Courtroom Guidelines, Procedures and Expectations for Civil Cases Assigned to Judge Robert E. Belanger

St. Lucie County Courthouse
218 S. 2nd Street, Suite 324
(Courtroom 3E)
Fort Pierce, FL 34950

HEARINGS

1. Special set hearing time:

   a. For **civil special set hearing time** for hearings **in excess of 45 minutes**, ***excluding residential foreclosure matters***, please e-mail a copy of the motion to **VerziL@circuit19.org** and contact the court's Judicial Assistant at 772-462-2545 for available dates. ***Please note these guidelines and procedures pertain to all civil non-jury cases in St. Lucie County.***

   b. For **special set residential foreclosure hearing time** for hearings **in excess of 45 minutes**, ***excluding non-jury civil matters***, please e-mail a copy of the motion to the Foreclosure Department at **Foreclosure@circuit19.org** for the court's review and consideration, and, if necessary, a hearing date will be provided. ***Procedures pertaining to residential foreclosure cases are set forth within a separate document posted on circuit19.org under Judge Belanger's webpage.***

2. Service of court documents:

   For Non-Jury Civil matters: *Via e-service* to **VerziL@circuit19.org**, where permitted or required by rule, ***or U.S. mail, courier, overnight express, etc.*** to the Honorable Robert E. Belanger, St. Lucie County Courthouse, 218 S. 2nd Street, **Suite 324**, Fort Pierce, FL 34950. **Non-jury civil hearings are held in Courtroom 3E**.

   Setting of hearings: Hearings must be cleared with opposing counsel or *pro se* parties. Good faith cooperation is expected from counsel, their support staff, and *pro se* litigants. Should counsel, their staff, or *pro se* litigants fail to respond within 3 business days, or refuse to cooperate in obtaining or in setting a hearing, the difficulty should be specifically set forth either in the motion or in the notice of hearing. After filing any motions or notices with the Clerk, a copy of any and all motions and notices of hearing must be immediately forwarded to the Judicial Assistant by U.S. mail. Should a notice of hearing not immediately be forwarded to the Judicial Assistant after special set hearing time is obtained, such hearing time is subject to forfeiture.

A. Do not set hearings and then not show up for them: Do not cancel long hearings at the last minute.

Too often, the court will set aside valuable court time for a special set evidentiary hearing, only to have no one show up for the hearing. No one even has the courtesy to call, or file a notice of cancellation. Or, they will file a notice of cancellation, without explanation, the day before a hearing, and with the expectation that they will simply reset the same motion for hearing, taking up additional court time.

Either way, this hearing time is **lost** and unavailable to other litigants. Hearings in excess of 45 minutes will ***not*** be canceled unless:

(1) a notice of cancellation is filed at least five [5] business days before the hearing (**if** you intend to reset the motion for hearing), or,
(2) a motion to continue is filed and set for hearing based upon extraordinary and unforeseen grounds; or
(3) the movant waives the relief requested in writing; or
(4) a stipulation and order is submitted to the court for signature in which fully resolves the issue(s) (so that the hearing does not need to be reset), or
(5) the case is fully resolved by settlement or otherwise, prior to the hearing date.

Failure to follow this procedure may result in sanctions, including loss of the privilege to appear by telephone; restrictions on the ability to set and notice hearings without specific court approval; the entry of an order deeming the matter raised in the motion as waived; and for repeat offenders, referral to the Florida Bar. Setting hearings and not showing up for them might implicate Rules Regulating the Florida Bar, Rule 4-1.1, or Rule 4-1.3.

B. Pick and choose your fights wisely. Not every issue requires judicial intervention.

This is especially applicable to ***discovery disputes***.[1] Litigants have an obligation to cooperate with respect to planning and executing discovery or resolving discovery disputes. A party cannot file a motion to compel with the court without first working cooperatively with the other party to resolve the dispute.

