

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

Administrative Order 2020-91-UFC (First Amended)

UNIFORM TRIAL ORDER FOR UNIFIED FAMILY COURT CASES

(a) Pursuant to Article V, section 2(d) of the Florida Constitution, and section 43.26, Florida Statutes, the chief judge of each judicial circuit is charged with the authority and the power to do everything necessary to promote the prompt and efficient administration of justice.

(b) Florida Rule of Judicial Administration 2.215(b)(3) states the chief judge “shall, considering available resources, ensure the efficient and proper administration of all courts within [this] circuit.”

(c) Florida Family Law Rule of Procedure 12.200(d) requires a uniform order for pretrial conferences for the Circuit. The judges assigned to the family divisions determined it is appropriate to incorporate a uniform pretrial conference order with requirements for the conduct of the trial into a Uniform Trial Order (excluding cases assigned to juvenile dependency and delinquency divisions, domestic violence cases, and cases referred to the general magistrates for trial).

(d) In accordance with the authority vested in the chief judge by Article V, section 2(d) of the Florida Constitution, section 43.26, Florida Statutes, and Florida Rule of Judicial Administration 2.215, it is hereby **ORDERED, effective January 1, 2021**:

(1) The Uniform Trial Order for the family divisions, excluding dependency, delinquency, domestic violence cases, and cases referred to the general magistrates for trial, is attached as Attachment “A”, and each judge assigned to a family division shall implement the Uniform Trial Order for all contested cases/trials, effective January 1, 2021. The Uniform Trial Order shall be posted on the web page for the Seventeenth Judicial Circuit. The Uniform Trial Order may be amended from time to time without further amendment of this Administrative Order.

(2) When a contested case is at issue and ready for trial in accordance with Florida Family Law Rule Procedure 12.440, either party may file and serve a notice of readiness for trial and provide a courtesy copy to the presiding judge. Upon receipt, the presiding judge shall assign a trial date without the need for further hearing.

(3) Each judge assigned to a family division may assign a mediator in any trial order.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, this 7th day of December, 2020, *nunc pro tunc* to November 19, 2020.

/s/ Jack Tuter

Jack Tuter, Chief Judge

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

CASE NO.: _____ DIVISION: _____ JUDGE: _____

,
Petitioner(s)

v.

,
Respondent(s).
_____ /

UNIFORM TRIAL ORDER (UNIFIED FAMILY COURT)

The Court finds this case at issue and ready for trial. This matter is hereby set for trial before the undersigned Judge at the Broward County Courthouse, 201 S.E. 6th Street, Courtroom _____, Fort Lauderdale, Florida 33301, on the date and at the time described below. **Failure to attend the trial or comply with this Order may result in dismissal of the action, the striking of pleadings, a default being entered, or other appropriate sanctions as permitted by law.**

I. FINANCIAL DISCLOSURE. If the parties have not already done so, both parties must timely provide a copy to the other party and file with the Clerk of the Court a complete and fully executed financial affidavit in conformity with Florida Family Law Rule of Procedure 12.285. This Order does not preclude either party from demanding full compliance with the mandatory disclosure required by Florida Family Law Rule of Procedure 12.285 or full compliance with other discovery requests.

II. TRIAL DATES. Your trial is specially set as follows:

TRIAL DATE(S):
Trial time:

III. WRITTEN MEDIATION IMPASSE. A written, executed impasse form showing that the mediation resulted in an impasse on all issues to be tried shall be filed with and delivered to the Court at least 7 days prior to the first day of trial.

If mediation occurred while the litigants were unrepresented or with a predecessor counsel and a new attorney is retained prior to trial who will be the attorney at trial, the parties shall mediate the case again prior to trial and file a new impasse form, if necessary. Mediation is a process, and not

necessarily a one-time event. If the impasse form is not timely filed with the Court, your trial may be cancelled by the Court *sua sponte*.

IV. DISCOVERY DEADLINES. Parties must complete all discovery at least fifteen (15) days prior to the first day of trial. Discovery conducted after this time period is strongly disfavored and will only be permitted by order of the court under exceptional circumstances. However, the parties may file a written stipulation altering the discovery deadline. To be effective, the Court must ratify this stipulation.

