

CHERYL J. ALEMÁN  
CIRCUIT COURT JUDGE  
SEVENTEENTH JUDICIAL CIRCUIT OF  
FLORIDA



BROWARD COUNTY  
COURTHOUSE  
201 S.E. 6<sup>TH</sup> STREET, ROOM 999  
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954-831-6341

## CIVIL DIVISION (21) PROCEDURES

Courtroom 990  
Chambers 999

**Please read the following Procedures and Local Rule 10(A) BEFORE calling Division 21 by phone. We find that most of the commonly asked questions are answered herein.**

**ONLINE SCHEDULING by attorneys begins May 18, 2009 for all UMC Motions, including Final Summary Judgment of Foreclosures, for UMC hearings occurring on or after May 26, 2009.**

**1. Applicability: Type of Motions to be Scheduled On-line by Attorneys.**

On-line scheduling applies to UMC Motions of 5-minutes (or less) hearing time, per case. On-line scheduling may NOT be used to schedule:

- (a) Special Set Motions requiring more than 5 minutes; or
- (b) Motions for Reconsideration or Rehearing (See Local Rule 7); or
- (c) Motions for “Status Conference” or “Case Management.”

Any Motions which are scheduled by counsel in violation of the above will be cancelled electronically by the Court.

2. **IMPORTANT: Failure to Comply FULLY with Local Rule 10(A) Will Result in Electronic Cancellation of Your Hearing.**
3. **Copy of FILED Motion and Notice of Hearing which fully comply with Local Rule 10(A) must be in the hands of the Judicial Assistant a minimum of four (4) working days before the date scheduled on-line.**

**Failure strictly to comply with Local Rule 10(A) in its entirety, including providing to the Judicial Assistant -- a minimum of four(4) working days in advance of the hearing date set – both of the following:**

- (a) Motion with same title as the title entered on-line, and
- (b) Notice of Hearing with dual-certification by counsel required by Local Rule 10(A), paragraph 3(a) and (b),

**will result in cancellation of any hearing counsel scheduled on-line.**

4. **Proper Motion Title Required.**

Counsel **MUST** enter the title of the Motion, *as it appears in the caption of the filed Motion* requested to be heard, not a paraphrase of the title of the Motion. Please consider keeping the title of your filed motion short.

Many motions have similar titles. Entering a motion title on-line which is similar to, but which does not match precisely, the title of the Motion as it appears in the motion which was filed with the Clerk of Court and which was supplied to the Judicial Assistant a

minimum of four working days in advance of the hearing date set is not sufficient.

**The Judicial Assistant will cancel electronically any hearing set on-line unless she has been provided timely with a Motion and Notice of Hearing with a title which precisely matches the one scheduled on-line.**

Motion hearings are not fungible. A motion titled differently than the motion titled on-line may not be substituted for hearing.

##### **5. Volume of Civil Cases Restricts UMC Slots.**

**The fact that a UMC motion was entered by counsel on-line does NOT mean it will be placed on the Court's docket.**

**Here is why.** UMC is heard Monday through Thursday at 8:45 a.m. to 9:30 a.m., except on Court holidays and suspension dates. Mathematically, this allows for nine slots of 5-minutes/day.

Accordingly, in conformity with Local Rule 10(A), Division 21 limits UMC for all non-final-summary-judgment-of-foreclosure (“non-fsjf”) hearings to 12 motions/day. (This is *in addition to* Judicially-Set Case Managements and unlimited Foreclosure Final Summary Judgment hearings which are set on the UMC each day.) The 12 daily UMC slots are filled on a first-come, first-serve basis.

Please remember, that it is for your convenience that limits are set on the UMC docket in advance of the hearing date, rather than inconveniencing all parties by requiring all parties to come to court, pay for attorney fees and parking, only to be turned away at 9:30 a.m. at the end of UMC.

**If your matter does not make the docket on your first attempt, please remember that you are competing for those UMC slots**

**with over 12,000 litigants in 6,000 cases pending before Division 21 alone. Accordingly, you may need to plan ahead and schedule well in advance.**

Each motion should be filed in a separate pleading. No more than two (2) Motions per case number may be set on any single day's UMC, pursuant to Local Rule 10(A). Any motion beyond two (2) in a given case number per day which are set on-line, in violation of Local Rule 10(A), will be cancelled electronically.

Use of a *single* pleading as a vehicle for *multiple* motions will not transform multiple motions into a single motion.

