance Procedure:** Generally, private attorney criminal docket soundings, small claims hearings, traffic and ordinance hearings are conducted remotely via ZOOM. All other hearings are done in-person.
 - o The court disfavors a hybrid virtual courtroom for large dockets. Should a party or attorney wish to appear remotely at an otherwise “in-person” session, a motion to appear remotely shall be filed within five (5) days of the hearing and a proposed order must be provided to the court through the e-portal.
 - o For evidentiary hearings, to request a remote appearance, the parties shall follow Fla. R. Gen. Prac. & Jud. Admin 2.530. The parties must motion the court with “reasonable” advanced notice allowing at least ten (10) days for any objections. The motion/notice shall be provided to all parties and shall include the specific form of communication technology to be used and directions for access to the communication technology must be

provided.

- **Platform Used:** The court uses ZOOM for remote appearances.
 - o For small claims trials, civil traffic trials, criminal hearings, and all other remote trials/hearings, please utilize the following: <https://zoom.us/j/3103841277> (Meeting ID 310-384-1277)
 - o For small claims pretrial conferences, please utilize the following: <https://zoom.us/j/4090526226> (Meeting ID 409 052 6226)
 - o For civil traffic court pretrial conferences, please utilize the following: <https://zoom.us/j/4454354040> (Meeting ID 445 435 4040)

D. Submission of Orders and Judgments

- **Format:** All proposed orders must be submitted in Word format.
- **Submission Method:** E-Filing Portal
- **Deadline for Submissions:** Proposed orders must be submitted within 10 days after any hearing unless otherwise stated in court. This includes when coverage counsel is appearing for any party.

E. Emergencies and Other Urgent Matters

- **Requirements:** If a party believes there is a factual basis for setting an emergency hearing, a detailed motion setting forth the following must be filed: (1) the issues to be resolved, (2) reasons why an emergency hearing is necessary, and (3) the amount of time needed for each party's presentation. **The parties shall immediately notify the Judicial Assistant upon filing any emergency motion.**
- **Scheduling:** If the court determines that an emergency exists, a hearing will be scheduled unilaterally by the court. All parties shall make themselves available for the emergency hearing, barring exigent circumstances.
- **Other Procedures Relating to Emergency and Other Urgent Matters:**

F. Exhibits for Evidentiary Proceedings

- **Submission Method:** For Small Claims, Traffic and Ordinance cases, the parties shall submit all exhibits to the Clerk either electronically through the e-portal or filed in person.
- **Deadline for Submission:**
 - o For Small Claims cases, all evidence must be provided to the other side at least ten (10) days prior to trial and a copy filed in the court file at least five (5) days prior to trial. It is the parties' responsibility to ensure the court can view any filings. Any photographs, audio, or video must be clear in the court file, or a courtesy copy should be sent to the Judge. The filing of any evidence must be properly admitted at trial in order for the Court to consider it just filing the evidence is not sufficient.
 - o For criminal cases, the parties are required to follow the Rules of Criminal Procedure for disclosure and discovery matters.
 - o For all other cases, refer to the appropriate Rules of Procedure.

G. Pretrial Procedures and Conferences

- **Case Management Conference:** Any party may request a case management conference (CMC) by filing a motion and contacting the Judicial Assistant. The court strongly encourages the early use of CMC in more complex cases, multiple-party litigation, or any case that might benefit from court intervention. Unless excused by the court in advance, all CMCs are mandatory for attorneys (NOT COVERAGE COUNSEL) and self-represented litigants. Parties represented by counsel are not required to appear at a CMC.
 - o The court will generally not set a case management conference unless requested by the parties.
- **Status Conference:** Any party may request a status conference when a case requires. At Small Claims pretrial conference, if the parties are still negotiating a settlement, or for good cause, the court will set the case for a settlement status conference in lieu of trial.
- **Docket Sounding:** For criminal docket soundings, all defendants represented by a private attorney will be conducted remotely (see Remote Appearance above). All other docket sounding dates will be in-person. The court will waive the appearance of any defendant at the docket sounding date so long as he or she is represented by an attorney and contact has been made with his or her attorney prior to the hearing date.

H. Setting Case for Trial

- o For criminal trials, cases will first be set during a “Trial Call” docket. If both parties are ready for trial, the case will generally be set for trial on the first day of a two-week trial period. Trial periods typically begin approximately 2.5 weeks after the “Trial Call” docket. Cases will be addressed in an order determined by the court, taking into consideration factors such as custody status, speedy trial issues, and age of case.
- o For civil/small claims cases and civil traffic matters, the court will set the cause for trial at the pretrial conference
- **Resolution of Cases Set for Trial:**
 - o For criminal cases. The parties are directed to notify the Judicial Assistant if a scheduled trial is converted to a plea hearing.
 - o For small claims cases, the parties are directed to notify the Judicial Assistant as soon as a settlement is reached. Any settlement documentation must be provided to the court forthwith.

I. Other Division Procedures

- **ADA Accommodations:** If you need an ADA accommodation, please contact Brooke Dean, Operations Division Manager, whose office is located at Lee County Justice Center, 1700 Monroe Street, Fort Myers, Florida 33901, and whose telephone number is (239) 533-1771, at least 7 days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than 7 days; if you are hearing or voice impaired, call 711.
- **Interpreter Requests:** If an interpreter is needed for a hearing or trial, please contact the interpreter’s office and fill out any required forms at [Court Interpreter Request Form](#).