

Orange County Guardianship/Mental Health Division 02 Judge Leticia Marques

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Hearing Room: 800.02

In Order to assist counsel, the litigants and the Court, the following guidelines¹, procedures, practices and expectations are hereby adopted for Guardianship/Mental Health Division 02 in Orange County, Florida when practicing before Judge Marques.²

HEARINGS

All hearings are conducted remotely unless the Court enters an order permitting an in-person hearing in the specific matters. Below are instructions for setting hearing time. RPOs are in-person hearings. The court's preference is for video hearings. The link to the Judge's hearing room is static and is included in the paragraph about video conferencing.

1. **SETTING OF SHORT MATTERS HEARINGS:** Short Matters are uncontested or very brief (10 minute) hearings held Tuesday through Thursday from 9:00 a.m. to 10:00 a.m. Short matters may be in person or via video. See video appearance link instructions below under setting of hearings other than short matters.

Short matters motions include approval of minor settlement, entry of orders after hearing, and other motions that are 10 minutes or less. Agreed and uncontested matters will be handled first, followed by short contested matters. The Court will not hear evidentiary hearings at short matters.

These hearings **are** scheduled with the Judicial Assistant so social distancing procedures may be maintained if it is an in-person hearing and so the Court can

¹The above standards, procedures, practices and guidelines are minimum standards. All counsel are presumed to be familiar with and are expected to abide by the *Rules Regulating The Florida Bar*, and the *Guidelines for Professional Conduct* promulgated by the Trial Lawyers Section of The Florida Bar and adopted by the Conference of Circuit Judges. Copies of each of these documents may be obtained from The Florida Bar and/or are available on-line on its website <http://www.floridabar.org>. In addition, counsel must be aware of the *Ninth Judicial Circuit Courtroom Decorum Policy* promulgated on February 11, 2003 and Amended September 2014. (See <http://www.ninthcircuit.org> for Attorneys/Information/Rules & Policies/Courtroom Decorum Policy) as well as the local administrative rules.

²This Court is held to the additional standards set forth in *Code of Judicial Conduct* and the *Principles of Professionalism for Judges*.

permit those parties that are not attorneys into the hearing. All short matters hearings must be coordinated with opposing counsel on a date that Judge Marques is available. A list of dates that the Court is unavailable for short matters is located in the instruction on JACS. The Court does not arrange for coverage by other judges on dates that the Court is unavailable. Any hearings scheduled on a posted unavailability date will not be heard and will need to be rescheduled.

The attorney noticing the hearing must provide at least 5-days notice of the hearing to all parties, including pro se litigants.

Courtesy Copies Required: A courtesy copy of the motion, notice of hearing (with the conference call number), and proposed order (with addressed, stamped envelopes for non-e-filing parties) must be provided to the judge at least five (5) business days before the hearing. **Failure to do so shall result in the hearing not being held.** Courtesy copies in pdf or Word of the motion and the proposed order in Word may be provided by email to 2orange@ninthcircuit.org. If sent by email the body of the email shall include the case number, style and date/time of the hearing. If all parties are not on e-filing, the hearing packet **must be received** by the Court with copies and envelopes at least five (5) business days prior to the hearing. Courtesy copies should not be sent any sooner than 10 days prior to the hearing.

2. **SETTING OF HEARINGS OTHER THAN SHORT MATTERS:** All available hearing time is listed on JACS in real-time. The Judicial Assistant does not have hearing time that is not listed on JACS.

- Click on [Judicial Automated Calendaring System \(ninthcircuit.org\)](http://www.ninthcircuit.org) or Go to the court website at <http://www.ninthcircuit.org>. Click the “Services” link or click on the box that says JACS. Click on the Judicial Automated Calendaring System (JACS) link.
- Select the calendar for Guardianship Division 02 and hit “Retrieve.” All instructions for scheduling in Division 02 and available hearing times will be displayed. For requests exceeding 15 minutes, please combine consecutive timeslots.
- Any hearing requests for longer than 1 hour must be approved by Judge Marques either by appearing during short matters or by letter to the Judge detailing the reasons for the excessive time. The letter may be emailed to 2orange@ninthcircuit.org. After review, you will receive a response to the request.
- Hearings that are 10 minutes or less and non-evidentiary should be heard at short matters. See section 1 for instructions.

Coordinate the date and time with opposing counsel/pro se party. Hearings times must be cleared with opposing counsel and/or pro se parties. Because others are also coordinating hearing time, you should coordinate up to 3 alternate times in

case the time requested is booked.

After completing the first two steps, you may contact the Judicial Assistant by e-mail at 2orange@ninthcircuit.org, **copying opposing counsel/pro se litigants**, for the hearing to be added to the docket. The emailed hearing request must include:

Date and time being requested for the hearing
Case number
Style of the case
Names of the attorneys (or pro se if applicable)
Title of the motion(s) to be heard
Amount of time being requested for the hearing

Your hearing time is not confirmed until you receive a reply from the Judicial Assistant. At the time of the emailed hearing confirmation, the JA will provide video hearing information, including a phone connection should a party not be able to participate by video. The video hearing information **must** be included in the Notice of Hearing.