**6. CONFIRMATION 24-HOURS PRIOR TO HEARING DATE IS REQUIRED.**

**CRITICAL: You MUST check the electronic docket 24-hours in advance of your hearing date in order to know, with certainty, whether the motion you scheduled has made the docket.**

All motions for final summary judgment of foreclosure (fsjf's) which comply with Local Rule 10(A) and which are scheduled electronically will remain on the docket. Additionally, the first 12 (*non-fsjf*) motions which fully comply with Local Rule 10(A) and the Division 21 procedures outlined herein and which are scheduled electronically will remain on the docket. Case Management hearings scheduled by the Court also will remain on the UMC.

**ALL OTHER MATTERS SCHEDULED ON-LINE WILL BE ELECTRONICALLY CANCELLED AND WILL SHOW ON-LINE AS CANCELLED.**

**How will you know if a UMC matter you scheduled made the Court's docket?** The computerized system is designed to send you an email if your matter is cancelled and to provide you with a brief description of the reason for the cancellation (i.e., an Order on the motion filed was already issued; non-compliance with Rule 10(A); copy of motion and notice not timely supplied to J.A.; all UMC slots filled on a first-come, first-serve basis before your was scheduled, etc.)

**Pursuant to Local Rule 10(A), it is the responsibility of the party setting the motion for hearing to check the computerized docket 24 hours before the hearing to verify whether the matter is actually on the docket and to extend the courtesy to all parties to notify them if the matter previously set is no longer on the docket.**

**7. Hearing, Generally, Not Required (w/Limited Exceptions):**

- (a) **Motions to Withdraw** which include the signed consent of the client do not require a hearing, if accompanied by proposed order listing the address where future pleadings should be sent and stamped, addressed envelopes for all parties;
- (b) **Motions to Compel** do not require a hearing if they allege a complete failure to respond by opposing counsel and otherwise comply with paragraph 13 of Local Rule 10(A), paragraph 13;
- (c) **Many Stipulated Motions** do not require a hearing if ALL counsel and all pro se parties (except corporations which may not file pleadings except through counsel) sign the stipulation and counsel provide proposed orders and stamped envelopes;
- (d) **HIPPA Motions;**

- (e) **Motions to Appoint a G.A.L.;**
- (f) **Motions for Pro Hoc Vice Admission;**
- (g) **Notices to Set a Trial;**
- (h) **First Motion for Extension of Time to Serve Summons on Defendant, with Good Cause Shown**
- (i) **Motions for Final Default Judgment, if and only if accompanied by ALL of the following: the Motion for Final Default Judgment; a proposed Order; a copy of Clerk’s default entered against all parties against whom a final default judgment is being sought; an affidavit of principal due, an affidavit of any interest requested, an affidavit of any costs requested, an affidavit of actual attorney fees and an independent affidavit of “reasonableness” of attorney fees, if any attorney fees are requested; and addressed, stamped envelopes for all parties.**

## **8. Case Management Conferences.**

Please read the Order Setting Case Management Conference carefully. Not all Orders are identical.

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.

Failure to appear at a case management conference may result in the case being dismissed or other sanctions being imposed. The

Judicial Assistant does not have the authority to excuse your presence, so please do not call and ask her to excuse you.

## **9. Notices for Trial.**

All Notices for Trial submitted to the Judge must have the amount of time needed for trial, specify whether it is jury or non-jury, and include self-addressed, stamped envelopes for all counsel involved.

Courtesy copies of Motions for Trial *De Novo* you provide to the Judicial Assistant must be date-stamped by the Clerk of Court to show when they were filed and attach documentation which shows the date on which the Arbitration decision was served upon the parties so that the Court can determine, from the face of the documents you submitted, whether the Motion for Trial *De Novo* was timely filed.

**All parties and counsel must appear for Calendar Call and for Trial, unless the Court has issued an Order: dismissing them as a party to the case, dismissing the case in its entirety; or continuing the trial date.**

## **10. Special Set Hearings.**

To obtain a Special Set hearing date, you must provide the following to the Court's Judicial Assistant:

(1) a copy of your FILED Motion, with all attachments required by Rule 10(A) and the Court;

(2) blank notices of hearing to be signed by the setting attorney, listing amount of time required for hearing;

(3) addressed, stamped envelopes for all attorneys and pro se litigants. Counsel MUST certify that he/she has made a good faith effort to resolve the matter prior to setting the matter for hearing.

(4) a proposed Order(s)

The Judicial Assistant will contact you shortly thereafter to set the hearing or you may receive an Order from the Judge. No hearing date/time will be provided prior to the Judicial Assistant's receipt of ALL of the above documents.

Please do not request a Special Set Hearing unless the motion you seek to have the Court specially reserve time for you, to the exclusion of all others, cannot be resolved between the parties, despite your diligent efforts.

