

Judge Hugh D. Hayes
Collier County Courthouse
3315 Tamiami Trail East, Suite 403
Naples, FL 34112
Telephone (239) 252-8116 Fax (239) 774-3184

Judge Hayes sends you greetings. When noticing a hearing, you MUST set forth the Zoom information in your Notice of Hearing. To schedule hearings of 15 minutes, 20 minutes or 30 minutes in length (ONLY ONE motion per time frame), please do so as usual on our electronic JACS scheduling system. If you cannot find any earlier time slots, OR for hearings greater than 30 minutes, you MUST send us a written request by U.S. Mail, listing the name and # of the case, type of motion you are requesting to be heard, including Clerk's docket #, and the length of time needed for your hearing. Zoom log in information is set forth at [Judge Hayes' Zoom Instructions](#). (See 20th Circuit Administrative Order 2.40 regarding use of Evidence.)

PROPOSED ORDERS FOR JUDGES HAYES:

All order should be submitted through the E-Portal at <https://myfloridaaccess.com> under "PROPOSED DOCUMENTS" unless directed otherwise by the court.

DO NOT email the proposed orders to the Court AND then send a hard copy through the mail OR through the e-portal. ESPECIALLY IF YOUR HEARING HAS NOT BEEN HELD YET!!!!

*** Don't include headnotes, footnotes or weird inserts like text boxes or pictures in your proposed orders. Make sure you have filed your notice of email address with Clerk so that you receive copies via electronic service. We are not checking the electronic service lists.**

"Essential Court Proceedings" as defined by the Florida Supreme Court, may be conducted in a courtroom with attorneys and parties present. Such proceedings in the civil division include emergency temporary guardianships, injunction for protection of the elderly, and Baker and Marchman Acts proceedings.

[AO2.40 Evidentiary hearings and NJT during Covid-19](#)

ALL OTHER JUDGE HAYES COURT PROCEEDINGS: Beginning 9/21/2020 the Florida Supreme Court and the Twentieth Circuit are requiring that all court proceedings occur via Zoom. CourtCall is not allowed. When noticing a hearing, you **MUST** set forth the Zoom information in your Notice of Hearing. Such information is set forth at [Judge Hayes' Zoom Instructions](#).

ALERT: In order to afford the Public the ability to attend the above proceedings, beginning 10/01/2020 all Zoom proceedings will be linked to YouTube. Unless Judge Hayes is required to swear in a witness or review evidence, video is not required for these proceedings.

EXHIBITS for evidentiary proceedings including non-jury trials: See 20th Circuit [Administrative Order 2.40](#). **File exhibits in court file 5 BUSINESS DAYS BEFORE YOUR COURT PROCEEDING.** You may file exhibits together in one filing **BUT MUST** file an index with said filing that indicates the page numbers at which **EACH** exhibit occurs in the filing. **ALL EXHIBITS MUST BE IDENTIFIED BY PARTY and NUMBERED OR LETTERED.** REMEMBER that hearings must be designated as evidentiary in order to use exhibits. Exhibits do NOT include copies of pleadings and motions filed in the court file or case law.

CASE LAW: If you wish to forward case law to the Judge for a court proceeding that is NOT cited in the Motion or other court cases, please forward them via U.S. mail to our office.

ATTORNEYS: Please read and follow the Standards of Professional Courtesy and Conduct for Lawyers Practicing in the Twentieth Judicial Circuit found at www.ca.cjis20.org/pdf/ao/ao_2_20.pdf.

LEGAL ASSISTANTS and PARALEGALS: Please read these procedures and remind your attorneys to do so also.

JUDGE HAYES WEBSITE INFORMATION:

Available on [Judge Hayes 20th Judicial Circuit webpage](#) are the procedures and downloads, including forms

POLICIES & PROCEDURES (Updated November 11,2022 to add Agreed Order procedures)

I. IDENTIFICATION OF COURT PLEADINGS WITH SPECIFICITY

For judicial economy and in accordance with ***Administrative Order No. 2.35***: When a party to a proceeding before the Courts of the Twentieth Judicial Circuit, or counsel, files a pleading, document or notice of hearing, or submits a proposed order, which includes a reference to a previously filed pleading, document, or to the motion being scheduled for hearing, the party or counsel shall, for ease of further reference:

(A) Identify with specificity the previously filed pleading or document referenced therein, or the motion being scheduled for hearing;

(B) Identify the previously filed pleading or document referenced therein, or the motion being scheduled for hearing, by the date it was filed with the Clerk of court; and

(C) Identify the previously filed pleading or document referenced therein, or the motion being scheduled for hearing, by the docket line or docket number, as may be reflected on the Clerk's online web portal, if accessible by the party or counsel.

(D) Attorneys must comply with **[Administration Order 2.35\(2\)\(3\)](#) Re: docket # in JACS, or those hearings will be cancelled.**

II. PROBATE HEARINGS: Pursuant to Fla. Prob. R. 5.095 all motions in probate cases should be scheduled through the Judicial Administration Calendaring System ("JACS") with the magistrate. All motions heard before the Magistrate must have an Order of Referral from the judge.

