

## Frequently asked questions for **Uniform Motion Calendar**:

- 1. Do I need to send a physical copy of the motion to the Judge's chambers before the hearing??**  
Yes. Our Division requires a copy of the notice and motion together with the on-line scheduling receipt. The Receipt should be placed on top of the packet. Doing this eliminates the need for a cover letter, and helps the Judicial Assistant in arranging the day's hearings.
- 2. When should I send the courtesy copy of the Motion?** No less than five (5) days before the hearing.
- 3. Do I need to coordinate the hearing date with opposing counsel?** Yes. The local rules require counsel to meet and confer before the hearing to resolve the issues. This should be done BEFORE coming to the courthouse.
- 4. What if opposing counsel will not return my phone calls to set a hearing?** Keep a record. How often and when did you call, did you follow up with email or correspondence – will be the questions of the Court. Judges expect professionalism from ALL counsel. If you meet repeated resistance, request a Case Management Conference. The Judge is very likely to issue a scheduling order. Some Judges will require weekly meetings until there is a resolution.
- 5. Can I appear by phone at Motion Calendar?** Yes. Our Division requires that a proposed order with stamped, self-addressed envelopes be provided BEFORE the hearing. The Judicial Assistant must be notified in advance of the hearing of the request, so it can be noted on the Judge's docket
- 6. Should I call the Judge's chambers when it is time to appear by phone?** No. The Judge will call you, and will not conference other parties.
- 7. Can I "add on" to a motion calendar scheduled hearing?** No. There is a limit of two motions per case, and should be agreed to between counsels.
- 8. My hearing really requires 20 minutes to be heard, but I am having difficulty getting a hearing on Motion Calendar. Can I "squeeze" it in on the calendar so I do not have to wait too long?**  
No. Motion calendar is limited to non-evidentiary disputes that can be reasonably handled in five minutes.
- 9. Do I need to check-in with the Bailiff before the hearing?** Yes. Cases are heard on a "first come" basis. Some Divisions want counsel to check in by 9 or 9:10AM to better able advise parties on the chances of being heard. While all the Judges try to accommodate everyone, volume and time may result in some hearings not being reached.

10. **Do both sides need to be present for the hearing to go forward?** Yes. The Judge will not go forward without both sides, unless it is a default situation or multiple no shows by opposing counsel. Never ask to go forward without having reached out to opposing counsel first. Unexpected traffic, emergencies and the like happen to everyone.
11. **I am in the courthouse on another matter and need an order signed, can I drop by motion calendar and have the judge sign?** No. If the order is agreed, submit it through the on line CMS system Judges Workbench, otherwise, it should be sent by mail.
12. **Can I set a Motion to Withdraw on UMC?** Yes. Please remember that your client must consent to the withdrawal or be properly noticed of the hearing. All orders to withdraw require contact information for the client if there will be no substitution of counsel. If the client is being given time to retain new counsel, the amount of time must be agreed to by the opposing side and included in the order. A mandatory Case Management Conference will usually be set to ensure the case proceeds properly.
13. **Should my secretary call the JA the day before the hearing to confirm we are on the docket?** No. Each Division's docket is available on line 24 hours a day.
14. **Should I bring a proposed order to the hearing, or just mail it in later?** Bring the order with you. The language can easily be agreed to by the parties at the conclusion of the hearing.

Frequently asked questions for **Special Set** hearings:

1. **Do I call the JA for a hearing under thirty (30) minutes to schedule?** No. The Seventeenth Circuit employs an on-line scheduling service. Members of the Florida Bar who have registered, can freely set hearings on the Judge's docket. All hearing dates and times **MUST** be agreed to by all parties.
2. **Do I need to provide a copy of the Motion to the Judge before the hearing?** Yes. The motion with the on-line scheduling receipt should be sent to the Judges office before the hearing. Most Judges require the copies to be submitted 10 days in advance of the hearing.
3. **Can I appear by telephone for the hearing?** Generally yes. A proposed order on the motion must be submitted before or at the time of the hearing, together with copies and stamped, self-addressed envelopes.
4. **Can I cancel a special set hearing, set by the parties on line without a court order?** Yes. Please call the JA to advise of the cancelation.