V. WITNESS LIST(S) AND EXHIBIT LIST(S).

The following shall be provided to the opposing party, filed with the Clerk of the Court and a courtesy copy provided to the undersigned Judge prior to the first day of trial:

1. Names, addresses, email addresses and telephone numbers of all witnesses, including any expert witnesses, and a brief description of the nature of their testimony shall be filed at least forty-five (45) days prior to the first day of trial. If a witness list is not filed and served at least forty-five (45) days prior to the first day of trial, the party who failed to file and serve a witness list may be limited to only the parties, any witnesses listed on the opposing party's witness list, and any witness listed within this Order. A list of rebuttal witnesses shall be filed at least thirty (30) days prior to the first day of trial.
 - a. The parties shall coordinate expert witness depositions. Expert witnesses shall be produced for deposition without the need for service of subpoenas.
 - b. Notwithstanding the foregoing, a witness list does not have to be filed if the only witnesses at trial are (*only those that are checked apply*):
 - the parties
 - the guardian ad litem
 - other _____
2. A list of all exhibits to be introduced at trial shall be filed at least forty-five (45) days prior to the first day of trial. If the exhibit list is not filed and served at least forty-five (45) days prior to the first day of trial, the Court may limit exhibits which may be introduced by the party failing to file an exhibit list to the documents produced as part of the mandatory disclosure (which disclosure complied with Florida Family Law Rule of Procedure 12.285) and the exhibits listed on the opposing party's exhibit list. If a parenting plan and timesharing schedule is disputed, each party shall file a proposed parenting plan and timesharing schedule at least fifteen (15) days prior to the first day of trial.
3. An extra copy of all exhibits shall be provided to the undersigned Judge at trial (in addition to placing such exhibits into evidence.)
4. Counsel shall exchange all exhibits at least ten (10) days before the first day of trial and create an exhibit log. The exhibit log shall list both side's exhibits and whether the exhibit is agreed to be introduced in evidence or objected to, and the specific nature of the objection. A sample exhibit log is attached hereto. Because all exhibits on the exhibit log have been exchanged, no additional copies need be furnished to counsel at the time of trial. Exhibits do not have to be redacted at the time of exchange. Only exhibits previously disclosed on the exhibit list(s) may appear on the exhibit log absent written agreement of the parties or court order. All exhibits must be clearly marked

- before the hearing/trial is set to begin. Exhibits shall be marked on the top right-hand corner of the front of each exhibit clearly identifying the *case number* and party who is offering the exhibit, *e.g.*, *Petitioner* or *Respondent*.
5. The parties may file a written stipulation altering the deadlines in this Section V. To be effective, the Court must ratify this stipulation.

VI. JOINT PRETRIAL STIPULATION.

A. NO LATER THAN FIVE (5) DAYS PRIOR TO THE FIRST DAY OF TRIAL:

1. The Joint Pretrial Stipulation must be filed and served, **with a courtesy copy served on the undersigned Judge**, at least five (5) days prior to the first day of trial.
2. The Joint Pretrial Stipulation contemplates a **single document** with all agreed matters fully identified and any disputed matters specifically delineated with respect to each party.

B. Unilateral stipulations will not be accepted.

C. The joint pretrial stipulation must contain the following in separately numbered paragraphs:

1. Statement of the Facts: A concise, impartial statement of the facts of the case.
2. Stipulated Facts: A list of those facts that can be stipulated and require no proof at trial.
3. Statement of Disputed Issues of Law & Fact: A concise, impartial statement of those issues of law and fact that are to be tried.
4. Witnesses and Exhibits: The Witness List(s) and Exhibit List(s) and Log referred to in Paragraph V above shall be attached to the joint pretrial stipulation.
5. Demonstrative Aids: All demonstrative aids shall be disclosed in the joint pretrial stipulation and made available for inspection and copying prior to the first day of trial.
6. If appropriate, the following shall also be submitted with the Joint Pretrial Stipulation:
 - a. a proposed parenting plan and timesharing schedule
 - b. a proposed distribution of marital assets and liabilities
 - c. a proposed statement of any claim to alimony or response including the nature and type of alimony claimed
 - d. a proposed child support guidelines worksheet
7. Pending Motions: Parties must set forth a list of all pending motions with copies attached to the Joint Pretrial Stipulation. Absent circumstances outside the parties' control, all motions shall be heard prior to trial.
8. Memoranda and Legal Authority: All memoranda and/or legal authority must be submitted to the Court and the opposing side at least five (5) calendar days before the hearing/trial. Notwithstanding the foregoing, neither party shall be precluded from providing supplemental legal authority at the hearing/trial.

