

MILY RODRIGUEZ POWELL
CIRCUIT COURT JUDGE
CIVIL DIVISION (03)
SEVENTEENTH JUDICIAL CIRCUIT
OF FLORIDA



BROWARD COUNTY COURTHOUSE
201 S.E. 6TH STREET, ROOM 211
FORT LAUDERDALE, FL 33301
(954) 831-7785

**CIVIL DIVISION (03)
PROCEDURES**

**UMC and Special Sets to be heard in Chambers 211
Trials in Courtroom 770**

**Judicial Assistant Deborah A. Rosenbaum
(954) 831-7785**

**PROCEDURES FOR
CIRCUIT COURT JUDGE MILY RODRIGUEZ POWELL
(Updated February 24, 2011)**

**MANDATORY PROCEDURES FOR ON-LINE
SCHEDULING**

**ATTACH THE CONFIRMATION RECEIPT FROM THE SCHEDULING NOTICE TO THE
MOTION, AND INCLUDE ON THE CAPTION OF THE MOTION & THE NOTICE OF
HEARING THE FOLLOWING STATEMENT:**

**“THIS MOTION WAS SCHEDULED USING THE “ONLINE MOTION
CALENDAR SCHEDULING SYSTEM”**

**All uniform motion calendar and Special Set Hearings for 15 or 30 minutes
must be set online. Attach your online receipt to the motion, placing it on
top.** All lawyers setting hearings online are required to register an account and
schedule such hearings at **www.17th.flcourts.org**. Click “online scheduling” in
the lower right hand corner, and follow the procedures outlined. If you have any
difficulty in the registration or scheduling of hearings, send an e-mail to
calendar@17th.flcourts.org with a description of your problem, and it will be
attended to at that time. **Do Not Call the Judicial Assistant for any assistance.**

If you fail to follow the requirement of scheduling motion calendar hearings on the
court’s Online Motion Calendar Scheduling system, your motion will not be heard.

ON-LINE MOTION CALENDAR

See Local Rule 10A, (http://www.17th.flcourts.org/Local_Rule_10A.pdf)

All motion calendar hearings must be set by attorneys on the 17th Judicial Circuit website at **www.17th.flcourts.org**. All attorneys must register with their Florida Bar Number before they can schedule hearings. Click "**ONLINE SCHEDULING**".

If you have any technical questions please send an e-mail to **calendar@17th.flcourts.org**. The help desk will then assist you with registration or other questions that you may have. **DO NOT CALL THE JUDICIAL ASSISTANT WITH QUESTIONS REGARDING THE WEB-SITE REGISTRATION OR SCHEDULING A CASE FOR MOTION CALENDAR. YOU WOULD MERELY BE REFERRED TO THE E-MAIL ADDRESS ABOVE.** No additional "add-on's" will be permitted.

Motion Calendar Availability: Monday – Thursday @ 8:45 A.M. - 9:30 A.M., in Courtroom 998. (Fridays are reserved for specially set hearings, trials, and for research and writing that the Judge needs to attend to in his office). All motions will be heard in the order in which all parties are present.

ATTORNEYS MAY CANCEL THEIR OWN HEARING: When logged on to the system, **CLICK EXPAND** on the case they wish to cancel...type in the cancellation reason...and **CLICK CANCEL**.

EMERGENCY HEARINGS PROCEDURE:

For any **true emergency matter**, a courtesy copy of the Motion for Emergency Hearing shall be submitted to the Court for review. The motion should indicate how much hearing time will be needed and include any supporting information which will help the Judge determine if the matter is an emergency. A proposed order with self-addressed stamped envelopes should be provided with each emergency motion. Please notify the Judicial Assistant immediately about your Emergency Motion once it has been filed. After the Judge has reviewed the motion, she will give instructions to the Judicial Assistant about setting the motion for hearing. The Judicial Assistant will then contact you with regard to the Judge's determination.

TELEPHONE CALLS TO CHAMBERS: If you are calling before 10:00 a.m., and the Judicial Assistant does not answer the phone it is because she is busy with the motion calendar hearings. If you are calling about a phone conference or you are running late, etc. please call the opposing counsel and let him or her know.

CAP: There is no cap on the number of cases that can be registered for and heard on any given Motion Calendar – However, there is a cut-off time.

Cut-Off Time: If your team has not checked in and is present prior to 9:00 a.m., your motion will not be heard that day and will have to be re-scheduled.

SUSPENSIONS: There are no suspensions of the Uniform Motion Calendar other than court holidays.

Local Rule #10A: Every Notice of Hearing on the Uniform Motion Calendar and Special Set Docket shall contain an executed certification by the attorney/party that a good faith attempt to resolve the matter prior to noticing the matter for hearing was made, **AND** that the matter before the Court may be heard and resolved by the Court within five (5) minutes.