Any motion related to discovery (motions to compel, objections to discovery, motions for protective orders relating to discovery) ***must*** include a certification that the movant has in good faith conferred or attempted to confer with the party failing to act in an effort to obtain the answer or response without court action. In person or telephonic communications **between the attorneys** are preferred over written communications. See, Becker, *Civility: A Rational Approach to Combat Discovery Abuse*, Law Trends & News, Vol. 6, No. 1 (Fall 2009).
https://www.americanbar.org/content/newsletter/publications/law_trends_news_practice_area_e_newsletter_home/09_fall_lit_feat1.html

The certification ***must*** include a description of the communications held or attempted in attempting to resolve the matter, including the date, time, and participants in each communication. The certification ***must*** be in the motion not on the notice of hearing. This applies to any motion or objection of any kind relating to discovery.

No discovery motion will be heard where the parties did not comply with the foregoing procedures. Repeated violations of these procedures may result in the imposition of sanctions.

Hearings may ***not*** be specially set until the motion is ***actually filed with the Clerk***.

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[1] Judges and litigants now routinely describe modern discovery as a "***morass***," "***nightmare***," "***quagmire***," "***monstrosity***," and "***fiasco***." In 2008, the American College of Trial Lawyers ("ACTL") Task Force on Discovery joined with the Institute for the Advancement of the American Legal System ("IAALS") to survey members of the ACTL on the role of discovery and any perceived problems in the United States civil justice system. Nearly 1,500 ACTL members responded, speaking with an average thirty-eight years of experience in civil litigation and with nearly equal representation of plaintiffs and defendants. An overwhelming majority of the survey participants reported that discovery has become an end in itself---a costly weapon used to "***bludgeon***" parties into settlements. The participants commented that attorneys, rather than clients, "drive excessive discovery." Forty-five percent of them believed that discovery is abused in "***almost every case***," Participants complained that "we have sacrificed the prospect of attainable justice for the many in the interest of finding that one needle in the . . . haystacks," and that "***the total lack of control of discovery . . . is killing civil litigation***."

Netzorg & Kern, *Proportional Discovery: Making it the Norm, Rather Than the Exception*, 87 Denv. U.L. Rev. 513, 515; *see also*, Nicholls, *A Proportional Response: Amending the Oregon Rules of Civil Procedure to Minimize Abusive Discovery Practices*, 89 Or. L. Rev. 1445 (2011); Therrien, *Talkin' "Bout a Revolution?: Utah Overhauls Its Rules of Civil Discovery*, 2011 Utah L. Rev. 669 (2011).

Additional motions may not be "piggy-backed" by cross-notice unless counsel first confirms with opposing counsel, and the Judge's Judicial Assistant, that sufficient additional time can be reserved to hear them.

a. Cooperation of counsel: If counsel does not cooperate, the requesting party may unilaterally set a hearing giving at least two weeks' notice to the opposing counsel who failed to cooperate.

b. Emergency hearings: Generally, motions are not heard on an "emergency" basis. Emergency hearings deny a person of their right to procedural due process, because they are not given reasonable notice of the hearing or adequate time to prepare. The law is clear: absent extraordinary circumstances, a court should not set an emergency hearing without requiring written notice served a reasonable time before the hearing.

There are very narrow exceptions to this general rule. For example in a family law case, if there are sworn allegations that children are being imminently threatened with physical harm, the court can and should act on an *ex parte* emergency basis.[2]

If a true 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 faxed 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. In light of the short setting, opposing counsel may attend the hearing via telephone, (CourtCall) if their schedule will not allow them to appear in person.

c. Appearance by telephone: Fla. R. Jud. Admin. 2.530, provides as follows:

a. In instances where a civil motion hearing is scheduled for longer than fifteen (15) minutes, a party may file a written request to participate via conference or speaker telephone, or other applicable communication equipment, and shall provide notice to the Court and the parties to the motion.

b. Notice by the requesting party must be provided by mailing a copy of the written request at least five (5) days prior to the day of the hearing, or by delivering a copy of the written request to the other parties or, if represented by counsel, to the other parties' attorney(s) no later than 5:00 p.m. two business days prior to the day of the hearing.

