

IN THE CIRCUIT COURT OF THE
SEVENTEENTH JUDICIAL CIRCUIT, IN
AND FOR BROWARD COUNTY, FLORIDA

ADMINISTRATIVE ORDER NO. II-88-A-1

IN RE:

CASE ASSIGNMENTS
CIRCUIT COURT - CIVIL DIVISION

In accordance with the authority vested in the Chief Judge by Rule 2.050 of the Florida Rules of Judicial Administration, the following shall apply to the assignment, hearing and disposition of civil cases filed in the Circuit Court of the Seventeenth Judicial Circuit:

1. The Clerk shall assign each case when filed in any division of the Circuit Court to a judge of that division by blind electronic data processing or in accordance with an automatic schedule of assignments designed to divide the caseload and categories of cases evenly among the judges and to prevent any litigant or other person from choosing a particular judge. Counsel shall conscientiously refrain from attempting any procedure designed to vary this rule. Nothing hereinabove provided shall prevent the adoption of special procedures to meet the particular needs of each division of the Circuit Court.

2. Whenever a suit is terminated by entry of a notice of voluntary dismissal, or is dismissed by a judge for lack of prosecution or is dismissed without prejudice for any reason, and the same suit is refiled without a substantial change in issues or parties, counsel shall forthwith notify the judge to whom the original suit was assigned. Should the newly filed suit be assigned to a judge other than the judge to whom the original suit was assigned, the original judge shall then enter an appropriate order transferring the case back to the division of the original judge. In such instance, the original judge shall not transfer a case to the assigning judge in lieu thereof.

3. Dismissals in domestic relations cases shall be governed by the provisions of Paragraph 2 above, provided, however, that if the original suit was terminated as a result of the reconciliation and renewed cohabitation of the parties, any subsequent suit involving the same parties shall be deemed a new action and shall be assigned by the Clerk pursuant to Paragraph 1 hereof.

4. Where the entire caseload of a judge has been transferred to and assumed by another judge, such transferred caseload shall include closed cases. In such event, the judge who has assumed the caseload shall be responsible for further judicial labor in cases in which the final judgment has been entered by a judge to whom the entire caseload was previously assigned.

5. Where the pending caseload no longer exists as a single entity, the assigned cases shall not include closed cases. If further judicial labor is required in a closed case in which final judgment has been entered prior to the division of the caseload, counsel shall apply to the Clerk for the reassignment of such case to one of the judges currently serving in the division of the court involved. Thereupon, the clerk shall make such assignment pursuant to the provisions of Paragraph 1 hereof.

6. When two or more cases which might be appropriately consolidated or tried together are pending before different judges, counsel may file a motion to consolidate or transfer with notice before the judge having the case with the earliest filing date. Following hearing, and if appropriate, said judge may order the transfer of any such companion case(s) and shall thereafter hear the same and determine the methods of procedure. The judge to whom such companion case is transferred shall thereupon transfer to the judge from whom

such case was transferred, a like number of case(s) from the next new and similar case(s) assigned to him or her. No consolidation shall be made into a closed out case, or into a case which has exceeded time standards. Nothing herein shall prevent a judge from assisting the assigned judge with any case with the consent of the assigned judge in order to facilitate the expeditious administration of justice.

7. When a case assigned to a judge of any division of the court may not be heard by such judge by reason of disqualification, an order shall be entered therein by such judge determining the disqualification and stating the reason therefor. The disqualified judge shall thereupon return the case to the Clerk for reassignment pursuant to Paragraph 1 hereof. The newly assigned judge shall thereafter transfer to the disqualified judge the next new similar case assigned to him or her.

8. The judge to whom a case is assigned shall be responsible for the hearing, trial and disposition of all matters involved therein, except as provided in Paragraph 9.

9. When a judge is absent from the courthouse because of illness, vacation, or other cause, and an emergency hearing is required in a case assigned to him or her, application may be made to the Court Administrator who will assign the matter to one of the judges of that division in accordance with a schedule of assignments made pursuant to instructions of the Chief Judge. The judge so assigned shall hear the matter after determining that it is of an urgent nature. Urgent matters are only those in which death or manifest injury will occur if immediate relief is not afforded.

10. Urgent matters cognizable only in the General Civil Division arising after working hours, on holidays, or on weekends, when it is not possible to obtain an assignment may be presented to the duty judge of the General Civil Division. The initial pleadings and any order entered pursuant to such emergency application shall be filed with the Clerk on the first business day thereafter. Upon such filing the case shall be heard, tried and determined by the judge to whom assigned.

11. Except as provided in Paragraphs 6 and 7 hereof, no case shall be reassigned by one judge to another without the latter judge's consent. Whenever possible, the application for reassignment shall be made to and the order of transfer shall be signed by the judge to whom the case is being reassigned.

12. In cases in which a civil division judge has made a temporary or permanent ruling within the preceding two years as to custody or primary physical residence of a child and a subsequent dependency petition is filed involving the same child, the assigned juvenile judge and the assigned civil division judge will determine which judge shall decide the entire custodial matter for all purposes.

DONE AND ORDERED in Fort Lauderdale, Broward County, Florida, this First day of November, 1988.

/s/MIETTE K. BURNSTEIN
MIETTE K. BURNSTEIN, Chief Judge