Video Conference Instructions: Five minutes before the hearing, all participants should connect to the video conference. At the time of the hearing, the judge will connect to the video conference. Judge Marques uses a static link for her video hearings scheduled in the hearing room. That link is below:

Judge Marques' link: **CLICK TO JOIN:** <https://ninthcircuit.webex.com/meet/ctjulm2>

Conference call number: 407-836-5646, 800-346-8020; Participant code: 765473#

Video Conference Note:

- *You will be entering a virtual waiting room before the hearing. The judge will admit you to the hearing when the hearing begins.*

Conference Call Notes:

- *You will be entering a virtual "room" with other participants. There will be others on this conference call.*
- *Please mute your telephone until your case is called.*

For virtual appearance hearings scheduled in the courtroom, (10A), TEAMS links are being utilized until the courtroom has been wired to be able to use Cisco Webex. Please contact the judicial assistant at 2orange@ninthcircuit.org at least three business days prior to your hearing scheduled in the courtroom to obtain a TEAMS link for virtual appearance.

It is the responsibility of the attorneys to provide the link to the necessary parties. All party must have their name clearly displayed to be allowed into the hearing. If it is a call in, the attorney must be able to identify the number for the court.

Courtesy Copies Required: In addition to filing the Notice of Hearing with the Clerk of Court, a copy of the Notice of Hearing, Motion(s), supporting memoranda and/or case law to be heard **must be received**, by email or hard copy to chambers at least five (5) business days prior to the hearing to ensure an opportunity for the Court to review. Please be sure to provide opposing counsel with the same information provided to the Court. Copies provided by email should be sent in pdf or Word, not in a zip folder or share folder as they are moved to a queue for the Judge to review and they cannot be moved properly. Courtesy copies over 50 pages should be provided electronically on a flash drive or email. Cases should be highlighted. If provided electronically, counsel must insure that the electronic copy is indexed and that the index contains a hyper-link to the document/exhibit/case indexed. If sent by email the body of the email shall include the case number, style and date/time of the hearing. Courtesy copies shall not be sent any sooner than 10 days prior to the hearing. Failure to provide courtesy copies may result in the hearing being cancelled. **The Judge prefers electronic copies.**

Miscellaneous: Please do not cross-notice motions without prior approval of opposing counsel and the Judicial Assistant. Please note that only the party setting the hearing may cancel the hearing. The party cancelling the hearing **must** call or email the Judicial Assistant to notify the Court of the cancelled hearing. The party cancelling the hearing must also file a Notice of Cancellation and email a copy of the notice of cancellation to the Judicial Assistant (filing the Notice of Cancellation with the Clerk is not sufficient as the Clerk does not notify the Court). If the hearing is cancelled less than 4 hours beforehand, and counsel cancelling the hearing has not been able to confirm the Judge has been informed, counsel shall appear or have someone appear on counsel's behalf to so inform the Judge.

As guardianship/mental health cases are confidential, you will not see an On-line Docket for this division.

3. **EMERGENCY HEARINGS:** If an emergency situation arises, counsel may request that a hearing be set on short notice. The body of the motion must contain a detailed explanation of the circumstances constituting the emergency as well as the substance of the motion. The motion must be hand delivered or e-mailed to the Court before a hearing will be set. The Court will review the motion and, if it is determined an emergency exists, the Judicial Assistant will contact counsel to set the hearing. Opposing counsel **must** be copied on any email to the Court.
4. **COOPERATION OF COUNSEL TO COORDINATE HEARINGS:** Good faith cooperation is expected both from counsel, their support staff and pro se litigants.

If after 3 attempts on separate days to coordinate a hearing, counsel does not cooperate or respond, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel who failed to cooperate or respond. Efforts to coordinate the hearing should be noted on the Notice of Hearing.

5. **ORDERS AND RULINGS:** The Court will issue orders and rulings in a timely manner. Every effort will be made to rule the day of the hearing. If it is necessary to take an issue under advisement, the Court will attempt to set a date by which the Court will issue its ruling.

If counsel are asked to prepare an order, the order should be drafted and circulated within three (3) working days and must be submitted to the Court within seven (7) days of the hearing, with a copy to opposing counsel. All Orders must describe, in the caption, the subject and ruling of the court, *i.e.* "Order Granting Plaintiff's Motion for Partial Summary Judgment on Liability." See Fla.R.Civ.P. 1.100(c)(2). **Counsel must advise the Court of any objection to, or agreement on, the form of the proposed order when the order is submitted.**

Submitting Orders to Chambers: Proposed agreed orders should be emailed to 2orange@ninthcircuit.org in Word. Along with the proposed order, an e-filed cover letter indicating opposing counsel agrees to the content and form of the order must be included. If the parties are unable to agree on the form of the order, both sides shall email their proposed Order in Word to the Court for consideration within the seven (7) days. All parties must be copied on all email submissions.