Telephone hearings are permitted, in accordance with the rules, as long as no testimony or evidence is to be presented. No motion or order is necessary. All telephone appearances must be made through CourtCall, a company which provides connection between the parties and the courtroom for a flat fee. When you know the date and time of your hearing you **must call CourtCall directly** at **1-888-882-6878** to arrange for your appearance by

[2] *See e.g., Gielchinsky v. Gielchinsky*, 662 So.2d 732 (Fla 4th DCA 1995); *Aiello v. Aiello*, 869 So.2d 22 (Fla. 2nd DCA 2004).

phone. **You must schedule your CourtCall appearance at least five (5) working days prior to the hearing.**

d. **Uniform Motion Calendar –** A Uniform Motion Calendar will normally be held Monday, Tuesday, Wednesday, Thursday and/or Friday from 9:00 a.m. to 10:00 a.m. Please note, however, that on days where Judge Belanger is scheduled for First Appearances, a Uniform Motion Calendar may be held from 10:00 a.m. to 10:30 a.m. **All hearings must be scheduled for 9:00 a.m. (or at 10:00 a.m. if the calendar has been modified to allow for First Appearances).** Please refer to Judge Belanger's calendar posted on our web site (www.circuit19.org) to confirm available dates and times. **Counsel shall not schedule motions on the UMC Calendar with the Judge's Judicial Assistant.**

Hearings at UMC are limited to 10 minutes per case (**not per motion**). When you attend UMC you must sign up on the sign-in sheet inside the courtroom. Normally UMC will be heard on a "first come, first served" basis. After proper notice, failure of any party to appear at the hearing shall not prevent a party from proceeding with the matter when the case is called. If the party noticing the matter for hearing chooses to wait for the absent party, the matter may be passed over until the end of the calendar. If the judge runs out of time on UMC, any remaining hearings will need to be rescheduled.

Counsel who filed the motion must bring a proposed order to the hearing (generic orders granting/denying with at least five lines for additional provisions may be used) along with sufficient copies and self-addressed, stamped envelopes for all parties. If you want the court file at the hearing you must call the Clerk at least five business days prior to the hearing and request that the file be brought to the hearing.

Copies of all hearing notices and relevant motions must be sent by *U.S. mail, courier, overnight express, etc., not fax,* to the court's Judicial Assistants 5-7 working days prior to the hearing. Any case law or statutes to be relied upon shall be submitted to the Court with the motion with relevant portions highlighted. You must give the opposing party notice of the hearing at least five working days prior to the hearing unless otherwise agreed to by the parties.

The Court will not hear evidentiary motions at UMC. The types of motions suitable for hearing on the Uniform Motion Calendar include simple motions to strike affirmative defenses, to amend pleadings, discovery motions, protective orders, objections to CME, etc.

UMC is available to pursue a summary final judgment for liquidated damages, including attorney's fees and costs after a default based upon a proper motion with supporting documentation unless a party appears to contest it. If that occurs, the Court will set an evidentiary hearing /trial on such matters as may be necessary. You must request the file be brought to Court for the scheduled hearing by contacting the Clerk's office.

All Notices of Hearing for UMC shall contain a certification signed by the lawyer who set the hearing in substantially the following form:

> **I HEREBY CERTIFY that I have personally contacted opposing counsel in an effort to resolve the issue(s), however, the matter cannot be resolved and a hearing is necessary.**

For motions to **compel discovery,** the Notice of Hearing must contain the above certification, and **additionally,** the certification ***must*** include a description of the communications held or attempted in attempting to resolve the matter, including the date, time, and participants in each communication .