***Starting October 26, 2022-** the following changes:

Magistrate Barger- will cover *ALL* civil cases and *ALL* probate cases.

If you need one hour or more of hearing time for your probate issue, please call General Magistrate's office directly at **239-252-8331** to schedule your matter. All other matters (such as notices for trial or objections to the magistrate) are to be scheduled by submitting a cover letter requesting it via US mail to our office.

Please make sure that ALL CIVIL Orders of Referral are sent to the referring Judge specifying the name of the Magistrate that is assigned to your case.****

III. [Click here](#) for all Collier Magistrate Downloads

To view all of Judge Hugh Hayes downloads, [Click Here](#)

A. Foreclosure Hearings: Effective May 16, 2016, ALL FORECLOSURE MOTIONS FOR SUMMARY JUDGMENT and/ or DEFAULT JUDGMENTS ASSIGNED TO JUDGE HAYES MUST BE SCHEDULED BEFORE HIM ON THE JUDICIAL AUTOMATED CALENDARING SYSTEM ("JACS")

Motions to Cancel Foreclosure Sales

THE PROCEDURE:

You may submit a Stipulated Order to Cancel Foreclosure Sale (at least 24 hours before the sale date - on a business day) to Judge Hayes. **HOWEVER, a Stipulation does not guarantee that the Judge will cancel the sale.** Stipulations that do not set forth good cause for the Court to cancel a sale, may be DENIED.

If the Motion is not stipulated, a party seeking to cancel a foreclosure sale shall file and serve on all parties a Motion as contained in **Form 1.996(b)** of the Florida Rules of Civil Procedure. The Motion shall be noticed for hearing, with service on all parties, at least five (5) business days BEFORE the hearing.

The Clerk of Courts will not cancel any foreclosure sale without the entry of an order canceling and resetting the sale except if a Petition for Bankruptcy has been filed in federal court and a Notice of such has been filed in the Court file.

IF A WRITTEN OBJECTION TO THE MAGISTRATE HAS BEEN FILED, you may schedule your motion on Judge Hayes' JACS calendar if the required length of time for your hearing is 20 minutes or less. You may also schedule deficiency judgments, contested summary judgments and default judgments with Judge Hayes if your required length of hearing time is 20 minutes or more. Submit a cover letter requesting a special set hearing and it MUST include the motion(s) and Clerk's docket # via U.S mail.

C. Cancellation of Foreclosure Sales - see [Judicial Downloads](#)

IV. OTHER CIVIL CASES:

(A) All hearings of 15, 20 or 30 minutes in length (ONLY ONE motion per time frame), must be scheduled through the "JACS" system. *Please schedule all Discovery Motions; Motions for Leave to File Amended Pleading and Motions to Strike Affirmative Defenses with the Civil Magistrates.* Please do not schedule any of these motions with Judge Hayes unless an objection to the Magistrate has been filed. PLEASE NOTE: Any motion may be scheduled with the Magistrate if the parties consent. (Please see the Magistrates' "JACS" instructions).

(B) You may not schedule back-to-back hearings to acquire a longer block of hearing time (e.g., scheduling two 15-minute hearings to acquire 30 minutes, ONE motion per 15 minute hearing.) If you schedule hearings improperly, by scheduling 2 or more motions on a 15 minute slot the hearing(s) may be canceled, sanctions may be assessed, and you may be blocked from the "JACS" system.

(I) Important JACS Log-On Information for scheduling civil motions: For first time users, click the "Schedule Time Slots" link, enter your bar number for both user ID and password, select a Judge and then click

"Log in". If you are able to log in, the system will give you the opportunity to set a password of your choice. Please enter the case in the following format; 4 digit year, letters assigned to the case type and the base case number, for example "2010ca1234". If you are unable to successfully log-in, send an email with your bar number to CollierJacs@ca.cjis20.org.

- (II) The movant or movant's attorney then must coordinate with the other parties or their attorneys. **DO NOT INCLUDE US ON THE EMAILS between attorneys, EXCEPT let us know which date and time you would like for your motion. Judge Hayes judicial assistant does not actually schedule your motion until you email her as to which date and time is acceptable to all parties or their attorneys.** She will then give you a confirmation number that MUST be included on the Notice of Hearing.
- (III) **Notices of Hearings:** In compliance with the 20th Circuit Standards of Professionalism, all Notices of Hearing shall reflect the following in addition to the date and time of the Motion:
- a. If the hearing is to be evidentiary, this must be reflected in the Notice of Hearing.
 - b. The title of the motion or motions to be addressed at the hearing along with their docket line number AND the date that they were filed.
 - c. The amount of time reserved for the hearing.
 - d. 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.
 - e. Confirmation number that you have received from JACS or from the Judge's judicial assistant.

Please do NOT send courtesy copies of hearing notices, motions or proposed orders in advance, other than as specifically instructed herein.

(C) [Adminstrative Order 2.20 IV B:](#)

A party/attorney scheduling a hearing must concurrently notice the matter in conformance with the Florida Rules of Civil Procedure and ensure timely notice is served on all pro se parties and counsel of record in advance of the hearing. The original notice must be timely filed with the clerk of court. A hearing notice for all hearings that will be evidentiary in nature (affidavits, testimony, exhibits, etc.) should clearly indicate it is an evidentiary hearing.