COVER LETTER: **IT IS MANDATORY** that any and all pleadings, and/or any other paperwork sent to the Court includes a cover letter with a brief explanation of the enclosed document, and what is being requested from the Court. If a cover letter is **NOT INCLUDED**, the paperwork will be forwarded to the Clerk's Office for filing.

Attorneys and Unrepresented parties: Motion Calendar begins promptly at 8:45 a.m. You must sign in and be present no later than 9:00 A.M. If opposing counsel does not appear, you must extend the professional courtesy and telephone counsel's office to inquire whether counsel had a personal problem that caused an inability to attend. Otherwise, if opposing counsel does not appear by 9:00 a.m., the court will hear the case. If this is a foreclosure, and counsel for the plaintiff is not present and the defendant is present by 9:00 a.m., the court will rule on the motion. Motion Calendar concludes no later than 9:30 a.m.

SPECIAL SET HEARINGS

ON-LINE WEBSITE SCHEDULING OF SPECIAL SET HEARINGS: Special Set Hearings of 15 and 30 min **must** be set by an attorney on the 17th Judicial Circuit website at www.17th.flcourts.org, click "ONLINE SCHEDULING". All attorneys must register with their Florida Bar Number and provide their e-mail address before they can schedule hearings. **IF YOUR HEARING RESOLVES PLEASE CANCEL IT ON THE ON-LINE SYSTEM SO THAT ANOTHER CASE MAY BE SET.**

Special Set Hearings of 45 min up to 1½ hours: are set by the Judicial Assistant. The party requesting the hearing should go online to see what dates and times are available for special set hearing. The party requesting the hearing needs to call the opposing counsel to clear that date and time. When the parties select the date and time, call the Judicial Assistant to schedule the hearing online. **You may not leave a message for the Judicial Assistant with the date selected for a Special Set hearing. You need to talk to her!**

Within ten (10) days from when a Special Set hearing is set with the Judicial Assistant. The person setting the hearing shall submit to the Court a copy of the motion to be heard and a Notice of Hearing.

If the Special Set Hearing is 2 Hours or More the Motion shall be submitted to the Court for review. The motion should indicate how much hearing time will be needed, and then the Judicial Assistant will contact you with regard to the Judge's determination.

TELEPHONE ATTENDANCE AT HEARINGS: TELEPHONE ATTENDANCE IS NEITHER PERMITTED from the Tri-County area (Broward, Miami Dade and Palm Beach Counties), NOR PERMITTED IN FORECLOSURE CASES (REGARDLESS OF LOCATION OF THE OFFICE OF THE PLAINTIFF'S LAWYER). Outside the tri-county area, the Court does allow telephone appearances. Also, when setting the hearing on line, please indicate inside the box where you type the title of the motion in UPPERCASE LETTERS that the attorney is appearing telephonically, (**PLEASE SEE EXAMPLE**):

Judge Name(Division):	Rodriguez Powell, Mily
Schedule Date:	11/02/2009
Scheduling Attorney Name:	
Is it Sealed Case:	<input type="checkbox"/>
Case Number:	<input type="text"/> <small>Note: This type of Case Number should be entered as 4 digit alpha, 8 Numeric digits (e.i. FMCE09012345)</small>
Accept Flag:	<input type="checkbox"/> I hereby certify that I have complied with all requirements of Local Rule 10A for the Seventeenth Judicial Circuit for the setting of this hearing.
Motion For:	APPEAR TELEPHONICALLY, ask for Atty (name), 888-123-444 <input type="text"/> Character left: <input type="text"/>

At least one party must appear in person to sign in. The attorney/party appearing by phone should provide opposing counsel/party the number at which he or she may receive a call from the Judge at the time of the hearing and opposing counsel shall provide same to the court deputy when signing in. **Do not call the Judicial Assistant with the number.** The **Judge will then call the attorney** when that case is called up for hearing. Telephone hearings are called last during motion calendar. It is not necessary to obtain an order for telephone attendance at Uniform Motion Calendar hearings.

MOTIONS FOR RE-HEARING: You must file the motion with the Clerk's Office and send a courtesy copy to the Judge's chambers. After the Judge has reviewed your motion the Judicial Assistant will contact you in the event the Judge thinks it is necessary to schedule a time and date to hear the motion.

CASE MANAGEMENT CONFERENCES: Please read the Order Setting Case Management Conference carefully. Not all Orders are identical. Check the Clerk's Office website first, if the case has a pending status and no record activity of 120 days the case will be set for case

management. So, if you are ordered to appear in court on a case management conference, court appearance is **MANDATORY**, unless an Order of Dismissal or Order vacating the hearing has been filed in the case and a copy is sent to the Judge's chamber attaching the order of case management. If the case has settled, or you no longer represent that client, or the attorney is not available the date of the hearing, or for any other reasons, you need to send a letter to Judge Rodriguez-Powell with a brief explanation or set a hearing on Motion Calendar. **The Judicial Assistant does not have the authority to excuse your presence from a Case Management Conference. EXCUSALS SHALL ONLY BE PERMITTED BY COURT ORDER.**

FAILURE TO APPEAR AT A CASE MANAGEMENT CONFERENCE MAY RESULT IN THE CASE BEING DISMISSED OR OTHER SANCTIONS BEING IMPOSED.