Please note that certifications containing language to the effect that an effort will be made to resolve the issue in the future is NOT sufficient. If personal communication is attempted but unsuccessful, written communication to opposing counsel will suffice. Failure to comply with this requirement may result in cancellation of the hearing by the Court. If it is determined that the certification is not true, other sanctions may be imposed, including a referral to the Florida Bar.

The Judicial Assistant does not track UMC hearings. As a result, we ask that you please not call the Judge's office to check if your case has been set on a UMC docket.

e. Motion to Dismiss and/or Motion for More Definite Statement: The Court will initially consider all Motions to Dismiss filed pursuant to Rule 1.140(b) and Motions for More Definite Statement filed pursuant to Rule 1.140(e), **without** a hearing. Motions to Dismiss must strictly comply with the requirements of the Rule in that the grounds on which they are based and the substantial matters of law intended to be argued shall be stated specifically and with particularity. Motions for More Definite Statement must strictly comply with the requirements of the Rule in that the motion must point out the defects complained of and the details desired.

The moving party shall furnish a copy of the Motion to the Court's Judicial Assistant by U.S. mail. The copy shall be accompanied by a generic order granting/denying the motion with at least five lines for additional provision to be added by the Court; stamped, self-addressed envelopes for all counsel of record and *pro se* parties; and a cover letter showing copies to all counsel of record and *pro se* parties. If the moving party fails to comply, any party may furnish a copy of the motion along with the required documents to the Court. The Court will hold the motion for ten (10) days to give the opposing side the opportunity to reply. If the Court determines that a hearing is necessary, the movant will be advised to schedule a hearing and file the appropriate notice. If a hearing is not required an appropriate order will be entered. No case dispositive ruling will be made without a hearing. **Please do not call the Judge's assistant for a hearing on these motions.**

f. Discovery Motions and Motions to Compel: The mere filing of a Motion is insufficient. The motions must be set for hearing to bring the matter to the Court's attention. Motions to Compel, as well as all discovery motions must comply with the Florida

Rules of Civil Procedure, including, but not limited to, a **certification that the movant, in good faith, has conferred or attempted to confer with the person or party failing to make discovery in an effort to secure the information without court action.** *See*, Fla.R.Civ.P. 1.380(a)(2).

When a motion to compel discovery alleges a complete failure to respond or object to discovery, and the time for complying with the discovery request has lapsed and there has been no request for an extension of time, an Ex Parte order may be entered requiring compliance with the original discovery demand within ten (10) days of the signing of the order. The movant shall submit the proposed order to the Court with sufficient copies and self-addressed, stamped envelopes for all parties and shall also certify that notice of the requested relief was provided to all parties.

g. Motions for Protective Orders: The filing of a Motion for Protective Order, without presenting it before the Court, is insufficient. The Court will make itself available for immediate hearings on said motions where the motion could not have been filed and heard in the due course of discovery.

h. Legal Memorandum and Citations: Any legal memorandums or briefs for special set hearings, along with hard copies of significant cited authorities (highlighting the pertinent sections is appreciated by the Court), should be provided to the Court at least **(14) fourteen business days before the hearing**. The Court will attempt to review the motion and memorandum, and read the cases cited therein, prior to the hearing so that an immediate ruling may be rendered. Highlighting pertinent sections is appreciated. Brevity is appreciated and memorandums should be kept to no more than five (5) pages in length. Case law and Memorandums provided to the Court during the hearing may not be considered. **The Court, on occasion, may rule on motions without a hearing. Therefore, both counsel filing the motion and opposing parties are encouraged to timely file written argument with the Court.**

i. Orders and Rulings of the Court: The Court will strive to issue orders and rulings in a timely manner. If counsel is asked to prepare an order, the order shall be drafted and circulated to counsel within 2 working days of the hearing and must be submitted to the Court with a cover letter to all counsel and *Pro Se* parties within 7 days of the hearing. Opposing counsel must advise the Court of any objection to the form of the proposed order within 3 days thereafter. The Court would appreciate a copy of any proposed order on either a removable storage device or via e-mail, in addition to the hard copy. All Orders must describe, in the caption, the subject and ruling of the court, *i.e.* "Order Granting Plaintiff Motion for Partial Summary Judgment on Liability" *See* Fla.R.Civ.P. 1.100(c)(1).