Except for cancellations, there can be no changes, additions, swapping, or other alterations of the motion calendar. Attempts to accommodate such requests in the past have resulted in unnecessary confusion and inadequate notice to opposing counsel.

(D) Hearings over 20 minutes must be requested in writing via snail mail along with the motion(s) and MUST have the Clerk's docket #, case style and a best contact email address. Once it is approved by Judge Hayes the JA will provide date and time with further instructions for scheduling.

If you need 30 minutes, ask for 30 minutes. Please don't say, "Can I get in sooner if I only ask for 15 minutes?" For the benefit of your colleagues, Judge Hayes will limit the length of the hearing to the time requested. If you don't finish in time, the motion will have to be rescheduled. When estimating necessary hearing time, remember to include opposing counsel's time. [See Admin Order 2.20 IV \(B\)\(2\)](#)

(E) Emergency Hearings See Judge Hayes' Emergency Hearing Procedures ([Judicial Downloads](#))

(F) Motions for Rehearing/New Trial/To Advance Case. (Fla. R.Civ. P. 1.530)

Motions for Rehearing, for New Trial and to Advance should be filed with the Clerk of Court. They will e-mail a copy to the judicial assistant. Judge Hayes will review the motion and decide whether a hearing or new trial will be granted. Motions to Advance on Trial Docket pursuant to statutes (**F.S. 415.1115**), rules of procedure or case law, are also reviewed without hearing. Simply file your motion with the Clerk of Courts and you will receive notice of the judge's decision.

(G) Faxes should be sent for emergency motions only and should not exceed five (5) pages. Our fax number is 239-774-3184.

V. ORDERS PRESENTED AFTER HEARINGS*

*** We do not hold orders pending objections from opposing counsel. Your options are: **WORD FORMAT ONLY**

*** Don't include signature line, 'done and ordered'/date line, or conformed copies info. The electronic signature inserts its own signature line and the signature is dated when the Judge signs it.

*** Don't include headnotes, footnotes or weird inserts like text boxes or pictures in your proposed orders.

1. Be prepared at the hearing with a proposed order, appropriate copies and envelopes.

2. If you cannot agree on the language in the order at the time of hearing, you should:

(A) Consult with opposing counsel and work out a stipulated order as to form,

And/or

(B) Mail a stipulated order after the hearing stating in your cover letter that opposing counsel has reviewed the order presented and has no objection thereto,

And/or

(C) Agreed orders are to be uploaded through the portal in Word Format ONLY to Judge Hayes office.

Orders tendered that are not stipulated or agreed to by all counsel will be returned or discarded unexecuted to the party presenting the order. If you cannot reach opposing counsel, keep trying. This is not an acceptable reason for submitting an order without prior review by opposing counsel. If opposing counsel refuses to agree or stipulate to the form of the order, please advise the Judge in writing and send it via snail mail. The Judge will then review all proposed orders, and if necessary, will schedule another hearing.

VI. TRIAL DOCKETS: For ease of scheduling and in an effort to assign trial dates more quickly, jury and non-jury trials are combined on the same docket. When a Notice of Trial is filed in none foreclosure cases, the following occurs:

1. The Clerk e-mails a copy of the Notice of Trial to the judicial assistant.
2. The case information will be forwarded to the Civil Case Manager's office for the scheduling of a Case Management Conference.

Once your case is scheduled for trial, it is the responsibility of the lawyers to keep the judge's office informed. Our office cannot possibly call all the lawyers on a trial docket to check the status of each case prior to trial. Please let us know when you have settled or otherwise disposed of your case. **Please cancel your trials and hearing dates. Remember to fill out and file Form 1.998 (Final Disposition Form): see the Forms for use in Rules of Civil Procedures.**

Once placed on a trial docket, cases may need to be taken out of order so we can dispose of as many cases as possible in a trial period. We do not give preference to certain lawyers, parties or cases. We put your trial where it will fit. We are truly empathetic when this is not convenient for you.

VII. TELEPHONE: Telephone/Email hours are from 9:00 a.m. to 4:30 p.m. Due to the high volume of phone calls/Emails the civil division receives, you may not reach the judicial assistant in person. Therefore, when calling/emailing and receiving voice mail; please leave your name, case number and a brief message. Your phone call/email will be returned. It is not necessary for the judicial assistant to call back to confirm that your message was received. Calls of that nature are not returned.

VIII. MEMORANDA: Written memoranda on lengthy or complex motions are generally not requested by the Court. You may, however, file any documents in the court file with the Clerk of the Courts.

IX. MISCELLANEOUS: Please send a letter of transmittal with all pleadings sent to our office except for existing pleadings already in the file. You know what you want - we can only guess when an unexplained pleading comes in a month or so after the proceeding to which it relates. In most cases, the unexplained pleading will receive no action or be discarded.

Thanks for your cooperation! Others who may assist: Court Administration:

239-252-8800