5. **What if I need more than thirty minutes for a hearing, can I book “back to back” hearings, or space the hearing throughout the day in several time slots?** No. You can book only one case per day on the Special Set calendar. This is a fairness issue. There are many cases per division and limited resources, so each limits the “taking” of time slots. Violations are subject to sanctions.
6. **How do I get more than 30 minutes of special set hearing time?** You should submit a letter addressed to the court setting forth the amount of time requested and a copy of the matter to be heard. The JA will schedule the hearing.
7. **Can I “add-on” to a special set hearing?** Generally no.
8. **Can I cancel a special set hearing over thirty minutes set by the Court?** No. Most divisions require you call the JA first for permission.
9. **If I have the court’s permission to cancel a special set hearing, do I need to cancel “on-line” as well?** Yes, the system will not free the time slot until the original scheduler cancels.
10. **Do I need to bring a proposed order to my special set hearing?** Yes. While there may be times where extensive findings are made by the court which require additional drafting, it is better practice to be prepared. If the court grants leave to submit a proposed order, do it timely. Judges hear literally hundreds of cases a week, and you risk having to submit a full transcript if untimely, plus extensive and needless delay.
11. **I want to have my motion heard before trial and I need more than thirty minutes, can I set it and just let the hearing go long?** No. Trials are set well in advance and counsel is expected to be aware of their case needs and act promptly, well in advance.

#### Frequently asked questions about **Case Management Conference**:

1. **I received a Case Management order for my case, do I need to attend?** Yes. Failure to attend can result in dismissal or other sanctions.
2. **Can I cancel the Case Management set by the court?** No.
3. **Can I request a continuance of the conference?** Yes. Most divisions require you to submit your request at least 10 days before the conference, in writing, with a proposed order and stamped, self-addressed envelopes for all parties.

4. **Can I appear by phone at the conference?** No, unless the court grants permission.
5. **Can I notice a hearing for the same time as the conference?** No.
6. **I have a conflict for the date and time of the conference, can I call the JA to reschedule?** No. Any requests must be in writing submitted in advance of the hearing.

#### Frequently asked questions about **trial**:

1. **Can I unilaterally set my trial?** No. The setting of a trial date must be coordinated with all parties.
2. **The other side will not agree to a trial date, what can I do?** You must set the matter before the court to determine an appropriate time setting.
3. **Can I set my jury trial on the non-jury docket and vice versa?** No. Cases not set on the appropriate docket will be stricken at calendar call.
4. **If my trial is not reached on a particular docket, will it be rolled over to the next docket?** No. Cases must be reset on line by the parties.
5. **The parties agree to continue the trial, do we still need an order?** Yes.
6. **Will the trials be set in the order they appear on the docket for calendar call?** Depends, a number of Judges just go down the list, others move around. Every case should be ready to go to trial.
7. **Is there a possibility my case will be sent to a trial “pool” and heard by another Judge?** Yes. All the divisions participate in the trial pool.
8. **When is calendar call?** Our Calendar Call is usually set on a Friday at 10 A.M.

#### Frequently asked questions about **Emergency Hearings**:

1. **I filed an emergency motion with the Clerk, will the Clerk of Court set the hearing?** No. The Clerk will not set hearings on any civil matter.

2. **Is there an Administrative Order governing emergencies?** Yes. AO 2014-32 provides the procedures to be followed to request an emergency hearing.

### Frequently asked questions about **Motions for Rehearing:**

1. **I filed a motion for Rehearing on line, do I need to send a copy to the Judge?** Yes. Hearings on a Motion for Rehearing must be authorized by the court. Do NOT set a hearing unless advised by the court to do so, an order will be issued permitting the rehearing if granted.

2. **Do I have to submit a Memorandum of Law along with the Motion for**

**Rehearing/Reconsideration?** Yes. AO 2017-33-Gen requires same.

3. **Should I set a hearing on the motion?** No. The court will review your motion and either issue an order or schedule a hearing.

### Frequently asked **General Questions:**

1. **Can I call the JA to schedule my hearing for me?** No. Attorneys must register and use the online case management system. There is an Attorney User Manual located at the Seventeenth Circuits web page, under the "self-help" section on the first page drop down selections.
2. **Should I call the JA to see if my submitted order was signed?** No, unless you have not received the order after 30 days. Please check on line first to see if it was posted. Most Judges process submitted orders within 48 hours. Failure to include a stamped envelope or to properly register an email address are the most common reasons for a "lack of a response".
3. **The other side is very rude and unprofessional to my office, should I call the JA to complain and get advice?** No. The JA cannot give legal advice and will not convey ex parte communications to the court. If you are unable to resolve the situation, you should file the appropriate motion with the court.