Please submit proposed orders, agreed orders, or stipulations with sufficient copies for all parties and a stamped, self-addressed envelope for each. Do not put "cc: all counsel of record" at the bottom of the order. Each party shall be individually named.

The Court will not execute proposed orders, agreed orders, or stipulations without a cover letter stating the action requested, that a copy was provided to all counsel of record and *Pro Se* parties, and if there is a stipulation or an agreed order, that there are no objections to the entry of the order. Do not state in a cover letter words to the effect: "By copy of this cover letter to opposing counsel, opposing counsel is requested to advise the court if there is an objection to the proposed order." Instead, advise the court if there is an objection to the proposed order. If opposing counsel objects to the proposed order, such counsel will have 10 days from the date the proposed order is submitted to the Court, to deliver (not send) to the court an alternate proposed order. If the alternate proposed order is not received by the judge's office within 10 days after receipt of the initial proposed order, the initial proposed order may be signed by the Court.

j. Motions for Rehearing, Reconsideration, or New Trial: Upon filing said motion the moving party shall send a copy to the Judge for review. The copy of the motion sent to the Judge shall be accompanied by generic order granting/denying the motion, with at least five lines for additional provisions, a transmittal letter showing copies to all counsel and *Pro Se* parties, and stamped, self-addressed envelopes for all counsel and *Pro Se* parties. If the moving party fails to comply, any party may furnish a copy of the motion and the required documents to the Court. If the Court determines that a hearing is necessary, the movant will be advised to schedule a hearing and file appropriate notices. **Please do not set a Motion for Rehearing or Motion for Reconsideration for hearing without first receiving permission from the Court via a court order.**

k. Requirements for court reporters: All evidentiary matters (both trials and hearings) must be reported by a court reporter. It is the moving party's responsibility to arrange to have a court reporter present.

l. Withdrawal or Substitution of Counsel: You must follow the provision of Fla.R.Jud.Ad. 2.505. You must obtain the client's consent in writing which shall be filed with the Court, or a hearing must be held after proper notice to the client.

m. Notice for Trial, Orders Setting Trial and Dockets: When filing a notice for trial, you must send a copy of the notice and submit return envelopes with postage for each counsel/pro se party to the Judge's office. Due to the length of the trial order, please be sure that each envelope has enough postage for two (2) ounces. If you do not provide the required envelopes with sufficient postage your case will not be placed on the trial docket. Your case will **not** be set for docket call unless you follow the above requirements.

The Court will schedule the order of trials at the docket call. It will be the responsibility of the lawyers and *pro se* litigants to keep track of their position on the trial docket following docket call. Please note that cases set for trial will remain on the trial docket until the case is concluded.

n. Facsimile Transmissions: **DO NOT** send materials by facsimile if they can be sent by U.S. mail, courier, overnight express, etc. The only things to be sent by facsimile are emergency matters and materials requested by the Court.

o. Settlement of Cases: If your case settles after you have received an order setting a case for trial please first immediately notify the Court's Judicial Assistant by telephone and follow up with a letter advising of settlement. This also applies to cases that are subsequently placed on the trial docket.

p. Docket Call and Trial Calendars: Please see Judge Belanger's web page on www.circuit19.org for dates of docket call and trial settings. The foregoing will be updated as time permits. Copies of the cases to be set on the Court's docket will be available in the courtroom on the day of docket call. Telephonic appearance is **NOT** permitted at docket call. The lawyers must appear in person at docket call. The trial dockets will be posted on Judge Belanger's webpage at www.circuit19.org as quickly as possible after docket call. It will be the attorney's and/or pro se party's responsibility to track the case progression on the trial docket. Motions will not be heard by the Court at docket call. **PLEASE NOTE**, if a joint pre-trial statement is not filed prior to docket call, the case will not be set for trial at docket call.