**Once it is set, a Special Set Hearing may not be continued or cancelled, except by Order of the Court.**

**All parties to a Special Set Motion are expected to be present for the hearing, on which the Court has reserved its time, unless, upon motion, an Order cancelling or continuing said hearing has been issued by the Court.**

**11. No Orders issued, except upon Motion.**

A request for a judge to issue an Order is a Motion. Please do not send letters or memos requesting an Order or send proposed Orders, unaccompanied by a Motion, to the Court.

**12. "Agreed" Orders.**

Please do not submit an "Agreed Order," without a Stipulation or Joint Agreed Motion containing the signature of ALL counsel and pro sé parties thereto. No "Agreed Order" will be signed *ex parte* without the signatures of all counsel and *pro sé* parties affixed to

the filed Stipulation or filed “Agreed Motion” upon which you desire an “Agreed Order” to enter.

**13. Requests for Exceptional, “Emergency” Hearings.**

Any imminent threat to life or health which qualifies the matter to be a genuine “emergency” must be certified as such by counsel, in writing and supported by an affidavit, where possible, specifically stating the facts qualifying the matter as a true “emergency,” as opposed to a failure of a party or counsel to act timely.

Additionally, the following must be provided to the Judicial Assistant before requesting any “emergency” hearing:

- (1) A copy of the Emergency Motion you filed with the Clerk of Court, along with all attachments thereto, which specifies what you are asking the Court to order and the legal grounds upon which the requested relief may be granted. Please include citations to statutes, rules, and case law and attach copies of all legal authority to which the motion cites;. and
- (2) A proposed Order which allows for either the granting or denial of your Motion; and
- (3) Addressed, stamped envelopes for all attorneys and pro se litigants; and
- (4) Phone numbers where all counsel and pro se litigants may be reached on short notice; and
- (5) A certification, signed by counsel, that counsel made a good faith effort to resolve the matter with opposing counsel prior to filing said Motion and prior to requesting a hearing.

#### **14. Telephone Appearances.**

All Motions for telephone appearances must: comply with the Rules of Judicial Administration, be filed well in advance of the hearing, and provide proposed Orders and stamped envelopes for all parties.

Additionally, Division 21's Judicial Assistant must have in her possession, along with your motion for phone appearance, a complete package of all paperwork needed for the hearing on the underlying motion, including: all attachments, pleadings, and documents referenced in the underlying motion; proposed Orders allowing for granting or denial of the underlying motion; and addressed, stamped envelopes for all parties on the underlying motion.

Please be advised that Division 21's telephone equipment is antiquated, does not allow the Court and parties to hear each other completely or well, and does not lend itself to telephone hearings, except on the rare occasion when absolutely necessary.

#### **15. Motions to Consolidate/Transfer.**

To consolidate one circuit court case with one or more other cases in another circuit court division, one must file the motion to consolidate/transfer in the circuit court division with the LOWEST case number, in accord with the Chief Judge's administrative order.

#### **16. NO EX PARTE COMMUNICATION FROM YOU TO JUDGE THROUGH JUDICIAL ASSISTANT.**

Please do not ask this Court's Judicial Assistant to communicate ANY oral message to the judge. The J.A. is not permitted to relay, *ex parte*, any information from you to the judge.

Any information you want the judge to know should be put in writing and filed with the Clerk of Court, with a copy to the judge and all counsel and *pro se* parties.

**17. “Did You Receive?” Questions.**

PLEASE do not call to inquire whether the judge has signed a particular order or “did you receive” questions.

**Did you know that . . .**

**Each Broward Circuit Court Civil Judicial Assistant today is handling the same amount of mail and the same number of phone calls, and typing the same volume of Orders, and preparing the same number of dockets that it took FIVE (5) judicial assistants to handle in 2007?**

**Similarly, each Judge in the Broward Circuit Court Civil Division with a regular docket is reviewing the same number of motions, entering the same number of Orders, processing the same amount of mail, and handling the same number of active cases it took FIVE (5) judges AND several General Magistrates to handle in 2007?**

Accordingly, although we endeavor to return all phone calls as soon as possible, we are simply physically unable to respond individually to “did you receive” questions, or questions which call for answers contained in this web page, due to the enormous amount of mail and overwhelming number of phone calls each civil division receives each day from more than 12,000 litigants and lawyers whose cases are active and pending on our current docket.

**18. May we fax or email pleadings to Division 21 of the Court?**

No. Division 21 does not have a facsimile number and does not accept pleadings by fax or email.

**19. Where are Div. 21 Uniform Motion Calendar hearings held?**

Uniform Motion Calendar hearings for Division 21 are held in Room #999 of the Broward Courthouse.

**We appreciate your cooperation.**