D. Sanctions for Non-Compliance:

1. The Court may impose sanctions, including striking of pleadings, monetary sanctions and attorney's fees and costs, for failure to comply with this Pre-Trial Order.

E. The parties may not alter the deadlines in this Section VI absent court order.

VII. ALL EXHIBITS MUST BE PROPERLY REDACTED PRIOR TO TRIAL AND IN COMPLIANCE WITH FLORIDA RULES OF JUDICIAL ADMINISTRATION 2.420 AND 2.425.

VIII. CONTINUANCES.

1. Continuances will only be considered upon **written motion** filed with the Clerk of the Court and served on the undersigned Judge prior to the first day of trial.
2. No continuance will be granted for reasons that should have been readily apparent to the parties when this Uniform Trial Order was issued.
3. No continuances will be granted if expert witnesses are unavailable because testimony may be preserved by deposition.
4. If your case settles, then an uncontested final hearing shall be held on UMC prior to the first day of trial, or if time does not permit, on the first day of trial.

IX. SETTLEMENT. Parties must immediately notify the undersigned Judge in the event of settlement. If a settlement is negotiated prior to trial, the final hearing may be scheduled on the Court's Uniform Motion Calendar. A Notice of cancellation of the trial must be immediately filed with the Clerk with a courtesy copy to undersigned Judge.

DONE AND ORDERED in Chambers, Fort Lauderdale, Broward County, Florida, on

_____.

Circuit Court Judge

Copies to: All persons listed on e-Portal Service List

If you are a person with a disability who needs any accommodation in order to participate in this proceeding, you are entitled, at no cost to you, to the provision of certain assistance. Please contact Diana Sobel, Room 20140, 201 S.E. 6th Street, Fort Lauderdale, Florida 33301, 954-831-7721, at least seven (7) days before your scheduled court appearance, or immediately upon receiving this notification if the time before the scheduled appearance is less than seven (7) days; if you are hearing or voice impaired, call 711.

CHECKLIST OF DEADLINES

| TASK: | DUE DATE BEFORE TRIAL: |
|---|------------------------|
| _____ Witness lists must be exchanged, filed and delivered to the Court. | 45 days |
| _____ Exhibit lists must be exchanged, filed and delivered to the Court. | 45 days |
| _____ Rebuttal witness lists must be exchanged, filed and delivered to the Court. | 30 days |
| _____ Proposed parenting plans and timesharing schedules must be filed. | 15 days |
| _____ All discovery must be completed. | 15 days |
| _____ All exhibits must be exchanged with the opposing counsel/party and the parties must create a single exhibit log (see attached exhibit). | 10 days |
| _____ The mediation impasse must be filed with Court. | 7 days |
| _____ The joint pretrial stipulation must be filed and delivered to Court. | 5 days |
| _____ All memoranda and legal authority must be exchanged and delivered to the Court. | 5 days |
| _____ All exhibits must be premarked. | 1 day |
| _____ An extra copy of all exhibits must be delivered to the Court (in addition to the copy that will be placed into evidence.) | Day of trial |

Attachment "B"

| Marked for Identification # | Document Offered Into Evidence | Offered by Mother or Wife | Offered by Father or Husband | Admissibility of Exhibit Jointly Agreed Upon | Exhibit Not Agreed to & Legal Objection |
|------------------------------------|---------------------------------------|----------------------------------|-------------------------------------|---|--|
| 1 | | | | | |
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| 7 | | | | | |
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| 10 | | | | | |

| Marked for Identification # | Document Offered Into Evidence | Offered by Mother | Offered by Father | Admissibility of Exhibit Jointly Agreed Upon | Exhibit Not Agreed to & Legal Objection |
|-----------------------------|--------------------------------|-------------------|-------------------|--|---|
| 11 | | | | | |
| 12 | | | | | |
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