q. Trial Preparation: Judge Belanger requires compliance with the Pre-Trial Order setting your case for trial, which includes, without limitation, timely submission of joint pre-trial statements. Your case will be subject to removal from the trial docket if a pre-trial statement is not filed prior to docket call. **Motions in limine and other motions concerning how the trial is to be conducted will not be entertained during trial or on the day of jury selection, unless the Court is satisfied that with due diligence, the matter could not have been heard pretrial.**

r. Commercial Mortgage Foreclosures/Summary Judgment: **If you wish schedule your Motion for Summary Judgment for hearing and to attend by telephone please call CourtCall directly at 1-888-882-6878 to schedule the hearing and to arrange for your appearance by phone**. Do not schedule a hearing for Summary Judgment until you have filed your motion. Hearing time is at a premium. **IF IT IS DETERMINED THAT YOU HAVE SCHEDULED YOUR MOTION FOR SUMMARY JUDGMENT AND HAVE NOT FILED YOUR MOTION YOUR HEARING WILL BE CANCELLED BY THE COURT AND YOU WILL NEED TO RESCHEDULE ONCE YOU HAVE FILED YOUR MOTION.**

s. Guidelines for Professional Conduct: Judge Belanger has specifically adopted the Guidelines for Professional Conduct. Such Guidelines are posted on Judge Belanger's web site located at www.circuit19.org. Failure to abide by the Guidelines may result in sanctions.

SETTING OF TRIALS

The court will issue an Order Directing Pre-Trial Procedure and Setting Trial in every case upon receipt of a copy of Notice for Trial pursuant to Fla.R.Civ.P 1.440 and requisite envelopes. Please remember that the fact a case is still in the discovery stage does not prevent the filing of a Notice for Trial or prevent the court from setting the case for trial. If a Notice for Trial is filed, or if the Court issues an order setting a matter for trial pursuant to a Notice for Trial, and the opposing party believes that the trial date will not allow sufficient time to complete discovery, counsel should immediately motion the Court for a status hearing and/or a case management conference. Delays in advising the Court that there is not sufficient time to complete discovery may be considered a waiver of any objection to the setting of a trial date.

The Judicial Assistant can advise counsel, upon inquiry, as to future trial dockets. Counsel should request in their Notice for Trial, after consultation with opposing counsel, a trial period that will allow sufficient time to complete discovery and facilitate out of court resolution.

CASE MANAGEMENT CONFERENCE

The Court will schedule certain cases for a formal Case Management Conference (CMC) and issue and order setting forth the matters to be covered at the conference. Cases such as some medical malpractice cases, complex commercial litigation, multiple party litigation, cases with voluminous records or exhibits, as well as other types of cases will be set by the Court, without request, for a CMC.

However any case can be submitted for a CMC by simply filing a written motion. Once submitted, the action will be controlled, not only by the Order Setting Trial, but also by the CMC order.

TRIALS

Counsel and their clients are to be in the courtroom and ready for trial no later than 9:30 A.M. on the date of trial. Depending on other emergency matters the Court will start as soon after 9:30 A.M. as possible.

Courtroom Etiquette and Decorum: Counsel shall stand when addressing the Court or the jury. Counsel should seek permission of the Court to approach the bench, the clerk, the witness, or the jury. All parties and attorneys shall avoid contact with the venire and jury and counsel shall so instruct their clients and witnesses. Counsel shall address all arguments to the Court and not opposing counsel. Counsel shall admonish their clients that gestures, facial expressions or any manifestations of approval or disapproval of anything occurring in the courtroom is absolutely prohibited.

Trial Briefs: If a trial brief is to be filed with the Court it should be submitted to the Judge's Chambers no later than three (3) working days before the trial is to commence. The Court appreciates hard copies of cases cited in the trial brief with appropriate highlighting of the pertinent sections.