If there are parties not receiving service through the Florida Courts e-filing Portal, the proposed order should state counsel will serve a copy of the order via U.S. mail to the non-efile parties and file a certificate of service in the court file no later than three days from the date of the order.

Other useful information about Orders: The Court does not hold orders waiting for approval or objection. Please do not send proposed Orders to the Court until you have approval as to the form by opposing counsel.

E-filed cover letter: All proposed orders must be accompanied by an e-filed cover letter (the cover letter must have the filing stamp across the top) and must indicate that opposing counsel has reviewed and approved the form of the order when submitting to the Court for review. The cover letter (but not the proposed order) must be e-filed by the attorney with the Clerk.

Certificate of Service: Please be sure that the certificate of service on the proposed Order complies with the Rules of Civil Procedure.

Orders are processed as the Judge has time out of court. If the Judge is out of the office, the Order(s) will be processed upon her return in the order they were received. Additionally, there may be a delay if the JA is out of the office. If you want to know if a specific Order has been signed by the Judge, you should first check your e-service email as the Order may have been e-served. If not received by e-service, then check the Clerk's system to see if it has been docketed before contacting the Judicial Assistant as she may not be able to track the signing of a specific Order due to the volume of Orders received by the Court.

6. **WITHDRAWAL OF COUNSEL:** Motions to Withdraw as counsel should be set for hearing (not during short matters) with notice to all parties if client consent cannot be obtained. If you have written client consent (attached to the motion) you may submit a copy of the motion along with a proposed order to chambers. Addressed, stamped envelopes must be provided for all parties not receiving service through the ePortal. The body of the proposed order and certificate of service must include the name, address, telephone number and e-mail address of the client to whom the pleadings will be sent. If the client is a guardian, allow no more than thirty (30) days to obtain substitute counsel. The case will be stayed for 30 days while the guardian obtains counsel.
7. **MOTIONS FOR REHEARING, RECONSIDERATION OR NEW TRIAL:** Upon filing said Motion, you must send a copy directly to chambers for review as the Clerk does not provide them to the Court. The Court will either (i) rule without a hearing, (ii) direct that a written response be filed by opposing counsel, or (iii) direct the JA to contact the moving counsel to schedule a hearing.
8. **EVIDENTIARY HEARING/NON-JURY TRIAL PROCEDURES:**
 - a. **Preparing Evidence for the Videoconference**
 1. **No later than 5 business days before the hearing**, counsel and/or pro se parties shall exchange any and all exhibits, which must be bates-stamped. The parties must have a substantive, good faith telephone conference to address stipulations and objections to the admissibility of any exhibits. If there are objections to the admissibility of any exhibits, the party raising the objection shall identify the exhibit by bates-stamped numbers and identify the ground(s) for any objection. The objections shall be filed with the Clerk and any objections not noted are waived.
 2. After the substantive, good faith telephone conference and **no later than 5 business days before the hearing**, the parties are to pre-mark the bates-stamped exhibits that they intend to use during the hearing, provide a set of the exhibits to the other party and the witness(es) and mail 2 hard copies of the exhibits and the filed objections (one for the Judge and one for the Clerk) to the Court for use at the hearing.

b. Preparing Witnesses for the Videoconference

1. Pursuant to current COVID-19 CDC guidelines and orders from all levels of government, all participants must abide by social distancing requirements and limit in-person contact. As such, witnesses do not need to be present with the attorneys or self-represented parties during the videoconference hearing.
2. Each party must arrange for a notary or other person qualified to administer an oath to swear in their witness(es) in accordance with Administrative Order of the Supreme Court 20-23.
3. In the event the rule of sequestration is invoked, the witnesses will be instructed to hang up from the videoconference and counsel or self-represented party will be responsible for contacting the witness when it is time for their testimony.
4. The witness must be provided copies of all pre-marked, bates-stamped exhibits prior to the hearing.
5. The witness shall be instructed not to look or refer to any other document or device during his or her testimony.
6. Counsel and/or self-represented party is responsible for providing these instructions to any witnesses and ensuring their compliance.
7. Witness(es) are discouraged from being in the same physical space as the attorney or self-represented party unless safe to do so. However, in the event a witness or party testifying is in the same physical space as the attorney or pro se party questioning the witness, the participants should be socially distant and the camera shall be directed at the witness. The attorney or self-represented party may not assist the witness with answers in any way, including but not limited to, gestures, notes, or facial expressions, or otherwise impact or influence the witness' testimony "off camera." Please note, using multiple devices in close proximity will cause "feedback" and may disrupt your videoconference hearing.
9. **INFORMATION NOT COVERED:** If any matters concerning the conduct of the hearing procedures of Orange Guardianship/Mental Health Division 02 are not covered herein, counsel is free to contact the Court by email at 2orange@ninthcircuit.org. A status hearing can be set during short matters at which time the Court will attempt to answer any inquiries. The Court appreciates counsels' efforts to understand and comply with this Court's procedures.

Effective: January 8, 2021