2011 SPECIAL SET HEARINGS: Availability is currently set for the following weeks:

1/10, 2/14, 3/21, 4/25, 5/30, 7/5, 8/8, 9/12, 10/17, 11/21

MAIL-IN PROPOSED ORDERS: Any and all proposed Orders submitted to the Judge must be accompanied by a motion, as well as the original proposed order with sufficient copies to all parties and/or counsel, and self-addressed stamped envelopes provided to all involved. No conformed copies will be **SENT OUT** unless you comply with all of the above.

NOTICES OF TRIAL: Beginning May 3, 2010, users of the Court's on-line scheduling system shall self schedule trials in accord with Administrative Order # 2010-33-Civ. Counsel must certify they have consulted with all counsel of record or parties regarding an agreed trial setting. All available trial dates are on the Court's procedures page. No unilateral trial settings are permitted. Any disputes regarding a trial date are to be set on the Court's uniform motion calendar. After agreement of a trial date, users should prepare the trial order together with a notice for trial in accord with Florida Rule Civil Procedure 1.440 and submit same to the Court with sufficient copies and stamped envelopes for return conformed copies.

JURY TRIAL DOCKET AVAILABILITY FOR 2011 IS AS FOLLOWS:

CALENDAR CALL

TRIAL WEEK DOCKET

**01/06/11
02/10/11
03/17/11
04/21/11
05/26/11
06/30/11
08/04/11
09/08/11
10/13/11
11/17/11**

**01/17/10 – 02/11/11
02/21/11 – 03/18/11
03/28/11 – 04/22/11
05/02/11 – 05/27/11
06/06/11 – 07/01/11
07/11/11 – 08/05/11
08/15/11 – 09/09/11
09/19/11 – 10/14/11
10/24/11 – 11/11/11
11/28/11 – 12/16/11**

CALENDAR CALL: Attendance at Calendar Call is **mandatory**. Telephone attendance is not permitted at Calendar Call. No motions of any kind will be heard at the time of Calendar Call. If the case **settles**, please **confirm this in writing** so that your attendance can be excused at Calendar Call. **FAILURE TO APPEAR AT CALENDAR CALL MAY RESULT IN THE CASE BEING DISMISSED OR OTHER SANCTIONS BEING IMPOSED.**

SETTLEMENTS: In the event a case called for trial settles, counsel shall notify this Court in writing by facsimile transmission at (954) 831-7717.

CONTINUANCES OF TRIAL: All continuances of Trial require a hearing on the Uniform Motion Calendar.

ORDERS ON COURT: Proposed Orders should be submitted to the Court with a cover letter or cover sheet indicating the date the matter was heard, sufficient copies and self addressed stamped envelopes for mailing to the parties. **All party names and addresses must be included on all orders and/or judgments.**

**ATTORNEY WITHDRAWAL FROM REPRESENTING A CLIENT:
WITHOUT A SUBSTITUTION OF COUNSEL:**

ALWAYS INCLUDE YOUR FORMER CLIENT'S NAME AND ADDRESS IN THE CERTIFICATE OF SERVICE ON THE NOTICE OF HEARING and THE MOTION. PROPOSED ORDERS SHOULD INCLUDE A PARAGRAPH THAT STATES: "ALL FUTURE PLEADINGS FOR THE [PARTY BEING WITHDRAWN FROM], SHALL BE SERVED UPON [INSERT NAME AND ADDRESS OF FORMER CLIENT]."

"EX-PARTE" MOTIONS TO WITHDRAW:

Ex-Parte Motions to Withdraw must have the client's signed consent attached. Otherwise, you must set the motion on the motion calendar, certify that a copy of the motion and notice of hearing was provided to your client at the last known address. All Orders on withdrawal **must have the name and address of your former client** for service of further pleadings.

Substitution of Counsel: Shall be executed by both the former attorney and the new attorney.

REMINDER

PLEASE DO NOT CALL TO INQUIRE WHETHER THE JUDGE HAS SIGNED A PARTICULAR ORDER OR HAS RECEIVED ANY DOCUMENT OR PLEADING. WE ARE UNABLE TO ANSWER SUCH QUESTIONS AT THE CURRENT TIME BECAUSE OF THE ENORMOUS VOLUME OF MAIL RECEIVED EACH DAY.

WE APPRECIATE YOUR COOPERATION.