ADMINISTRATIVE ORDER
NO. 2017-04

IN THE CIRCUIT COURT OF THE
NINTH JUDICIAL CIRCUIT, IN AND
FOR ORANGE COUNTY, FLORIDA

ADMINISTRATIVE ORDER ESTABLISHING NINTH JUDICIAL CIRCUIT COURT COUNTY CIVIL COURT GUIDELINES, ORANGE COUNTY

WHEREAS, pursuant to Article V, Section 2(d) of the Florida Constitution and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice; and

WHEREAS, to create and maintain an organization capable of effecting the efficient, prompt, and proper administration of justice for the citizens of this State, the chief judge is required to exercise direction, *see* Fla. R. Jud. Admin. 2.215(b)(2), (b)(3); and

WHEREAS, standardized procedures and manners of communication between the parties and the court best serve the interests of those that come before the court, preserve valuable judicial resources and prevent confusion and delay; and

WHEREAS, in order to provide effective coordination and in the interest of promoting judicial economy, the prompt and efficient administration of justice and in service to the citizens of the Ninth Circuit;

NOW, THEREFORE, I, Frederick J. Lauten, in order to facilitate the efficient operation of the administration of justice, and pursuant to the authority vested in me as Chief Judge of the Ninth Judicial Circuit of Florida under Florida Rule of Judicial Administration 2.215, hereby order the following, **effective immediately**, to continue until further order and superseding any provisions in prior Administrative Orders which may be inconsistent:

1. A mandatory meet and confer process is hereby established, as set forth below, for all motions to be **set for hearing** in the county civil division and to occur **before** scheduling the hearing except for the following motions: injunctive relief without notice; judgment on the pleadings; summary judgment or any hearings where a pro se litigant is involved.

> Counsel with full authority to resolve the matter shall confer before scheduling the hearing on the motion to attempt to resolve or otherwise narrow the issues raised in the motion, and include a Certificate of Compliance (attached hereto as "Exhibit A") that the conference has occurred in the Notice of Hearing filed with the Court. It shall be the responsibility of counsel who schedules the hearing to arrange the conference.
>
> The term "confer" requires a substantive conversation in person or by telephone in a good faith effort to resolve the motion without the need to schedule a hearing, and does not envision an exchange of ultimatums by fax, email or letter. Counsel who merely attempt to confer have not conferred for purposes of this Order.
>
> Counsel must respond promptly to inquiries and communications from opposing counsel who notices the hearing and is attempting to schedule the conference. If counsel who notices the hearing is unable to reach opposing counsel to conduct the conference after three (3) good faith attempts, counsel who notices the hearing must identify in the Certificate of Compliance the dates and times of the efforts made to contact opposing counsel.
>
> Counsel shall include in the Notice of Hearing the Certificate of Compliance certifying that the meet and confer occurred (or did not occur and setting out the good faith attempts to schedule the conference) and identifying the date of the conference, the names of the participating attorneys, and the specific results obtained.
>
> Counsel who notices the hearing shall ensure that the court and the court's judicial assistant are aware of any narrowing of the issues or other resolution because of the conference.

2. Counsel is required to provide the court (and opposing counsel) with courtesy copies of any memoranda, case law or any other materials on which counsel may rely at a scheduled hearing at least three (3) court days before the scheduled hearing.

3. A party seeking to schedule hearing time shall check the Judicial Automated Calendaring System via the Ninth Judicial Circuit Court website for available time slots. The party shall then follow the procedures by the court for that particular division.

4. In the event that a party seeks to cancel a previously scheduled hearing, the party must email the judge's judicial assistant and file a notice of cancellation.

DONE AND ORDERED at Orlando, Florida, this 30th day of May, 2017.

_____/s/_____
Frederick J. Lauten
Chief Judge

Copies provided to:

Clerk of Court, Orange County
Clerk of Court, Osceola County
General E-Mail Distribution List
http://www.ninthcircuit.org

"Exhibit A"

First Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter had a substantive conversation in person or by telephone with opposing counsel in a good faith effort to resolve this motion before the motion was noticed for hearing but the parties were unable to reach an agreement.

/S/ _____

Counsel for the party who noticed the matter for hearing.

Second Option

CERTIFICATE OF COMPLIANCE

I HEREBY CERTIFY that a lawyer in my firm with full authority to resolve this matter attempted in good faith to contact opposing counsel in person or by telephone on:

1. (Date) at (Time) ;
2. (Date) at (Time) ; and
3. (Date) at (Time) ;

to discuss resolution of this motion without a hearing and the lawyer in my firm was unable to speak with opposing counsel.

/S/ _____

Counsel for the party who noticed the matter for hearing