Jury Selection Process: [currently inapplicable insofar as the assignment is non-jury civil only]. After voir dire, the Court will first ask each side for any cause challenges. Upon completion of challenges for cause, the Court will move to pre-emptory challenges. The Court will start with the first juror and move sequentially as they are seated in the venire, alternating between counsel until a panel is chosen. Back striking during jury selection is always permitted. The number of alternates will be determined by the type and length of the trial. Each party will have one additional strike as to each alternate.

Opening and Closing: Only demonstrative aids or exhibits marked by the Clerk, agreed to by all counsel, or approved by the Court may be used in either opening or closing. The Court will discuss with counsel the time requirement of both opening and closing and will expect that a reasonable estimate be provided by counsel.

Exhibits: All exhibits are to be marked for identification by the clerk **prior** to the start of trial. Exhibits which will be stipulated into evidence may be marked in evidence. Once exhibits are marked, either for identification or in evidence, they become the property of the Clerk of Court and may not be altered or removed from the courtroom without order of the Court. No exhibits are to be published or exhibited to the jury until admitted into evidence and authorized by the Court.

Demonstrative Aids: Any demonstrative aide that is to be used at trial must be marked by the clerk and exhibited to opposing counsel and the Court prior to the start of trial. The Court will hear argument of any counsel opposing the use of the demonstrative aids prior to the start of trial. No aids are to be shown to the jury without prior approval of the Court.

Experts: The Court will not accept or qualify a witness as an expert in front of the jury. Challenges to an expert's qualifications will be handled outside the presence of the jury. Experts are to be cautioned by the attorney who calls the expert of "in limine" rulings, and the effect of the invocation of the Rule of Sequestration.

Use of Depositions: If depositions are to be used at trial in any manner (impeachment, as video testimony, etc.) make certain a hard copy is available for both the Court and for the witness being questioned.

Objections: The Court will not allow speaking objections in front of the jury. When counsel rises to object, the legal basis for the objection only should be stated. If elaboration is necessary the Court will call counsel to the bench for a bench conference out of the presence of the jury. Counsel shall not interrupt opposing counsel or witness's questions or answers with an objection unless the answer or question is patently objectionable. Once the Court has ruled, no further argument shall be permitted.

Jurors: [currently inapplicable insofar as the assignment is non-jury civil only]. The Court generally will allow jurors to take notes and to ask questions where necessary. Section 40.50, Florida Statutes. If any counsel objects to these procedures such objection should be addressed to the Court prior to the day of trial.

Jury Instructions: [currently inapplicable insofar as the assignment is non-jury civil only]. Jury instructions are to be prepared by both sides and exchanged at least 14 days prior to trial. **A hard copy shall be provided to the Court as well as a copy on a removable storage device (thumb drive) or by e-mail at least 7 days prior to trial.** The Court intends to provide the jury with a written copy of all jury instructions when the jury retires to deliberate. Therefore, there should be enough copies of the final instructions for each juror and the Court, counsel and the court reporter. In addition, the final instructions should not contain any citations, jury instruction titles, or information as to who requested the instruction. In certain cases, and with the agreement of all counsel, the Court may provide some substantive law instructions to the jury during preliminary instructions and/or before closing arguments.

INFORMATION NOT COVERED

If any matters concerning the conduct of the pre-trial or trial procedures are not covered herein, counsel is free to contact the Court. A status hearing can be set 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.

Finally, remember the wisdom of Abraham Lincoln:

•"Discourage litigation. Persuade your neighbors to compromise whenever you can. Point out to them how the nominal winner is often a real loser — in fees, expenses, and waste of time. As a peacemaker the lawyer has a superior opportunity of being a good man."

•"Never stir up litigation. A worse man can scarcely be found than one who does this."

- Abraham Lincoln's notes for a law lecture, 1850

Rev. 7 December 2021