

General Rules and Requirements

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Note: Local Rules and Standards of professionalism regarding motions are strictly enforced. Any motions not in full compliance with these may not be heard. Any hearings not in compliance with these requirements MAY BE CANCELED by the judicial assistant without notice.

Sanctions: Failure to comply with these standard procedures and requirements and the administrative order on which they are based may result in the cancellation of a hearing, termination of the privilege to appear telephonically, or other sanctions as deemed appropriate.

I. Scheduling Hearings

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- A. The Notice of Hearing must state whether the date and time were coordinated with opposing counsel. If the attorney has been unable to coordinate the hearing with opposing counsel, the notice shall state the specific good faith efforts the attorney undertook to coordinate or why coordination was not obtained.
- B. The Notice of Hearing must contain the amount of time scheduled for the hearing. Counsel should recognize that there are multiple hearings often scheduled the same day, and as a result, the Court makes every effort to hold to the given schedule. Each party will be entitled to one-half of the allotted hearing time. The Court will end the hearing at the allotted time, regardless of whether the parties have completed presentation of evidence or argument. The parties will then be responsible for securing time for the continuation of the hearing.
- C. No "Piggybacking"/add-ons/cross-notice: Once a motion is scheduled, subsequent motions may not be added-on, or cross-noticed onto the time reserved for the first motion without prior approval of the Court and opposing counsel.
- D. No back-to-back scheduling: Attorneys may not schedule back-to-back hearings in order to acquire a longer block of hearing time (e.g. scheduling two 5-minute hearings to acquire 10 minutes, etc.). No multiple time slots for the same case on the same day. Multiple motions that are going to take considerable time must be scheduled with the Judicial Assistant. Any hearings scheduled in this manner may be cancelled and sanctions may be assessed.
- E. Specific Motion Types
  - 1. *Post-Conviction Motions*: No hearings will be scheduled on any post-

sentencing or post-conviction motions unless by permission of the Court. Any notice of hearing filed by counsel in violation of the procedure will be cancelled without notice.

2. *Motion for Early Termination of Probation:* Such motions will not be granted if Defendant has a financial balance, and if the sentence announced by the Court did not provide for early termination.
3. *Pre-trial Motions:* All pre-trial motions, including motions in limine, must be filed, scheduled, and heard no later than five days before trial.

## II. Submitting Documents to Court

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- A. Do not submit proposed orders by email or facsimile without court permission.
- B. The Court does not accept service by email or facsimile.
- C. Parties must provide copies of all documents submitted to the Court to opposing counsel. The Court will not read or consider documents submitted to the Court that have not been served on the other party.

## III. Cancellations

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- A. File a notice of cancellation with notice to opposing counsel and the Judicial Assistant.
- B. Contact the Judicial Assistant to cancel a hearing within seven days of the hearing date.

## IV. Continuances

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- A. Continuances will be rarely granted, and then only upon a showing of an unanticipated event and good cause.
- B. A motion to continue must be in writing unless there is an exceptional reason why it must be made *ore tenus*.
- C. *Stipulations:* Trials are not automatically continued by the submission of a stipulation. A stipulation must be signed by all counsel and Defendant, and shall be submitted to the Court detailing the reasons a continuance is necessary. The Judge will determine if a hearing is required.
- D. All parties shall proceed to prepare for trial as scheduled until an order is entered granting the continuance.

## V. Indigence

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- A. Defendants with retained counsel wishing to be found indigent for costs must abide by the following procedures, or their motions will be denied.
1. Motions to be found indigent for costs must not be combined with motions for transcripts or appointment of experts. Such motions must be filed separately, and after an order has been entered finding Defendant indigent for costs.
  2. A motion to be found indigent for costs must attach an affidavit of attorney's fees indicating the amount of attorney's fees and the source of payment for those fees, an application for criminal indigent status with clerk's determination, and a response by JAC.
  3. The motion shall indicate: the provider of any income claimed by Defendant; a list of specific debts and liabilities claimed by Defendant; and a certification by the attorney (or pro se Defendant) that the Defendant does not own or have an interest in any property or vehicles, and does not own or have an interest in any bank account, trust, or other source of funds over \$2,500. Counsel (or pro se Defendant) will be subject to contempt or other sanctions if this certification is subsequently determined to be fraudulent.
  4. A motion for transcripts (and any proposed order) must list the dates of the hearing or deposition, the name of the person deposed, and must attach JAC's response. A proposed order must state that the transcript is to be produced at regular rates. A proposed order for a hearing transcript must not specify a court reporter or specific rates.
  5. A motion for appointment of an expert must specify the name of the expert to be appointed, who is currently under JAC contract. The motion must attach JAC's response. The Court will not appoint an expert who is out of state when there is an expert available in Florida. The motion must state GENERALLY, without citing work product or trial strategy, why the expert is reasonable and necessary to the defense of the case.
  6. A motion for additional funding for an expert must indicate how the expert spent the initial funding, and what work remains to be performed by the expert that only the expert can perform. Funding will not be allowed for an expert to perform work that the attorney or a paralegal could perform as part of normal representation.
  7. *Motions for access of expert to jail:* An expert is permitted to visit a Defendant in jail when counsel has contacted the jail to make an appointment for the expert. The Court will not, and has no authority to,

order the jail to allow unscheduled visits by an expert which would violate jail security rules and procedures.

8. *Motions for testing of evidence:* The Court will not permit a defense expert to remove evidence from FDLE custody. Generally, FDLE is amenable to allow a defense expert to observe testing in the FDLE facility. In exceptional circumstances, FDLE may allow a defense expert to conduct testing at the FDLE facility. Upon a showing of necessity for testing not conducted by FDLE, the Court will consider a motion for evidence to be shipped to a separate defense chosen laboratory for testing, and returned to FDLE custody, when given assurances that the laboratory is a national recognized, accredited, and professional facility.